

Abstract

This study seeks to investigate whether or not the Akamba Muslims apply all aspects of marriage and divorce. The study is undertaken in Kitui District in Kenya. It therefore attempts to establish the extent of the application and practice of the Islamic law on marriage and divorce among the Akamba Muslim community. The research seeks to identify and examine the grounds of divorce in Sharia and the Akamba customary law and investigate why a vast majority Muslims among the Akamba stick to traditional customs and values. The study also attempted to show the areas of disagreement between Sharia and the Akamba customary law with regard to marriage and divorce. The role played by the Kadhis court in resolving marital dispute has also been analyzed. Islam was introduced in Kitui by Muslim traders from the coast. It is not certain when the first caravan of traders reached the interior of Kenya from the coast. However it is believed to be around 1841 –1888 A.D. Islam became stronger and grew to extend this new faith among the Akamba. In acceptance to the Islamic faith, the Akamba Muslims assimilated Islamic teaching gradually in their traditions and customs. However, there were some traditional customs that they did not relinquish. They did not accept the replacement of some aspects of customary practice of marriage and divorce. The study has seemingly indicated that the Akamba Muslim community strongly adheres to their ancestral religious customs as opposed to application of Sharia on marital disputes. The study shows that most marital and divorce cases were conducted according to customary law. Sharia was observed in most marriages and not in divorce. Ignorance on religious teachings was prevalent among the respondents. Therefore, it is recommended that religious education be taught to the Muslims. It is only then, that they will know what is required of them. Further to this, the study recommends that the offices of the Kadhi be provided with the relevant equipments and personnel to give it the capacity to function effectively and efficiently. The study recommends that the Kadhi courts be increased in Ukambani, that is, at least one Kadhi in every District