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## **Islamic Stance on Splitting Financial Responsibilities among Yoruba Couples in Nigeria**

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### **Abstract**

*Responsiveness of family units is crucial for the well-being of both families and societies, necessitating the equal participation of both genders to avert societal menace. Thus, Islam assigns gender roles within a marital relationship. The parties involved in marriage have individual and joint rights and obligations. In spite of essential leadership given to men by Islam in their households, their wives are equally given indispensable influence. Women, in the code of the Qur'an and Hadith, have the complementary duties to men in marital affairs. However, as financing plays a crucial role in creating a prosperous family, some couples in Nigeria, most especially Yoruba Muslims have a misconception of the stance of Islam on splitting financial responsibility, particularly, when the wife earns more or works along her husband. This paper therefore investigates the position of Islam on financial responsibility among Yoruba couples in Nigeria. The methodologies adopted for this paper are historical and descriptive in nature. The historical method is used to trace the historical background of Yorubaland while the descriptive is employed to analyse Islamic rulings on splitting financial responsibilities in marital life. Interviews are also conducted among the concerned Yoruba spouses on financial responsibilities. This paper reveals that the misconception on financial responsibility leads many couples to divorce and inactivity in family matters, subsequently hindering the success of their offspring. It also reveals that there are cracks in the integration of the principle of cooperation among the spouses in marital life owing to the delusion about financial responsibility. The paper concludes that couples should continue being financially supportive of each other because the two have prominent roles to play in the family. The paper recommends that Yoruba Muslim couples*

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*should carefully study the rulings of the Qur'an and Hadīth on marriage, particularly the aspect dealing with splitting financial responsibility.*

**Keywords:** *Islam, financial responsibilities, couples, marriage, complementary duties*

## **Introduction**

The strength and prosperity of a society greatly rely on the stability of the relations of its individual members, hence family making up the primary unit of the framework of society and providing the avenue for introduction of such relationships among the individual members.<sup>1</sup>

Marriage, as the only practice through which individuals are brought into existence, plays a very crucial role in the formulation of a good and friendly relation between the individual at the micro and macro level in the society.<sup>2</sup>

According to Islam, marriage is a legal agreement between a man and woman, whom he can lawfully get married to, with the goals of creating a shared life and procreation. It can also be expressed as a purposeful contract to acquire and possess enjoyment.<sup>3</sup>

In the Qur'an, marriage is expressed as a “*Mīthāq Ghalīth*,” meaning a strong covenant. This is buttressed with (Q4:21) which says, “And how could you take it while you have gone in unto each other and they have taken from you a strong covenant?” Marriage in Arabic is known as ‘*Zawāj*’ with other synonyms such as ‘*Nikāh*’, ‘*Aqd*’ which denote association and joining together.<sup>4</sup>

As marriage involves finance as one of its important factors that could make it to be functionally fruitful, hence man is held to be responsible. Conversely, in some other instances, women do take care of this responsibility. Based on the above points, there are misconceptions concerning splitting financial responsibility and its effects on Muslim spouses in Nigeria particularly Yoruba Muslims.

Against this backdrop, this paper therefore explores Islamic stance on splitting of financial responsibilities among Yoruba couples in Nigeria.

## **Demography of Yoruba**

Culturally, Yoruba is a geographical territory in West Africa that includes portions of Nigeria, Benin and Togo. Yorubaland's Ancient origins date back to the Nok Civilization (500 BCE – 200 CE) and the Oyo Empire (1300 – 1896 CE). Yorubaland was home to strong kingdoms such as Oyo, Ife, Ijebu and Egba, which were influential in West African politics, trade and culture.<sup>5</sup>

Before the emergence of Islam, Yoruba people were known for their cultural heritage which fostered and promoted their creative heritage, this includes wood carvings, fabrics, beading and farming. The couples during the time were strictly adhered to marital maintenances whereby both husband and wife partook in the promotion of healthy family system.<sup>6</sup>

