

Sources of Information for Inheritance Conflict Resolution by Traditional Rulers in Daura Emirate Council of Katsina State, Nigeria

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Abstract

The study investigated how traditional rulers source and access information to resolve inheritance conflicts in Daura Emirate of Katsina State, Nigeria. The study specifically identified the knowledge and experience of traditional rulers in Daura Emirate about inheritance, source of information consulted by traditional rulers, and challenges encountered when accessing information in resolving inheritance conflicts. The study employed qualitative method using case study approach, from social constructionism perspective and information interchange theory as theoretical framework. The population of the study comprised all the traditional rulers appointed by Daura Emirate, of Katsina State, with a sample size of fifteen (15) participants' selected using non-probability sampling techniques (purposive sampling). The study further used analytical inductive process to identify 348 narratives explaining how traditional rulers in Daura Emirate sources and access information to resolve inheritance conflict. The narratives collapsed into six (6) emergent categories to explain, traditional rulers' experiences about inheritance, and how they source and access information for inheritance conflict resolutions. Findings indicated that traditional rulers in Daura Emirate of Katsina State believed that: inheritance is divine and are shared to the heirs; Source of information the traditional rulers consult to aid in sharing of inheritance are from: textual references and non-textual references; discontent by the heirs, ignorance and holding information with only little exception were the challenges experienced by the traditional rulers in Daura Emirate Council. The study recommend that traditional rulers should be more aware of information related to inheritance as stipulated in the Holy Qur'an and Hadith. This can be done through workshop, symposium and seminar organized by the Emirate council.

Keywords: Information Sources, Inheritance Conflict Resolution, Traditional rulers.

Introduction

Death is an inseparable issue from human life and it occurs at any stage of life. After the occurrence of death, grieving and mourning begins and it requires the effort of elders and family to reduce the intensity of the pains experienced by the bereaved. People have unlimited wants but limited means, to satisfy their needs they try to earn money by any means. In doing this, sometimes they involve themselves in some conflicts, which are related to inheritance of estate left by the deceased person. There are inheritance conflicts among siblings of the same parent, or among other relatives in the extended family that sometimes leads to loss of lives and properties. Culturally, a recognized and responsible head who is familiar with the happenings in the family will preside over the distribution of the estate of the deceased person. This gathering together of the family members ensures the distribution of the deceased properties either during the mourning period or shortly after the mourning period. Inheritance conflict could lead to severe family strife and financial destruction (Motley, 2004). Inheritance conflict can also ruin family relationship or even lead to expensive legal fees if families are torn apart as a result of dividing a parent's asset. A Study of 35 rural inheritance conflicts in Guatemala revealed that 37% conflict are accompanied by high levels of violence including murder, personal injury and damage of property (Babette, 2008).

The Central functions of the traditional rulers include providing a non-violent way for parties to resolve their dispute, making decisions about what counts as a fair or just resolution, and encouraging parties to negotiate. Traditional rulers function in a variety of ways. Fundamentally, traditional rulers are judges. They determine who is right and who is wrong, and who needs to do what to remedy a situation. Adjudication is one of humanity's great social inventions, if only because it provides an alternative to the violent resolution of conflicts. However, formal judges in courts are not the only arbiters in society. Most arbiters actually work outside of courts as formal or informal (as in the case of teacher or parent) arbiters. Formal arbitration is usually arranged through the consent of the parties. Often, when they sign a contract, parties agree in advance to accept the binding decision of a trusted, jointly selected third party, to whom they then present their case. It is against this background that this study seeks to assess how information sources help in resolving inheritance conflict by traditional rulers in Daura Emirate of Katsina State.

