

**TOWARDS A COLLABORATIVE PLURAL LEGALISM IN CAMEROON:
MODERN STATE JURISPRUDENCE AND CUSTOMARY LAWS FOR A
SOCIAL CONTROL SYSTEM THAT TAKES SOCIOCULTURAL REALITIES
INTO ACCOUNT**

Ngayi Mvehe Alima
University of Buea, Cameroon

Received: 12/04/2025

Accepted: 13/05/2025

Published: 20/05/2025

DOI - <https://doi.org/10.61421/IJSSMER.2025.3303>

ABSTRACT

For the improvement of legal system and social control mechanisms that reflect social realities, this paper is a discussion about the type of legal pluralism to be put in place through a collaboration of the coexisting modern jurisprudence with customary laws in Cameroon. In other words, the author seeks to examine how Modern State Legal system could interact with Customary laws and Indigenous mechanisms of Social control for Peace and harmony in Cameroon. The research design is explorative, using qualitative method. A questionnaire, Interviews and Life stories were used for Primary data collection; 20 individuals between 35- and 70-Years Old were interviewed, also two Focus Groups Discussion were organized, from each of the four Main Cultural areas of Cameroon. Secondary data come from Documentary Research. Legal Pluralism and Cultural Hybridization Theories have been exploited to understand social facts. According to the results, Law is an element of culture which is dynamic; also as cultural element, Law and mechanisms of social control should be flexible and not static. When the situation in the society change, there should be an opportunity to adjust Laws and mechanisms of social control to the change that has occurred, to fit social realities. The coexistence of traditional laws and mechanisms of Social Control and Modern legal system, can lead to the emergence of a new form of Legal system but the importance lays in the efficiency in maintaining social Order. By using collaborative Legal pluralism, which is appropriate to socio cultural realities in Cameroon; because it is a context where both state and non-state justice exist, but non-state justice mechanisms operate under the umbrella of state authority. Weaknesses of one system can be overcome by the other one's mechanism. The cultural hybridism can contribute to the transformation and enrichment of culture. Cultural hybridization also brings challenges as the creation of power relations between cultures that could lead to the disappearance of certain cultures. Therefore, issue of cultural hybridization should be approached by taking into consideration both advantages and disadvantages. Cameroon is a multiethnic country, if the disadvantages are not taken into account there is a risk of homogenization and cultural assimilation instead of cultural diversity. The result has also presented the Ghana's pluralistic legal system as an example of collaborative legal pluralism to be copied in Cameroon. The legal system in Ghana is pluralistic, in that national legal system is based on the mixture of indigenous experiences, religious practices and imported legal experiences from the colonization. Customary laws and traditions are taken into account in fashioning the jurisprudence.

Key Words: Modern state laws, Customary laws, Social Control, Collaborative Plural legalism.

1. INTRODUCTION

Whatever the form of society, there is always some systems for maintaining and reestablishing social Order, when rules have been broken. Law, as Cultural element, is socially constructed and it is dynamic. As new situation arise law should determine whether old rules and assumption keep their validity or not and to what extent they should change. For law to operate efficiently, it should allow the possibility for change, (Nanda, S., 2004). In Cameroon, Modern legal system inherited from the colonization, co-exist with indigenous Customary laws. Legal situation after independence

tolerated legal pluralism that was transformed into uniform laws in replacement of laws inherited at the independence. The harmonization of laws weakened the customary laws and caused, common laws and Civil laws to prevail. The judicial organization ordinance in 2006, produced severe consequences on customary justice causing it to become inferior trial court, (Minkano, 2021); Only modern state legal systems have the monopoly of Social control and laws enforcement through its specialized institutions: court and police. The later blame customary law system to be uncoded and non-respectful of modern values and Cameroon's constitution also of Human Rights, (Kiye,1999); (Yanou, 2009). The reality in the field shows that there is competition between modern state legal system with customary laws for legitimacy. In fact, the majority of the population in the country, live in rural areas where, generally, only customary justice prevails. Even some Populations in cities prefer to rely on traditional courts for fulfillment of their justice needs than to state court for diverse reasons, (Scharf, 2023). That controversial legal context questions the supremacy of modern state justice above customary laws in Cameroon. This paper will discuss about Modern State Legal System, Customary Laws, collaborative Legal Pluralism and Social Control mechanisms adapted to social aspirations and realities in Cameroon.

2. METHODOLOGY

Research Design

The design is explorative. A qualitative research approach was employed to provide a comprehensive understanding of cohabitation between Modern legal system with Customary Laws in Cameroon. The same interview guide containing open-ended questions was used in each cultural area. For the quantitative aspect, a Descriptive statistic were applied to check similarities, differences, generalities and specificities within cultural areas. Also detail of Frequencies and percentage of answers and information according to cultural area were elaborated.

Target population and sampling procedure

Local authorities, natives from each cultural area to ensure a representation of the population. After categorizing participants into groups and subgroups, a randomly sampling was used to select a proportionate number from each as guaranty relatively balanced representation and reduce bias. Purposive Sampling for key informants was used to select knowledgeable individuals like traditional leaders, heads of families and other adults. Samples were representative. Randomly, a total of 160 informants have been chosen for interviews. In each cultural area, about 40 men and women, aged between 35 and 70, were selected as informants, among them were traditional leaders who are in charge of customary courts, for their experience in life. Also some free- ranking strategies were also used when some informants were not available, giving opportunities to individuals to tell and share their experience, among whom, traditional rulers, and other individuals in cities and in rural eras in Cameroon. A sum of 08 Groups of discussion were organized: 02 focus groups discussion made by 10 Individuals each, were organized in each cultural areas. (For the Soudano-Sahelian Cultural Area, 01 in Tibati and 01 in Guider. For the Forest Bantou, 01 in Ombessa, and 01 in Bertoua. For Semi-Bantou Cultural Area, 01 in Dchang in west region and 01 in Bambili, in Nord west region. For the Costal Bantu, 01 in Buea, and 01 in Duala).

Field Procedures

Field procedures involve the practical research steps to collect data for the research to be carried out: Ethnography. In each cultural area, the researcher contacted first the authorities like mayors, traditional and administrative authorities, to seek permission to carryout research in their respective communities. For the researcher to prepare and familiarize with the informants and environment, meetings were organized before. Report and rendezvous for interviews and focus groups were taken in advance. Interviews and Discussion Groups were planned with the consent of informants, and according to their availability.

Research technics

It allowed the researcher to engage directly with informants in their natural milieu. Qualitative Methods include life stories, interviews, Focus groups discussion, that have ensured triangulation, improving the reliability and validity of the findings. An Interview guide containing open-ended questions has been used.

Data collection

It has consisted in Interviews, Life stories, Focus Groups Discussion, for primary data and a Documentary research for secondary data. Informants were asked questions, and some life stories sheared about modern court systems, experiences with police and gendarmes, also some misadventures with customary practices about some peoples' experiences were also collected. Documentary research permit to gather secondary data, on modern state court and customary systems. As far as life stories are concerned, in Anthropological research, Life stories refer to the comprehensive personal accounts that individuals provide about their lives. These narratives are essential for understanding the intricate relationship between Culture, personality, and individual experience. The researcher was taking notes and recording while discussing with informants.

Data analysis

It has started with a treatment of information from the field. On the basis of the questions and research Objectives, answers were classified according to ideas, which were differentiated by letters. Each idea was coded with an alphabetic letter. Alphabetic letters corresponding to the same ideas were put together, representing a group of the same information. Main ideas have been considered as themes, which constituted paragraphs, headings and sub headings of the text. Explanations from informants have been taken into account as well as comments and interpretation from the researcher.

Data analysis also consisted in comment, description and comparison of information according to cultural areas. Analysis of content was done by transcribing the data from field, in order to identified main themes through similar and frequency or recurrence of answer and quotes used by the informants.