Hence, the advent of Islam added marvelous values to this heritage by exposing Yoruba people to divinely rulings that indorse vigorous background to family relationship, assigning the gender roles within a marital relationship. Thus, the parties involved in marriage have individual and joint rights and obligations. However, in recent time, due to the call of social exposures and other societal challenges, the delusion and misconception about the splitting financial responsibility slipped into some Yoruba Muslim homes.<sup>7</sup>

Approximately 51 million of Yoruba population, 55% of the population are Muslims and 25% of this figure are experiencing challenges of splitting financial responsibilities in their marital affairs.<sup>8</sup>

## **Islam and Marital Purposes**

The value and purpose of marriage is to foster a healthy environment for the maintenance of friendly relationships between the spouses and reciprocating of love.<sup>5</sup> It assists one to preserve his/her chastity and shield him/herself against committing the prohibited and frivolous acts. Equally, it signifies a lawful way of reproduction, multiplication, and preservation of the family legacy.<sup>6</sup>

In order to protect this legal agreement, Islam requires specific conditions which are fundamental before a marriage could be regarded as valid, such as: Offer and Acceptance (*Ījāb wa Qabūl*), *Waliy* or *Wakīl* a guardian or his representative, and *Mahr* (bride price).<sup>7</sup>

Marriage's purpose and its impact on the individual and society is made crystal clear in Islam, as it is obvious from the prophetic statement that "Marriage is my practice, thus whosoever avoids it is not my follower."<sup>8</sup> The Prophet also stressed on its significance as he said that those who are capable of marrying but choose not to are not his followers.<sup>9</sup> Needless to say, among the purposes of marriage in Islam is spousal responsibility as mentioned by some verses of the Qur'an and *Ahādīth*.

By giving marital responsibility to both husband and wife, marriage resolutely instills the sense of being vigorous in the society. Though, in the modern time, some people due to their unfamiliarity with the significance of marriage avoid marriage because of their distorted thinking and tendency to take the responsibility.<sup>10</sup>

In this breath, the Qur'an and *Hadīth* have provided clear-cut evidences on the responsibility as Qur'an 4 verse 34 says, "Men are given the guardianship of women because of what they spend from their wealth". The hadith also maintains that everyone is a guardian even the woman, concerning her husband's property.<sup>11</sup>

Consequently, Islam prescribes the obligation of the husband towards his wife such as the duty of care, shelter, avoiding foul language, giving her protection, the duty of financial support among others.<sup>12</sup> In line with this, the wife must also perform her obligations such as being loving and tolerant with her husband, avoiding asking divorce without valid reason and other obligations stated in the Qur'an and the traditions of the Prophet.<sup>13</sup> Moreover, both the spouses can be complement to each other in carrying out their duties and responsibilities which financial responsibility is one of them.

## Islamic Stance on Splitting Financial Responsibilities

As far as Islamic injunctions are concerned, there are multiple challenges that intricate the lives of some couples when it comes to financial aspect of the marriage, most especially when the wife also works outside her matrimonial home or earns more than her husband.<sup>14</sup>

The case has become one of thought-provoking challenges to some Muslim homes in Yorubaland while economic imbalance and inflation can be regarded as among the factors that led to its prevalence.<sup>15</sup>

Perceptively, Islamic contemporary scholars have studied the case with all the available evidences in order to set a clear stance of Islam concerning its mitigation though they have four variant opinions. The explanations are as follow:

Firstly, according to Abu Ḥaneefah, Imams Malik, Shafi'iy and Hambaliy, the wife is not obligated to pay any maintenance, nor is she indebted to pay the husband any amount of what she earns as a result of her work and earnings.<sup>16</sup> In another word, the husband has no right to force her to pay part of her salary or wage to keep up any bill among the burdens of marital life, except if she wishes to pay something out of volunteering not a duty or obligation.<sup>17</sup>