Problem Statement

There is inheritance conflict that led to loss of lives and properties, and also causes social problems. It has been observed that the bereaved in Daura Emirate Council of Katsina State are bewildered with a lot of problems or conflicts in the sharing of properties left behind by their deceased relations. At present, people are having inheritance conflict which creates unrest among family members. For instance, there is a case that has been on for more than ten years in respect of farmland in Katsyal community, in Daura Emirate of Katsina State. The case

involves siblings who disagree with one another concerning a statement in the will left behind by the deceased father that a portion of his farmland is bequeathed to one of their brother. These cases were supposed to have been resolved right away by the village heads (Mia unguwa) or Imams (Islamic Religious leaders) without getting to formal court or police station, to avoid strained relationship among siblings as well as wastage of money and properties. Unfortunately, the case has been in the formal court for more than seven years and every party spends money sometimes from sold property in order to finance and win the case. These kinds of cases mostly occur and reoccur in the community, and Daura emirate as a whole. To reduce or resolve inheritance conflicts many approaches are adopted, one of these approaches is engaging traditional rulers in the resolution. However, for traditional rulers to resolve inheritance conflicts, information is very critical, they must have source and access the information for that purpose. In Islam information about inheritance is stipulated in the Qur'an, hadith and other Islamic books. These sources provide the Islamic law of inheritance.

Obviously, people have failed to comply with this law. Conflicts still emanates and increases day by day in the society. However, very little is written about where and how traditional rulers do get their information for resolving inheritance conflicts. Therefore, it is against this problem that this study seeks to investigate how traditional rulers source and access information for inheritance conflict resolution in Daura emirate council.

Objectives

The following research objectives were formulated to guide the study.

1. To identify the knowledge and experiences of traditional ruler about inheritance in Daura Emirate Council of Katsina State.
2. To identify the sources of information consulted by traditional rulers when resolving inheritance problems in Daura Emirate Council of Katsina State.
3. To find out the challenges experienced by traditional rulers when accessing information for resolving inheritance conflict in Daura Emirate Council of Katsina State.

Literature Review

An information source is where information is accessed from; this can be a book or a Website. Information sources are the various means by which information is recorded for use by an individual or an organization. They are the means by which a person is informed about something or an avenue through which knowledge is availed to someone, a group of people or an organization. Information sources can be events, people, speeches, documents, pictures, organizations. Information sources can be in print, non-print and electronic media or format (Jenny, 2016). Information is usually categorised into two main types: primary and secondary.

- Primary sources of information come directly from a person or organisation –they are completely original and have not been altered in any way. Examples of primary

sources include: patents, diaries, newspaper articles, artifacts, photographs, transcripts of conversations or interviews, speeches, music, art, legislation and policy, novels, poems, plays, parliamentary papers.

- Secondary sources of information interpret and comment on primary information. Examples of secondary sources include: books or articles that summarise the work of others, literature reviews and biographies. It is important to distinguish between the two in order to critically evaluate the information. If the information comes from a source that is five or six times removed from the original (primary) source, it is easy for ideas to be misinterpreted or for details to be lost.

One of the key variables to consider when discussing information utilization is information access. Information has to be accessible before it can be adopted, assimilated, and then utilized. Studies have revealed that among the factors inhibiting information use is lack of access to information, (Restrepo and Christiaans, 2004 Cited in Abdullahi, Mohammed and Khaled, (2010). Access to information however, does not only entail physical access, but also the contents of the information as well as understanding the contents. Therefore, to increase access to, and utilization of information, (Restrepo and Christiaans, 2004 Cited in Abdullahi; Mohammed and Khaled 2010) suggested that, most information should be interpreted before they can be accessed by the recipients.

Methodology

The method adopted was qualitative research methodology, using case study approach. Qualitative research produces holistic understandings of rich, contextual, and generally unstructured, non-numeric data by engaging in conversations with the research participants in a natural setting (Creswell, 2009). The population of the study comprised all the traditional rulers and Imams appointed by Daura Emirate Council. This refers to District Head, Village Head, Mai Unguwa, and Imams (of Juma`at mosque). This gives a total of four Hundred and Thirty-two (432) people who constituted the population for the study. The researcher used Purposive sampling technique to select fifteen (15) traditional rulers as sample size for the study. The responded were selected because inheritance conflict is common in their domain. The researcher employed face-to-face interview one-on-one as instrument for collecting data, and collected data were analyzed using thematic analysis. Thematic analysis is performed through the process of coding to create and establish meaningful patterns using steps for coding narrative data adopted from Krathwohl (1998), who defined coding as interpreting narrative data and making decisions about what the data means.

