

## Igbo Legal And Justice System: The Case of Nteje

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### Abstract

This study on the Igbo legal and justice system in Nteje, Anambra State is motivated by the need to understand the Igbo legal and justice system as practiced in Nteje community. Legal and justice system is the set down rules and regulations by which any nation, culture or community controls the social behaviour of its people and ensures that justice is brought to the citizenry for peace and harmony. A lot of modern people tend to reject traditional method of justice and prefer the modern system supposedly because of the falsehood and manipulations associated with it which give them edge. It became important to study the nature and application of Igbo legal and justice system in Nteje to unveil such malpractices in the light of today's social change and globalization. The study is important in today's communities where peace appears to elude the citizenry as cases of restlessness, rancor, and fightover inheritance, land disputes and other nagging issues strive. A review of related literature was carried out, in order to enhance the study. The study was descriptive in nature and also adopted the use of oral interview as a means of data collection. The population was mainly titled men and women adjudged knowledgeable in the customs of the land. The results indicate that very strict Igbo legal and justice system exists in Nteje in the areas of inheritance, family tension and land matters except in the case of inter-tribal wars\clashes and marital problems affecting Christians.

The judiciary, particularly the customary courts, state and local government, Igwe-in-council, Nteje Development Union (NDU), students and teachers of Igbo culture as well as researchers will benefit from this study. It is possible to attain peace and tranquility when legal and justice system is fairly applied.

**Key Words:** Legal, Justice System and Nteje

### Introduction

The Igbo legal and justice system is as old as the Igbo land and society itself. Igbo legal system has its root in the justice system. Justice ordinarily refers to fairness in the settlement of cases involving people. Justice is very important and is found in every aspect of Igbo man's life. It is ever present in Igbo folklores, idioms, proverbs etc. Every culture has its legal and justice system or there will be chaos, and the Igbo nation and Nteje community are no exception.

Nteje people are predominantly farmers, and were very proud of their ancestral and cultural heritage and identity. Their legal and justice system are exhibited in such areas as inheritance issues, land issues, interpersonal relations and social lives. Generally, Igbo people do not play with justice, hence they will advise their siblings never to fight a losing battle they will institute all kinds of framework for instilling justice, law and order. It is therefore, the intention of this study to examine the sources and practices of justice among the traditional Nteje

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people and to find out whether the system is still alive among modern Nteje people or not.

### **Nteje and its people**

Nteje is one of the towns in Anambra state. It is the headquarters of Oyi Local government Area. It is situated between Awkuzu and Umuleri on the Oyeagu Abagana to Otuocha road.

Nteje people traced their origin to Igala. The tradition has it that one Igala warrior called Eri was the father of Aguleri, Onogu and Nudu (Igbariam), Nteje, Nri, Nsugbe and Amanuke. Like their father, they were all warriors. After an expedition and consequent victory, they decided to settle around their war fronts and eventually founded those towns. Nteje came down to Umuefi where he meets Dunu who is also from Igala and married one of his daughters who gave birth to three sons namely, Ezi, Ikenga and Ifite. These three sons today make up the three major zones in Nteje town. The three sons of Nteje gave birth to many children and also hosted some people which founded the various villages which amount to between fifty and sixty villages across the three zones.

Nteje people are predominantly farmers. Their soil is very fertile, their chief crops are rice, yam, cassava, corn, and cocoyam. Different types of fruits are produced because of trees in the town. They are also known for massive garri production and are one of the food baskets of Anambra State.

Like most Africans, Nteje people are deeply religious. They believe in Supreme Being (Chukwu) as the greatest being. They worship various deities and shrines are found in virtually different parts of the town. They also believe in the worship of their ancestors as intermediaries. Basden (1982:215) states that, *“Amongst the Igbo people, there is a distinct recognition of a supreme being beneficent in character, who is above every other spirit, good or*

*evil”*. Igbo people believe that God is full of mercy and source of all good things and deed. Ogbalu (n.d.45) in his contribution states that the Igbo believe that there is only one God who is the creator of the universe. His form is unknown and has no representation of any molded form. From this, it is clear that there is worship of other gods like Anyanwu (The sun god), Amadioha (lightening), Ala (earth deity) etc and the worship of other minor gods and ancestors. They are formally worshiped and sacrifice offered to them but not to God.

