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Traditional Justice System And Its Implications To The Christian Faith in Ukwuani

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ABSTRACT
Prior to the advent of Christianity in Ukwuani communities Traditional Justice System operated at ease and was adopted and resorted to by everyone in resolving interpersonal and intercommunal disputes. But with the advent of Christianity in Ukwuani, a good number of persons who have embraced the Christian faith, no longer hold to their traditional beliefs. Some of the practices involved in the process of dispute resolutions are traditionally considered idolatrous, fetish and ungodly by Christians whose allegiance is to the principles contained in the Holy Bible. Consequently, the study examined Traditional Justice System and Its Implications to Christian Faith in Ukwuani. The study findings indicated that the major conflict that exists between Christianity and Traditional Justice System in Ukwuani is not because the System is bad in itself, but because of rituals and other fetish practices that are sometimes associated with it. The study recommended that traditional practices such as fetishism, rituals, cleansing, and trial by ordeals which are presently central in resolving disputes in Ukwuani should be declared illegal and laws should be made to protect the right of Christians who may not desire to seek settlement or adjudication through Traditional Justice System.
Keywords: Christian, Faith, Justice system, Peace, Resolution, Traditional.

1. INTRODUCTION

1. 1 Characteristics Of Traditional Justice System

Most Traditional Justice System are embedded in African customary laws. Every community of people who have agreed to live together and form a separate political territory possesses a structure of government however rudimentary it might be (Olawale, 1956) These structures of government in African setting is entrenched in traditional laws with distinctive characteristics. In article 26(3) the UN asserts that there are certain unique characteristics that set Traditional Justice Systems apart from Formal Judicial Systems. One of such is that community leaders are the decision makers, there is also public participation by community members and proceedings that aim at reconciliation and maintaining harmony are among the characteristics of Traditional Justice Systems. It further states that "regardless of the cultural, historical and political differences of Traditional Justice Systems, common themes do emerge. Perhaps the most important observation is the widespread use of these forums in Africa and the central role they play in dispute resolution. Whiteman (2009) affirms that Traditional Justice Systems are legitimate and effective as they involve interactions, procedures and decisions that reflect people's culture. Therefore, Traditional Justice System which was the only means of peaceful resolution of conflicts before the arrival of the Formal Judicial System and rooted in native laws and customs was not exclusively to a particular tribe. As such, every ethnic group in Nigeria has its own legal system and body of laws traditionally.
Emiola (1997) highlight three important elements that are required for any rule to wear the impress of law in any traditional African setting. First, it must be a rule of conduct, stipulating what may or may not be done, secondly, it must be a rule prescribed by a competent authority empowered and recognized as capable of making such law. Thirdly, it must be enforceable and accompanied by sanction for its

violation. Nzomiwu (1999) states that God often dispenses this justice through the deities. Especially ancestral spirits, masquerades, and man.

Traditional Justice System according to McWilliam (2007) also involves compensatory concessions and a ritual commensality where food exchanges symbolise the end of animosities and the harmonious re-engagement of the flow of social life.

2. RECOGNITION OF TRADITIONAL JUSTICE SYSTEM IN NIGERIA

Over the years Traditional Justice System was recognized in Nigeria as a means of adjudication of disputes, but since after the advent of the Formal Judicial System, civilization and the several corruptive tendencies that accompany these social inventions, it began to lose its value. According to Forje (2009), the possibility remains, however, that even with the given pollution of traditional values and customs by the forces of corruption, traditional justice mechanism may still offer a way of restoring sense of accountability and transparency, and of linking justice to democratic development. Kariuki, (2015) strongly affirms that although Traditional Justice System have severely been weakened, undermined and disregarded and their resilience across African States, and recognition in international and municipal instruments, illustrates that they still occupy a central place in the world of dispute resolution in Africa." The UN Declaration on the Rights of Indigenous Peoples recognises the rights of indigenous peoples and requires these rights to be determined in accordance with their own indigenous decision-making institutions and customary laws.

2.1 Problems Confronting Traditional Justice System

In different parts of the world, native courts, councils of elders, and other related traditional authorities are major apparatus of the Traditional Justice System in dispute resolutions. Röder (2013), states that despite all cultural differences, they share common features. However, a number of challenges have emerged in recent times. Kariuki (2015), opines that the first key problem confronting Traditional Justice System is the negative attitude traditional authorities receive from modernized Africans. Traditional practices such as rituals, cleansing, and trial by ordeals which are central in resolving disputes have been declared illegal under most legal systems.