A comparison was made to see what are similarities, differences, generalities and specificities within cultural areas. Answers of same questions were compared. A detail of Frequencies and percentage of answers and information according to cultural area was elaborated into Columns. Also inferential analyses for correlation and comparison were employed for a Descriptive statistic. Each time, the EMIC and ETIC perspective have been taken into consideration. A comparison with a successful collaborative legal pluralistic system, the case of Ghana, has been presented as example.

Also secondary data from a documentary research were used to support primary information from the field.

Theoretical framework

Two theories were selected for the understanding of Facts related to Legal pluralism in Cameroon. They are Legal pluralism and Cultural hybridization.

The theory of legal pluralism

The theory of legal pluralism was used to explain the relevance of legal collaboration in a context where modern state judiciary system competes with customary laws and seeks to provides a different account of how laws coexisting in a particular Culture, interact with one another, as the people deal with them. Opposed to legal centralism, Legal pluralism claims that law is neither the exclusive domain of State nor state law superior to non-state law. It also holds that Law is essentially plural in its source and consequently, multiple legal orders co-exist in any social field. Legal pluralism is also called legal variety or multi diversity. It is a view that assumes that diversity is

beneficial to society and that autonomy should be enjoyed by disparate functional or cultural groups within the society. A complementary or collaboration of coexisting legal systems fit Cameroon as a multicultural or multi legal country, for a social harmony. The collaborative legal pluralism is supposed to be, less ethnocide, culturally appropriate and corresponding to realities within the communities.

The exploitation of the theory of legal pluralism contributes to examine the process of harmonization of both civil and common laws and their coexistence with indigenous laws, for a legal system and social control mechanism that fit the indigenous realities in Cameroon.

Theory of Cultural Hybridization

Hybridization is defined as “the ways in which forms become separated from existing practices and recombine with new forms in new practices”, (Rowe and Shelling, 1991). It is also a mixing of different cultural elements to create new forms that transcend traditional boundaries. Then globalization is not simply a process of westernization or cultural homogenization but rather a dynamic process where local and global cultures merge to create hybrid identities. Cultural Hybridization Theory emphasizes the blending of cultures due to modernization and globalization and creates new and distinctive hybrid cultures that cannot be separated into local or global cultures. The cultural hybridization reveals that a very positive outlook on cultural globalization and the emergence of new cultural realignments.

Globalization has led to hybridization of culture, cultural changes in modern society and the mutual interaction between cultures worldwide. Cultural hybridization is the result of the interaction between different cultures, (Tuncer, F. F., 2023). One of the functions of Law is to redefine social relations and to ensure social flexibility. So, as new situations arise law must determine whether old rules and assumptions retain their validity and to what extent they should be altered. To operate efficiently possibility for change should be allowed, (Nanda, S. 2004). Culture is dynamic, so law as part of culture is dynamic.

Cultural hybridism exists within the Cameroon context, by the fact that, before the colonization, customary laws prevailed. The colonization brought in modern legal systems: Common Law and Civil Law which compete with indigenous legal forms. Because of the cultural hegemony, Modern institutions have the monopoly to enforce laws; only the modern legal system has been imposed and is prevailing and dominating Customary law; it is a situation of legal clash, where they reject each other, despite the coexistence.

Advantages of cultural hybridism

The cultural hybridism can contribute to the transformation and enrichment of culture. It permits cultures to adopt a more and tolerant perspectives and increases cultural diversity, (Tuncer, F., 2023).

Legal Hybridism as the blending of two or more legal systems into a new system, or incorporation into indigenous legal systems from unrelated cultures. Legal syncretism seeks to provide a different account of how laws coexisting in a particular Culture, interact with one another, as the people deal with them, (Swenson, 2018).

In a context of Legal pluralism, Legal Syncretism or Legal Hybridism, could be the solution to legal centralism or legal imperialism. Diverse ethnic, racial religious or social groups maintain and develop their traditional culture or special interest within the common society, (Tamanaha, B., 2007)

A collaborative legal pluralism for a better Social Control System that takes sociocultural realities into account. because it is a context where both state and non-state justice exist, but non-state justice mechanisms operate under the umbrella of state authority: they are complementary.

Challenges of cultural hybridism

Cultural hybridization brings challenges as the creation of power relations between cultures that could lead to the disappearance of certain cultures. Therefore, issue of cultural hybridization should be approach by taking into consideration both advantages and disadvantages. Because if the disadvantages are not taken into account there is a risk of homogenization and cultural assimilation instead of cultural diversity; it can lead to the disappearance of some cultures. (Fatih F; T.,2023). Cameroon is a multicultural society, like in many countries in the world. About 250 ethnic groups live in Cameroon. They have been gather in 4 main cultural areas. If disadvantages of cultural hybridism are not taken into consideration there is a risk that certain cultural elements can extinct, suppressed or altered by the dominant culture instead of cultural diversity.

Another challenge linked to legal syncretism is the fact of migration within the country. People do not always live in their native village. Other migrate in other foreign ethnic groups or different cultural area, for many purposes. If Conflict is inherent of society, the legal system to applied needs to be discussed.

Cultural hybridism required a collaborative legal pluralism for a judicial system that corresponds to social realities in Cameroon.

3. MODERN BIJURALISM SYSTEM IN CAMEROON

This is an opportunity to address the parity of the two legal traditions inherited from the colonialism. Cameroon provides a unique example of legal development in Africa because French civil laws, Anglo common codes as well as German civil codes have been received and adopted in the country. The pluralistic reception of law in Cameroon emerged because of its colonial history that have been imposed to indigenouse legal traditions, (Minkano, 2021).

According to Article 61 (1) of its Constitution, Cameroon is made of ten administrative Regions. Two of these Regions (20%), the former British territory, are English speaking and apply the Common Law. The other (80%) of the Country is, the speaking French territory, and Apply the Civil Law. In many aspects of Public activities, the minority Anglophones claim to be subjected to forms of marginalization in many among which the use of and application of English language and the common law legal tradition, (Crawford and Annan,2023). Anglophones Lawyers have expressed dissatisfaction with the deployment of francophone lawyers in Anglophones Courts, according to them the francophone colleagues have no competences in English language nor in Common Law. That leaded to an undesirable situation where communication was broken between litigants and the Courts, causing a denial of justice, (Enonchong, 2025). The problems were also felt at the level of Supreme Court, civil law oriented with a majority of Francophone Judges; the unequal representation of common law lawyers frustrated the litigants at the court, appeals to the Supreme Court from Anglophone regions remained unsolved, (Enonchong, 2025).

The issue about the establishment of the common Law Division of the Supreme Court in the context of Anglophone Crisis in Cameroon, which posed the question of Common Law's unequal status in Cameroon's legal pluralist system is compounded by the feeble constitutional identity. The Bijuralism in Cameroon represents the identity constructed from the legal, political and historical evolution of Bijuralism in Cameroon. There is a situation in Cameroon where the complexity of multiple ethnicities is compounded by language and legal traditions, (Time, Victoria, 2000), (Enonchong, L.S. and Ashu Eware, 2024). Following the Article 13 of the Constitution; English and French are the two official languages in Cameroon. This is complemented by the inherited legal system: Civil Law and Common law legal traditions. Daily, language and legal tradition, in particular have been at the heart of deep divisions in society and have often led to political tensions, (Enonchong, L. S. and Ashu Eware 2024).

A Major characteristic of modern society is the use of codified law to make clear, how and when, it will use force and forbids individuals or groups to used force. The monopoly over the use of force is also its main feature. Written or codified laws are passed by legislative bodies (Nation assembly,

and Senate), and enforced by specialized institutions court, and police, gendarme forces that have the authority to enforce and impose all kind of punishments, prison, confiscation of properties and death. They have the legitimacy to use force. The State can mobilize to carry out military actions or war for defensive purposes against any other form of political.

In modern legal system, only the state has the authority to use force and can mobilize to carry out military actions or war for both defensive and offensive, (Miyazawa, S., 1992).

In Cameroon, colonization has transformed the legal system into Capitalist –oriented model. At the independence, British and French judiciary systems have been harmonized and transformed into civil law and common law, (Minkano, 2021).