Nteje people are humane and hospitable, this could account for many non-indigenes residing in the town. They are very leisurely people. They have time for various festivals and activities outside their core farming occupation.

Above all, they are very proud of their cultural heritage. For instance, they proudly call their town Nteje Abogu Ide meaning that they were warriors. The heads of families, the elders, age grades, the masquerade and title societies help in the traditional political and judicial matters. Their religious, political, economic, social and legal aspects of life are closely bound together, and form a basis of their justice system.

### **Legal and justice system explained**

Law may be defined as a rule of action. For Obodo (2005) law consists of a body of rule of human action... Every community is governed by a body of rules of human actions, which prescribes actual standard of behaviour adopted in the life of that particular community. This view indicates that when rules represents the actions of good and bad they become rules of morality and for a law to be effective it must conform to the moral feelings of the people.

Justice is very important to humanity and has played a vital role to man. Griffith (1974:48) states that *“the claims of justice and equity are so fundamental*

*in man that they are among the first instincts to show up in children".* The idea of justice is as old as man. Man demands for justice, even as an infant he fought for his rights and would not allow injustice. Man is close and united with his environment and this affects his idea of justice. Justice is a virtue and a good man is known by it. Aristotle (1891) in Nzomiwu (1999:25) confirms that "*the Just man is apt to apportion things so that each shall get his fair share that is his proportionate share.*" According to Nzomiwu (1999:27),

*Justice is especially a question of giving a just place to liberty, to personal initiative, to rights of persons, families and intermediate bodies without ever ceasing to harmonize these rights with their duties, with the demands of common good and of the necessary order and solidarity.*

Oraegbunam (2010:55-56) described justice as a legal right and also that law is to justice what a means is to an end or cause to an effect. In other words, if there is no law there will be no justice. Law will not be made for a selfish purpose but for the common good of the people. Umeogu (2012:116) also explains that, "*for a law to be called law it must be an embodiment of reasons and objectives that are meaningful, relative and achievable*". Law is not made to intimidate or victimize anybody; rather it is made for social control and for the good of members of the community. It is not made to inflict suffering on people, it is made to alienate suffering and for peaceful co-existence of every members of the society. Law must be worthwhile and progressive.

### **An Overview of Igbo Legal and Justice System**

Not much has been written on Igbo legal and Justice System. Mbiti (1969:212) rightly states that, "*African notions of morality, ethics and justice have not been fully studied and many book either do not mention them or do so only in passing*". Law, whether written or not is

binding on people so far it is for the good of individuals and community. In Igbo traditional society, the law (dos and don'ts) is very clear, brought to the knowledge of everybody and no one could feign ignorance of it because it is part of the training given to a child right from inception as he grows into the society he grows into the laws of the land. He is taught to do everything possible not to break the taboos of the land, which he is fully aware of the consequences.

In Igbo land, when an injustice is done, the culprit never goes unpunished. The rate of punishment depends on the type of crime committed. Confirming this assertion Okodo (2009:151-152) asserts that,

*There is traditional justice among the Igbo African. Their justice is the output of the observance of the different conditions of human relationships spelt out in their culture; their culture is their unwritten laws which are called Omenala, in Igbo. There are various dos and don't which guide the people in leading their lives. The dos are virtues which receive everybody's approval. The don't are vices which earn people punishment of different sorts.*

It could be said that Igbo laws are embedded in their culture which is seen in all aspects of their lives. For Umeogu (2012:117) "Igbo people have laws that govern virtually every aspect of their lives ranging from marital life, succession, to even their streams. The communities that have rivers, streams and ponds have ancient maritime laws that govern the water". These laws must be kept, and as a matter of fact, there are punishments for offenders whether the person is seen or not, the unseen forces are believed to take revenge.

