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### RESEARCH ARTICLE

#### CUSTOMARY LAW IN NIGERIA AND PARENTAL PERCEPTION OF RIGHTS OF THE CHILD

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#### Abstract

The present study examined parental perception towards the children's rights in Nigeria based on the perceived customary law. The study's main objective was to ascertain the influence of belief in customary law and gender on perception towards a child's right. A total of one hundred and sixty participants comprising males and females between the ages of 40 and 65 were randomly selected from rural communities in Benue State for the study. A self-developed instrument was used to measure the level of belief in customary laws and perception towards a child's right. Multiple linear regression was performed on the data. The result revealed a statistically significant predictive association between belief in customary laws and parental perception of the child's rights. Similarly, the result showed that gender as a factor predicts perception towards a child's right. Conclusions and recommendations are discussed.

**Keywords:** Customary Law, Perception, Child's Right, Gender.

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#### Introduction: -

Like most African Countries, Nigeria has a dual legal system, one based on customary law and the other on English law received as a result of colonization. Before then, indigenous Africans already had their own established culture, customs, practices, and ways of life regulating relationships between these communities. Customary law is the indigenous law of the various ethnic groups of Africa. Customary Law in Nigeria refers to the customs and practices of the different ethnic groups that comprise Nigeria. Customary law captures the norms, traditions, and rules of behavior of the people (Nwocha, 2016). It is the law propelled by the people's worldview, beliefs, philosophies, and value system. Customary law in Nigeria can be described simply as an amalgam of customs or habitual practices accepted by members of a particular community as having the force of law due to long-established usage (Ehiribe, 1996). Customary law differs between countries, and within a country, there are diversities based on social contracts. The term customary law is subsequently utilized for the most part to cover various traditions and societies. In the Nigerian setting, the term customary law grasps both ethnic/indigenous law. Customary laws of different communities in Nigeria have their system, which is usually adhered to by the people and their elders (Idem, 2017).

It is observed that most customary laws in Nigeria infringe on a child's right. Many of the cultural practices among Nigerian ethnic tribes have contributed to the abuse of children. Some of the cultural abuses include early marriage, female genital mutilation, child labour, and denial of the right of inheritance, and so on. Scholars suggest that Customary Law regulates a significant number of Nigerians. Hence, the need to enforce Customary Laws (Idem, 2017).

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The increased focus on children's rights has grown out of society's changing conceptions about children and childhood. Children's rights are the fundamental human rights of children, with particular attention to their rights of special protection and care as minors. The United Nations Convention on the Rights of a child defines a child as a human being below 18 years unless, under the law applicable to the child, the majority is attained earlier (Tajudeen, 2015). However, the provisions of the Act are still largely not implemented by people who cite religious and cultural considerations as the basis of their relationships with the children.

There is a growing concern about the disregard and violation of the children's fundamental rights in Nigeria occasioned by the perceived customary law. Cultural practices among many Nigerian societies have contributed to a breach of children's rights, including early marriage, female genital mutilation, child labor, and denial of the right of inheritance, to mention but a few (Adedeji, 2015). The trend is pervasive within rural communities. For instance, female children below the age of 18 are forced into marriage. While many parents give their girls children out in marriage, others push their children into child prostitution, child labour, etc. (Sossou & Yogtib, 2008).

The call for parents and significant others in whose care children are placed to make provision for the necessary guidance, education, and training to enable them to live up to responsibilities has not been fulfilled. Shanmugam, Ramachandra, and Kantharaj (2013) reported that children commonly experience a lack of child rights in developing countries. The question to be asked is whether these parents are not aware of the provisions of the child rights Act, or are they responding based on their customs? What exactly is their attitude towards their children's rights? This present research is focused on studying the attitudes of parents towards child's rights. Also, to assess some demographic variables such as religion and education level on attitudes towards child's right. Additionally, the study intends to answer the following question:

1. What is the overall attitude of parents/guardians in Benue state towards child rights?
2. Do demographic variables such as level of education and knowledge of legal rights concerning children influence the attitudes of the parents/guardians in Benue state towards child rights?

### **Method: -**

The research adopted a cross-sectional survey. The population included parents and guardians within the state of Benue state of Nigeria. A total of 160 males and female adults between the ages of 40 and 65 were randomly selected from rural communities in Benue State as the research participants.

