

Examining the Role of Family Institutions in Resolving Disputes within Maiduguri Metropolis Practice and Procedure

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ABSTRACT

Historically, the family institution plays an important role in the social, economic and political organization of human societies. This is so, because within the family institution, core societal values are nurtured, institutionalized and transferred from one generation to the other. Over the years however, the family institution has undergone tremendous transformation in its structure, composition and role in dispute resolution within the society. This paper therefore, examines the family institution in the traditional and in the contemporary societies of Maiduguri. It also assesses the dispute resolution structure which is non-confrontational in nature and progressive. It encourages families to focus on the future and problem-solving strategies rather than the problems of the past, thereby identifying some of the changes the family institution has undergone. How such changes affect the role of the family in the sustenance of core societal values and aspirations. It is the conception of this paper that if societies in Maiduguri continue to live the ‘paradox’ of civilization and modernity, the core societal value of the customs and practice in Maiduguri may be eroded and the traditional practices amicable resolution of disputes of family institution among the family members known for decades may be a foregone issue or history.

INTRODUCTION

Family institution is a basic unit in every society. It is a unit that comprised of parents and their children. Its multifaceted functions made it a much-needed institution in the society. Some of the important functions performed by the family include reproduction of new members; socialization of same; peaceful coexistence and dispute resolution; the provision of emotional and physical care for elderly and younger persons. The families in Maiduguri Metropolis are in fact regarded as the architect of peace building among its members, and being heterogeneous societies have long practices aimed at resolving disputes amicably. However; nowadays there are major challenges confronting the practice and procedures of family institutions in Maiduguri Metropolis. These challenges are believed to be as a result of the influence of western traditions and globalization, opting for litigation on family issues, lack of cooperation or willingness to be treated subserviently in family affairs; which counter the ideology of kingship; children no longer value assisting their parents in family activities. It is found that non-confrontational settlement of dispute is more progressive and it encourages families to focus on the future. It also finds that this is most effective problem-solving strategies rather than litigation. In light the of the above challenges, this paper will examine the family institution in Maiduguri Metropolis with particular reference to its practice and procedure and the challenges arising out of it and to proffer solutions.

BRIEF HISTORY OF MAIDUGURI METROPOLIS

The area nowadays called Maiduguri was covered with *dusu* trees,¹ with hunters settled there.² The people of Maidugu,³ from Birnin Gazargumo settled there and the place was called Maiduguri.⁴ The British developed it

¹ *Dichrostachys* sp

² Mayomi. I and Mohammed. J. A., ‘A Decade Assessments of Maiduguri Urban Expansion (2002-2012): Geospatial Approach’, Volume 14, Issue 2, Version 1, Global Journal of Human Social Science, B, (2014), P, 2249.

as a military outpost in 1907, and the status of Local Government Council in 1976.⁵ The area is also called Yerwa by its locals and the largest city of Borno State in North-Eastern Nigeria.⁶ The city sits along the seasonal Ngadda River which disappeared into the Firkin swamps in the areas around Lake Chad.⁷ It was the former capital of the North-Eastern States comprising of Borno, Yobe, Bauchi, Adamawa, Taraba and Gombe States. It is located on latitude 11: 05' North and Longitude 13 05' East,⁸ and at about 350m above sea level.⁹ The climate condition of the area is hot and dry with low rainfall ranges from 500mm to 1000mm and low relative humidity ranging from 42% to 49%.¹⁰ The average temperature is about 20C and has an altitude of 300m with an area of 50,778 square kilometers.¹¹ It is a heterogeneous society with mostly Muslim and considerable Christian population.¹² The current metro area population of Maiduguri in 2024 is 870,000, a 2.96% increase from 2023.¹³

The town has witnessed rapid growth in population for many reasons,¹⁴ like the recent rural-urban migration due to the lingering Boko Haram conflict.¹⁵ Nearly 1.5 million Internally Displaced Persons (IDP's) were forced to leave the comfort of their homes to take refuge in Maiduguri Metropolis.¹⁶ Maiduguri Metropolis is the largest and main commercial city for all kind of trading in the North Eastern Nigeria since the beginning of twentieth century.¹⁷ Residents of the city are engaged in various economic activities ranging from agricultural production and small scale industries.¹⁸ The city is linked by road, air and rail,¹⁹ to the Republics of Chad,

³ Title of a descendants of a ruler.

⁴ Maiduguri meaning the town of Maidugu.

⁵ Bukar. A. G, Kura. S. M and Idris. A, 'An Evaluation of Poverty Alleviation Programmed in Maiduguri, Borno State, Nigeria', Volume 3, Issue 4, International Journal of Humanities and Social Science, April (2014), P.2319.

⁶ Ibrahim. M, 'Origin and Meaning of Maiduguri', available.

⁷ Walad. I, 'The Story of the Foundation of Maiduguri and Yerwa', in Rupert. K. (ed), From Bulamari to Yerwa to Metropolitan Maiduguri, Interdisciplinary Studies on the Capital of Borno State, Nigeria, (Titeldatensatz fur dieses Publication Germany, (2002), P, 19.

⁸ Fausat. A, F and Naphtali. J., 'Socioeconomic Characteristics and Food Diversity Amongst High Income Households: A Case Study of Maiduguri Metropolis, Borno State, Nigeria, Volume 5(1), American Journal of Social and Management Sciences, (2014), P, 20.

⁹ Lawal. . J. R, Ibrahim. U.I., Geidam. Y. A, Gulani. I. A, Musa. G and Ibekwe. B. J., 'Prevalence of Coccidiosis Among Village and Exotic Breed of Chickens in Maiduguri, Nigeria, Volume 9, Veterinary Medicine, August (2016), P. 23.