In other words, the monopoly of law enforcement by the modern State could be considered as ethnocentric and a legal imperialism, by the fact that, dominant law systems claim their supremacy over minorities one or indigenous legal systems, and take actions on its own interests.

The possibility to expand without separation from other sociopolitical organization and cultural groups. makes the State to be integrated in them and to become more powerful than any other forms of society, (Nanda, S.,1994). However, in modern legal system, social stratification prevails, because those who have accumulated wealth, and prestige exercise their power to keep what they have acquired, by using force and laws. They use the legitimate right to compel others to obey legal requirements to threaten, exploit and to abuse the rest of the society, (Nanda, S. 1996). In Cameroon like in modern African States, legal pluralism is largely a product of colonialism and Eurocentrism, (Adebayo Oba, A., 2003).

Since colonization, modern state by seek to codify customary law through fixed rules and imposed modern laws upon local customary legal systems. The Section 40 of the Cameroonian Constitution vests powers of Judiciary review of the act of State Officials in the supreme Court which sits only in Yaounde. This situation cannot lead to a climate of Good Governance. That is why, the existence of local courts with powers nationwide is necessary for the emergence of constitutionalism in Cameroon, (Yanou, A. M., 2009).

That situation has been named “Combative legal pluralism”; because state and non-state systems are overly hostile to one another. The state and non-state justice sectors seek explicitly to undermine, discredit, supplant and destroy the other. It is a threat to the authority of the State. The Example of Afghan state since 2004 with Taliban justice system, also in Iraq since 2003. (Jones 2010), (Swenson, 2018).

Modern legal system is supposed to be respectful of the universal application of law. That is the principle that the state, through its specialized institutions, is the legal authority that should apply the same laws uniformly in similar situations. The universal application of law by the state consists in the expectation of consistency in the application of law that invests legal systems. when the legal authority, through its agents, violate this principle, or any inconsistent application of law or favoritism is regarded as an abuse of power in modern State, (Miller, B.,2006).

The possibility to expand without separation from other sociopolitical organization and cultural groups, makes the State to be integrated in them and to become more powerful than any other forms of society, (Nanda, S.,1994).

However, in modern legal system, social stratification prevails, because those who have accumulated wealth, and prestige exercise their power to keep what they have acquired, by using force and laws. They use the legitimate right to compel others to obey legal requirements to threaten, exploit and to abuse the rest of the society, (Nanda, S. 1996). In Cameroon like in modern African States, the current legal pluralism is largely a product of colonialism and Eurocentrism, (Adebayo Oba, A., 2003).

Since colonization, modern state by seek to codify customary law through fixed rules and imposed modern laws upon local customary legal systems. The Section 40 of the Cameroonian Constitution vests powers of Judiciary review of the act of State Officials in the supreme Court which sits only in Yaounde. This situation cannot lead to a climate of Good Governance. That is why, the existence of local courts with powers nationwide is necessary for the emergence of constitutionalism in Cameroon, (Yanou, A. M., 2009).

That situation has been named “Combative legal pluralism”; because state and non-state systems are overly hostile to one another. The state and non-state justice sectors seek explicitly to undermine, discredit, supplant and destroy the other. It is a threat to the authority of the State. The Example of Afghan state since 2004 with Taliban justice system, also in Iraq since 2003. (Jones 2010), (Swenson, 2018).

In many situations Modern laws and Customary laws clash; they reject each other. Customary laws considered modern legal systems as not culturally appropriate, and the later considers the customer laws as un-respectful of human rights and non- codified.

4. CUSTOMARY LAWS IN CAMEROON

It is a set of unwritten or uncoded laws. It is an informal mechanism of social control existing alongside the formal system at the local level. Customary law refers to a gathering of beliefs, rules, norms and values prevailing in a society that is transmitted from generation to generation.

Like the other African customary laws, the Cameroonian indigenous jurisdictions consist of diverse native laws of various peoples and cultures that reflect the diversity of ethnic groups crating pluralism, (Adebayo Oba, A., 2023).

Customary law has been influenced by the colonialism and modernization. During Colonialism, customary Court exercised both civil and criminal jurisdiction even native court ordinance of 1914, attributed criminal jurisdiction to native court. The judicial organization ordinance of 2006, produced negative consequences on customary justice which become an inferior trial court. Now a day, customary courts are reduced to entertaining only little civil cases, mostly of which have no customary foundation (Minkano, 2021).

The coexistence of modern state legal system and the customary laws has been called “Competitive Legal pluralism”. It is a situation where, non-state legal systems are most frequently rooted in religious beliefs or shared culture, custom, or heritage. These legal systems often exist outside the state and do not necessarily share the state’s values. Competitive legal pluralism also exists where criminal actors have established separate, parallel orders that rarely seek to take over the state by actively work to retain autonomy by circumventing state law. Example of Afghanistan 2001 to 2003 during that period, Afghan state were competing with tribal authorities. Also in East Timor from 1998 to 2002. Timor-Leste and Afghanistan have taken sharply divergent paths (Swenson, 2018).

The rapid modernization of native legal system is an ordeal because it affects indigenous traditions negatively. It causes People in the remote areas of the world to become and behave like people in the west industrialized society. Change that took generations to accomplish in Western societies within little time has been imposed to developing countries. In the process of rapid change, indigenous cultures face unforeseen disruptions and erosion of their core values and social norms, (Van Den Berghe, P., 1992). Traditional cultures have been impacted and often destroyed, by powerful global forces. Many societies face troubling experience because of the perturbation of their indigenous mechanisms of social control, (Haviland, W and Al.:2002).

Impact of state policy on customary justice through law reform in Cameroon do not reflects disparities between state policy and social realities, (Minkano, 2021).

Some examples can illustrate that fact.

In the field of Land Law, even though most lands in Cameroon, are still held under customary law, customary law was abolished by ordinance n°74/1 of 6th July 1974 introducing

“land titling as the only legal means of holding land rights. The power of customary laws on land rights is reduced. The modern state does not valorize traditional rights. For me to possess my late parents’ land, I should legalize my ownership by spending enough money for certification. However culturally, people know that widows and children deserve their late husband’s and father’s inheritance. It is an abuse that should be corrected, (Interview in 2024 in Cameroon).

All the lands in the country belong to the government. Populations who inherited them from their father, cannot consider them as their property. Population in their majority, are not even aware of the importance of land certificate, which for them is not important.

In this locality no land has been limited officially nor has land title, but everybody knows the limits and the owner of each. It has been so since the creation of this village. These days some dishonest people create confusion by selling the same piece of land to many people, such disagreement create conflict between sellers and land buyers and require the intervention of the government. It is also an abuse, (Interview in 2024 in Cameroon).

It is the same with marriage.

Traditional marriage is more important than modern marriage in many societies in Cameroon. Marital status where only couple owning marriage certificate from the modern state court and children from them are legal and recognized by the government, is valorized only by civil servants. Compare with modern marriage, Traditional marriages are illegal and in that condition, Spouses and their children cannot claim ownership in case of the decease of their husband and father, (Interview in 2024 in Cameroon).

However, in many cases, some officially legalized marriages have been ignored and disavowed for non-conformity with cultural principles, by families’ members, (Interview in 2024 in Cameroon).

There are also cases of fake certificates (documents), for which some arrangements have been made to bias administrative procedures and to adjust to cultural norms. Many certificates are illegally made in order to conform modern state rules. Even some civil Servants use and work in the administration with their deceased relative’s certificates; only the family knows the truth, (Interview in 2024 in Cameroon).

In traditional societies, marriage and paternity links, kinships and inheritance norms are culturally shaped and don’t correspond to modern state laws. The jurisdiction of customary court is restricted by the inability of modern state courts to administer customary law, often when they intend to enforce customary law, they either reject its application version that does not reflect social practices, (Kiye, 2015).

Cameroon is largely an agricultural rural society, where most of the population rely on traditional courts for fulfillment of their justice needs, (Mikano, 2021).

