

TRADITIONAL AGENCIES OF JUSTICE

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Abstract

People all over the world including Africans have organizations that ensure that fairness is upheld amongst the people. Different means through which conflicts and disputes are resolved are employed for a peaceful co-existence. These practices amongst Africans have been in use since ages and have been passed on from one generation to another. The agencies that handle cases in African societies are varied. They apply different perspectives as the case demands. Even though the traditional agencies of justice in African societies have huge prospective in boosting justice and promoting peace to all and sundry; recently they face a lot of challenges. Due to westernization with accompanied urbanization, most people tend to ignore and by-pass the communities established mechanisms of conflict resolution in preference to the modern methods. The goal of this paper is to find out the institutions that resolve conflicts amongst the people, their mode of operation and also to seek out reasons why some people ignore the communities' mode of conflict resolution. This study focuses on Oyi communities of Anambra State Nigeria. Data collection was based on library sources, observation and oral interview. It was established that some people ignore the traditional agencies of justice because of some irregularities such as dishonesty and collusion by the members entrusted to safeguard the rights of the people, and also because of westernization and religion. Members of the traditional agencies of justice were advised to refrain from these abnormalities for a more unified system. Africans should therefore take positive steps towards improving their traditional agencies of justice, such as imbibing truthfulness and fair play.

Keywords: Justice, Tradition, Agency, Africa, Nigeria Peace

Introduction

Traditional agencies of justice in African societies are an integral part of African culture. It is justice based on the customs of the people, where council of elders and different institutions try conflicts based on stipulated rules and regulations. Justice must as well reflect the peoples' social, economic, political, religious and moral values. Peoples' opinions are sort and decision is based on consensus. Kariuki (nd.) avers that, "African traditional justice system is justice based on cooperation, communalism, strong group coherence, social obligation, consensus-based decision making, social conformity and strong social sanctions." Over the years, traditional agencies of justice have the ability of applying the communal norms and customs to hold the members of the society together by successfully making possible the

terms of their shared patterns for the attainment of communally valuable aims. McWilliam (2007) includes that, they involve the use of shared patterns of dispute resolution, conciliatory dialogue, the admission of guilt or wrong doing and compensatory concessions and a ritual commensality where food exchange symbolize the end of animosities and the harmonious re-engagement of the flow of social life. African traditions, beliefs, customs, practices and values regulate human affairs and are the basis of the system of administration of justice. Because of social and religious sanctions, the compliance rate with decisions of traditional justice system is higher than with formal justice system. (Ayinla, 2002). Traditional agencies of justice are within the reach of people and therefore a veritable means of conflict resolution. Conflicts are understood in the social settings and managed before escalation. It is obvious that conflicts cannot be avoided in human society, especially amongst people that live together. In view of this, Africans usually resolve discrepancy with urgency.

From the foregoing, Africans live a communal life. Life of shared responsibility is also very active among the Igbo people of Eastern Nigeria, especially amongst the five communities in Oyi Local Government Area of Anambra State. Nonetheless, people live an undisturbed life since no one can dictate to another person how to live his life or manage his affairs. Within this freedom of existence people have their ideas, attitudes and behavioural patterns which within the circle of interpersonal relations interfere with other peoples' ideas. Therefore, as free as this social life, it is controlled by a potent and suitable organization and authority that is recognized and accepted by the people. Different organizations such as the family, kindred, and elders of the community, age grades, women group, God, divinities and the masquerade institution form the integral part of African Igbo traditional agencies of justice.

Furthermore, Oyi Local Government Area of Anambra State comprises of five communities. They are Nteje, Ogbunike, Awkuzu, Umunya and Nkwelle-Ezunaka. Each community in Oyi is known for their hard work, hospitality and peaceful co-existence. As in other communities in Igbo land and other African societies, Oyi communities have traditional justice system, where they try different cases such as land disputes, marriage related issues, stealing, murder among others. The undiluted verdicts commands great respect to the council of elders and other institutions that resolve conflicts and compels members of these communities to trust the communities' traditional justice system. It is an abomination for a kinsman to take his fellow kinsmen to the modern justice system or take a case to modern justice system, however in recent times the reverse is the case.

Traditional Agencies of Justice Discussed

Generally speaking, a number of institutions and agencies for resolution of conflicts in African societies are enormous. These conflict resolution agencies include the family, council of elders; age grade, masquerade institution, God and divinities among others.