Discussion of Findings

Knowledge and Experiences of Traditional Rulers on Inheritance Information in Daura Emirate of Katsina State.

1. The first question was raised to determine the knowledge and experiences of traditional rulers about inheritance in Daura Emirate Council of Katsina State. Two categories explaining the knowledge and experience of traditional ruler about inheritance emerged as follows: (1) Inheritance is divine and shared to heirs; (2) Delay and disorderliness characterize the handling of inheritance sharing. This is explained below

a. Inheritance is divine and shared to heirs.

A key category that emerged about the knowledge and experiences of traditional rulers about inheritance is that inheritance is divine and it is shared to heirs. This category explains the experiences of traditional rulers about inheritance generally. Responses by the traditional rulers showed that they consider inheritance as divine properties to be shared to heirs. This category is divided into three sub-categories: Inheritance sharing is religious, commanded by Allah, inheritance is asset left behind by the deceased, and inheritance is shared to the deceased family immediately to avoid disagreement. These three sub-categories are explained below. This study revealed that traditional rulers believed that inheritance is divine. It is divine because it is already stated in the Qur'an about everything concerning inheritance for example the share and the heirs. Inheritance is a divine right of heirs in the assets of a deceased.

The outlook of inheritance has been described in the Glorious Qur'an Chapter 4, verse 7 whereas the detailed description has been mentioned in verse 11, 12, and 172 of the same chapter. Stating all the heirs, the Glorious Qur'an has fixed the different portions of all the heirs as half, one fourth, one eighth, one third, two third and one sixth. Unlike other commandments of the Sharia such as Salat, Fasting, Zakat and Hajj, the knowledge of inheritance is the only knowledge which has been mentioned in Qur'an in full detail. Inheritance has also been described in the Hadith of the Prophet (pbuh) and has been approved by *Ijmaa-e-Ummat* (Unanimity of the Muslim Scholars). The translation of the related portions of these verses is given below:

"Allah enjoins you about [the share of inheritance of] your children: A male share shall be equal to that of two female- in case there are only daughters, more than two shall have two-thirds of what has been left behind. And if there be only one daughter, her share shall be half -- and if the deceased has children, the parents shall inherit the sixth each, and if he has no children and the parents are his heirs then his mother shall receive a one-third, and if he has brothers and sisters then the mother's share is the same one-sixth. [These shares shall be distributed] after carrying out any, will be made by the deceased or payment of any debt owed by him (the deceased).

You know not who among your children and your parents are nearest to you in benefit. This is the law of Allah. Indeed, Allah is wise, all knowing."

Other than divinity, traditional rulers also believe that sharing of inheritance is a religious duty just as salat. This is because for every Muslims, all his/her activities must be guided by Islam. And also every devoted Muslims must respect the guideline governing the inheritance distribution under Islamic law. As a Muslim the first task to be done when distributing inheritance is to determine which of the relatives of the deceased are entitled to inherit. And secondly, to determine the quantum share entitlement of each of the heirs concerned. For traditional rulers to perform these task, they must have sourced information from the Qur'an and Hadith.

b. Delay and disorderliness of inheritance

The second category that explains the knowledge and experiences of traditional rulers about inheritance is that inheritance is associated with delay and disorderliness. This category depicts delay and disorderliness of inheritance sharing in Daura Emirate, the category provided narratives in relation to delay in the distribution of inheritance to the extent that conflict ensued. This category consists of four sub-categories: (1) Complaint about distribution of estate, (2) dissatisfaction and complaint after distribution of estate, (3) Complaint about denial of estate and (4) complaint about delay in distribution of deceased estate.

The study uncovers that in most cases before inheritance distribution takes place long time after the death of the deceased as a result of holding property by either the eldest son, or brother of the deceased. This delay frustrates the heirs which leads them into conflict with the person holding their property. Therefore, inheritance should be shared immediately or within a short period of time in order to avoid any disagreement within the heirs.