In a survey conducted in Limbe Southwest Region of Cameroon in July 2005, the traditional court of Batoke, a village in the west coast, entertained more dispute than the Court of First Instance of Limbe, which is the main town at the Divisional Level, (Mikano, 2021).

5. INSUFFICIENCIES OF MODERN STATE JURISDICTIONS AND CUSTOMARY LAWS IN CAMEROON

No culture is perfect both modern state laws and customary court based on traditions carry weaknesses that need to be corrected and improved. Failure to adjust to Cameroonian realities and non-respect of human rights and other social prejudices will be discussed below.

Insufficiencies of modern state jurisdictions in Cameroon

In Cameroon, Restrictive customary jurisdiction in state customary courts has increased demands on informal traditional courts leading to depreciation of state justice, in many situations, State Courts have not been preferred because of difficulties in high cost, delay and slowness in legal procedures, (Scharf,2003).

People are not often interested in Modern state jurisdictions because of social disparities and that lead to lack of responsiveness to poor peoples' concerns.

Below are Factors of the Deficiencies of the Monopoly of Law Enforcement by the Modern State.

Security Crisis in Cameroon

More recently, these divisions precipitated an armed separatist conflict “*Cultural imperialism is too strong, such away people fight for what that has been used to oppressed us. In the North-West and South-West Regions, the two English speaking (Anglophone) regions of Cameroon. The origins of the conflict are attributed to historical perceptions of marginalization of the minority Anglophone regions in Cameroon. The implementation of modern Laws is a challenge, and even a barrier to the practice of Customary laws. (...) People have forgotten about their Cultural background; Many Tribes in Cameroon have common Origin. It is migration that occurred longtime ago that caused them to feel different. Native customs can solve that problem*”, (Interview, in 2024 in Cameroon). A significant area where marginalization has been prominent is in the recognition of the inherited English common law practiced by minority Anglophone regions in Cameroon's modern legal System. There is a challenge which prevent the common law from fully developing its distinct identity. The legislative instrument establishing the common law should address the core of the problem which lies in the unequal status of common law vis- a-vis the civil law; it is a constitutional mater. (Enonchong, L.S.,2025).

Waste in national Budgetary

Despite the efforts of police and Court, Prisons are jam-packed. Criminality and Deviance are increasing. The Malpractices, people witness today were scare, when we were growing. But today, openly people misbehave and violate social norms. Sometime innocents are condemned while offenders are moving free. The state is wasting money, that could help for some useful development project, (Interview in 2024 in Cameroon).

Informant seem to complain against the abuse from the State's authorities, they undergo. They expose the context where, court and police work for the interest of wealthy people and those on power. Military equipment are bought to fight common citizens, who are living under threat.

During Decades, Cameroon like, other underdeveloped Countries has been borrowing a lot of money for military training also to buy Sophisticated Weapons in order to maintain peace and Social cohesion and Order within the National boundaries. The Budgetary and Debts of State is increasing every Year because of the cost of weapons purchased to fight banditry, deviance or criminality within the population.

Reinforcement of social inequality and insecurity

Modern state has the monopoly of laws enforcement, while customary laws was eroded. They have become marginal. The observation of the above situation is the fact that English and French Languages and imported legal systems through colonization and imperialism are the cause of Social tension such as tribalization of “Anglophone and francophone”. French and English language led to ethnocentrism; those imperialistic languages and legal systems has become cultural identity. Foreign languages and legal systems prevail among indigenous peoples. It is a challenge to Customary laws in Cameroon.

A study has demonstrated that the Military is a Structural Power, it is an instrument of power used for repressive domination. The intensification of Labor and resources allocated to military purposes and also the effects of soldier's interventions within the society; often protect and serve the interests of the Dominant class. It increases State's power. (Miller, B.: 2006).

"People trust police no more. It is the same with the gendarme, Court, or any other Governmental Institutions of Social Control because they have failed in their mission and duties; they are deeply corrupted. We are living in fear knowing that our security is no guaranty. When you are abused or when your right has been violated by an individual, your report to police or to Court is useless, especially when you come from poor background. Also when a deviant has been arrested by police or jailed in court, the next minute he is free and can continue to disturb people's peace", (Interview, in 2024 in Cameroon).

The context of fear and Insecurity people in Cameroon are living in, can also be considered as a Structural Violence, because of the physical and psychological harm and repression caused by the State, exploitative and unjust socio political and economic system, (Havilland and Al.:2002).

According to the Critical Legal Anthropology Approach, a judicial systems serve to maintain and expand dominant groups' power and Interest rather than protecting marginal peoples' rights. Some other Legal Anthropologists believe that Law can be a means and a support to social injustice and Inequality. It maintains power relationship through discrimination against some social categories, like minorities, poor people, etc. And the discriminative treatment in judiciary system can cause criminality, poverty, rebellion, opposition and other revendication or revolution movements, (Miller, B.: 2006).

"Sometime we ask ourselves whether this country belongs to all of us. Some people are exempt from policy's or Judiciary pursuit. They can abuse other, embezzle huge amount of money from the government. They are protected. Nothing can happen to them, but little Thieves who operate because of hunger are jailed. Those police, Gendarme and Court are heavily corrupted, futile. See for example, who do not know that openly, policemen and gendarmes are grappling money from citizen shamelessly in every Office and Rood in Cameroon. They don't even worry because the roots of corruption are very deep in the system and nothing can happen to them", (Interview, in 2024 in Cameroon).

The recycling of politicians in government drawn mostly from elite, who have been parading and encumbering the corridors of power is the major characteristics of Cameroonian Government, (Mbuagbo, O.T. and Akoko, R.M, 2004)

Social stratification a support to the State, because the centralization of power aim to social inequality. As the population increases, different groups begin to compete for access to power and resources. The dominant group uses Law, abuse and discrimination to protect its superiority on others, (Morton, F.: 1967). Inequality within a population is a major threat to Social and Human Survival. Social stratification exists because those who have acquired Wealth, Prestige exercise their power to keep what they have, by using Laws. That situation is accomplished by threat or by force and also by Social Norms, Values and Beliefs that justify the system of inequality in the mind of those in lower social position and the less wealthy, (Barre man, G.:1981).

Modern system of social control has shown its deficiency. Nobody trust it. That is why indigenous mechanisms of law Enforcement and social control should be involved in modern Legal system.

The ethnocide feature of the Modern state legal system

The negligence of Indigenous Mechanisms of Social Control has been observed. Traditional Preventive mechanisms of Social Control have been eroded. In Cameroon like in other developing countries, peoples and their cultures are in the throes of radical cultural change through legal, socio political and economic transformations. The worldwide process of accelerated modernization in

which all part of the earth is becoming interconnected has disturbed indigenous cultural systems, which are forced to adapt to new world System. In “*Cameroon like in the rest of the world, we assist to the minimization and the disappearance of native systems of social control and beliefs. They have been removed from family and community setting to state which Legal System prevails*”, (Interview in 2024, in Cameroon). In the face of changing world, parental and traditional authority and power have decreased. The modernization process is happening very fast, often without the necessary time to adjust (Havilland, W and Al.:2002).

The Modernization of local cultures facilitated the infiltration of new ideologies where similar political ideals and religious beliefs should be sheared all over the World. That situation caused dysfunction in local cultural systems. As consequence, rape, aggression, violence, abuses, theft, murder, disobedience, contempt of parents, elders and authorities, Criminality, deviance have increased.

The embrittlement of Families’ ties and authority

When the authority of parents was prevailing, everyone in the community has the duty to advise and to correct a child when his or she miscondacted. Today, this responsibility to punish and to correct severely a child for misbehavior has shifted from the community to modern state systems only. Parents and the society have lost their control over children and populations. Children do no more obey their parents, because punishments have been banished at the level of families.

Children and youths are disrespectful and disobedient to parents and family’s authority. Now a day, there is too much freedoms. Every day, Social media and televisions programs show how disrespectful children and youths are. In the name of Child rights, parents have control on their children no more. Adults are afraid to correct a child on the street, because he or she avoid the reactions of that child, who will openly say “you are not my father or my mother, what I do does not concern you”. Biting a child is a violation of child right. Only the state through its specialized institutions is the legal authority and has the legal duty. That was not possible before. Some Children even murder their parents who can no more control them. In media and within community, the rate of juvenile delinquency is increasing due to Addiction to Drug, Rape and other malpractices against their family members. (Interview in 2024 in Cameroon).