Family members are the group of people who have blood relationship. They trace their origin from the same parents. An Igbo man's idea of a family includes the father, mother, children,

brothers, sisters, cousins, nephews, aunts and grandparents. The father presides over the affairs of the family. According to Kanu (2015:320) the “Father was the leader of the household and was in possession of the family *ofò*, which is the symbol of authority, justice, law and uprightness. The father was responsible for directing the affairs of the family”. An individual was able to achieve a lot because he follows a rule of law. There are sets of rules and ordered way of life which every individual must abide with. There are things one is supposed to do and one is supposed not to do in any given situation. (Isidienu, 2015:120). Nonetheless Ejiofor (1978:65) states that occasionally, the “Family is denied that harmony, and the attitude of the respective children might degenerate from habitual apathy, rivalry and jealousy, to open hostility. It is the responsibility of the father to mediate and see that peace is maintained.” When conflict arises in the family, the father or the family head consults with other senior members of the family to ensure that peace is returned. Some cases are settled through mediation. Sometimes a person may run to someone to intercede on his behalf. In this case the mediator goes to the complainant and pleads on behalf of the wrong doer. In this respect, one party may admit guilt and plead for mitigation. The mediator will plead on behalf of the offender. (Osei-Hwedie and Rankopo (2012). In some cases, one of the persons involved in the case can report the matter to the family members, presenting a kola nut before the case is handled. Both parties will then be invited and summoned for settlement. However, if the conflict could not be resolved, the case will be sent to the kindred.

Unresolved cases from the kindred will be taken to the village meetings. Among the Akans of Ghana, the leader of the traditional state is the paramount chief (*omanhene*) followed by the divisional chiefs (*ohene*), and the head of villages (*odikro*-literally meaning the owner of the village). Villages consist of a number of groups or clans/lineages. Each family group or clan is headed by an elder of the family (*abusua pinyin*). (Osei-Hwedie and Rankopo 2012). Other agencies on conflict resolution among the Akans are the youth, women, self-help groups and associations, traditional priests and spirit medium, herbalists and soothsayers.

The elders of the community made up the town assembly. A case must first be presented to the family level and to the kindred level, passing through the village assembly before the town assembly. From the foregoing, it is evident that Igbo African traditional justice applies arbitration processes. Arbitration is a process whereby a Private disinterested person called an arbitrator, chosen by the parties to a dispute... acting in a judicial fashion but without regards to legal technicalities, applying either existing law or norms agreed by the parties, and acting in accordance with equity, good conscience and the perceived merit of the dispute makes an award to resolve the dispute. (Fulton 1989:55). A process through which two or more parties use an arbitrator in order to resolve a dispute is a known conflict resolution in African societies. In this process the parties involved will reach an agreement between them to arbitrate, although one person may send a case to be arbitrated upon without first informing the other person. The rules of the arbitration will also follow the customs of the people. Also, there must be a judgement, a sentence or a final decision. Specifically, the decisions of the arbitrator(s) in the case will be submitted and communicated. Soyombo (1994:124-126)

submits that “Conflicts were resolved at family meetings in the compound of the family head, who was assisted by some family elders... at the community level, the family heads may constitute a council which was responsible for the government of the community”. Cases are resolved in African societies based on the customs of the people by the elders of the community. Besides, Egesimba (2002) in Oraegbunam (n.d: 66-67) indicates that, “Customary arbitration by elders of the community is one of many African customary modes of settling disputes and once it satisfies the necessary requirements, the decision would have binding effect on the parties and this creates an estoppel. It is recognized under Nigerian jurisprudence”. The role of elders to ensure justice cannot be overemphasized. It is believed that the elders are closer to the ancestors. They know the gravity of offenses, especially such crimes as murder, incest, rape and many other crimes that defile the land, affect man and are considered evil before God. Ogugua (2003:19) points that “The fact that the action has planted imbalance in the order of nature, the elders go about to enforce public sanctions and cleanse the land”. Once the council of elders finished their sittings after deliberating on the cases before them, their decision is final. Among the Igbo, arbitration was the commonest means of dispute resolution in which the parties involved agree to submit their dispute to the chiefs and elders of the community for the purpose of adjudication and redress, and wherein the parties feel themselves bound by the decision of the arbitrators. Oraegbunam (n.d:66). The rulings of the elders are taken very seriously. No one tries to thwart them, for doing so will not augur well for the person. Igbo people believe that *nwata bulie nna ya elu, ogodo ayochie ya anya*, meaning literally that if a child carries his father up, in disdain the clothes will cover his eyes. Based on the literary interpretation, when the clothes cover the eyes of the child, the possibility is that his views are blocked and he will stagger. However, anybody that refuses to comply with the decisions of the elders invites misfortune on himself or herself.

Age grade is another means through which Africans enforce justice. People of the same age group perform different roles that ensure the progress of the community. They also help in maintaining law and order in their various communities. Ogbalu (2006:30) asserts that, “They help to maintain good neighbourliness among their members and have a number of rules guiding the social conduct of their members”. For instance, a quarrel that has proved difficult or impossible to be settled through other channels or institutions must certainly be settled by the members or committees of the age grades to which the disputants belong. Chidili (2012:109) avers that “Since each age grade is jealous of its good name, it does whatever it takes to control and discipline its recalcitrant members”. Within the age grade, some people are marked by their stubborn behaviours. They may be unwilling to obey the constituted authority and refuse to cooperate socially with others. The members of the age grade are highly disgusted about such unruly behaviours by their members. They usually stand against it, try their cases and sanction them.