¹⁰ Maryam. U. M., 'Forage Availability and Livestock Management System in Semiarid Zone of North East Geography', Being Ph.D. Thesis Submitted to the Department of Geography, Bayero University, Kano, (2005), P, 56.

¹¹ Lawal. J. R, Bello.A. M, Balami. S. Y, Dauda. J, Magwi. D, Ezema. K. U, Kasim. M and Biu. A. A, 'Prevalence of Haemoparasites in Village Chickens (Gallus Domesticus) Slaughtered at Poultry Markets in Maiduguri, Northeastern Nigeria' Volume 1, Journal of Animal Science and Veterinary Medicine, August (2016), 65.

¹² Bukar. E.M, Borno is the Best, available at accessed 01/11/2016 and see also Adeniran. I, 'Brief History of Maiduguri', available at, assessed on 21/01/2016.

¹³ Fausat. A, F and Naphtali. J. Op Cit, P, 20 and also available at, accessed on the 30/08/2024.

¹⁴ Jumaa. J. H., An Analysis of Code Switching in Conversations Among Nigerian Arabs in Maiduguri, being a Dissertation Submitted to the School of Post Graduate Studies University of Maiduguri, in Fulfillment of Master of Art in Language and Linguistic, May 2004, P, 2.

¹⁵ Olugbode. M., Maiduguri Gets Its Mojo Back, available at, accessed on 04/11/2016.

¹⁶ Haruna. K., 'Maiduguri, A Troubled Capital City Overtaken by IDP'S', available at accessed on 03/11/2016.

¹⁷ Alexander, B., 'From the Niger to the Nile', in Heidelberg. R.K, and Rupert K. (ed), The Physiognomic Structure of Maiduguri, Interdisciplinary Studies on the Capital of Borno State, Nigeria, (Titeldatensatz fur dieses Publication, Germany, 2002), P, 34.

¹⁸ Waziri. M, 'Spatial Pattern of Maiduguri City', available at accessed on 20/07/2016

¹⁹ Sowole. T., 'Railway Museum: Rescuing History from Antiquated Technology', available at, accessed on 03/11/2016.

Niger and Cameroon facilitating movement to enhance economic activities.²⁰ As a result of the increased trading activities in Maiduguri Metropolis people of diverse ethnic origin (both foreign and local nationals) makes it home to all.²¹ There are many ethnic groups including Shuwa Arab, Babur Bura, Fulani, Gwoza, Mandara and Marghi with the Kanuri constituting the major ethnic group.²²

Marriage as an Institution in Maiduguri Metropolis

The beginning of a legitimate family is marked by a socially and culturally acceptable legally consummated union called marriage. Marriage institution is as old as the human race and present in every society with variations of arrangements.²³ In view of this, Farley defined marriage as a socially approved arrangement, between a male and a female that involves an economic and sexual relationship.²⁴ Beattie,²⁵ said it is a union such that the children to the union are the recognized legitimate offspring of both partners.²⁶ While Smith and Preston,²⁷ conceptualized marriage to be an enduring socially approved sexual and economic relationship between at least two persons. Marriage is explained as a contract socially and legally recognized on mutual consent of spouses, with a view to become husband and wife.²⁸ Mike Murdock viewed marriage as the socially approved union of a sexual cohabiting pair called husband and wife through which the off springs derive their legitimacy.²⁹ From the foregoing, it is believed that marriage is a union between a man and a woman such that children born to the woman are recognized as legitimate offspring of both parents. As an institution marriage brings the people's culture to life through music, dance and other cultural activities.³⁰ Marriage is the highest, unique and noblest institution on earth; it is a union for life, however, as a practice any misunderstanding within the family is amicably resolved in accordance with Sharia principles.³¹ It is believed that family members let their ego go for the sake of the relationship, make mistakes and learn from the mistakes.

Marriage being a lifelong affair results in unending cycle of one generation after another; bringing other persons into the lives of each other causing nuclear as well as extended family. Marriage institution brings a strong tie between the spouses and other family members which remain forever. The spouses share spirits which creates good soul tie that permanently binds them spiritually.³² Marriage is a rich part of cultural heritage and helps to establish the entire family entity on a firm cultural footing, with feelings of security and

²⁰ Ibid

²¹ Jumaa. J. H, Op: Cit, P, 4.

²² Waziri. M., 'Spatial Pattern of Maiduguri City', available at, accessed on 20/07/2016 and also see MacEachem. S., Du Kundu: Process of Montagnard Ethnogenesis in the Northern Mandara Mountains of Cameroon, A Thesis Submitted to the Faculty of Graduate Studies in Partial Fulfillment of the Requirements for the Degree of Philosophy of Archaeology, University of Calgary, Canada, November (1990), P, 404, also available at, accessed on 04/11/2016.

²³ Okodudu S.A (2010). 'Fundamentals of Sociology': 2nd Edition, (Thompson and Thompson Nigeria Ltd, Port Harcourt (2010), P, 47.

²⁴ Farley, J., 'Sociology' (Englewood Cliff, New Jersey 1994), P, 101.

²⁵ Beattie, J., 'Other Cultures: Aims, Methods and Achievements in Social Anthropology. (Routledge and Kegan Paul, Publication, London, 1980), P, 88.

²⁶ Barend. J. T, 'Marriage Rituals', Scandinavian Institute of Asian Studies, Monograph Series, 24, Lund, Student literature; (London, Curzon Press, 1975), P,230.