Because of the monopoly of law enforcement by the modern state, parents of now a day cannot more punish their children as it was before. Child rights take over the parental role. The consequence is the lenience in youths’ behavior. In each society, there are many traditional ways to make a child respectful to parents and Social norms, which are illegal according to the prevailing modern state legal system in Cameroon.

The devitalization of Traditional Authorities and Power

Chiefs in villages have lost the respect and Control of their Population. Indigenous mechanisms to compel individuals to obey legal requirements has become weak. Local Rulers have no power on their populations, because of the modernism, (Interview, in 2024 in Cameroon).

Nomination of traditional leaders by Modern State Government is a reason of the degradation of customary power. Indigenous population attribute to them neither legitimacy nor authority, because their designation does not correspond to native norms. They cannot rule.

The monopoly of Law Enforcement by the modern state causes the subordination and the destruction of people’s cultures, whose Legal Systems and mechanisms of social control differ from those in control of Government, (Van Den Berghe, P., 1992).

The harmonization of the world is a threat to non- western Societies, because they are forced to abandon their traditional mechanisms of social control, their Customs, cultural norms and values. As consequence, Indigenous authorities' power and Leadership have collapsed.

Some time, Local populations resist the change through the rise of traditionalism and revitalization movement. The current Security crisis in Cameroon is an example. *Because people want to return to life as it was before the reunification of the two parts of the country, in 1961. The revitalization movement led to the creation of armed groups, in Southern Cameroon in 2016.* According to the concerned, it is a reaction to annexation and domination by State regimes controlled by people from powerful countries, (Interview, in Cameroon 2024).

Populations want the inference of Government in Chieftaincy Institutions to stop, because it has weakened the power and authority of Traditional Rulers. That situation leads to the contempt and Disgrace of traditional Legitimacy and Authority, (Interview, in 2004, in Cameroon).

Their power has vanished from them because of cupidity through their implication in Politics. Nobody respect them anymore. The native traditions and cultural practices are being eroded. During the ongoing crisis in Cameroon, the majority of Chiefs and their people have run away from their villages for the safety of their life. There is no chief in our communities no more. Vandals and other Armed Rubbers are the one ruling the community. Chiefs have been driven away from their Father's land", (Interview, in 2004, in Cameroon).

"(...), Today, in our villages, Chiefs don't have any Say in matters concerning their people. Individuals have too much freedoms. Traditional Rulers are disregarded, despised and contempt. Many Individuals misbehave and disturb the entire community; Children and youths can do what they want. Sometime Chiefs are even take to Court for an intervention among their people. Their duties are no more to rule and to control people. And Deviance, Criminality, disrespect of parents, elders, institutions, authorities, domestic crimes and other forms of violence, drugs abuse, rape, any kind of promiscuity is occurring within the population every day; and Chief are psychologically disarmed. They have no power to intervene. Only the State, through its Specialized Institutions, Police, Court, Gendarme, has the monopoly to enforce Law and to compel people to obey. Traditional rulers have become useless. Any intervention from them within their community is considered as primitive Dictatorship, Violation of human Rights, and Chiefs are condemned (...) and the harmony in the Community is degrading, (Interview, in 2004, in Cameroon).

Despite the Repression from the Government through its specialized institutions: Modern state's police and Court, population undergo Deviance, Criminality, Corruption, Social injustice and other malpractices. *"Prisons all over the Country are overcrowded and Institutions (Police, Gendarmerie, Army, Court), as Legal Authorities, in charge of Legal Right and Duties are overloaded because of the increasing, fear, banditry, violation of Laws and insecurity prevailing within the Population. The situation has even been worsened and sustained by those who are supposed to protect Human Rights and Duties, through Abuse and Illegal enrichment", (Interview, in 2024 in Cameroon).*

No society is perfect; no legal system is perfect. Legal Anthropology advocates for the preservation of legal customs and traditions of indigenous communities, and pleads for the recognition and protection of customary laws within the framework of Modern Societies around the World, (Nanda, S. 2004). The insufficiencies of Modern state and other have caused even educated people from Urban areas to solicit Customary Courts which also have their own deficiencies.

The Deficiencies of customary laws

Lack of codification

Customary laws are unwritten and non-codified. Modern technical rules and methodology of appeals are inexistent in customary legal. They are often considered uncivilized, non-respectful of Human rights, unchristian and are forced to disappear, (Minkano, 2021).

Customary laws and norms are informal. People can choose to manipulate them in their interest in any time.

Many Violation of human rights and Democratic principles

In indigenous societies, social injustice and discrimination like gendered-based violence, feminization of poverty, domestic violence, do prevail as ideology, norms, Values are those of its dominant group. They construct and enforce customary Laws and Norms that serve their interests and act against the benefits of vulnerable people. Also, their control of political, economic, religious ideologies makes the masse loyal to the very institutions that are the source of their exploitation and prestige of the dominant group, (Yanou, 2009). The prevailing feminization of poverty in a patriarchal society refers to an increase or high representation of women and their children among the poorest groups in the society. The under valorization of women through social stratification and limited or no access to resources and inheritance, prevails. The feminization of poverty contributes in maintaining women vulnerable and dependent to Men. This inequality between men and women is supported by cultural factors. *"In my tribe women don't have cocoa farm, they don't have house; her kitchen is all what she has, she can do everything there. She works enough but benefits little thing. A woman cannot inherit from his parents nor her deceased husband. She is considered as her husband servant. She can work in crops farm that can enable her to feed her family; when she earns enough money, for example, she should give it to her husband, who is the manager of the family (...)"*, (Interview April 2024, in Cameroon).

Also the unequal access to resources leads to social injustice and inequality. The division of Labor by sex endorses a dominance of men over women. And the situation is maintained through enculturation from childhood, (Miller, 2004). A gender segregation is such a way that all remunerative work or every labor that can produce much income, are masculine. It is culturally difficult to someone to do a work of the other sex.

Patrilocality that refers to a household pattern in which Man is the central stable domestic person around whom other family members cluster, (Miller, 2006). When control production and labor, the man or the husband plays important political and economic roles. The man is the only income provider and the dominant person in terms of economic, politics, and ideology. *"Women are the one to live the conjugal home and their children in case of separation or divorce, no matter what they worked there. Any child belongs to his father family. The woman can go and abandon a part of her life there. Women in a Patriarchal system do not have legal rights nor customary status."* (Interview April 2024 in Cameroon). That is the basis of the virilocality and patrilinearity, where the married couple should live in the Husband's or his family's compound, and where children belong to their father's lineage. Domestic violence and gender segregation are cultural norms.

The Hegemony theory has demonstrated that the governing group in the society uses ideology, cultural control, traditional legal institutions and beliefs, etc., to compel others to accept the stratification, inequality and the status quo. Social injustice and stratification have been naturalized.

That is why, in traditional centralized political system, some social abuse, segregation, have become normal. Cultural mechanisms are used by the leading group to control people and to maintain their hegemony on the rest of the society. Social Status are ascribed. In some centralized traditional political system, individuals are not equal.

The stratification of social structure causes some people to be less important and less privileged than other; that fact makes discrimination in rights to occur within the same community. Social

mobility is traditionally horizontal and rarely vertical, especially in Centralized political systems among the Soudano-Sahelian and the Semi bantou peoples.

A priori, Individuals in a traditional centralized political system in Cameroon, are unequal: some people to other are inferior in rights and in social Status. Those close or belonging to the ruling class are socially more important than the rest of the population, when approaching the main leader. All political, religious, economic and other decisions lay in the hands of the main leader and people around him. They are the one to share land and other resources. Social inequalities can be observed in the garments individuals wear that make them to be identified and differentiated from other. Cultural rules and norms of leadership and succession are ascribed, (Interview in Cameroon, 2024).