Masquerade institution is another arm through which justice is obtained in Igbo African communities. Masquerades declare those laws which have been sanctioned by the elders and titled men. A class of disputes on ownership of land or trees is often settled by *mmogo* either on

their violation or on invitation. A piece of land under dispute which cannot be settled by other methods can be tied round with a string usually palm fronds and the disputants are thereby barred from entering it (Ogbalu, 2006:42). Masquerade institution is a veritable means of settling disputes among the traditional Igbo. Land cases, usually lead to lose of life; to avoid such, those in dispute are banned from the land until further notice.

Masquerades were known for settling most difficult cases in the society. Achebe (1958:74-75) not only perceived them as a means of social control and orderliness, but also an agent of peace and unity. They are instrumental in the settlement of dispute between Uzowulu and his in-laws. In traditional Igbo society, their words are final based on the belief that they are the spirits of the ancestors. Chidili (2012:109-110) avers that “Often their members would appear masked, frequently at night, in their role as supernatural beings, and punish the offenders by denouncing and attacking them”. Apart from people who disobey the stipulated laws and orders in the community; there are others who refuse to contribute to the development of the community. In some cases, it is mandatory that people should pay certain amount of money for community development. Some disobedient individuals however might refuse to pay despite all appeals. Usually the community organize themselves in groups moving to their houses, removing such important and valuable items as goats, fowls, chairs among other items. In most cases the defaulters usually fight the group; to avoid such situation therefore, they usually go with masquerades. Orji (1999:158) was aware of the fact that “when those disobedient ones saw the masquerade with the people, they always kept cool and calm while their belongings were being carried away”. Apart from the formal role of masquerade in settling disputes the members of *otu mmọọ* perform some other social duties connected with effecting of justice in the community. They have a lot to do with making laws for the community. They guard the village against thieves and thus serve as military policemen; they reveal those who are guilty of religious offences. They serve as village night guards, prosecutors of all forms of offenders and therefore protectors of public morality. (Nzomiwu 1999:97). The role of masquerade in effecting justice in Igbo land cannot be relegated. It was one of the approaches that kept the traditional society at peace. They are agents of justice, harmony, law and order and moral uprightness.

Among the supernatural forces that are instrumental to the management of justice in Igbo African is God, divinities, among others. God is the Supreme Being. Other beings are the messengers of God. Ogbalu (2006:45-47) refers to God as “Fountain of justice and the defender of the weak. He punished sin and transgression of all moral laws or taboo without mercy or change of heart”. God's law cannot be bent in favour of any individual. He abhors sin and everybody has his due reward. Mbiti (1982:206) asserts that “Most African peoples accept or acknowledge God as the final guardian of law and order and of the moral and ethical codes. Therefore, the breaking of such orders whether by the individual or a group is ultimately an offence by the corporate body of the society.”

Divinities are regarded as an agent of justice among the Igbo African. Amadiọha, for instance,

is the god of thunder and a messenger of justice. Ala who is the earth goddess exposes evil practices done in secret. *Onye merorọ ala ka ala ga-etigbu*, meaning that the earth punishes anyone that defiles it. Ogbukagu (2008:385) states that “A culprit charged with a particular offense is taken and made to walk through the Ogboli (a sacred road leading to the Ogboli shrine) to test whether an offense was actually committed or not by the accused person. Consequent death of the culprit, after the exercise is clear evidence that he or she was guilty”. Ogbukagu was referring to what happened at Adazi Nnukwu in Anambra State, walking through the Ogboli means walking on the land that leads to the shrine. The culprit is walking on the soil which has the power to detect and punish evil doers. Ifesieh (1989) in Oguea (2003:19) states that,

The earth is taken as the controller of morality in Igbo world view. She is regarded as the greatest of all spirits in the spirit world... She is good and bad. Good to all who abide by the laws of the land. She is bad to all who commit abominations and swear falsely by her...

The earth abhors evil. The food people eat comes from the earth, houses are built on the earth, livestock, arts and craft and virtually everything that man does is on the earth. For this reason, the Igbo believe that there is no hiding place for man on the earth. The mother earth sees the activities of all men and rewards one according to his work. The earth is worshipped as the sustainer of all lives and fertility, champion of justice and defender of the weak. There is always an appeal or invocation to *Ala* when one wants to show that one is speaking the truth or seeks justice. *Ala* is believed to be all knowing and punishes people for their deeds. (Ogbalu 2006:52)

The mother earth is believed to be closest to God and shares in his justice. As a mother, she harbours her children, she gives them long rope, enough warning before she punishes. Nzomiwu (1999:83) asserts that “The earth goddess is regarded as a merciful mother”. Minor divinities such as the deities and the ancestral spirits were placed or situated under the Mother earth. To prove it, Uchendu (1965:18) confirms that “Minor deities may not take action against Igbo people without asking *Ala* to “warn” her children, but no spirit may intercede or intervene when *Ala* has decided to punish. But she does not punish in haste, she gives many signals of her displeasures”. It is left for the person who committed an offense to do consultations in order to do what is demanded of him or her. If not *a na-agwa ntọọ nọghọe gbupu isi ntọe soro ya*. Meaning literally that if ear does not hid to admonitions, when head is cut off, both will join.