²⁷ Smith, R. W. And Preston, F.W., 'Sociology: An Introduction', (Macmillan, New York, 1982), P, 45.

²⁸ Arifin. M. B and Chiroma. M, 'Quality' Versus "Quantity" of Children: Towards Achieving the Objectives of Marriage in Islamic Family Law', International Journal of Humanities and Social Invention, Volume 3, Issues 6, June (2014), P, 36.

²⁹ Mike. H and Martin. H., 'Sociology: Themes and Perspectives'. 7th Edition, Happer Collins Publishers Limited, London, 2008), P, 99.

³⁰ Goni. M. M., 'The Kanuri Wedding', available at, accessed on 8/02/2016.

³¹ Nwogugu. E. I. 'Family Law in Nigeria', (Heinemann Educational Books (Nigeria) Limited Plc, 2006), P, xxxiv.

³² Roinson. M. E., 'Marriage as an Economic Institution', Volume 13, Number 2, International Journal of Ethics, January (1903), P, 174.

stability.³³ Islamic norms and practice of polygamy constitutes a prime feature of the study area, where men are permitted to marry up to four wives.³⁴ The Noble Quran states that: “If you fear that you shall not be able to deal justly with the orphans marry women of your choice two or three or four; but if you fear that you shall not be able to deal justly with them, then only one...”³⁵

Polygamy is permitted subject to treating the wives justly; otherwise, monogamy is the only option to avoid injustice and family dispute.³⁶ In the same vein, it is also noted that polygamy is a result of a conditional permission and not an article of faith or a matter of necessity.³⁷ Marriage as a very pervasive social institution is held very sacred and in very high esteem and of social moral value among the settlements of Maiduguri Metropolis. To this end, Yusuf reported Bulama Mali Gubio to have summited that:

“We marry to enhance our race, sustain mental peace, love and affection and promote unity among extended families, because our culture abhors immorality, especially among the female. And all these aim at fulfilling Islamic obligations of keeping faith and sustaining legal family system towards ensuring chastity and promoting moral excellence.”

On the basis of the above discussion the institution of marriage establishes responsible family consisting of father, mother, sisters and brothers, living together for the peace, unity of the family members and the parents supports their children morally, financially.

The institution of marriage commences by the formal presentation of gift by the groom to the bride through delegation, (Ra’aski), act indicating being in love. The event is called (Gawo) meaning; formal engagement, followed by (Kworo), where the official consent of the girl is sought.³⁸ Sart, fixing of a marriage date, is usually agreed upon after deliberations and the agreement for the payment of Sadawu (dowry) which is compulsory act.³⁹ Allah commanded: 'Give women their dower as a free gift.'⁴⁰ In the study area, dowry for a bride is mostly paid in gold coin,⁴¹ while some families take its equivalents in terms of money.⁴² The traditional practice of kalawa, (fortune telling) is a practice associated with certain form of fortune telling in that the relatives dilute a certain condiment that is sticky in water and put it in the hands of the groom.⁴³ The drawing allows it to follow the hand, symbolizing long life and lasting sustenance for the newly wed, a practice discouraged by the influence of Islam.⁴⁴ There are sets of rights which give access to the spouse’s to live in common residence, with economic cooperation, reproduction and property.⁴⁵ In addition to protection of human morals, marriage also serves as an institution that preserves and sustains the human lineage on the

³³ Usaman. H.B., *The Consequences of Family Breakdown in Nigeria: A Case Study of Borno State, Being A Thesis Submitted in Fulfillment for the Award of the Degree of Doctor Philosophy, University of Warwick School of Law, December (1989)*, available at, accessed on 04/11/2016, also see Tribes Constitute Maiduguri/ Percentage Group Available at, accessed 14/12/2015.

³⁴ Arowolaju S. B., ‘Institution of Marriage: A Study of the Yoruba Nation’, available at, accessed on 8/2/2016.

³⁵ Quran 4: 3.

³⁶ Iman, A, ‘Women, Muslim Laws and Human Rights in Nigeria’, available at, accessed on 12/7/2016.

³⁷ Abdalati, H, ‘Islam in Focus,’ (The Chaucer Press, Ltd, Great Britain, 1985), P, 86.

³⁸ Umami. A, ‘A Long Path to Kanuri Traditional Marriage’ available at, accessed on 03/06/2018

³⁹ Ruqaiyyah. W. M., ‘Payments to and From the Bride in Islamic Law and Tradition’, available at accessed on 13/07/2016.

⁴⁰ Quran 4 Verse 4.

⁴¹ Osborn, D.Z, Op Cit.

⁴² Mian. Z.I.K, ‘Islamic Law and Tradition of Dowry and Recovery through Family Courts’, available at, accessed on 13/07/2016.

⁴³ Osborn, D.Z, Op Cit.

⁴⁴ Ellison.E.R. R, “Marriage and Child Birth among the Kanuri,” Volume 9(4), *African Journal of the International African Institute*, October (1936), Pp 524 and 535.

⁴⁵ Arifin. M and Chiroma. M, Op Cit, P, 36.

earth.⁴⁶ There are checks and balances to protect and secure the rights of all stakeholders which include the husband, the wife, the children, and other relations.⁴⁷ To join the institution is a complicated issue because it involves mastering of certain complex hustling and courtship, events in the act of marriage and finally the difficult requirements of domestic life with husband or wife. The contemporary marriage institution is losing its advantages, joys, and rewards of the married institution because it is becoming a hazardous affair for the increase in matrimonial disputes. Pressures of the present era have tended to overburden marriage with expectations it cannot fulfil most at times.