Among the Igbo, a just man is a truthful person who can administer justice without fear or favour. He is upright in everything he does both in words and

action. He is reliable and can be trusted. He leads by example and cannot be corrupted by material things. He is a man of integrity and Igbo people have respect for such a person. Justice is not a two way side of a sword or whether this or that. It must take and speak for the right course, the action taken must be specific, and it does not look at people's faces in taking decisions. Decision taken may be for or against the poor, the rich, an orphan, the wealthy, the healthy, and the sick and so on. Nzomiwu (1999:32) rightly states that, for Igbo, justice is closely associated with the action of a good and honest citizen. Among Igbo people, "ozo" title holders are perceived as honest people with great integrity and dispensers of justice in the society. In the words of Orji (1999:46) "Ozo" title men were known to be truthful and straightforward". This is the Main reason why they are regarded highly in the society. The oath of office and rigorous rituals they undergo made them to be straightforward. Ogbalu (n.d.37) in his contribution affirms that they are "forbidden ever to lie but always to speak the truth and never to retreat from his words or cheat or misbehave". Igbo people placed great value on truth, they believe that truth is life because among all things, life is the greatest. Therefore truth is the mirror of justice which preserves a great treasure (i.e. life). Ozo titled men serve as organ which ensure that justice is meted to all categories of individual and group in the community. Nwosu (2002:238) agrees that

*The titled men also managed societal conflicts and reconciled one group with another. The titled men, sitting as a court, had original jurisdictions over such serious crimes as treason, arson and murder ... but also exercised prerogative power of mercy when they deemed it necessary.*

Undoubtedly, the titled men constituted the most important judicial body in Igbo land. Together with the chiefs (in places where they existed) these titled men

were the law makers of the society. Infact, their words were final.

Further more, Igbo people also express the idea of justice in their proverbs. Isidienu (2021: 159) affirms that, "proverbs take the most vital place in discussion and communication in almost all Igbo societies." For instance Isidienu (2021), states that "egbe bere ugo bere nke si ibe ya ebela, nku kwaaya" meaning, live and let live, is a belief for everyone to live among the Igbo societies, and should not be hindered by another person; and when it is obstructed or cursed to suffer pains without due justice it negates the aim of the supernatural being who gives it that life. Igbo people also portray justice in the names they give to their children, and also symbolize the idea of justice in "Ofo". "Ofo" is the binding force between the living and the ancestors. Ijeoma (2002:44) called it "the staff of office and justice". Therefore, whoever holds it holds power. Olisa (2002:218) referred to it as sacred stick symbolizing truth, in the family, kindred, village and town. The holders of "Ofo" are the "Okpara" of these units. All discussion, decision and judicial matters are in the hands of the heads of each unit. These leaders are to be upright and impartial. Each should hold his "Ofo" in matters of decision, it help to keep them straight and none is expected to hide evil, to avoid the punishment of the gods.

### **Igbo Legal Process**

Issues on law have been a matter of serious concern to people. Njemanze (2007:123) affirms that, *The ultimate goal of law is peace based on justice; and Justice recognised the natural rights of all persons. To avoid miscarriage of justice, and consequently the denial of the natural rights of the individual, adjudication process must be based on the rule of law.*

Secret institutions, masquerade and the age grade also handle adjudication matters. This shows that the Igbo



communities have ways of checking deviant characters. This is why soyombo (1994:124) states that,

*The duty of enforcing the traditional laws rested in the secret societies and age-group. The secret societies were often called upon to enforce payment of debts, which they usually did by invading the debtor's compound and remaining there at his expense until he could pay the debt. The age grades exercised police powers, arresting thieves or offenders against customary laws and bringing them before the elders or imposing appropriate sanctions on their own members. Additionally, everybody considered it, his or her duty to discourage deviance by other people.*

The aim of adjudication process among the Igbo is to free the community of evil doers and make it a peaceful place of abode for all. In fact, every member of the community is always at alert. It is a collective responsibility. Usually in administering justice at the family level, the family head and the elders resolve conflict at meetings held at the compound of the family head, at the community level, the family heads made up the council responsible for judicial matters. Okodo (2006:40) opines that *“Igbo people do not take decisions in a hurry when trying cases, they take pains to both parties concerned and also invite witnesses and study exhibits before they move into special committees, probably of elders or title men”*. It is worthy to note that issues on judicial matters are not left in the hand of one individual. This is because for the Igbo *“Agwọ otu onyehuruna-aghọ eke”*. (a snake seen by one person is mistaken as a python). Decision taken must be unanimously agreed upon. It is important to note that in Igbo legal system, members exercises patience in handling matters at hand.