Africans also consult diviners in matters that are beyond human understanding. Among the Igbo, whatever the diviner says will be carried out to the latest because the divination is through the *agwu* spirit. Although in some cases, they might want to consult more than one diviner to ascertain the truth of the matter. In view of this, Ukaegbu (2005:85) reasoned that “The Igbo used Diviners to maintain justice, peace and order, particularly, in complicated

cases". Diviners delve into unusual things that happen, by consulting or communicating with the gods to ascertain their mind, and possible solution to the problems at hand.

Traditional Agencies of Justice in Oyi Communities of Anambra State

Among the five communities in Oyi Local Government Area of Anambra State, the institutions that help in conflict resolutions are: the council of elders (*igwe* in council, village heads, ward leaders, *ndonze na ozọ*-the red cap group, traditional council of chiefs), vigilante group, age grade (youth association), ruling age grade (*ojiana*, *ogbo ọatọ*, *ogbo ọsaa*, *ndọ mkpala*) family, kindred, women group (*omọokpọ* or *omọada*, *inyomdi*), native doctors association, masquerade (*otu mmanwọ*), oracle or deity (for oath taking). Recently, most people prefer reporting their grievances to customary court, modern law enforcement institutions, police and to the church.

Family Level

Amongst Oyi communities of Anambra State, conflicts that are resolved at the family level are disagreement and disputes between brothers and siblings including rape matters, inheritance of land or properties, fighting or assault, land boundary, marriage cases, misunderstanding between husband and wife, land dispute, quarrelling among family members, accusations, disobedience, adultery, petty theft, insult, envy, fornication, incestuous act, divorce, partiality and inter/intra family conflicts.

All these cases are resolved through investigations, open hearing, taking of evidence, consensus agreement, mediation and verdict. Among Awkuzu communities, cases are settled by giving fair hearing to the people concerned. The offended will approach the eldest man in his family with a kola nut and present the issue so that a date will be fixed for the resolution of the case. On the other hand, the family members could invite the conflicting persons and asked them to explain the reason for their grievances. Both parties must be heard by the family members in order to give them fair hearing. It is open and fair hearing and afterwards the offender will receive appropriate punishment. In some cases, it is usually only the elderly males or sometimes the first daughters of the family are called upon join in decision making and resolution. The elders of the family could also depend, on the case before them invite the offender and make him or her to pay fine and or also face other punishments. In case of land issues, the elders can settle it, and then return the land to the rightful owner. If it is boundary issues, they will go to the land to re-establish the boundaries and or make covenants (*gba ndọ*).

Among Nkwelle-Ezunaka community cases are taken to the family meeting, the parties involved will be invited for hearing and fair judgment. The culprit might be advised, cautioned. In case of property ownership, the property will be handed over to the rightful owner. In case of incest, the necessary rituals must be done. Most of the cases are handled through oath taking and calling of witness. Recently some of the cases are settled in court.

Severe cases that are above family capacity in Oyi communities will be tried by the kindred (*omonna*). Generally, at the kindred level in almost all the communities in Oyi Local Government Area of Anambra State the heads of the various families made up the mouthpiece of the kindred. They are the people that try cases at the kindred level. In most cases it is the president of the kindred and the executives of the kindred that resolve cases. In some cases, it is the most elderly persons, and at times it may involve the entire male adult members of the kindred especially the responsible ones. A committee may also be set up or a sub-committee may be appointed by the kindred, which may include the elders of the family, married men, adult males and the president of sisters union (*omoda*) and that of married women of the family (*inyomdi*), and the youth depending on the type of case. It was however observed that recently, some people take their relatives to law court and to other law enforcement agencies for conflict resolution.

Council of Elders (Town Assembly)

Furthermore, amongst the Oyi communities of Anambra state the people that resolve conflicts at the town level are: *ndoojiana*, *ogbo oaa* (higher level – a particular age grade ruling at that material time), the President General with his executive members, elders, *igwe* in council, *akpakwulu oba* for matters related to the titled people, chief priest of oracles, deities and council of native doctors. Among Nteje community in Oyi Local Government Area of Anambra State, for one to present his or her case to the members of the town assembly he or she should present three kola nuts, palm wine or a bottle of hot drink and two thousand naira (N2,000) cash *ego ojg* that will make the elders to open the floor for him or her to voice his or her complaints. The presentation could be oral or written presentation. In Ogbunike community for someone to bring his or her case to the members of town assembly he or she will bring four kola nuts, money and two gallons of palm wine (up-wine) or recently a bottle of hot drink. In most cases witnesses are required. To present a case at the town level amongst Umunya community, the person has to bring four kola nuts and a gallon of palm wine or up-wine, or a carton of beer or one bottle of dry gin one thousand naira only. The case will be presented in a written form or reported directly to *igwe* and his council members or the leaders of his or her kindred will report on the persons behalf.