The Concept of Family among the Inhabitants of Maiduguri Metropolis

The most basic institution in any society is the family and it is the social context from where members of a community derived their primary identity. Family occupies a highly significant position in any settlement; it is stipulated by marriage laws in comprehensive manner showing the best way and means to successfully fulfill their needs. There is different understanding of the term family, this is owing to the fact that family has various manifestations, organization and structures. Murdock,⁴⁸ observed that family is different in its structure but similar in its function in various societies.⁴⁹ This may depend on the nature of the family whether nuclear or extended said Knuttila.⁵⁰ The nuclear family refers to a couple along with any dependent, unmarried children who share a residence and form a social unit.⁵¹ It is made up of a husband, wife and dependent children living together in a single dwelling. An extended family according to Knuttila is when three or more generations connected by blood or marriage relationships form a social unit and live together.⁵² Mair,⁵³ and Okodudu,⁵⁴ who shared the same view that the family is a domestic group in which parents and children live together and in its elementary form consist of a couple and their children. Family is also viewed as a universal institution whose most important functions are to socialize and nurture the younger generation.⁵⁵ With passage of time family faces a lot of difficulties through life span but still its function of the socialization remains unchanged and regularly contribute in socializing its members.⁵⁶ The family as a social group of humans which includes both male and female live together, cooperate with each other and reproduce their youngest in a same place.⁵⁷ It is a social unit created by blood, marriage, or adoption, and can be described as nuclear (parents and children),⁵⁸ or extended encompassing other relatives).⁵⁹ In Maiduguri Metropolis, families mostly live in a

⁴⁶ Ibid

⁴⁷ Omar. S., ‘Dissolution of Marriage: Practices, Laws and Islamic Teachings, Policy Perspective’, Volume 1, Number. 1, Journal of Institute of Policy Studies, (2016), P, 30.

⁴⁸ Murdock G. P. ‘Social Structure’, (MacMillan Company, New York, 1949), P, 109.

⁴⁹ Faruk. U., what is Family Institution: Meaning and Definition of Family Institution, available at, accessed on 14/05/2017

⁵⁰ Knuttila M., ‘Introductory Sociology. A Critical Approach’ 3rd Edition, (Oxford University Press, Canada, 2005), P, 340.

⁵¹ Kottak, C.P., ‘Anthropology: The Exploration of Human Diversity’, (McGraw Hill Publication New York, (2004), P 102.

⁵² Knuttila M., Op Cit.

⁵³ Mair, L., ‘Introduction to Social Anthropology’, (Macmillan Press, London, (1972), P, 98.

⁵⁴ Okodudu S.A (2010). ‘Fundamentals of Sociology’, 2nd Edition, (Thompson and Thompson Nigeria Ltd, Port Harcourt (2010), P, 47.

⁵⁵ Jackson. J., ‘The Institution of the Family, Kinship and Descent Systems’, in Edet. A., (ed), Selected Topics in Nigeria Peoples and Culture, (Dimaf Publishers Benin City, Nigeria, (2015), P, 45.

⁵⁶ Khan. F. U, Islam. Z and Jabeen. A, “The Family as a Social Institution and Its Role in the Promotion of Sports”, Journal of Social Research Development, available at, accessed on 22/10/2024.

⁵⁷ Ibid.

⁵⁸ Nam. C.B, “The Concept of the Family: Demographic and Genealogical Perspective”, Center for Demography and Population Health, Florida State University, (2004), P, 1.

⁵⁹ Charles. B. N., ‘The Concept of the Family Demographic and Genealogical Perspectives’, Volume 2 Number .2, Fall (2004), P, 1.

compound with the father, mother, children, brothers, sisters, and may be with step brothers and step sisters.⁶⁰ In some places uncles and aunts live in the compound or nearby.⁶¹ In view of the above, it can be observed that among the inhabitants of Maiduguri Metropolis family is a group that emerges from a unity of a man and woman through marriage and the subsequent offspring that come from such a unity, as described by Allah (set) "...a solemn covenant...".⁶² Then comes the tie that connects the parents to their offspring's giving way to other ties; kinship, emotions, protectiveness, collaboration and exchanged of duties.⁶³

The Family Structure in Maiduguri Metropolis:

Family is generally regarded as a major social institution and is a very important institution of the society. It is one of the basic institutions of the society which breeds actors of other social institutions. No one exists without some form of family and the family activities revolves in a manner in which the family members are connected together or organized.⁶⁴ Family structure includes the people who are considered part of the family, present members, as well as important figures from the past and the quality of relationships among them. The structure provides an information that can assist in identifying who should be part of assessment, which might be sources of support for the older members and what relationship is important in avoiding family disputes. This position is rightly adopted by McGoldrick, Gerson and Perry who expressed that family structure can provide preliminary but valuable information about members and the important personalities in the family and their relationships.⁶⁵ Although family structures vary across cultures, in Maiduguri Metropolis it is simply considered as a family support system mostly involving a man with two, three or four wives providing care and stability for their offspring, other relatives or adopted persons. The family structure as a social structure shared housing, integration, procreation; how family members interact in providing basic economic and resource support, love, feelings of value and competence, companionship and shared value.⁶⁶ Successful family structure mostly communicate with each other, spend time together, embrace a common spiritual belief and amicably resolved family disputes adeptly as observed by Laslett.⁶⁷ It has been suggested that the history of family in Maiduguri Metropolis shows that the family structure of most households, both past and present, was and is composed primarily of extended family. This indicated, that extended family was and is the predominant type of family structure and this kinship structure include others unrelated to the family circle.⁶⁸ Unlike the past the contemporary family structure appears to be moving slowly towards the nuclear family model. It is significant to note that the two types of family existing in Maiduguri Metropolis Area, are extended and nuclear family with different structures, issues, needs, strengths and values. However, extended family is the most prevalent family structure that exist in the area conferred to the nuclear family structure. The structure is usually headed by the grandparents or aunts and uncles with major roles in the children's upbringing