3. CUSTODIAN OF TRADITIONAL JUSTICE PRACTICED IN UKWUANI

In the practice of Traditional Justice there are certain categories of people who are custodian of the laws of the land. Ejede (2019), states that the custodians of the justice system in Ukwuani includes the Igwete (King), oldest living father of the community, the 'Okpalaukwu' or 'ugbana' handles dispute at the communal level, 'okei imusu' at the family level who adjudicates with the authority of all the dead fathers, those who have gone before him. In Ukwuani mythology this is referred to as 'Nndi ekeh' (The ancestors). The 'Umu ada' (women that are married) led by the 'ada' (the oldest woman in the community) makes and enforces laws that regulate the females.

According to Afigbo (1981) the age grades also settle minor disputes among themselves. The oracles, which provided spiritual satisfaction and played vital roles in political and socio-economic activities were also usually consulted before major military expedition were undertaken to provide verdict for disputes. There were also titled men known as the 'Onotos', who were not necessarily elders and whose position were not inherited but contributed to social order within the societies which may also settle disputes. Members of such titled holders were also disciplined through sanctions. Ezenwaji (2002)

3.1 Types of Offences in Ukwuani

There are a number of different offence that requires the mechanism of Traditional Justice System to arbitrate. In Ukwuani criminal matters are categorised into two *"aru",* forbidden, which are crime against the gods or deities and other forms of crimes such as stealing, disobedience to communal order. Green (1904), considers the former as taboos and to the latter as natural offences. Other types of offences include: Marital disharmony, land dispute, Inter-communal clashes, and inter-personal disagreements and disputes over inheritance.

4. DATA ANALYSIS, RESULT AND DISCUSSION OF FINDINGS.

The data collected from the field work are presented and analyzed in this chapter. It contains the tables for the six sections of the questionnaire and an orderly presentation of the results.

4.1 General Information

Table 4.1: Sex

Male	Female	Total
50	40	90

Table 4.1, shows the number of the male and female genders that filled the questionnaire, in all we have sixty (50) males and thirty (40) females.

Table 4.2: Age

18-35	36-65	67 & above	Total
12	30	48	90

Table 4.2 shows the Age bracket of people that filled the questionnaire. Adults were more, obviously because they are more abreast with traditions.

Table 4.3: Marital Status

Married	Single	Widow	Widower	Total
59	20	10	1	90

Table 4.3 shows the marital status of the respondents, the larger were married people.

Table 4.4: Religion

Christian	Traditional Religion	Muslim	Total
58	30	2	90

Table 4.4. shows respondents from the three main religions in Nigeria. The larger number of those who filled the questionnaire as seen in table were Christians.

Research Question 1: *Does Traditional Justice system plays a significant role in the provision of justice to the Ukwuani people, especially the poor?*

Table 4.5: Responses and percentages of respondents' perception on the significant role Traditional Justice System plays in the provision of Justice to the Ukwuani people, especially the poor.

S/N	Questions	Strongly Agree		Agree		Disagree		Strongly Disagree	
		NO	%	NO	%	NO	%	NO	%
1.	Traditional Justice System exists among the people of Ukwuani	90	100	0	0	0	0	0	0
2.	Traditional Justice System is efficient in the provision of justice in Ukwuani	80	88.9	10	11.1	0	0	0	0
3.	The poor in Ukwuani are treated well and benefit from the Traditional Justice System	60	66.7	30	33.3	0	0	0	0
4.	Without the Traditional Justice System, the Ukwuani people would have no other means of conflict resolution, especially the poor.	0	0	85	94.4	5	5.6	0	0

Responses and percentages of respondents' perception on the significant role Traditional Justice System plays in the provision of Justice to the Ukwuani people, especially the poor indicates that 90 (100%) of

the respondent Strongly Agree that Traditional Justice System exists among the people of Ukwuani. Ejede (2019), a High Chief of Amai kingdom opined, that "this system of justice practiced by the Ukwuani people was handed over to the ancestors by 'Chukwu' (The great God)."

The question two sought to verify the efficiency of Traditional Justice System in the provision of justice in Ukwuani. Majority of the respondents Strongly Agree 80 (88.9%), Agree 10(11.1%). One of the questions put forth to respondents by the researcher borders on how the poor are treated in Ukwuani, are they well treated and do they benefit from the Traditional Justice System? Responses shows that majority of the respondents Strongly Agree 60 (66.7%), Agree 30(33.7%) that everyone, including the poor receives fair treatment in the dispensing of justice in Ukwuani. Obi (2019), the Okpara of Ukuzor, emphatically states that the Traditional Justice System which they practice has no 'sacred cows' the poor, the rich, illiterates and the literates are treated equally and any form of discrimination against the poor, as to pervert justice attracts the wrath of 'Nndi ekeh' (the ancestors).