Generally, the kinds of cases resolved at the town level in almost all the communities in Oyi Local Government Area are: civil matters, political issues, marriage issues, land cases- land disputes, land sales, death, criminal cases, murder, stealing, family matters/conflicts, adultery, rape, appeals from kindred, inter village/kindred cases, masquerade case, asset sharing especially in polygamous families, inheritance issues, very serious disagreement between two enemies or groups and arson. Among the Oyi local Government communities of Anambra State, it was declared that nobody should report his or her kinsmen to the police or to any law enforcement establishments, yet it was observed that some people ignore the idea and yet take their kinsmen to modern law enforcement agencies up to the present time.

Age Grade

The type of cases tried by the age grades are usually those cases that concerns their members, such as: disagreement among them, age grade constitutional violation, failure to perform duties assigned to age grade by the community by person(s) belonging to that age grade, cases of disrespect between two members, disobedience to the rules of the group, breach of rules and regulations of age grade, snatching, taking over or marrying of wife of a member by member. Others are breaches of any of age grade's laws, overdue indebtedness, embezzlement of the age grades fund, abuse of office by officers and clear case of forceful possession of property, members that fight in the market place or stream, absent or refusing to perform community duties such as sweeping of the village square on market days, clearing bush paths to the farmland or digging of grave for the dead, deviant and unruly behaviour of age grade members, beating of wife, fighting of parents, drunkenness, and stealing, gossip between two members, dispute between two members, disobedience, family problems, absent from community work and case between a member and his wife or children. They try such cases that are related to their members only.

The age grades try their members' cases by listening to parties, sanctioning the guilty and setting the innocent free. The accused is usually called upon to present or say what happened and why. The hearing and judgment is by consensus. In most cases the executive members presides or they can set up committees to that effect. It is an open hearing and fair judgment. The processes of settling cases are through summoning, dialogue, consultations and investigations. The offenders are made to pay fine, in some cases their properties or belongings are seized until the offender comes to settle the members with money. It was also gathered that in the age grade meeting there is constitution (*iwu*) that guides their activities, so in case of conflict, it is by the use of age grade constitution.

Sister' Union (ỤmỤkpỤ/ỤmỤada)

Sister's union is women married outside their kindred. The type of cases they handle are: maltreatment towards a widow, cause of their brother's death especially when it is said that it was the wife that killed him, insult, quarrelling, fighting in their father's house, mother in-law and daughter in-law matters, cases that concerns *omọkpo* alone, injustice to a member, disobedience of a member, conflict between family members, disagreement between two families or in a family, conflict among community women, marriage issues, unfair treatment to a husband or wife, when a married woman is committing adultery, failure to care for one's elderly parents, where a married woman fight another married woman, women who disrespect their husbands, non-attendance of members to functions, unfair treatment of women in the town, scramble over father's possession by brothers, maltreatment of their member before her death, fight by co-wives, stealing of cassava and cocoyam, poisoning, cases of the cause of the death of their member, setting peace among brothers and disputes among themselves.

From the foregoing the leaders of *omọkpo* will confirm a problem situation and give appropriate directive. After hearing from the disputants, the *omọkpo* will tell the person that

is guilty to desist from every act that brings enmity. In most cases it is outright punishment. The *omọkpo* will impose fine on the defaulter. They may likely ask the victim to pay fines, bring food items and so on. In some cases, they unite the family through covenant (*gba ndo*). In the case of threatening their member by her husband, they will caution her husband. In the case of unfair treatment of mother-in-law, they will impose fine on those married women in that family for not taking care of their mother-in-law and they have to promise to repent afterwards. In the case of the death of an ill-treated person, the offender is made to pay fine and may not be allowed to see the corpse of the late father or mother, father-in-law or mother-in-law. The offender will be forced to abide by their decision or badly mal-handled by the *omọkpo* in defense. They may at times fine the defaulter in form of money, goat, fowl etc., warn, or caution him or her, and then a monitoring team will be set up to know if they have stopped. They give final order to whoever is guilty and tell the person to ask for forgiveness. They will make sure that there is peace in the family. The *omọkpo* can go to the extent of ostracizing or excommunicating their member from their gatherings and functions if she refuses to pay a fine. They can also defend their members by taking a matter to higher authority. However, recently most people do not refer their cases to *omọkpo*; some people prefer to handle their cases the way they like or move the case to court

Masquerade Institution

Amongst the communities in Oyi Local Government Area of Anambra State, the type of cases resolved by the masquerade institutions are: unmasking of masquerade/stripping the masquerade naked, revelation of masquerade secrets, owing a masquerade for a long time, bad characters such as lying, a woman who was suspected to have killed her husband and refused to take an oath or refused to partake in mourning for the number of days required, desecrating of streams and market square, burning of homestead and other difficult cases.