⁶⁰ Galadima. B.K, *The Traditional Rights and Duties of the Kanuri Women Within the Family, Borno State; Nigeria, Being A Research Project Submitted to The University of Maiduguri, School of Post Graduate Studies, As A Requirement for the Award of Degree of Masters of Sciences (Criminology) of the Department of Sociology and Anthropology, University of Maiduguri, (2002), P, 24.*

⁶¹ Niven. C.R. 'You and Your Government in the North of Nigeria', (Evans Brothers Publishers, Ibadan, Nigeria, 1971), P, 8.

⁶² Quran 4:21

⁶³ Bane. M. J., 'Here to Stay: American Families in the Twentieth Century', (New York: Basic Books (1976), P, 45.

⁶⁴ Hornby. A. S., 'Oxford Advanced Learner's Dictionary of Current English' (Oxford University Press, New York, 2000), P, 1189.

⁶⁵ McGoldrick, Gerson and Perry, quoted by Kirsty Newbury, *The Strengths and Limitation of Genograms in Educational Psychology Practice, A Thesis Submitted for the Professional Doctorate of Child, Community and Educational Psychology, May (2019), P, 12.*

⁶⁶ Ibid.

⁶⁷ Laslett. B., 'Family Membership, Past and Present', Volume 25, Number 5, *Oxford Journal of Social Problems*, June (1978), P, 479.

⁶⁸ Mayomi. I and Mohammed. J. A., 'A Decade Assessments of Maiduguri Urban Expansion (2002-2012): Geospatial Approach', Volume 14, Issue 2, Version 1, *Global Journal of Human Social Science*, (2014), P, 1. census of MMC

(encompassing other relatives).⁶⁹ According to Sharma,⁷⁰ the head is responsible for all people living in the household and in the other hand it may include people who do not share kinships. In this kind of family structure, the grandfather in a hierarchical order live in a compound with the father, mother, children, brothers, sisters and may be step brothers, step sisters and others.⁷¹ Thomas as quoted by Ogionwo, stated that ‘...an earning member in family structure will not allow his destitute or never well to do brother to seek the protection of others; he would rather starve himself to feed his brother to avoid disgrace upon the good name of the family. A father, in his old age, when infirmity prevents his being useful to the family is always respected by his family members and taken good care of. The sons as a rule, would do everything within their means to ensure that head of the family structure complaints of nothing’.⁷² In the event of any dispute within the family, the family head, who is usually the father will encourage the disputing parties to resolve their differences in an amicable manner; his decisions are respected and obeyed. The head of the family is responsible for all that goes on in the compound and always responsible when evil happens.⁷³ The husband has the authority over his wife and provides essentials to his wife or wives. Members of the family are seen as one; where one member is found to be guilty, his guilt and consequent punishment will affect his entire family.⁷⁴ The whole family, for instance, could be ostracized rather than ostracizing just the guilty family member (collective responsibility).

On the other hand, a wife must obey and respect her husband, cook, sweep and do domestic work in rotation; obey their in-laws, care for their babies etc. In a polygynous home co-wives are ranked in seniority as rightly pointed out by Ottie that differences of marriage order in family structure take precedence among co-wives over other differences such as age or parentage, but outside the family structure or household these other differences may have more significance than marriage order.⁷⁵

The family structure in Maiduguri Metropolis as an interphase between an individual and the society, the economic aspect of the family is also catered for from infancy. Families engaged in joint effort of working and sharing i.e. every member of the household was an economic asset because the needs and aspirations of every member was jointly provided.⁷⁶ The greater the number in a family, the more prestige the family head is given.⁷⁷ For this reason young man are often loaned to households to help with field labour, to provide support, and to help in defending the family.⁷⁸ In return, the head of the household will cloth the young man, feed him, pay his school fees, bride price and possibly provide a bride for him.⁷⁹ At that time, he will leave and start his own household. This type of relationship is widespread in the settlement in Maiduguri being inhabitants by the Kanuri society where the supreme loyalty and respect is given to the head of the household at all times.⁸⁰ Children among the communities in Maiduguri Metropolis were highly valued and desired irrespective of their

⁶⁹ Nam. C. B., ‘The Concept of the Family: Demographic and Genealogical Perspective’, Center for Demography and Population Health, Florida State University, (2004), P, 1.

⁷⁰ Sharma. R., ‘The Family and Family Structure Classification Redefined for the Current Times’, Volume 2 (4), Journal of Medicine and Primary Health Care, October-December (2013), P, 306.

⁷¹ Galadima. B. K., ‘The Traditional Rights and Duties of the Kanuri Women within the Family, Borno State, Nigeria, being a Research Project Submitted to the University of Maiduguri, School of Postgraduate Studies as a Requirement for the Award of the Degree of Masters of Criminology, University of Maiduguri, (2002), P, 24. See also Ogionwo. W., ‘Family Structure and Development: Cart and Horse or Chicken and Eggs?’, Volume 5, Number 1, International Journal of Sociology of the Family, (Spring 1975), P, 54.