Majority response of Agrees 85 (94.4%) to question four - Without the Traditional Justice System, the Ukwuani people would have no other means of conflict resolution, especially the poor. Few 5(5.6%) Disagree to such view. Ejede (2019) says that prior the era of modernization, the Traditional Justice System was the only available means of resolving disputes, but since the emergence of modernity the Formal Judicial System became an alternative to those who can afford it. However, majority of the natives still prefer the Traditional Justice System.

Research Question 2: *Is Traditional Justice System faster and more Reliable than the formal Judicial system?*

Table 4.6: Responses and percentages of Respondents on: Is Traditional Justice system is faster and more reliable than the formal Judicial system.

S/N	Questions	Strongly Agree		Agree		Disagree		Strongly Disagree	
		NO	%	NO	%	NO	%	NO	%
5.	Traditional Justice System is faster and closer to the Ukwuani people	80	88.9	10	11.1	0	0	0	0
6.	The Formal Judicial System in most cases delays Justice	75	83.3	15	16.7	0	0	0	0
7.	The people of Ukwuani finds it difficult to patronize the Formal Judicial system	20	22.2	40	44.5	30	33.3	0	0
8.	The Formal Judicial System is corrupt, therefore is not reliable.	20	22.2	70	77.8	0	0	0	0

Furthermore, the researcher went on to investigate which of the justice systems is considered faster among the Ukwuani people. Responses and percentages of Respondents on: Is Traditional Justice system faster and more reliable than the formal Judicial system shows that 80 (88.9%) of respondents Strongly Agree, 10(11.1%) Agree that Traditional Justice System is faster and closer to the Ukwuani people. In the same way, majority of the respondents Strongly Agree 75(83.3%), Agree 15(16.7%), that the Formal Judicial System in most cases delays Justice. Obi (2019), opines that giving to the situation of things in Nigeria today, going to court amounts to waste of time and resources, because of high level of delay in the judicial system. For him "a delayed justice is a denied justice."

There were diverse opinions to enquiry on if people of Ukwuani finds it difficult to patronize the Formal Judicial system. The respondents, 20 (22.2%) Strongly Agree, 40 (44.5%) Agree, but 30 (33.3%) Disagree to the fact that the people of Ukwuani finds it difficult to patronize the Formal Judicial system. Ejede (2019) states that the reason why in most cases people find it difficult to resort to the formal judicial system as a means of dispute resolution is due to its high cost, endless adjournment of proceedings, and the high level of corruption in Nigeria. Obi (2019) notes that the Formal Judicial System in Nigeria is corrupt and therefore is not reliable consequently, most persons do not patronize it.

Research Question 3: *Does Traditional Justice System have respect for human rights, especially those of women and children?*

Table 4.7: Responses and percentages of Respondents on Does Traditional Justice System have respect for human right, especially those of women and children.

S/N	**Questions**	**Strongly Agree**		**Agree**		**Disagree**		**Strongly Disagree**	
		NO	%	NO	%	NO	%	NO	%
9.	Traditional Justice system has regards for human right.	10	11.1	80	88.9	0	0	0	0
10.	Traditional Justice System undermine the right of Christians in Ukwuani	0	0	3	3.3	67	74.5	20	22.2
11.	Traditional Justice System sanctions the right of women and children	55	61.1	35	38.9	0	0	0	0
12.	Formal Judicial System has respect for human rights whereas Traditional Justice System violate human right in Ukwuani.	0	0	0	0	70	77.8	20	22.2

Table 4.7 shows the Responses of Respondents to Research Question Three. It is observed that all the respondents to question nine Strongly Agree 10 (11.1%), Agree 80 (88.9%) that Traditional Justice system has regards for human right. On the contrary, the respondent rate of disagreement to Question Ten is high, Disagreement 67 (74.5%), Strongly Disagree 20(22.2%). They are of the opinion that Traditional Justice System does not undermine the right of Christians in Ukwuani. All the respondents to Question Eleven Strongly Agree 55 (61.1%), Agree 35(38.9%), that the Traditional Justice System sanctions the right of women and children. For example, in oath-taking Emiola (1997), asserts that oath is "undertaken in respect of very serious crimes amd women and children are not allowed to take the more destructive forms of oaths." All the respondents to Question Twelve Strongly Disagree 70 (77.8%), Disagree 20 (22.2%), that the Formal Judicial System has respect for human rights whereas Traditional Justice System violate human right in Ukwuani.