It was gathered that cases tried by masquerade were as old as Adam and Eve, but was not practiced in the recent times as in the olden days. The fear of masquerade alone in the past would not allow someone to err. The masquerade brings justice by issuing a verdict that will outline sacrifices and purifications for the cleansing of the land. They can evoke severe curse on the recalcitrant persons. The masquerade can also go to the offender's house, expose him or her by destructing his or her property. Barricading the person's house and stopping the person from entering. Their members could also get together masquerades and native doctors at different levels and invade the person's house. In most cases the masquerade may flog the offender. The elders could also use native doctors to tax the victim or give him or her condition. They can also use fortune-tellers, seers and other acceptable methods through the elder's in charge of masquerade to ensure justice. If the victim is a witch, he or she may be excommunicated through the use of a masquerade. In conflicting situation, people involved are invited to the village square by the masquerade group, and their cases tried and resolved. It was generally stated that the accused will be asked to bring the necessary items that will be used to calm the masquerade. *A ga-enye ha efi, ewu, okoko, ji na oja*

It was also gathered that the masquerades can bring justices to conflicting parties in any or combination of the following ways: by imposing fines on the parties, after hearing from the parties the masquerades might make pronouncements that will be binding to the people involved or give final verdict as final court of appeal, mass flogging, amicable settlement, if one is guilty of grievous offence the masquerade might strike the person with charm, paying of compensation, *inye ha iwu*, with stipulated sanctions, attacking the offender directly, preventing people from entering the person's house with (barricade), throwing of stones on the roof of women who cook late meals so that the person is scared. For those who contravenes the laws of the land the masquerades might sing against those persons by calling them names. In some cases, the masquerades might be invited at the midnight. They might kill the person or make him or her to pay fine.

God and Divinities

It is a general believe among the communities in Oyi Local Government Area, that God punishes all offenses, especially all abominable acts. It was however indicated that murder and adultery is the worst crime that is punished by God. Other offenses punished by God are: incest, maltreating an orphan, usurpation of land and other valuable assets belonging to a widow, deprivations, wickedness, giving justice to undeserved people, destruction of life and property, fornication, abortion and deceitful oath taking.

It was gathered that God is invisible and may not punish any crime directly and so the signs to show that punishment come from God were as follows: premature death, when there are different kinds of sickness that has no solution, strange illness that may elude modern medical diagnoses, continuous misfortune or mishap. Other opinions suggests that God can punish offense directly or indirectly, and does that at his convenient time with hardship, sickness or diseases, instant death, through generational mishaps and family deaths, the person concerned normally dies of uncommon ailment or shameful death such as protruded belly, swollen legs, blindness, and might make confess in an open market place (public confession), that is nemesis where a person reaps exactly what he or she sows.

Within the Oyi communities the mother earth *ala* serves the same purpose as God and so punishes everything called offense. It is a general believe that in most cases the punishment of God does not differ from that of *ala*. Any abominable act and secret acts can be punished by *ala*. These are: incest, abominations against the land, claiming somebody's land falsely, murder, killing or eating of forbidden animals such as python and tortoise, stealing, claiming of another person's land, casting of spell and sacrilege of bestiality and all abominations committed against the customs and the laws of the land and hidden matters.

Ala punishes through sending accident or visiting the person with an unknown disease. She sometimes inflicts various kinds of strange sickness or can even kill the person. That could be instant death or affliction of sickness and diseases that often leads to open confession. The processes are diverse; it is the way that deems the mother earth fit to punish the offender. It

could also be unexplained deaths, regular misfortunes, strange illnesses and prolonged and protracted illness. The offender might be afflicted with disgraceful sickness, calamities or death which sometimes comes from unexplained sources. It could also be untimely death, retrogression, the victim might develop a swollen and enlarged belly, it could also be by giving warning and signs to the offender, for example by sending totem animals etc, the offender might confess openly and finally dies, and or suffers an incurable disease.

Why People ignore Traditional Agencies of Justice among Oyi Communities of Anambra State

Nteje Community

In Nteje community, it was gathered that in most cases people bypass or ignore the levels of conflict resolution set up by the community and resort to modern law court or other law enforcement officers. The reasons for such actions as indicated are varied. People ignore the traditional mode of conflict resolution when cases are not properly handled by the community or town union and especially when the case becomes difficult to be resolved in the town by the *ojiana* age grade. Again, when there is evidence or perceived partiality or bias in judgement. People also boycott traditional justice system because the traditional judges take sides especially when the person you have issues against is among the people to hear your case. It was indicated that some people also choose the modern law court because of collusion, injustice and lack of confidence in the native justice system.