This approach of the four Imams, considering the environments of which contemporary Muslims live, is much prevalent in most Arab personal status laws (*Aḥwāl Shakhṣiyyah*), which necessitates financial responsibility on the husband even if the wife is affluent.<sup>18</sup>

In this regard, Al-Qaraḍāwī submits that the husband has no legal right to force his wife to put her income into a joint account in order to conserve some bills of their family needs, ever since it is known that spending on the family, according to Islamic law, is the duty of the husband.<sup>19</sup> Allah says: “Men are the guardians of women by what Allah has given one over the other and what they spend (for maintenance) from their wealth. (Q4: 34).

Nevertheless, while holding on this opinion, it is suggested that if the woman is affluent and capable of giving support to her husband on the expenses of the household as an endowment from her side to show morality and generosity, not as either compulsion or obligation. Likewise, they recommend that such woman should contribute to the expenses of the household, especially if her job or work incurs the household a maid or nanny for the children, or other expenses.<sup>20</sup>

Contrary to the above views of the four Imams, Ibn Hazm of *Adhohiriyyah* School of law opined that the rich wife should spend on her husband and partake in the financial marital responsibilities.<sup>21</sup>

On this note, the four Imams further submitted that the maximum of the financial expenses that woman can be taking care of under wedlock should not be more than one-third, thus the two-thirds should be shouldered by the husband. This analogy is consonant to the share of man and woman in inheritance.<sup>22</sup>

Conversely, in setting the maximal limit for what the wife should contribute to one-third by analogy with inheritance, many other contemporary scholars disagreed on the basis that since the financial support of woman is voluntary there is no need to limit her volitional act to a third or half while they are still alive.<sup>23</sup>

Basically, the four Imams quoted some verses of the Qur'an and *Ahādīth* to drive home their points on the obligation that husband should spend on his wife not vice-versa. Among the legal texts are:

- 1- Let a man of wealth spend from his wealth, and he whose provision is restricted – let him spend from what Allah has given him. Allah does not charge a soul except (according to) what He has given it. (Q 65: 7).
- 2- Lodge them [in a section] of where you dwell out of your means and do not harm them in order to oppress them. And if they are pregnant, then spend on them until they give birth. (Q 65: 6).

- 3- Jabir bn Abdilllah reported that the Messenger of Allah says, “Fear Allah regarding women. Verily, you have taken them as a trust from Allah, and intercourse has been made lawful by the word of Allah. Your rights over them are that they do not let anyone in the house you dislike. If they do so, you may strive them without violence. Their rights over you are that you provide for them and clothe them in a reasonable manner”<sup>24</sup>
- 4- “Men are the guardians of women because Allah has favoured some of them over others and for what they spent of their wealth” (Q4: 21). They derived from this verse that the guardianship (*Al-Qowwāmah*) has been established and assigned to men for reasons including spending on the family also on the wife in particular, according to the text of the verse: “And for what they spent of their wealth”.

On the other hand, while providing evidence for the permissibility of wife shouldering or participating in financial responsibilities as a volunteer, they quoted evidences include:

- 1- A *Hadīth* reported by Bukhari that:

The Prophet went for either *Eid al-Adha* or *Eid Fitr*. After preaching to the people, he decreed them to be giving charity, and equally urged the women to do the same. Having returned home, Zainab, the wife of Ibn Mas‘ūd, sought permission to see the Prophet. They said, “O Messenger of Allah, this is Zainab.” He asked: “which Zainab?” they said, ‘Ibn Mas‘ūd’s wife’ Then he granted her permission to enter. She expressed her intention to give out her jewelry in charity in response to Prophet’s admonition on *Sadaqah*. Also that Ibn Mas‘ūd had claimed that he and his son are more deserved that charity than any other. In answer to this, the Prophet said that Ibn Mas‘ūd’s claim is correct, so she should therefore give her charity to her husband and child.”<sup>25</sup>