Research Question 4: *Does all Traditional Justice System go with Fetishism?*

Table 4.8: Responses and percentages of respondents on Does all Traditional Justice System go with Fetishism

S/N	Questions	Strongly Agree		Agree		Disagree		Strongly Disagree	
		NO	%	NO	%	NO	%	NO	%
13.	Does all Traditional Justice System in Ukwuani go with Fetishism	25	27.8	60	66.7	5	5.5	0	0
14	Fetish practice in Traditional Justice System discourages Christians and the elites from its patronage.	50	55.6	20	22.2	15	16.9	5	5.5
15.	Traditional Justice System should be proscribed due to fetish practice	0	0	0	0	70	77.8	20	22.2
16.	Fetishism is the potency of Traditional Justice System	0	0	0	0	80	88.9	10	11.1

In Question Thirteen of Table 4.8, majority of the respondents Strongly Agree 25 (27.8%), Agree 60 (66.7), that All Traditional Justice System in Ukwuani go with fetishism. Only 5 (5.5%) are of contrary opinion. Cruickshank (1966) considered fetish as a sort of "police agent", guarantor of the social order. "Without this powerful ally it would have been impossible to maintain the order."

There is diverse opinion to Question Fourteen, 50 (55.6%) Strongly Agree, 20 (22.2%) Agree, but 15 (16.7%) Strongly Disagree, and 5 (5.5%) Disagree that Fetish practice in Traditional Justice System discourages Christians and the elite from its patronage. The people that disagree are high and of the opinion that Fetish practice does not discourage Christians and the elite from its patronage.

Majority disagree to question item 15. 70 (778%) Strongly Disagree, 20 (22.2%) Disagree that Traditional Justice System should be proscribed due to fetish practice. Chibuzor (2019) is of the view that proscribing Traditional Justice System as a whole due to fetish practices, is not possible. Instead, it is the obvious fetish practices that should be discouraged. He further states that Traditional Justice System has come to stay and is an integral part of any traditional communal setting. Because it is more accessible, affordable, fast and reliable the fetish aspect should extracted enable its patronage by all. The respondent that disagree are of the opinion that there is no need to prohibit them.

Also, all the Respondents in question Sixteen Disagree that Fetishism is the potency of Traditional Justice System. 80 (88.9%) Strongly Disagree, and 10 (11.1%) Disagree. Oraegbunam (2009) suggests that Traditional Justice System in Igbo land as well as other African communities is developed on the principles of Straightness, uprightness and honest judgment. Ejede (2019) affirming same in Ukwuani land states that the bedrock of traditional justice in Ukwuani is honesty and truth, those who do otherwise are severely chastised by the ancestors. So fetishism being the potency of Traditional Justice System is unlikely. Therefore, it then means that Traditional Justice System can still be efficient without the crude fetish practices.

Research Question 5: *The Effects of Traditional Justice System to Christian Faith in Ukwuani?*

Table 4.9: Responses and percentages of Respondents on the Effects of Traditional Justice system to Christian Faith in Ukwuani

S/N	Questions	Strongly Agree		Agree		Disagree		Strongly Disagree	
		NO	%	NO	%	NO	%	NO	%
17.	Sometimes, Christians are summoned to shrines for Judgment contrary to their faith	60	66.7	25	27.8	5	5.5	0	0
18.	Should a Christian be made to take an oath before a shrine to prove his/her innocence?	5	5.5	5	5.5	50	55.6	30	33.4
19.	On no conditions should a Christian be compelled to perform any form of ritual contrary to his/her faith in the course conflict resolution via the Traditional Justice System.	65	72.3	20	22.2	5	5.5	0	0
20.	Whatever fetish practice or ritual required in Traditional Justice System is alright, so long the Christian is vindicated by it.	0	0	2	2.2	58	64.5	30	33.3