Those traditional rules and norms do not reflect democratic and human rights principles. Customary law is blame for non-corresponding to modern values and Cameroonian's constitutional and human rights obligations, (Kiye, 2015).

Cupidity of Some traditional rulers

“Some Chiefs are now interested more in economic benefit instead of the welfare of their peoples. The hereditary tradition of enthroning a chief does not exist anymore in some villages among the Bafow (South-west region- Cameroon). Because, once an elite is economically fit, he can buy the post of chief with the support of the administration, that is why, the Bafow traditions and cultural practices are being eroded” gradually. Some chiefs are happy of surrender of land, elderly chiefs who have nothing are not happy. Most of young chiefs drive in jeeps unlike the old one in the suburbs, (Interview, May, 2023, in Cameroon).

Some chiefs use their Status to abuse their populations and by making Business. They are making money in detrimental to their populations.

Connivance with Elites

The relationship with Elites is barely tolerable, because of disrespect of customs and cultural values. Elites now do not like chiefs especially since the surrender of land to villages. Elites who are top government workers, when it come home, the chiefs are there to welcome them; at time, when they visit elites, they are given envelop to motivate chiefs.

“That attitude corrupts the chief's mind. He can no more be impartial in case of conflict. Some Elites have bought the title for honour and prestige they don't deserve. For example, in the past strangers never used to sell land, but now there is high rate of it. The social integration has brought a lot of damages whereby strangers have infiltrated into the culture of Bafow people (South-west region- Cameroon, to dilute or to destroy it (... ”) (Interview in May 2024 in Cameroon).

The closeness between Chiefs and their Elites makes them to be partial and corruptible. They always favour and satisfy Elites' needs, because of advantages and under look their populations.

In patriarchal cultures, some traditional practices and norms, like forced and early marriage, levirate or sororate, maltreatment or abuse of widows and orphans that oblige individuals to undergo psychological and physical prejudice, have been normalized and naturalized. Many traditions are not respectful of Human right and Democracy principles (Interview in Cameroon).

Gender stratification usually, leads to the social situation where women do not have prominent roles in the economy and social life. Also, domestic violence is often associated with women's isolation from supportive kin ties or murder of women by their husbands and in-laws. Because of

cultural norms, widows and Orphans cannot inherit from their deceased husband and father, (Kantor, P., 1996). Fortunately, it is the modern Court system that gives hope to less privileged people in traditional society.

Those realities have made the modern legal system to monopolize Justice, and social control. Customary laws were not engaged in the process of law reform. The judicial ordinance in 2006, produced severe effects on customary justice, which became an inferior trial Court, (Minkano, 2021).

Because of the above examples of deficiency of Modern state jurisdiction and of customary laws in Cameroon, a new legal system that adequately reflects its inherited traditions need to be created. Both should complement and adjust to socio cultural needs and realities. As new situations arise law must determine whether old rules have their validity, if not rooms for change should be allowed, (Miller, B. 2006).

6. TOWARDS A COLLABORATIVE LEGAL PLURALISM

A collaborative legal pluralism could be realized through many strategies, among which:

-Inter-cultural dialogue

A creation of a platform for different cultures to understand and respect each other. Inter-cultural dialogue could help eliminate cultural prejudices toward each other; it can create a collaboration between modern laws and customary legal systems. It also leads to the emergence of new ideas, resulting in the enrichment of cultures. According to the Critical legal anthropology reveals discriminative treatments in judicial systems in many counties. The realities in the field shows that in the world the current judicial systems serve to maintain and expand dominant group power and interest rather than protecting marginal and less powerful peoples. And Discriminative treatment cause displacement of victims from their home land, poverty, criminality, suicide. That is why critical legal anthropology pleads for law to be administrated equitably, (Miller, B., 2006).

That approach can preserve cultural diversity and richness while emphasizing the positive outcomes of interactions between cultures, (Tunker, F. F., 2023).

-Valorization of certain customary laws

As far as Social control is concerned, we can identify external social control, operating through open coercion: punishment, reword, court, police, Prison, Death penalty, etc., as it is in modern system. The external social control systems concern formal aspects of codified rules about proper behavior and punishments for deviation. There are also internalized social control that exist through socialization for proper behavior, which could be considered as informal systems, (Miller, B. 2006). Generally, customary court and norms rely on internalized social control.

For a better mechanism of social control, a collaboration legal pluralism between modern state jurisdictions and customary laws, is relevant in Cameroon. Social Control is a process that maintain orderly social life in groups, (Garland, D., 1996), Social Control includes informal and formal mechanisms. It is an agreement on rules, norms and ways, to ensure social cohesion and conformity to those rules and norms. Social control systems also integrate mechanisms to deal with deviants or norms violators, (Miller, B. 2006).

Cameroon is a multicultural Society and it is true that the more divergent cultural traditions are, the more difficult it is to make syncretism or pluralism work. Fortunately, the context of Plural Legalism can be an opportunity. One should know whether indigenous Mechanisms of Social Control and native Law Enforcement Strategies should overcome the deficiencies of Modern System in order to rescue Social harmony in Cameroon.

In many cases, state justice is incompetent and issues are managed by customary court which are culturally fit. Cultural groups are subjects to a single legal code, misunderstanding and conflicts usually arise, because the legal authority and legal rights and duties have been delegated to one legal system, the state, (Ewing 2000).

The coexistence of traditional laws and mechanisms of Social Control and Modern legal system, can lead to the emergence of a new form of Legal system but the importance lay in the efficiency in maintaining social Order. By using collaborative Legal pluralism.

Legal pluralism is a context where two or more legal systems coexist in the same social field, (Swenson, 2018). The collaborative legal pluralism is also called legal variety or multi diversity. It is a view that assumes that diversity is beneficial to society and that autonomy should be enjoyed by disparate functional or cultural groups within de society.

The Critical Legal Anthropology emphasized on the trap of avoiding a homogenized legal view, and recognizes legal difference, by paying attention to the interests of various groups, (Miller, B., 2006).

The official valorization, professionalization, and training of Customary judges in modern law

The appointment of customary judges should be based on merit and training they should demonstrate proven abilities in traditional justice and obtain legal training in court procedures and in human rights education. The awareness of customary law and education should be undertaken within the society including in law programs in schools and universities across the country. The designation of Traditional leaders should respect customary norms.

“ No Chief should be designated by the government. Chiefs’ authority and legitimacy should not be affected or frail. They should be politically impartial (...). Our traditional Rulers should be involved in Laws Enforcement and Social Control. The Spiritual Power they carry can compel people to conform to Laws, Norms and Values. Spiritual mechanisms are very efficient. Sophisticated Weapons and Arms, police, Courts, et., are unnecessary. That is how peace and social cohesion were maintained before the modernization of life’ conditions. The Government should not bypass that fact, (...) “(Interview, in 2024 in Cameroon).

Complementing the reform of court system, and the delivery of customary justice should be professionalized. The elimination of the use of technical rules in customary appeals will give ways to the valorization of modern law by assisting it with customary jurisprudence, (Minkano, 2021).

Harmonization consist to ensure that the outputs of the non-state justice system are consistent with the state system’s core values. At the same time, the non-state justice system is incorporated and legitimized to some extent. To support harmonization, state and international should convince and encourage non-state justice actors to concede certain norms or practices non-respectful human rights, (Campbell and Swenson 2016). A specialized division for customary appeals at the supreme court should be established. A modern jurisdiction should disregard technical procedural rules in customary appeals and concentrate on what is important. Customary Judges and Lawyers should be trained in technical rule as statutory judges. At the level of Supreme court, a customary bench should support procedures, (Minkano,2021).

The recourse to Supernatural power

The belief in supernatural forces is not a superstition but a social fact and a cultural reality among Cameroon peoples. Till date some aspects of humanity cannot yet been explained by the modern science.