2- The first wife of the Prophet, Khadijah, used to support Prophet Muhammad with her money, as it was reported on the authority of the Messenger saying: “And she comforted me with her money”<sup>26</sup>

Secondly, other opinion upheld by another group of scholars on splitting financial responsibility is that the wife must contribute to financial responsibilities, most especially if she is well-off. Hence, as per this opinion, she will be obligated to pay part of her earnings on the basic needs of the family.<sup>27</sup>

This approach, considering the environments of which contemporary Muslims live, is adopted by Tunisian law, Article (23): As it states: “The wife **must** contribute to financial responsibilities if she earns or works outside her matrimonial home.”<sup>28</sup> Thus the basic evidence for this opinion is summarised as follow:

1- The wage-earner wife, shouldering the financial responsibilities out of her earnings, is not considered voluntary; since she has used part of her allocated time for the family, which is one of her family rights by engaging herself with one job or the other outside her matrimonial home. Hence, this requires compensation from her end by participating in financial responsibilities for the time she loses.<sup>29</sup>

Analogically, the above submission shows that the time allocated for caring for the home, if the woman takes part of it to do her work and earns money, in return for this deduction, a right is created for the family or the husband to take part of her earnings.<sup>30</sup> Contrarily, she would be entitled to spending from her husband if completely dedicated for household maintenance and not obligated to participate in financial support.

2- Such woman who devotes herself to work is bound to fall short in performing her duties towards the family, or could need someone to take her place in some of the domestic duties; such as the need for a minder to look after the children till her return, or a babysitter, maid or the like. As per this opinion, it is logical for the wife to bear the expenses of these workers whose presence gives her the opportunity to take on her work or business.<sup>31</sup>



Thirdly, the contemporary scholars hold on to the view that it is permissible for the husband and wife to set conditions in the marital contract at the beginning, or in a subsequent agreement, in order to regulate their financial affairs; whether the woman is a wage-earner or not. This view is supported by Ahmad Al-Khamlīshī and some other contemporary scholars.<sup>32</sup>

The proponents of this claim believe that it is the most appropriate solution, since the financial aspect of family relationship most especially between the spouses is among the gaps that require religious interference. Hence, it is more worthwhile to include these facets in the marital contract.<sup>33</sup> In addition, while acknowledging that the husband is the one in charge of financial responsibility, these scholars opine that the wife should also spend from her wages and earnings to support the household needs.<sup>34</sup>

Evidently, it is clear that this opinion generates its legal proof from (Q5, v1) that the promises should be fulfilled. The tradition of the Prophet also corroborated this “Muslims are subject to their conditions, except for a condition that prohibits what is permissible or permits what is forbidden”.<sup>35</sup> The Prophet further said, “The stipulations most entitled to be abided by are those with which you are given the right to engage in sexual intimacy with women”.<sup>36</sup> As per this claim, the condition must be fulfilled by the spouses whether on splitting the financial responsibilities or other spousal matters.<sup>37</sup>

Concerning this condition, it was quoted in Al-Mughni that Imam Ahmad opined, “a man who marries a woman on the condition that she spends on him five dirhams or ten dirhams in a month: the marriage is permissible, and she has the right to debunk this condition”<sup>38</sup>

However, other group of scholars disagree that the husband’s condition on his wife that she must pay him a sum of money as support to carry out the financial responsibilities, is an invalid.<sup>39</sup> Even with the support of Hambalis to validity of this condition, there is still a disagreement of *Jumhūr* (majority of scholars) that it is interdicted for the husband to force his wife to fulfill this kind of condition.<sup>40</sup>

Fourthly, scholars here opine that the basic principle is that the husband should spend on his (household) in a reasonable manner within the framework of his capabilities, and that the wife's money is her private property, from which she can spend on her necessities without asking for intrusion of her husband; Such as clothes to satisfy her desire, beautifying her outfits, or a special health treatment to increase her beauty or for her well-being.<sup>41</sup>