Irregularity in inheritance distribution is also the problem that associated with inheritance. Women are commonly unfairly treated. Traditional rulers stated that small share are given to women and sometime, they do not get anything from the property left behind by their parents or husband. Inheritance must be shared according to the commandment of Allah. Allah says with regard to inheritance: *"From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large, a determinate share"* Q4:7 Therefore, it becomes necessary upon all the heirs/inheritors of the deceased to ensure that the estate is distributed according to Islamic guidelines; otherwise it will amount to a grave sin in the sight of Allah the Almighty. There are severe warnings of punishment mentioned in the sacred Islamic texts for not distributing the estate according to the Islamic law.

Sayyiduna Anas ibn Malik (may Allah be pleased with him) relates that the Messenger of Allah (Allah bless him & give him peace) said: "Whoever deprives an heir of his/her inheritance-share [as fixed by Qur'anic guidelines], Allah will deprive him/her of Paradise on the day of judgement." (Sunan Ibn Majah, no: 2703).

Traditional rulers reported cases of dissatisfaction by parties in conflict with the way they handled the resolutions. Sometimes, some parties would not only be dissatisfied but would also suspect connivance of the rulers with their counterparts. These kinds of suspicious and indictments led the rulers to refer certain cases to high authority.

Sources of Information for Solving Inheritance Conflicts in Daura Emirate Council of Katsina State.

2. This question raised aims at determining the sources of information consulted by traditional rulers when solving inheritance conflicts. Two categories explaining the source of information consulted by traditional rulers emerged and they are (1) Textual source (2) Non-textual source. These are explained below

a. Textual source

The first category that explained the sources of information for solving inheritance conflicts among traditional rulers in Daura Emirate is the textual source. This category is divided into two sub-categories: (1) Source from Quran, (2) Sources from Hadith and other Islamic books. These sub-categories are explained below.

The first classification sub-category that explained textual source consulted by traditional ruler to source information for resolving inheritance conflict is the Qur'an. All the traditional rulers interviewed agreed that Qur'an is a veritable source of inheritance information. A traditional ruler noted that "we consult Qur'an to source information when resolving inheritance conflicts." Another One of that traditional ruler said that "we source information from Quran because sharia comes with it".

The second classification sub-category that explained textual source consulted by traditional rulers to source information for resolving inheritance conflicts is the hadith and other Islamic books. The traditional rulers interviewed also consult hadith and other Islamic books to source information when resolving inheritance conflicts. A traditional ruler observed that "we source information from hadith and Risala when solving inheritance conflicts". Another traditional ruler noted that "we consult other Islamic books apart from the Qur'an like Risala when resolving inheritance conflicts". Traditional rulers consult Qur'an and Hadith to source information when solving inheritance conflicts, because it is an excellent source of information about inheritance. Traditional rulers consult Qur'an to find out the statement of Allah about sharing inheritance as well as the inheritors. Traditional rulers consult parties in conflict to access information about cause of the conflicts and information about quantity of property left by deceased person. Allah (SWT) mentions the beneficiaries of the inheritance and prescribes how to share it in the Holy Qur'an. Their consultation of this source is to obey the commandments of Allah in regard to inheritance, and heirs or parties in conflicts are often convinced with the injunctions from this source as Qur'an is Allah commandments not a text of human rules. Other than the Qur'an, traditional rulers also consult Hadith when sourcing for information to resolve inheritance conflicts. Hadith explains Qur'an

explicitly and it is the saying of the prophet (SAW). Traditional rulers consult Hadith in order to get explanation of inheritance information from the Qur'an and the practice of the prophet on inheritance during his time. Traditional rulers consult parties in conflict to access information about cause of the conflicts and information about quantity of property left by deceased person. Traditional rulers also get information from parties in conflicts about total numbers of members of the family. They also get information from this source regarding availability or otherwise of a will. They consult neighbours to get information about the causes of conflict and the veracity of the claims and counter claims by the parties concerned about one person or the other misusing or holding the property of the deceased at the expense of the other heirs.