Oracles and diviners were also used to settle disputes in Igbo community as Ukaegbu (2005:84) asserts that *“the Igbo used diviners to maintain justice, peace and order, particularly, in*

complicated cases. Ifemesia (1979:25) disclosed that Ibini Ukpabi; which was a fertility and judicial oracle was consulted as a highest court of appeal. This oracle is also referred to as long juju of Arochukwu and was very powerful; other such oracles are Igwe-ka-ala of Umunneoha and Agbala of Awka. Supporting this assertion Uchendu (1965:126) states that *“Among the Igbo, important oracle such as the IbiniUkpabi, the Ozuzu, the Agbara and the kamalu, who acted as the final court of appeal in judicial matters, sentenced their victims to be sold into slavery”*. It is obvious that divinities are regarded as an agent of justice among the Igbo African. Amadioha for instances, is the god of thunder and a messenger of justice. Ala who is the earth goddess exposes evil practices done in secret (Isidienu, 2020: 65 -66). Among the Igbo, after trying a case and it became obvious that it is beyond human judicial powers, the case will be referred to diviners or oracle but some cases are, in their nature, oracular or divination matters.

It is worthy to note that, offences are not perceived as being equal in Igbo communities. There are offences against the supernatural, against “ala” (earth goddess) and offences against human laws. Offences against the supernatural are more grievous. Rituals for cleansing the land must be performed to appease the gods and also to avoid calamity invading the entire community.

### **Legal and Justice System in Nteje Community**

In as much as the Igbo justice system has been theoretically reviewed it is necessary to investigate these theories in actual practical terms as they exist or are practiced in Nteje community.

### **Inheritance Issues**

In the area of inheritance matters, the elders of the immediate family oversee and adjudicate the issues as they erupt. In case of the death of the father who is the head of the family, his residential house

popularly called the “*Obi*” in Igbo parlance is, by law inherited by the first son. All other landed property owned by the father is shared by the male siblings. The sharing is usually supervised by the eldest son of the family, in accordance with existing traditional equity law. Similarly, the residential house of the woman called “*mkpuke*” is an inheritance of the last son. However, where this house does not exist, he will be given land for his residential home elsewhere in the family land.

After three market days of the funeral rites of the father of the house (*o kwee ito*) his property excluding land, will be brought out and his brother, the eldest among the living will take any one item of his choice from it and then direct his brothers' sons to take the remaining. In like manner, the first daughter, by tradition will take one cloth from it. She will also inherit her mother's movable properties; she will share with her sisters but will take a bigger share. Economic trees such as coconut, breadfruit, mango, native pear etc. are shared equitably by the wives of the sons of the family but specifically coconut belongs to men. Inheritance matter is usually taken seriously in Nteje. Sometimes inheritance tussles lead to outright physical fight, murder, suicide, oath taking, especially in polygamous homes. Obalim (2001:24) states that “*breach of peace and fighting are common features of polygamous homes*”. In the case of disputes or disagreement affecting the family, the matter is referred to the elders of the large family called the kindred or “*umunna*,” who will endeavor to resolve it judiciously. In very difficult situations, fines or sanctions may be exerted.

### **Family Tension**

Family tension is usually a very delicate matter to handle. However, often existing and time tested family laws are used to diffuse such tension. As Umeogu (2012:118) states:

*There is no judicial institution in the sense of professional judges, courts as is obtainable in the British sense. The judicial system in Igbo society is more or less jury based on trial by peers. Also, all the legislature agencies starting from the *umunna* to the general assembly also double as the judicial bodies. In other words, there is no clear-cut distinction between the different arms of the body. For example, “*Umunna*” that make law can also adjudicate on matters.*

The above judicial system is also applicable in Nteje culture area. The highest local administrative body in Nteje is “*Ojiana*” literally (The custodians of the land). It is made up of two or more age grades and has three or six year term of office. The body formulates policies and enforces it. After trying cases at the family level (*Ezina ulo*) and it is unable to settle the matter, the next level to handle it is the kindred (*umunna*), and where the case seems impossible, it is transferred to “*ojiana*” at the village level and if the case still proves difficult it is handed over to the town elders. They are referred to as “*ojiana*”. An attempt to disregard the village “*Ojiana*” attracts fine or excommunication and /or sanctions and disregard for the town “*ojiana*” may lead to fine, sanctions and/or excommunication from the community.