In brief, this group of scholars believe that these expenses are divided into two parts: The first is necessary expenses based on the tradition or custom of where the spouses live; such as food, drink, and shelter, this, without iota of doubt, is assigned to the husband. While the second is the secondary expenses that are related to little outlay that are needed by the woman. This kind of expenses are not obligated upon the husband if the wife needs them.<sup>42</sup>

For instance, if the wage-earner wife asks for a maid or a driver, and the husband could not avoid the salaries, and has not made promise to do so in the first place, then the wife must be responsible for these due to the fact that they do not form part of necessary expenses. In other word, what the wife pays to the maid is not obligatory for the husband. Rather this would be regarded in terms of the woman's spending on herself, and there is no disagreement on this.<sup>43</sup>

Based on the apparent conflicts of these opinions and the pieces of evidence being put forth by scholars concerning Islamic stance on splitting financial responsibility between the spouses, the way out of the divergence has been proposed by scholars of fundamental principles of Islamic jurisprudence.<sup>44</sup>

According to Al-Ḥafnāwī, while illustrating the law of combining conflicting evidences in his work which can be used to infer the possible accurate legal ruling out of pieces of conflicting evidence, he says:

وأما الجمع اصطلاحاً فهو: بيان التوافق والاتئلاف بين الأدلة الشرعية سواء كانت عقلية أو نقلية، وإظهار أن الاختلاف غير موجود بينهما حقيقة، وسواء كان ذلك البيان بتأويل الطرفين أو أحدهما".<sup>45</sup>

Indeed, *Al-Jam'ū* (combination of apparent conflicting evidences) demonstrates the unity of rational and transmitted legal evidences, emphasising their compatibility and negating any apparent differences between them. Whether this statement is to be interpreted by both evidences, or by one of them.

Based on the above submission, the legal evidences of the four groups of Islamic scholars on the subject matter can be harmonised since the conditions of the combination, as affirmed by Al-Ḥafnāwī and other Islamic scholars, can be clearly found and asserted. Al-Ḥafnāwī submits:

"ألا يؤدي الجمع إلى بطلان نص من نصوص الشريعة أو بطلان جزء منه وأن يكون الدليلان المتعارضان متساويين، وذلك حتى يصح الجمع بينهما".<sup>46</sup>

"The combination should not lead to the invalidation of a text of Shari'ah law or invalidation of any part of it.

Also that the two conflicting pieces of evidence must be of equal weight to be combinable."

Thus, it crystal clear that no any of the pieces of the evidence leads to invalidation of a clear text of Shari'ah that such woman should partake, or not, in financial responsibilities between the spouses.

Consequence upon this combination, it can be deduced that what the jurists have mentioned about financial support, its reasons, the conditions for its obligation, its rulings in general, and through examining the contemporary issue in all of its aspects and circumstances. Therefore, the following facts can be determined in order to choose the appropriate and verified *fatwa*:

- First: Sharī'ah legal texts make it necessary that financial responsibility of husband is bound on the wife in particular and the family as a whole.
- Second: In the absence of a husband, financial responsibility is transferred to the next person in accordance with the terms and conditions of alimony, and the wife may be obligated to support in some cases.
- Third: Sharī'ah evidence encourages and recommends cooperation between members of society as a whole, though the encouragement is stronger when it comes to relatives and members of the same family and the spouse.

Based on the above submission of Al-Ḥafnāwiy, it could be inferred that, as for the wife, cooperation, kindness, and volunteering are highly desirable and not forbidden by Islamic law in terms of legitimacy to begin with, and the dispute is not about legitimacy.

### **Splitting Financial Responsibilities among Yoruba Couples**

There are many ways of which Yoruba couples work outside their marital homes in Nigeria, some women engage in administrative and medical works while some focus on business and entrepreneurship.<sup>47</sup> As a result of economic imbalances and inflation in the country, it is hardly to find a house where the couples would not engage in doing one or other jobs in order to support the needs of their family in Yorubaland.