⁷² Ibid, P, 58.

⁷³ Ibid.

⁷⁴ Akhigbe. E.E, etal, Op Cit.

⁷⁵ Otite. O., ‘Marriage and Family System in Nigeria’ Volume 21, Number 2, International Journal of Sociology of the Family, (1991), P, 21.

⁷⁶ Ibid.

⁷⁷ Nicholson. B, “Kanuri, Yerwa, Beriberi in Nigeria” available at Prayer Poi on 15/02/2015.

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ Ibid

gender. The ideal family size was 16 children.⁸¹ A well-structured family is based on the need to achieve and maintain tranquility in the society. It stabilizes society and guarantees well-being for the community.⁸² As component of the basic family structure, there are the husband and wife who have responsibilities to play to provide a well-disciplined legally and morally grounded family structure complete to the society. Most times, the religious practice of the family into who one is born is always the religious group one belongs until maturity or marriage sets in. Since the infancy will be socialized by the family into which he/she is born, the family has a strong influence in determining the religious practice of an individual. However, the prevalent practicing of religious precepts which is the cultural norms effectively ensure the discharge of right and duties of the stakeholders that constitute the family structure.⁸³ Rights and duties of the spouses have been prescribed to establish a well-structured family and for the understanding and smooth running of the family. If the society itself is corrupt in which sexual anarchy prevails to a large extent, then it goes without saying that no one will be ready to shoulder the responsibility that a family life demands.⁸⁴

Man as the caretaker of the family and maintainer has been given the sole responsibility of earning for the family, exempting women from any kind of economic liability for her or the family.⁸⁵ The concept of leadership does not mean that women are subservient to men, but as democratic leaders men are expected to make decisions with the family members and implement it without any chaos leading to dispute.⁸⁶ The family structure in Maiduguri Metropolis is guided by the Sharia practice.⁸⁷ The Sharia regulations and practices enjoined kindness to wives, however, this abuse and exploitation is widespread in Maiduguri Metropolis with increasing family disputes.⁸⁸

Duties of husband and wife have been prescribed for smooth functioning of the family structure, whereby one of the two members is being designated as head of the family as an administrative measure.⁸⁹ As an honest custodian over the family the husband will maintain their matters, provide them with a good and satisfactory life. At the same time it implies of imposing on the husband the responsibility for making the family act on good deeds according to the teachings of their belief.⁹⁰ As managers in the affairs of the family, men are persons who are responsible for the right conduct, safeguard and maintenance of the affairs of a family.⁹¹ Men who constitute the family head in the structure of family institution are responsible to oversee the family affairs, take care of the emotional and physical need; and guardian of its members.⁹² Irrespective of how old a member of a household is, such a member still craves for meaningful social ties to others. The human life cycle is such that there is always a stage to be extremely dependent on others (infancy and old age).

The connected result of male superiority in strength, activity and courage is the element of protection in male love and trust on the side of the female; it involves the duties of supporting and protecting the wife and

⁸¹ Mairiga. A.G, etal, Sociocultural Factors Influencing Decision Making to Fertility among the Kanuri Tribe of North –Eastern Nigeria, Volume, 2 (1), African Journal of Primary Health Care and Family Medicine, (2010), P, 1.

⁸² Yusuf. B. H. Op: Cit, P, 4.

⁸³ Yusuf. B. H, “Sexuality and the Marriage Institution In Islam: An Appraisal” Understanding Human Sexuality Seminar Series 4, African Regional Sexuality Resource Center, Lagos, Nigeria, June 9, (2005), P, 4.

⁸⁴ Ahsan. N and Ahsan. H, “Foundation of a Family; Importance, Obstacles and Possible Solutions”, available at, accessed on 15/2/2016.

⁸⁵ Zia. S, “Marriage in Islam: Life Partnership or Discriminatory Family Set Up?” An Analysis of Some Protective Legal and Moral Shariah Provisions for Women with Special Reference to Surah An-Nisa, Human Rights and Family Law, International University Islamabad, September 5, (2014), P, 4.

⁸⁶ Taqi-ud-Din. H, M and Khan. M.M, “Translation of the Meaning of the Noble Quran in the English Language “(King Fahd Complex for Printing of the Holy Quran Medina K.S.A, 2005), See also Quran4:4

⁸⁷ Yusuf. B. H, Op Cit.

⁸⁸ Ibid.

⁸⁹ Taqi-ud-Din al-Hilal, M and Khan. M.M, Op Cit, See also Quran 4:34

⁹⁰ Zia. S, OP Cit, P, 13.

⁹¹ Ibid.

⁹² Ibid, P, 13.

children.⁹³ The caretaker and leader who disciplines the family if any member deviates or in case of dispute within the family.⁹⁴ The spouses are expected to find peace and tranquility in each other's company and be bound together not only by the sexual relationship but by love and mercy.⁹⁵

Women in the family structure are the care-takers of their homes, empowered with full control over it and the children. This implies responsibility of women who are very affectionate for their children, family, house and the household for which she will be accountable.⁹⁶ There is the need to have pious and morally upright children in the family with due care so that in the end, they will be Good Samaritan.⁹⁷ It is a duty incumbent upon the mother to train the children in line with religious teachings as the parental obligation is generic.⁹⁸ The best role a woman can play in keeping the marital tie intact and strong, is to recognize her husband as the one responsible for running of family affairs.⁹⁹