One major feature of Nteje people's customary adjudication process is the speedy manner with which they try cases and dispense justice. They handle cases with speed except in very difficult matters that require repeated sittings or enquiring.

Any person bringing a case before the kindred must present two kolanuts with any amount of money which is called “*ego Oji*” meaning literally the money which will be used to break the kola. The person will also present any hot drink. If the case is to be presented at the town level three kolanuts will be presented representing the three zones in Nteje.

Isidienu (2020: 68) asserts that, in some cases, “among Nteje community in Oyi local Government Area of Anambra State, for one to present case to the members of the town assembly one should present three kolanuts, palm wine or a bottle of hot drink and two thousand naira (ego Oji).”

### **Marital Tension**

Marriage as an institution is regarded highly in Igbo land and Nteje in particular. It is through marriage that children are born into the family and the Igbo man values children very much. This is because he believes that it is through getting children that lineage continuity is ensured, and that it is through children that their ancestors reincarnate, a belief they hold so strong. It is also in connection with this that the act of celibacy is abhorred and criticized. If anyone wants to practice celibacy in Nteje, it is viewed by the people as an act against the custom and traditions of the people. Speaking on this, kwaramba (2012:165) on his account on the Shone of Zimbabwe reaffirms that “*celibacy has no place in Shone traditional religion. To die without a child would be regarded as a tragedy and such people would be buried with either a maize cob or a mouse on their back*”.

Anything that goes contrary or militates against having children could therefore bring marital tension that is why barrenness is regarded as a serious cause of tension in marriage. kwaramba cited Oduyoye (199; 141) who argues that “*the fertility of the woman is the biological foundation of marriage and it governs male – female relations within the institution.*” Apart from infertility, other causes of marital tension in Nteje community includes irresponsibility, laziness on the part of either of the spouses, stealing, out-right neglect of the nuclear family, wife battering, wife leaving her matrimonial home or husband sending his wife packing for flimsy reason.

The adjudication process (deciding who is right or wrong in the disagreement) is the prerogative of designated group at each stage of development. Oraegbunam (2010:65) states that, settlement of dispute is normally through family dialogue. He explained that basically, the aim of the people involved is settlement as all the people related to the parties would want the relationship to continue because that is what will benefit all of them.

When the tension cannot be resolved at this first stage, the procedure in Nteje is to involve the kindred of both families to the couple. If it fails at this second stage then the village “*Ojiana*” will be involved.

If the wife's property were thrown outside, the in-laws will come for peacemaking but if on the other hand her husband took her to her father's house and hand her over to her father, in such situation nothing will be done. In severe cases like witchcraft, poisoning etc masquerade can be used to send the woman back to her father's house.

### **Land Matters**

Traditionally, ownership of land in Nteje is by inheritance. Fathers that do not have land will purchase or ask from those who have plots of land and eventually hand or share same to his male children. Although land was very much valued in Nteje area bearing in main that the people were predominantly farmers, in the olden days there was no scramble for land because people give freely to those who did not have. “*Nwadiala*” who lacks a piece of land for farming or for residing can be given. Lands were also owned communally; justice is maintained as lands whether family or communal is shared. It is shared equitably by the elders. They are firm and cannot retrieve their words. They can never accept to change the boundary because of material wealth no matter the persuasion. As Umeogu (2012:118) would put it, “the word of the

Igbo African judge is his bond; it is his life, it is his presence.” As the case may be, most elders know the boundary and despite the fact that in the olden days there was no documentation, yet they would stand in the right direction, for truth, justice and equality.