It was also observed that most people ignore the traditional agencies of justice due to westernization and religious belief. Yet some people opt for the modern law court because they are not favoured by the traditional judging system especially when a wealthy person aims at punishing a less privileged. It was gathered that people want to be on the winning side no matter the amount of money spent; they therefore prefer the modern law court because they know that they can easily be winners in the law court. Furthermore, in the modern law court people who are not known by the members of the community can stand to bear false witness in the law court, but if it is in the village setting, everyone is known. It was opined that some people felt that they are more connected with people in the modern law court, therefore uses it as an edge over others. However, some people feel that court cases might give a better hearing and judgement (fair hearing) to them. Despite all these, those who bypass the traditional method of justice in the community are at the risk of sanctions; such people are sanctioned according to the laws of the community.

Ogbunike Community

It was gathered that in many instances people have ignored the traditional levels of conflict resolution and resort to modern law court. It was assumed that in most land cases, some people skip the town assembly and move to law courts. Some of the reasons why some people disregard the traditional justice system are: when people are tired with the family and the town

levels in the native justice, when people do not have confidence in some of the people dispensing justice in the community, when people do not get justice or at times they do not trust that they will get justice, when people lack trust or feel that the other levels of native justice system may alter justice. They therefore take their cases to law court in order to obtain ruling from the court and to avoid manipulations of justice due to familiarities. Some people think that court will give them what they want and that they can be faster.

However, some people feel that local men are not qualified to try their cases and so feel that law courts are the right adjudicatory process to try cases since their verdict is recognized and authentic. They will therefore get certificates from the court/government, which they think are more authentic. Other issues against the traditional agencies of justice are that the members of the traditional justice system are uneducated and the issue of nepotism. It was asserted that most of the modern people are not familiar with the traditional institutions and native norms and that some also refuse to go by native justice because of their religion and faith.

Although some people were of the opinion that, it is not possible for one to overlook the conflict resolution of cases at the native system without letting the town to be aware of it. The town however does excommunicate any person that bypasses them.

Awkuzu Community

Most people ignore the traditional institutions of conflict resolution and choose the modern justice system when lives are threatened or when verdict is biased and judgement is not fair. Based on the above some people felt that they might not get justice, they therefore lack trust on the traditional justice system. Also, some people do not believe in the traditional justice system either because of religious differences or modern life style and computer age. On the other hand, some people disregard the traditional justice system because they feel that their opponent might have used gifts to buy favour with members of the traditional justice system; and so, will want the case to be resolved by unknown people; to avoid being biased.

Umunya Community

It was gathered that one can take one's case to the modern justice system if one is not satisfied with the decisions of the elders of the community. Some people also opt for the modern justice systems because of nepotism, they felt that some of the traditional judges no longer say the truth, that they twist cases once they are lobbied. From the foregoing therefore, some people feel that the right judgement will not be attainable. Most people also felt that some of the leaders of traditional justice system are not educated, therefore not intelligent enough to handle their cases.

Nkwellele-Ezunaka Community

Reasons why most people ignore the traditional justice system and charge their cases to modern justice system are: some people are not satisfied with the judgement with the

traditional system especially when cases are not fairly or well treated and truths are not justified. Some people also believe that the elders may not say the truth and can lie against them; that is to mean that there is failure of adequate justice by traditional means.

Some people believe that the modern law court will give them fair hearing than the native justice. They therefore consider the law court and other law enforcement agencies more reliable than that of the local court in the community. Furthermore, it was gathered that the local people cannot issue certificate, it is only modern law court can do so. Some people believe that the world has advanced, and has risen above such traditional justice system. It was opined that the world is no more sleeping, that what you think you know, another person may know it better than you do.

Findings

The findings reveal the agencies entrusted for conflict resolutions in the research communities and that these agencies ensure justice to all and sundry. However, the result brings to lime light the shortcomings of some of the members these agencies which have led some people in the research communities; to neglect the traditional method of conflict resolution and embracing the modern Law court and other law enforcement agencies. It should be noted that court of law and law enforcement agencies are not among those who try cases in the communities in Oyi Local Government Area traditional society. The new development could be as a result of westernization, but in actual fact the reason remains that the traditional justice system lack reliability, therefore some people in guest for fair justice resort to modern law court and other law enforcement agencies.

The results also show that those who bypass the traditional method of conflict resolution and opt for modern law court do so in a bid to outwit their opponents. It was therefore discovered that anyone who take his kinsmen to court must bring the case out before he could have dealings with his or her kinsmen. It is assumed that part of the problem why crime is increasing is that, some people who handle cases traditionally are not sincere to their duties while some who handle cases in modern court also thwart justice in most cases.

Findings unveiled a wide belief among the research communities that God, *ala* and other divinities punish offenders. It was discovered that any incurable and mysterious ailments are the outcome of their activities. People can therefore abstain themselves from any act that attracts such punishments, this can therefore, go a long way in promoting peace and good neighbourliness. This is to say that when an unknown sickness or varied forms of ill luck attacks someone who did evil, that God at His own time has inflicted the person with sickness and the person will be kept in an unbearable situation. The Igbo adage *ome mma na-emere onwe ya, ome njo na-emere onwe ya* portrays this fact. The punishment will however prevent other people from indulging in evil practices.