Among indigenous Cameroon peoples, rituals and magic are used to solve problems that cannot be overcome by human means or scientific mechanisms. The recourse to ritual and magic has always

been used for the attempt to compel supernatural forces and beings to act in certain ways. In natives' mind, Super natural beings and forces are all-powerful, omnipresent, omniscient, and incorruptible. They are benevolent and malevolent according to people behaviors, (Kuipers, J. C. ,1990), (Nanda, S., 1994). as indigenous mechanisms of social control. In fact, when facing modernization and its weaknesses, people often seek emotional comfort from tradition which are customary ideas and practices that are considered as an obstacle in a modernizing society. The intensified interactions among people in the community, especially where competing interests are involved serious conflicts social conflicts are growing, (Havilland, W and Al.:2002).

The belief in super natural forces and their ability to affect people have always contribute to social control among indigenous people, where a violation of socio cultural norms can bring on supernatural assault. They are believed to affect people, (Kuipers, J.:1990).

Only spiritual mechanisms can stop and redress the situation. Spirits are un corruptible. They are omnipresent and omniscient. Spirits can be benevolent or malevolent according to people's behavior. Really, nobody would dare offends another person, knowing that Spirit are watching and they can physically or spiritually attack and harm. Only your innocence and your sincerity can protect you. And it is real and effective. That is how peace and security were maintained in the precolonial Society, (Interview, in 2024 in Cameroon).

To alleviate corruption, abuse and other malpractices in public services by any unsound Civil Servants, *"Government can authorize certain native practices to be performed. They must solemnly renounce on oath, by forswearing during a ritual. Spiritual forces and beings are always around; distance is not a barrier. Breaking a promise will bring on super natural attack by a misbehavior. The punishment may come in the form of illness or death of the offender or his or her relative or destruction of his house, farm or of a relative through fire, thunder, a swarm of bees, etc., to that fact will disallow people by compelling them to respect laws and other social norms. The repression through, jail, court and other modern mechanisms of social control are ineffective. "If for example the Government encourage citizen to charm or practice rituals with the money any time they are forced to bribe, nobody will like to take it, because of spiritual consequences on the corrupter", (Interview, in 2024 in Cameroon).* Otherwise, the guilty party must pay compensation the victim or to members of harmed family.

Ethnic groups may try to retain their distinctive identities by maintaining cultural boundaries such Below are some Life Stories from Fieldwork, demonstrating that, Indigenous Mechanisms of Social Control are still relevant in Cameroon despite de prevalence of Modern Laws and Specialized Institutions of the State.

Some Names and places will be omitted to ensure the confidentiality Informants' confidentiality. The Study is Cross Culturally made in Cameroon in 2024; only two examples will be presented below.

In the Sudano-Sahelian Cultural area in Cameroon, a Story has been related.

A Man has been cuckolded by the wife with the husband Boss. The Later had an unwholesome behavior to send his junior collaborator in mission far away from his family, for longtime. During his absence, the boss has been taken advantage to commit adultery with the college's Wife. When the cuckold Husband new the Situation, he undertook a revenge. Knowing that he has no legal authority and because of advantages given to the Boss through laws, he used native means to expose the boss and to punish him. The next time the cuckold civil Servant has been sent to mission far away and for long time, the boss and the Civil Servant's wife were caught in flagrante delicto. The couple could not separate themselves one from another, because their sexes remained attached. A very compromising situation for the boss and High Authorities in the locality. Modern medical system was

inefficient to solve that problem. It took rituals to separate them, (Life Story, in 2024, in Cameroon).

In the Sudano sahelian traditions like elsewhere in Cameroon, any man who commit adultery with another man's wife can undergo such punishment as becoming sexually impotent, loose his virility or sex rot. That is a result of native system to compel adultery people to stop, to respect social norm and to avoid abuse. Some individuals are arrogant and abusive when they have power.

In Cameroonian traditions generally, people use charm to prevent theft. Owner of a property just put and exposes the charm for general knowledge; so that any Offender has himself or herself to blame. For everybody in the community knows the consequences of stilling that property, (Life Story, in 2024, in Cameroon).

The South Region of Cameroon belongs to Bantu of forest Cultural area; where

“ a native Doctor has succeeded in maintaining social control and kept peace and security in a community. Because of fear of spiritual repressions, population avoided theft, domestic violence, rape, respect of elder, etc. The disobedient were cursed, and death was the sanction, for other. Even policemen were afraid of taken money from population because of the reprisals of spirituals forces. One doesn't know whether the money has been charmed or not. The best thing was to avoid bribe. Everybody conformed to social norms and values. When the local Authorities were informed of the situation prevailing among the population. The native doctor was summoned and intimated to abandon his practices. He was told that only the State has the monopoly to compel people and to punish them. As result, insecurity with all deviance, criminality, social abuse and discriminations prevail among the population, due to lack of an appropriate system of sanction”, (Life Story, in 2024, in Cameroon).

If the government uses the indigenous mechanisms of social control and oblige Civil Servant to swear and take engagement to avoid corruption, discrimination and abuse of collaborators and other people, before the signature of assumption of duties; Embezzlements, *Corruption and other abuse in Public Services can be overcome. Because of the fear of the reaction of incorruptible Supernatural forces. This measure is still a success in various native traditions, it can succeed in modern state system. The negligence of native mechanisms of social control, caused people to misbehave, to undergo authority abuse in public Services and to embezzlement. They know punishment will not follow, and nothing will happen to them, (Interview in 2024, in Cameroon).*

Modern laws are not enough for social cohesion and peace in Cameroon. People have been complaining about malpractices, but the violators don't care about. Indigenous preventive systems of law enforcement and social control should be taken into consideration and put in place in Cameroon, for a collaborative legal pluralism.

Involvement of traditional authorities in Social Control

The control of deviant behavior is a major function of law in all society; in order to resolve conflicts that could otherwise be disruptive to the society. Both Modern state legal system and Customary laws have failures; that situation requires collaboration to complement and covert their insufficiencies in Social Control. It is not a superstition but social realities. Spirituality is at the center of people life. In case of Legal pluralism, or clash of culture, *balance power for each cultural rights should be practiced. For example, designation of traditional leaders or their advices can help in mitigating social violence.* The codification of some customs or native norms should also been considered, by the modern state, (Interview in 2024 in Cameroon).

Based on the failure of the modern State to maintain peace and harmony within the populations, Cultural Survival should collaborate with indigenous communities for an advocacy effectively for the revalorization of their traditional mechanisms of social Control.

“For a better Social control in this country, traditional rulers should be involved in social control, for this was possible before the colonization. The legitimate right to compel others to obey legal requirements, either by force or by threat and to punish violators of law should also be given to chiefs” (Interview in Cameroon 2024). Population trust the native traditional power for a better social control mechanism, because of the rampant corruption and other disagreements that led to lack of trust in modern state legal system.

“The social mixture witnessed in Cameroon, “where populations’ displacement, caused by Anglophone Crisis, is an opportunity for an effective collaboration of the coexisting legal systems in Cameroon. Customary laws should take advantage since the imperialistic legal systems is disastrous to the national cohesion”, There are many cases where native strategies control the deviance better than modern mechanisms that uses Police and gendarmes. They are many things they cannot achieve; but it is possible in native traditions “, Example, in Jakiri, North west Region, some years ago, during the Anglophone crisis, a gendarme was killed by unknown peoples and the gendarme’s gun was taken away. Realizing the danger and the moral panic within the community, the local secret society came out and intimated that the stolen gun should appear the same day, before nightfall. If not the violator would face the anger of the supernatural forces. The same day, the gun reappeared. The result couldn’t be the same if the Governor of the region or the Minister of Defense had ordered. Modern mechanisms of social control are too weak for some cases; people don’t respect them; because they know that nothing can happen to them or they can corrupt the administration. But Spirits are incorruptible. Many social situations are spiritual, they need to be solved spiritually, not every challenge can be overcome through modern mechanisms. And it works,” (Interview, in 2024 in Cameroon).

Evil actions and the violation social norms are as old as the world. Conflict is inherent to Society.