Among the Nteje people, they live close to each other. In the olden days there was virtually no fencing of compounds except some prominent families, that time red mud was used in fencing, some use trees like “*Ogirisi*” for demarcation but in an event of boundary dispute the matter will be reported to the kindred. If the kindred know the boundary and in most cases the history of the land, if it is not resolved it will be referred to the village “*Ojiana*” which comprises the council of elders of the ruling age grade. In extreme cases, one of the parties especially the one contesting it may demand for oath taking. When this is done the one swore to the oath will be adjudged the owner or the winner. There will be no need to cross check their evidence or what their witnesses may say. The oath taking serve as the verdict as it is believed that if one swears falsely, the administrative spirits may kill or destroy one. However, it was indicated that, in recent times, some individuals prefer modern law court in land related matters where they can win their case. Isidienu (2020) asserts that “*those who by pass the traditional method of conflict resolution and option for modern law court do so in a bid to outwit their opponents*”.

### **Inter Town Clashes**

Inter town clashes may be as a result of land dispute mostly in connection with the boundary, abuses in the markets, unfair treatment of a daughter married in another town, and matters in relation to murder among other things. Justice can be assured through dialogue. Delegates may be sent with a word of peace or to enquire what will be done so that justice shall prevail. Such matters are very delicate because if they are not carefully

handled they could lead to war. Chief Michael Akwue of IfiteNteje narrated an example which he said could not be forgotten among Nteje indigenes which is referred to as the notorious “Ada war” with Awkuzu people their neighbours.

The man recalled that Ada warriors from Abiriba invaded Nteje in 1891. The story has it that a young man of Nteje origin was in love with a young girl from Awkuzu (daughter of Awkuzu Man). The lady eventually died in the man's hand. Emissaries were sent by Awkuzu carrying palm frond to Nteje people demanding that the murderer must commit suicide by hanging himself. The demand was not acceptable to Nteje people who reasoned that if it were a man that had died their demand would have been reasonable but for a man to hang because of a woman is an abomination. Besides, they reasoned that they could have demanded for a virgin, to replace their daughter.

Because of this impossible demand and with no available option Nteje poured gunpowder on the palms of the Awkuzu emissaries meaning that they were ready for war if Awkuzu insisted. Awkuzu could not stand Nteje in war because they are warriors neither did they stand the face-off. They therefore hired “*Ada*” people (mercenaries) to fight Nteje. The “*Ada*” eventually killed many Nteje people and wanted to take some home as captives. Nteje people felt humiliated, they recovered and reorganized themselves and made an unexpected swoop on “*Ada*” and defeated them. There followed occasional boats of raid on both sides.

The raid however did not stop until the coming of the white man. In 1894 Nteje decided to deal a final blow to give a stop to the exchange and so invited the soldiers of the Royal Niger Company against Awkuzu in retaliation for the “*Ada*” invasion. Thereafter processes to cease fire were negotiated. In his own account. Anakwue (1980:14) states that:



*In 1912, the “Oyibo” (as the soldiers were popularly known at the time) summoned both Nteje and Awkuzu for reconciliation and cessation of hostilities. Both teams met at the IGUEDO and not only agreed to, but also actually carried out an operation known till today. As “NTIJIEGBE” – the breaking of guns.*

It is worthy to note that this agreement led to the breaking and burning of the guns that were used or could be used for furtherance of inter-town war in both towns, this eventually brought to an end to any form of hostilities and consequent bond of friendship which is still existing between these towns till today.

As indicated above the system of adjudication in inter-town clashes could take the form of dialogue when one party demands for remedy by sending emissaries or blown into open war when the demand for justice is made in a pompous manner. A third party may then be needed for truce, cease-fire and peace-talk. Nteje at the modern times dread wars as an option for justice. They would rather opt for court litigations on matters in connected to inter town clashes.

### **Criminal Issues**

There are offences which when committed among Nteje people are regarded as criminal offences. For instance, if someone commits murder it is regarded as very serious and criminal. When one involves in incest (*alu*) or abomination, Nteje people will regard it as criminal offence. If one uproot planted yams from the farm with the intent to waste them, show annoyance or to steal them; and if one involves in revelation of the spirit behind a masquerade or assaults a masquerade popularly known as “*itammuṣ*”, the culprit is regarded to have committed very serious criminal offence.