Suggestions

It was indicated that different kind of offenses thrive in the research communities as deduced from the different levels of adjudication; people should therefore not emulate the evil doers rather endeavour to live exemplary life. All African societies should also take constructive steps to the recovery of their traditional agencies of justice, such as upholding honesty and justness.

The members of each community in Oyi Local Government Area of Anambra State and African societies in general should be alert, seek out the law breakers, and make report to the appropriate agency of justice in order for the law to take its full force. When every member of the society know that each person's activity is monitored by other people; this will go a long way in reducing the rate of ills in the society.

Since it is as a result of ugly politics and gang-ups in the research communities that made some people to rely on government and modern judiciary system for better and fair hearing; the members of the traditional agencies of justice should not politicize their office. They should not compromise, biased or partial in their dealings with the people. This will go a long way in building trust and reliability.

It is obvious that the modern justice system is more costly; it has long duration, and sometimes the possibility of unsatisfactory verdict; therefore, cannot totally serve the needs of the members of the research communities and African societies at large. Since the world is now a village and a household name, the modern justice system should be blended and traditional justice system can also be upgraded as alternative dispute resolution or conflict resolution. Some aspects of the traditional justice system such as documentation, recording among others should be improved upon to serve the needs of the people better.

Conclusion

When conflicts thrive in any society, the justice system is called upon to avert the situation. The research communities have an obvious need for justice; for this reason, there is a well-known traditional agency of justice. It is clear that the traditional agencies of justice cannot attend to all cases. They do not have the capacity to attend to all cases. They are limited because they do not have the jurisdiction to attend to certain cases. However, if the traditional justice system is improved in the line of alternative dispute resolution, it will obviously impart more positively on the life of the people, given that, in modern justice system one can secure favorable or desired judgement but not peace. The traditional justice has human face. People live together, so in handling cases, they mediate. The traditional justice system is cultural; it reflects to the needs of the people, it uses the language of the people, and needs no interpretation, therefore should not be downgraded.

References

- Achebe, C. (1958). *The Things Fall Apart*. England : Heinemann.
- Ayinla, L. A. (2002). “African Philosophy of Law: A Critique.” *A Journal of International and Comparative Law*.
- Chidili, B. (2012). “African Traditional Values and Sustenance of democracy.” In Ezenweke, E. O. & Kanu, I. A. (eds.). *Issues in African Traditional Religion and Philosophy*. Jos: Augustinian Publishers.
- Ejiofor, L. U. (1978). *Igbo Kingdoms, Power and Control*. Onitsha: Africana Publishers.
- Fulton, M. J. (1978). *Commercial Alternative Dispute Resolution*. The Law Book.
- Isidienu, I. C. (2015) “The Family as the Bedrock of Igbo Traditional Society.” *Journal of Modern European Languages and Literature*. Vol.4. <http://www.lmel.com.ng> Accessed 30/6/2020.
- Kanu, I. A. (2015). *African Philosophy: An Ontologico-Existential Hermeneutic Approach to Classical and contemporary Issues*. Jos: Augustinian Publications.
- Kariuki, F. (nd.). “African Traditional Justice System.” <http://kmco.co.ke>>Afri. Accessed 30/4/2020.
- Mbiti, J. S. (1982). *African Religions and Philosophy*. London: Oxford University Press.
- McWilliam A. (2007). “Meto Disputes and Peacemaking: Cultural Notes on Conflict and its Resolution in West Timor.” *The Asia Pacific Journal of Anthropology*. Vol. 8. pp. 75-91. <https://www.researchgate.net>> Retrieved 3/5/2020.
- Nzomiwu, J. C. (1999). *The Concept of Justice Among the Traditional Igbo. An Ethical Inquiry*. Awka: Fides Publishers.
- Ogbalu, F. C. (2006)(ed). *Igbo Institutions and Customs*. Onitsha: University Press.
- Ogbukagu, N. T. ((2008). *Traditional Igbo Beliefs and Practices*. Enugu: Snaap Drive Press.
- Ogugua, P.I. (2003). *Septenary Nature of Igbo Cultural Values*. Awka: Penmark Publishers.
- Oraegbunam, I. K. E. (nd.).”The Principles and Practice of Justice in Traditional Igbo Jurisprudence.” CULLED FROM THE INTERNET.
- Orji, M. O. (1999). *The History and Culture of the Igbo People before the Advent of the White Man*. Nkpor: Jet Publishers.
- Osei-Hwedie, K and Rankopo, M. J. (2012). “Indigenous Conflict Resolution in Africa: The Case of Ghana and Bostswana.” <http://home.hiroshima-u.ac.jp>> Accessed 3/5/2020.
- Soyombo, O. (1984). “Traditional Approaches to Curbing Deviant Behavior.” In Obilade, A. & Braxton. G.(eds.). *Due Process Law*.
- Ukaegbu, N. U. (2005). *The Igbos: The African Root of Nations*. Ibadan: Heinemann Educational Books.