b. Non-textual source (relatives and others)

The second category that explained the sources of information for resolving inheritance conflicts among traditional rulers in Daura Emirate is the non-textual source. In this sense traditional ruler consult parties in conflict, relative and others to source information for resolving inheritance conflict. This category consists of two sub-categories, which include (1) Sources comprising heirs and their relatives, (2) Sources composed of neighbours to heirs, honest and trustworthy old people within the community. Other sources consulted by traditional rulers are the relatives of the parties in conflict to ascertain the information source from the parties. Relatives of the parties in conflict are also consulted to get more information about heirs and property of the deceased person left behind. Traditional rulers also consult neighbours to get information about the causes of conflict and the veracity of the claims and counter claims by the parties concerned about one person or the other misusing or holding the property of the deceased at the expense of the other heirs. They consult trustworthy old people within the community to ascertain the relationship of deceased person with the claimant

Challenges that Traditional Rulers Encounter in Accessing Information for Solving Inheritance Conflicts in Daura Emirate, of Katsina State.

3. This question asked in this direction is aimed at identifying the challenges that traditional rulers encounter when accessing information to solve inheritance conflicts. Two categories for explaining the challenges encountered by traditional ruler in accessing information emerged as: (1) discontent, ignorance and holding of information, and (2) no obstruction.

a. Discontent, ignorance and holding information

The first category that explained challenges encountered by traditional rulers in accessing information is characterized as discontent, ignorance and holding of information. This category consists of two sub categories: (1) challenges in the process of accessing information and (2) challenges in consulting and evaluating information accessed. These sub-categories are explained below. The refusal to say

the truth, taking long time before giving information and responses because of their intention to hide some properties just because of selfishness and greediness or fear of other parties in conflict. Some heirs will not want their imams that do not subscribe to their ideology to share or distribute inheritance no matter how knowledgeable the imams are.

b. No obstruction

The second category that explained challenge encountered in accessing information is that traditional ruler accessing information with little or no challenge. This no-obstruction category is depicted by reveal narratives that explain resolving inheritance conflict without any challenges, either in process of accessing information or judgment. Information is released any time there was a need for it. Finding of this study reveals that holding information by witness, parties in conflict and other people are challenges encountered when accessing information for resolving inheritance conflict. It is a challenge because every conflict supposed to be resolve within a short period of time without delay. Inheritance is not in exception, by holding information when resolving inheritance conflict it cripple the smooth resolution. Non-agreement of religious ideologies besides their own. For instance, the Izala and Darika sect. This implies that without access to accurate information, traditional rulers may not resolve inheritance conflict successfully.

Conclusion

Traditional rulers in Daura Emirate have experiences and are knowledgeable about issues related to inheritance conflicts. They are aware of different sources of information for resolving inheritance conflicts. However, discontent, ignorance and holding information i.e. the refusal to say the truth, taking long time before given information and responses because of their intention to hide some property just because of selfishness and greediness or fear of other parties in conflict heirs, have been challenges encounter by the traditional rulers in Daura Emirate Council in accessing information to resolve inheritance conflicts

Recommendations

1. Traditional rulers should be made more aware of information related to inheritance stipulated in the holy Qur'an and hadith. This can be done through inter-subjective discussion among scholars through workshop and seminar.
2. Emirate council should collaborate with Imams and different Islamic organization to translate some portion of the Qur'an and hadith that related to inheritance sharing, in Hausa and Ajami. So that people will have quick access to the knowledge of inheritance sharing. Database on estate of the deceased should be established by filling a standard approved form and heirs should be ascertained at most two weeks after occurrence of death while the estate should be distributed according to the Islamic formula.

3. Emirate council should adopt inter-subjective strategy to disseminate information about inheritance. Emirate council should also organise information section to educate heirs on how to distribute inheritance according to the Islamic law. And develop special information section to enlighten people about the place of disclosure of true information, in Islamic practice and consequences of holding information

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