It can be concluded that prescribed diversified gender roles of family members are complementary and are not in conflict. As a result of any failure from either side that falls short or the need for adjustment arises between themselves. They should all come together to provide room for adjustment by ignoring the shortfalls on behalf of each other and showing positive attitude of concentrating and valuing the good in them.¹⁰⁰ The preferred mechanism believed for regaining harmony in a family structure is the coordination of affairs between all groups of people by consultation. Consultation can be between the family members with the help of third party.¹⁰¹ This is referred to as the right to participation in decision making at the household level as a mother, sister and in larger society as a citizen and member of a community.¹⁰²

Membership of Family

The native law and customs of the communities in Maiduguri Metropolis have evolved over the years in determining who could legitimately claim to be member of a particular family, for the purpose of family properties and for all intent and purpose. This is one of the ways to protect and preserve family heritage, while at the same time; prevent avoidable family disputes. Membership of a family includes not only the natural parents and their children but also uncles, aunts, cousins, grandparents, etc., all related to one person known as the ancestor.¹⁰³ In the case of *Okulade v. Awosanya*,¹⁰⁴ where family member is defined as:

“The body of persons who live in one house or under one head, including parents, children, whether living together or not; in wider sense all those who are nearly connected by blood or affinity...those descendants claiming descent from a common ancestor; a house; kindred lineage”.

According to Woodman, family membership is belonging to a group of persons lineally descended from a common ancestor exclusively through males or females starting from the mother of such ancestor.¹⁰⁵ Family membership also refers to a group of persons who are entitled to succeed the estate of a deceased founder or

⁹³ Ibid.

⁹⁴ Tafsir Ibn Kathir, Abridged English Version, Al-Mubarak Puri, (Riyad, Darus-Salam, 2000), P, 442.

⁹⁵ Munir. M, “Marriage in Islam a Civil Contract or A Sacrosanct?” Hamdard Islamicus, Vol, xxxi, No, 1, Jan-March, (2008), Pp, 77-78.

⁹⁶ Ismail. M, “Sahih Al-Bukhari” Chapter 566, Lahore Muktaha Rahmania, (1985) P, 50.

⁹⁷ Arifin. M. B and Chiroma. M, Op Cit. P, 4.

⁹⁸ Ibid.

⁹⁹ Op Cit.

¹⁰⁰ Qur'an 2;187

¹⁰¹ Quran 4:128, 34 & 35.

¹⁰² Yusuf. H. B. Op Cit, P, 8.

¹⁰³ Rosenthal. J. S., The Mathematics of Your Next Family Reunion', available at, accessed on 07/04/2018 and see also Bhalla. S., Law of Joint Property and its partition: in India', (Sandeep Bhalla, India, (2010), P, 102.

¹⁰⁴ (2002) FWLR (Pt 25), P, 1666 at 1679.

¹⁰⁵ Woodman. G.R., Customary Law of the Ghanian, (Ghana University Press, Accra, (2009), P. 218.

member of the family, these members are usually the children or parents of the deceased.¹⁰⁶ It is right that a person can claim to have membership of a family if he belongs to any family member from the collateral descendants of the same ancestor up to the fourth generation. Most family name of almost every indigene of Maiduguri Metropolis is that of the ancestor.¹⁰⁷ All families and clans who share the same ancestor make up an ethnic group and has for its function, custody, maintenance, creation and maintenance of order as well as social justice. In view of the above the following family members will be considered.

Head of the Family

A head of the family is the person who manages all family affairs for and behalf of the family members. The head of the family represent the family at any gathering, occasion or dispute resolution within the family or community. Family head is the family voice at the village, ward or community meeting and a trustee of the family property. They are commonly called (Awa Fatoye), he personifies the family with huge responsibilities and wields enormous powers. Mostly the grandfather is the head or the father in his demise. It is a settled practice that the control of all the affairs of the family is all vested exclusively in the head of the family.¹⁰⁸ The head of the family has a primary duty of maintaining peace within the family and towards their neighbors and the community in general.

Principal Members of the Family

Principal members of the family are usually selected generally from the extended family. Traditionally, they are from the branches existing from the family. In a polygamous family, the eldest of the children begotten by each wife is a principal member, while in the case of a monogamous family; every child could constitute a principal member.¹⁰⁹ The principal members are representatives of the different branches of a family and they represent the interest of all members in case of disputes, on issues of custody of children, and or alienation of family property.¹¹⁰ Unlike the ancient times, depending on financial capability a junior member of the family plays a significant role in the management of the family disputes and other affairs, may be co-opted into the family council as a principal member.¹¹¹

Alternative Dispute Resolution (ADR) within the Family Institution:

ADR is a way of helping family institutions or families to reach agreements and resolve disputes. This could be due to separation, inheritance or any other reasons. It is an increasingly popular alternative to asking the court to make decisions about family issues. However, since human beings are dynamic, a need for revolution in the dispute resolution mechanisms became paramount as negotiation was no longer effective. This requirement for change led to the application of litigation in settling family disputes in Court by initiating divorce proceedings. Family disputes which require more privacy, confidentiality and quick dispensation need an effective way in resolving disputes. Litigation has not been able to protect the secrecy that family disputes require. This is because the court room is open to all except in few cases where matters are heard in camera; although case files for such cases are still readily available to the public. It is against this backdrop, that the need to seek and explore ADR to any issue within the institution or family disputes.

¹⁰⁶ Shell Petroleum Development Company of Nigeria v. Amadi and Others (2010) 13 NWLR (Pt, 1210), P, 82.

¹⁰⁷ Nussbaum. M. C and Comim. F., "Capabilities, Gender, Equality: Towards Fundamental Entitlements", (Cambridge University Press (2014), P, 203.