Such things must be carefully handled. The victims, the elders and people in

local authority will press that justice must be done in accordance with the laws of the law land. This is not observed for the purpose of restitution only. It is also to ensure that justice has been done for the purpose of protecting the land and its people. This is to avoid possible calamity such as wiping out or other forms of punishment on the entire community or segments thereof since Nteje people regards these issues as criminal and therefore serious.

Justice on murder cases is handled by Ikenga Nteje people only (elders from one of the three zones in Nteje). They must be invited to handle murder cases. They are also to make pronouncement that will cleanse the land and free the murderer and his people. In the first place the murderer must go on exile for a number of years, after or during which serious meetings in form of court sessions will be going on in connection with the murder case. Chief Gabriel Isidienu of Ikenga Nteje made the remark that “*E jiro okwu oḥụ amu okwu*” which means that a novice does not dabble into or handle a murder case. The outcome of the court sessions could be that the murderer will pay with his head that is, he will be hanged. In lighter and brighter situations the murderer will cater for marrying a wife to replace the murdered person.

On the other hand, when an abomination such as suicide is committed, the Nri people of Anaocha Local Government Area who may be resident in any part of Igbo land must be invited to handle the matter and after judgment cut the rope in case of hanging. They are the ones to pronounce that the corpse can now be buried. However, in the absence of Nri, indigenes of Umuezedi in Orukabi, Nteje whose ancestral home is traced to Nri can also handle suicide matters.

In the case of offence committed against masquerade that is “*itammuṣ*” the “*ojiana’Nteje*”, that is, the authorities in power will leave the matter in the hands

of Ubili people of Nteje (a kindred residing between Umuefi, Amadiaba and Umuanunwa village). The court sessions (meeting) in masquerade related cases are many and strenuous. It involves many masquerades of different breed, 'dibias' (native doctors) and 'ndichie' (people regarded highly in native matters in the town. The punishment in the case of masquerade offence could involve death in very serious cases, but it is the bad masquerades and *dibias* who through pronouncements etc take the person's spirit and he will be dead, nobody comes out physically to kill the culprit. In some cases the person might be asked to provide several cows, goats, fowls, yams, kolanuts and other things to be named by the jury, to be used in appeasing the gods of the land.

#### Minor offence

Other area where the Igbo legal and justice system comes alive in Nteje is the area of minor offences. The type of offences covered are such things as, refusal or failure to join in community work like sweeping the stream, doing road works, maintaining the village square, failure to pay agreed upon levies or flouting of rules made by "ojiana". Punishment for offence depends on the type of misdeed, it could be fine, sanctions, and denial of certain right, making caricature of the offender, ostracizing him etc. when someone does something and denies, he or she may be told to take an oath. In that case the people will leave the matter to the gods to do justice. False oath kills although it may not be immediate but is a sure way of obtaining justice. Hornby (2020:1011) observes that oath is a solemn undertaking with the gods' help to do something, solemn declaration that something is true. Herbarmann (n.d. 176) conceive oath as an invocation to God to witness the truth of a statement. For Onunwa (2005:169) The gods are in the position to punish or justify because they are regarded as impartial judges. They cannot punish the one who is innocent. It is only a superior power like

the deity that can administer justice without fear or favour. It is clear that in oath taking two main actors are involved, one superior and the other inferior (lower). The superior (principal) is the god who stands as the witness to the act and also the executor. The other party is the one taking the oath as the recipient; he can be punished for lying or justified for saying the truth.

Nteje community refers to oath taking as "inyi iyi". The main aim why oath is taken among Nteje people is when one does something and begins to deny. Also, when one lays claim of a piece of land. They so much believe in oath that they usually say "Onye were iyinara m ihe m ya were" meaning if someone lays claim to what belongs to me through oath, let the person take. "Alusi" is used for oath taking. On the day of the event the chief priest will bring the "ofo" and "ogu" owned by the "alusi" at "amaana" (village square). The whole community, especially the relatives of the person taking the oath, will be present to see that there is no partiality in the act because the consequence affects not only the oath taker but can extend to the family members and in some cases the entire community. The person taking the oath will lay his hands on the "Alusi" and swear, (that is its "ofo" and "ogu"). If however, the person later found out that what he had taken oath for is a lie, he will go for "mbubọ alusi" (to dissolve the bond). He will need to bring "mgbogboroji" (the decayed yam from which the new seed yam sprouts out), uburu (a day old chick). He will be given a bath of the shrine, "a saaya ahu alusi". This is done by using the day old chick to cleanse the person; damages will be paid to appease the gods which sometimes may reach to the extent of providing a cow. The chief priest will emerge and build a wrecked house (*nkirika ulo*) in front of the persons house and set the house on fire and that marks the end of the purification.