In Table 4.9, majority of the people that filled the questionnaire attests to the reality of question iem 17, that Sometimes, Christians are summoned to shrines for Judgment contrary to their faith. 60 (66.7%) Strongly Agree, and 25(27.8%) Agree. In question item 18, the majority, 50 (55.6%) Strongly Disagree, and 30(33.6%) Disagree that on no condition should be made to take an oath before a shrine to prove his/her innocence. Only a few expressed a contrary view. Also majority of the respondents in question Nineteen are in Agreement to the opinion that On no conditions should a Christian be compelled to perform any form of ritual contrary to his/her faith in the course conflict resolution via the Traditional Justice System. This is shown in their level of agreement, 65 (72.3%) Strongly Agree, and 20 (22.2%) Agree. It is observed in question item 20 that majority of the respondents 58 (64.5%) Strongly Disagree, and 30 (33.3%) Disagree with view that irrespective of whatever fetish practice or ritual required in Traditional Justice System, so long the Christian is vindicated by it is okay. Ejede (2019) opines that no true Christian will even accept to appear before a deity, much more indulge in any fetish practice or ritual just with the aim of being vindicated. The Biblical injunction of "let your yes be yes and your no, no" should be the standard for a Christian anytime, anywhere.

5. SUMMARY, CONCLUSION AND RECOMMENDATIONS

The researcher in this chapter gives a summary of study. The recommendations which arose from the findings. The Chapter ends with the conclusion.

5.1 Summary

The research work examined Traditional Justice System and Its Implication to Christian Faith in Ukwuani. The purpose of the research was to find out effects that Traditional Justice System has on Christian Faith among the people of Ukwuani in Delta State, Nigeria. It also offered possible solutions to the conflict between traditional justice system and Christian faith in Ukwuani. Random sampling was used to select Six (6) Communities, two from each of the Local Government Areas. Statistical analysis using percentages was employed to draw conclusions according to the stated research questions.

The study findings indicated that Traditional Justice System is a part of Ukwuani societies, it has been effective in the resolution of disputes. It was also discovered that this traditional way of adjudicating disputes has effect on Christian faith in Ukwuani, in the sense that sometimes Christians, especially the weak ones are made to compromise their faith just to prove their innocence. The idea of compelling or forcing a Christian to take an oath before a shrine was strongly opposed by many, both Christians and non-Christians, since such practice is against their faith. However, there were some non-Christians who asserts that it does not matter since the aim is not necessarily to worship the deity to prove one's innocence to accusers. Finally, the recommendations were proffering solutions to the conflict between Christian faith and Traditional Justice System in Ukwuani.

6. CONCLUSION

Predicated upon the analysis and subsequent interpretation of results, the study came up with the following conclusions in relation to the stated purpose: firstly, The Traditional Justice System is an heritage which has helped in the maintenance of peaceful coexistence among the Ukwuani people and in resolving disputes arising from interpersonal and intercommunal relationship. Secondly, in eliminating crude practices such as fetishism in the Traditional Justice System of the Ukwuani people, which in most cases contravenes the ethics of the Christian faith, adoption of decent practice should be encouraged by the government, enactment of laws that proscribe diabolical and fetish practices is also necessary. Thirdly, the major conflict that exists between Christianity and Traditional Justice System in Ukwuani is not because the System is bad in itself, but because of rituals and other fetish practices that are sometimes associated with it. Therefore, since Traditional Justice System was founded on the bases of Straightness, uprightness, honesty and fair judgment, eliminating rituals and other fetish practices will encourage Christians to patronize it without fear of syncretism. Lastly, Traditionalist in Ukwuani should be encouraged to respect the right of children, women and Christians in employing the mechanisms of Traditional Justice System in dispute resolution.

6.1 RECOMMENDATIONS

1. Traditional practices such as fetishism, rituals, cleansing, and trial by ordeals which are presently central in resolving disputes should be declared illegal in Ukwuani and in Nigeria as a whole, as we have seen happen in most countries in Africa including Kenya, South Africa and Ethiopia.
2. Laws proscribing witchcraft and fetish practices in Traditional Justice System should be enacted.
3. Since Christians and traditionalist will unavoidably continue to live together in the same community and because conflicts and disputes are inevitably part of human existence, it is obvious that from time to time there would arise conflict or dispute between Christians and traditionalist. Therefore, laws should be made to protect Christians who may not desire to seek settlement or adjudication through Traditional Justice System.
4. None Christians should always respect the beliefs or conviction of their Christian counterparts regards conflict resolution.
5. The Government through the Judiciary should seek for ways of monitoring the Traditional Justice System to avoid violation of human right and abuse of the system.
6. All institutions through which people seek redress and resolution of disputes, especially, the Traditional Justice System which is more affordable, accessible and authentic to the common people should be supported, reformed where necessary to meet the need of all respective of religious background.

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