¹⁰⁸ Lewis v. Bankole (Supra).

¹⁰⁹ Onakoya. O., 'Family Head Versus Family Members: Legal Issues in Management of Family Land Under Yoruba Customary Law', Volume 39, Journal of Law, Policy and Globalization, (2015), P, 232.

¹¹⁰ (2013) All FWLR (Pt 682), P, 1763, in this case the Court emphasized the role of the principal members in alienating the family property by way of gift, the principal members of the family are to be consulted by any member when dealing with the property in any kind.

¹¹¹ Onakoya. O... Op Cit, P, 232.

ADR provides an opportunity to interact with the parties concerned, with the hope of at least reducing the scope, intensity and effects of the disputes. During formal and informal negotiations, ADR processes permit a reassessment of views and claims as a basis for finding options to crisis and the divergent points of view within the institution. ADR process is mostly organized by the family heads, community elders and traditional title holders who serve as mediators or arbitrators. In Maiduguri Metropolis where there are different ethnic groups who engaged in inter marriage ADR process may sometimes be quite complex, principally because of the determinate effects of culture and language symbolism.¹¹² According to Onigun and Albert, it is quite dangerous to relegate culture to the background in settling family dispute. Although, culture is a marker of social differences, it should be regarded as an obstacle to dispute settlement in multi-ethnic societies.¹¹³ In line with this view the communities in Maiduguri Metropolitan being oriented with Islamic culture mostly settle most disputes based on the practice and teachings of Islamic called Sulh (ADR). ADR in family dispute performs a healing function in family institution and the family unit. It provides opportunity for the examinations of alternative positive decision to settle differences. Litigation over access to commonly valued family property and other family rights, has the high potential of degenerating in complete disuniting the family.¹¹⁴ ADR of family disputes promotes consensus-building, social bridge reconstructions, and the re-enactment of order in society.¹¹⁵ ADR processes take into account the cultural setting and the social context; history of preceding events which have led to the dispute concerned. And while concentrating on the dispute itself and process of settling it, it takes possible implications for the future seriously. A wider consideration is taken than one which just includes the disputing parties, possible consequences for others in their families and social network are also taken into consideration. Potential effects on relationship and interests are envisaged.

There are two Court annexed ADR centers in Maiduguri, these are the Borno State Amicable Settlement Corridor (BASAC) center within the premises of Borno State High Court,¹¹⁶ and mediation center at the Sharia Court of Appeal complex, Maiduguri.¹¹⁷ These bodies were created for the resolution of disputes, particularly disputes emanating from the family institutions. The bodies focus on the resolution of disputes using arbitration, mediation, conciliation, Sulh and etc. The Mediators, undergo continual training to ensure that the standard practice of mediators consistently meets the expectations of global standards.

CONCLUSION

The study provided an overall concept of institution of marriage in Maiduguri Metropolis, as a universal phenomenon recognized by the union of a man and a woman or women. It was established that for any developed, moral and well guided family institution an adult member of the society is expected to marry in accordance with custom and practice. This will produce dispute free, sanitize home with progressive and useful members of the society. It was found that Maiduguri Metropolis was established by the British as military outpost at Maiduguri. It was established that because of its economic potentialities the study area accommodates many tribes as its inhabitants. The concept of family in Maiduguri Metropolis was based on the Islamic Law perception of what family is. Every member of a family is entitled to be maintained equally and without discrimination and to foster understanding. The rights of every member should be provided in the discharge of their roles and responsibilities. Family institution in all perspectives is concerning many aspects of the institution of family organization and structure of contemporary times which is misunderstood in the mind of those who are ignorant of the institution. Unfortunately, the duties and rights within the family institution has been a subject of abuse by most family members. This is as a result of the misconception by some family members of the traditional practice of sharing responsibilities among the stakeholders which

¹¹² Theresa. A. A and Oluwafemi. B. L, "Methods of Conflict Resolution in African Traditional Society", Volume 8(2), Number 33, An International Multidisciplinary Journal, Ethiopia, April (2014), P, 151.

¹¹³ Otitie. O and Albert, I.O. 'Community Conflicts in Nigeria, Management, Resolution and transformation'. (Spectrum Books Limited, Ibadan, Nigeria, 2001) P, 16.

¹¹⁴ Ibid.

¹¹⁵ Theresa. A. A and Oluwafemi. B. L, Op Cit. and also see Olaoba, O.B, 'An Introduction to Africa Legal Culture', (Ibadan: Hope Publications, Ibadan, Nigeria, 2001), pp.1-2.

¹¹⁶ Borno Amicable Settlement Corridor: The Mission Statement, Printed by Gaza Press, Maiduguri, (2008)

¹¹⁷ Order Rule of the Borno State Sharia Court of Appeal Rule 20.

mostly is believed to be not equally a portioned among the family members. This mostly resulted in family disputes due to lack of education, ignorance, poverty, unemployment and effective legal framework regulating the penalty for any defaulting family member in the family institution.

The major function of the family heads, elders and the traditional institutions in Maiduguri Metropolis includes settlement of disputes in family institution is mostly neglected. These situations have always posed serious challenge to the unassuming family institutions by falling apart in view of rampant family disputes. It has become necessary to address these problems by creating awareness of the importance of amicable settlements of family disputes. Thereby improving the status of family which requires greater adherence to forgone culture of ADR. The main advantage of ADR is that it gives the parties a quicker resolution and confidentiality to their issues rather than proceeding through the court. ADR will ameliorate some of the harsh effects of the current misunderstanding in the family institutions.