The highest and dreaded form of oath

taking in the community is the land kolanut. Kolanut will be broken and kept on the ground and the person will bend like a goat to pick it with his mouth (ikpu oji ana). It is believed that the gods exercise justice without delay when this form of oath is taken. For instance, if the person is lying or his claims are false, he will begin immediately to talk senselessly (*ire yaaghatokoo*). Since the advent of Christianity, Christians no longer accept oath in a traditional way, rather they prefer to take oath in their churches using the Bible.

### **Findings**

In this research work which was carried in Nteje in Oyi Local Government Area of Anambra State, it was found that the community had managed to kept and maintain her traditional laws. The findings indicate that the people have regard for the rule of law as well as observe and respect the process of adjudication. The “*ojiana*” Nteje remains the last resort in adjudication processes and when a dispute becomes serious the converging point for meetings and court sessions is “*amaana*” Nteje, the popular village square located in Umuefi quarters in Ezi Nteje.

Nevertheless, the researcher found that some wealthy individuals sometimes take laws into their hands by claiming what does not belong to them and in such instances use foul means such as buying some people over to pervert justice, by taking their weaker opponent to court of law where they can maneuver things and get away with it.

It was also found out that it is the prerogative of Ikenga Nteje to handle murder cases. The village continues to do so but because of social change which has affected virtually all cultures, they no longer have the right to sentence the guilty to death, rather they hand such case to the police. However, they will monitor to make sure that the law takes its full course. The implication is that, in

modern times litigation has overtaken some of the traditional legal and justice system in Nteje community.

The findings also indicate that presently, Christianity has had a great influence on the legal and justice system of Nteje community, one instances are shown in matters in connection with oath taking and marital tension in which Christians now prefer to swear before the Holy Bible instead of idols.

Findings further show that, due to westernization and globalization, Nteje community who are warriors and ready to fight on any slightest provocation or insult now advocate for settlement and law suit especially in matters in connection with inter-town clashes so much so that they now campaign for the name “Ntejeabodo” (town of peace) instead of “*abogulde*” (town of warriors).

### **Recommendations and Suggestions**

Nteje community should hold fast to her traditional judicial system since it is one of the basis of a harmonious community relationship and existence.

The Christians should make their stand clear rather than condemn some aspects of the traditional justice system and still go behind closed doors and practice them in order to exonerate themselves from guilt.

Those who feel that their rights have been denied should take the matter to their kindred for redress. The elders should protect the poor and shun intimidation and maltreatment by those who are more powerful and who use their wealth to buy things over, they should be made to do things the right way or they will be ostracized.

It will be necessary for more research work to be done on Nteje legal and justice system in order to bring into focus all other aspect of our tradition, and how

they are applied in native law and custom, this will help to maintain peace, order and mutual respect.

### Conclusion

Igbo legal and justice system are mirrored through Igbo people's unwritten laws which are the embodiment of codes of moral behaviour. People acquire these laws through experience, so that as they got older, they are able to administer justice to all and sundry. Generally, the council of elders, "ojiana", age grades, masquerade institution etc is among the law makers, the adjudicators and the final court of appeal in Nteje community.

In Nteje culture area it is believed that when justice is administered fairly, it brings love, harmony, and peaceful co-existence among members of the community. The laws serve as a system of social control to every individual in the community. It is in effect a means for the promotion of the common good. Nteje community, through her legal and justice system fight against deviant behaviour and as such many young people opt for farming, their traditional occupation, or travel out and stay abroad instead of being found wanting for flouting the law or in one deviant behaviour or another.

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