Though, due to lack of proper understanding of Islamic stance on the matter, some couples believe that it is only a mandatory responsibility on the shoulder of the husbands to take care, at all times, the alimonies of the family even at the expense of the wives earning more than their counterparts.<sup>48</sup>

The lack of proper understanding of the subject matter has led many Yoruba Muslim matrimonial homes to interminable tragedies such as:

- 1- Liberation and independence of some wage-earner or business women from marital bond.
- 2- The decommissioning of women from male guardianship.
- 3- Crack in the concept of integration between spouses in marital life.
- 4- Disrupting the principle of cooperation between spouses.
- 5- Loss of trust and marital conflicts.
- 6- Children are often handed over to foreign minders.
- 7- Children bear the bad effects of the wife's outside the home.<sup>49</sup>

All the aforementioned tragedies later lead to breakup of some matrimonial homes in Yorubaland and they negatively affect individual family who find him/herself in that tragedy and the society at large. In a nutshell, some business women in Yorubaland, due to their longing for liberation from marital bond, have developed a strong desire to be freed from the wedlock which undermines the concept of cooperation. As a result, there has been division and marital conflict among some couples in this region, which has led to unwanted divorce and resentment in the community. An instance of the last tragedy could be confirmed in a Yoruba boy who joined a gang of his neighbourhood. The boy confessed in the court of law, after being arrested, that he used the advantage of his mother working outside the home from morning till night to join the gang which later became armed-robbers.<sup>50</sup>

However, with sublime setting of matrimonial homes being described by Islamic teaching, women can join forces with their husbands to provide and build a dynamic society starting from their homes, and not only through the financial support but also spiritual and moral facets.

## **Conclusion**

This work has traced the efforts of Islamic scholars on variant opinions concerning the splitting financial responsibility of spouses, and removing the misconception regarding the subject matter, which has led many spouses to marital strife and divorce in Nigerian society. The paper also elucidates on the potential of merging divergent pieces of evidence in this regard, as suggested by some scholars of fundamental principle of Islamic jurisprudence in ensuring that no any clear legal evidence has clearly disagreed or not on the permissibility of wives working and assisting their spouses in the financial aspect of marriage. The support of Khadījah, the first wife of the Prophet, is enough evident for the possibility while the compulsion of this responsibility should not be imposed on women side. Financial assistance of wives, therefore, is seen as a volunteering act that can strengthen the bond of passion between the couples.

Also it is established that some women under wedlock in Yorubaland leaving their household in order to work outside causes many menaces to their family and society. Thus, it is imperative for both ends to envisage the outcome and implication of their working away, at the same time, on their children and society.

Sequel to the above, it is hereby suggested that Islamic scholars should study the divergent opinions of scholars on legal issues and check if there is possibility of combining them together in order to pass a clear message of Islam and its teachings to those who have less understanding of the religion in society.

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49. Al-Ḥafnāwiyy, Muhammad Ibrahim. (1987). *At-Ta'ārūḍ wa Tarjīḥ wa Athatuhumā fil Fiqhil Islāmiy*, 1<sup>st</sup> edition, (Egypt: Dārul Ḥadīth, 1417A.H\1997C.E) 259
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51. An interview conducted by Ustadh Tajudeen Bamidele with Alhaji Arikewoye Tosho on various women' occupations in Yorubaland, on 11<sup>st</sup> February, 2024
52. Muhammadiyah Zuḥailiy, *'Amalul Mar'ati Khārijal Bait Wa Atharuhu Fil Khilāfātiz-Zawjiyyah*, Majallatu Majmail Fiqhil Islamiy Ad-Dawliyy, 1<sup>st</sup> Edition, 2007, pp: 345 – 351
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54. An interview conducted by Mallam Taoheed Adebayo with Baba Toyeyeb Tosho on causes of thuggery among youths in Yorubaland, on 2<sup>nd</sup> March, 2024