### **Measures: -**

#### **Attitude towards child's right**

Attitude towards child's rights was assessed using a self-developed questionnaire based on the Universal Declaration of the Rights of the Child (UDRC; United Nations, 1959) and a review of the Needs Assessment Questionnaire (Shanmugam, Ramachandra, & Kantharaj, 2013). The instrument included 15 modified items in five dimensions, including marriage, education, equality, discrimination, and protection. The instrument is rated on a four-point scale ranging from 0 (never) to 4 (always). Some of the instrument's questions include "children should be given a chance for education" "children should not be given to marriage until they are above 20 years" "There were no correct or incorrect answers. The scale's reliability was determined after a pilot study on samples outside the study's main population. A reliability coefficient of  $r = 0.96$ . was obtained for the instrument.

#### **Ethical Consideration**

All ethical procedures relating to human participation in the study were observed. The participants were notified of the study's purpose, and they were made to understand their right to discontinue the study. Participants confidentially were respected.

### **Result: -**

The data were statistically analyzed using the SPSS, and the analysis of variance result is presented below.

**Table 1: -** Table showing multiple regression analysis conducted to determine the predictive effect of education and knowledge of child's rights on parents' perception of the child's rights.

	B	SEB	$\beta$	t	Sig.
(Constant)	2.12	.043		49.79	.000

Education	-.154	.036	-.159	-4.32	.000
Knowledge of Child's Right	-.846	.037	-.837	-22.69	.000

a. Predictors: (Constant), Education

b. Predictors: (Constant), Education, Knowledge of Child's Right

c. Dependent Variable: Attitude Towards Child's Right

A multiple regression analysis was conducted to predict the parental perception of the child's rights based on the participant's educational level (formal/informal) and knowledge of the child's rights. A significant regression equation was found between education and parental perception right of the child  $F(1, 123) = 277.756, P < .000$ , with an  $R^2$  of .693. The result indicates that participants' education predicted perception towards the child's rights, which means that those who have formal education showed a more positive perception of the child's rights than those who have informal education. Thus, our first hypothesis that education level will predict parental perception towards the child's right was confirmed.

The second assumption that knowledge about the right of the child will predict parental perception towards the right of the child was also confirmed  $F(2, 122) = 977.109, P < .000$ , with an  $R^2$  of .941. The result showed that participants who have prior knowledge of the child's fundamental right had a more positive perception of the child's right than those with no previous knowledge of the child's right.

### Discussion: -

The current study aimed to ascertain the role of formal or informal education and prior knowledge of the child's fundamental rights. The findings revealed that parents who have acquired a certain level of formal education were found to have more positive perceptions of their rights. This means that the child's right is better respected by parents who have attended at least the lowest formal education level, such as primary school. Whereas, it could be said that parents who ignore the fundamental rights of the child have no prior formal education experience.

Furthermore, the current study results showed that prior knowledge of the child's fundamental rights is a predictive factor in perception of the child's rights. The result indicates that parents who have a certain amount of understanding of the child's basic rights tend to show a more positive perception of the child's rights. In other words, parents who abuse the child's rights could be said to be lacking the basic knowledge of the rights of children. This finding supports (Obed, 2018), who found that knowledge of human rights makes parents more committed to children's welfare. Parental attitudes and how they perceive and compare basic rights to customary demand are attributed to ignorance of the child's basic rights.

### The implication of the study

The findings from the current study imply that the reported increase in the abuse, neglects, and violations of the Nigerian child's basic rights could be attributed to factors not limited to the level of education and ignorance of the basic rights of the child by parents. Also, the result implies that tackling these identified factors could decrease the total violations of the child's rights.

### Limitation of the study

The study is challenged by some limitations that cannot be ignored to report. Firstly, the study was conducted on a limited number of participants with cultural homogeneity, and thereby the findings may not be generalized.

### Conclusion: -

The study found a statistically significant association between the parental form of education, prior knowledge of child's rights, and the level of parental perception of the child's basic rights. It is concluded that the form of parental education is a factor capable of explaining the level of parental perception of a child's right. Additionally, the study concludes that parental experience of the child's basic rights influences their perception towards the child's right. Therefore, the present study recommends that programs designed to enlighten parents on the child's basic rights and advise on their perceived customary law should be put in effect to combat the violations meted on children in relation to customary laws.

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