Before the colonization, Chiefs successfully maintained order within their communities, without any sophisticated weapons nor police. In Cameroon, Modern State should collaborate with indigenous methods to overcome the increasing social deviance. Modern science cannot yet explain a lot of aspects of human being.

Incorporation of customary mechanisms of social control in modern state jurisdictions

For incorporation, the distinction between state and state justice is eliminated at least from the state’s perspective. Non-state justice can become state justice and the decision from non-state system should be endorsed and regulated by state’s officials; they can also be ratified or appealed by the state system. The state can be involved in the non-state judicial systems. (Peters and Ubink, 2015). Public information campaigns should be frequently undertaken to enhance understanding of the state legal system and how to access it.

Social control and maintenance of social order can be anticipated. In modern system, Power-enforcement and forms of punishment such as prisons and death penalty, are among formal strategies of social control, through surveillance and threat of punishment. The capital punishment is usually ritualized or widely published for general knowledge about the state’s power and strength in order to dissuade any law violator, (Nanda, S., 1994).

7. EXAMPLE OF GHANA’S COLLABORATIVE LEGAL PLURALISM IN AFRICA

Ghana stands as one among several nations characterized by a pluralistic legal system where legal tradition, historical backdrop, cultural heritage, and statutory regulations coexist. The laws of Ghana as stated in Article 11 of the 1992 Constitution depict an interplay of different laws within the Jurisdiction. It is what gives the unique identity of Ghana’s legal system. The different interactions of laws make Ghana’s legal system pluralistic. As global legal landscape advances, Ghana’s experiences offer a case study that contributes to broader dialogues concerning legal pluralism,

cultural identity, and the pursuit of appropriate legal structures within a context of globalization, (Addy, M. 2023).

The legal system in Ghana is pluralistic, in that national legal system is based on the mixture of indigenous experiences, religious practices and imported legal experiences from the colonization. Customary laws and traditions are taken into account in fashioning the jurisprudence. Ghana's pluralistic legal system is composed of legal rules of British origin (common law), customary laws, and the laws made by the law-making bodies of Ghana. The Article 11(2) provides that "*The common law of Ghana shall comprise the rule of law generally known as the common law, the rules generally known as the doctrines of equity, and the rules of customary law including those determine by the Superior Court of judicature*", (Addy, M. 2023). However, the constitution of Ghana is careful with customary practices that affect human rights and dignity that prevail in customary laws according to traditions. So culturally practices that are offensive to the protection of fundamental human rights and freedoms of people have been condemned by the constitution and have made provision for the abolishment of harmful practices, (Addy, M. 2023).

Article 26 provides that:

- (1) Every person is entitled to enjoy, practice, profess, maintain, and promote any culture, language, tradition, or religion subject to the provisions of this Constitution.
- (2) All customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.

Article 36 adds that

- (1) Subject to clause (2) of this article, the State shall take steps to encourage the integration of appropriate customary values into fabric of national life through formal education and the conscious introduction of cultural dimensions to relevant aspects of national planning.
- (2) The state shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of growing needs of the society as whole; and in particular that traditional practices which are injurious to the health and well-being of the person are abashed, (Addy, M. 2023).

No society is perfect, but the Ghana's pluralistic legal system is an example of collaborative legal pluralism to be copied in Cameroon.

There are traditions in customary laws that are important and that need to be taken into consideration. In native cultures, early teaching of acceptable behavior includes, enculturation, early teaching of socio cultural norms and values and practicing them. Social effort to create orderly behavior begins at birth and continue through life. Attitudes or feelings about rights and wrong behavior and rules that govern our relationship with fellow human beings and to physical environment can be learned. Also, punishments for rule violation and rewards for conformity are all among preventive mechanisms of Social Control. Those behaviors acquired through enculturation from childhood, will later influence people interactions in the community, (Miller, M., 2006).

Indigenous mechanisms to compel laws violators can be used. Belief system is another major force for the maintenance of social order. They increase peoples' respects for the social cohesion, because of promise of supernatural reward or revenge for proper social conduct and punishment for wrong living.

8. CONCLUSION

The paper was looking for how Modern State Legal system could interact with Customary laws and Indigenous mechanisms of Social control for Peace and harmony in Cameroon. In other words, this

paper was a discussion about the type of legal pluralism to be put in place through a collaboration of the coexisting modern jurisprudence with customary laws in Cameroon. According to results, both Modern state jurisdictions and Customary court laws present deficiencies; none is adapted to the current social realities. A collaborative legal pluralism can be the best legal system that fits social realities. Modern states laws and customary courts can collaborate such a way that the challenges and weaknesses of the one could be overcome by the other one's method. As a cultural element, Law and mechanisms of social control are flexible and not static. When the situation in the society changes, there is an opportunity to adjust Laws and mechanisms of social control to the change that has occurred, to fit social realities. The coexistence of traditional laws and mechanisms of Social Control and Modern legal system, can lead to the emergence of a new form of Legal system but the importance lies in the efficiency in maintaining social Order. Law is an element of culture which is dynamic; also Law and mechanisms of social control are flexible and not static. When situations in the society change, there is an opportunity to adjust Laws and mechanisms of social control to the change that has occurred, to fit social realities. By using collaborative Legal pluralism, which could be appropriate to people's aspirations in Cameroon; In a context where both state and non-state justice coexist, non-state justice mechanisms operate under the umbrella of state authority. Weaknesses of one system can be overcome by the other one's mechanism, for the improvement of social control systems that reflect social realities. According to this study, among strategies for a collaborative legal pluralism in Cameroon, appear: The Professionalization of customary laws. The awareness of customary law and education should be undertaken within the society including in law programs in schools and universities across the country. The designation of Traditional leaders should respect customary norms. The Incorporation of customary mechanisms of social control (like local practices and spirituality) in modern state jurisdictions. Chiefs should be given the legal authority. Citizens and Customary laws agents, should be trained in modern laws system and the reverse. Non-state justice can complement state justice and the decision from non-state system should be endorsed and regulated by state's officials; they can also be ratified or appealed by the state system. The state can be involved in the non-state judicial systems. Beside the Police and Court, native mechanisms of social control (internal and external), like enculturation, rituals and other indigenous preventive strategies. The result has also presented the Ghana's pluralistic legal system as an example of collaborative legal pluralism to be copied in Cameroon. The legal system in Ghana is pluralistic, in that national legal system is based on the mixture of indigenous experiences, religious practices and imported legal experiences from the colonization. Customary laws and traditions are taken into account in fashioning the jurisprudence.

REFERENCES

- 1) Addy, M., 2023, *Legal kaleidoscope: Exploring Ghana's pluralistic legal system*, University of Professional Studies, Accra (UPSA), (online).
- 2) Adebayo Oba, A. 2023, *African law and legal pluralism within and beyond national legal system*, University of Western Cape.
- 3) Mbuagbo, O.T. and Akoko, R.M, 2004, *Motion of Support and Ethno regional politics in Cameroon*, Journal of Third World Studies, X X1 n° 1.
- 4) Campbell, Meghan and Geoffrey Swenson, 2016, "Legal pluralism and women rights after conflict: The role of CEDAW" Columbia Human Rights Law Review 48 (1)
- 5) Enonchong, L. S., 2025, *Constitutional Identity, Bijuralism and establishment of Common Law division in the Supreme Court of Cameroon*, *Legal pluralism and Critical Social Analysis*, Routledge, ISSN, (Online).
- 6) Enonchong, L.S. and Ashu Eware, 2024, "Conflict transformation through Institutional (re) construction: An examination of common law Division of the Supreme Court of Cameroon." *African conflict and peace building Review* 14(1):28-54 <https://doi.org/10.2979/acp.00002>.
- 7) Ewing, K. P., 2000, *Legislating Religious Freedom: Muslim Challenges to the Relationship between "Church" and "State" in Germany and France*. Daedalus 29 Fiaka, 2021

- 8) Garland, D., 1996, *Social Control*. In *The Social Science Encyclopedia*, Adam Kuper (eds), Routledge: New York.
- 9) Jones, Seth G. 2008, "*The rise of Afghanistan's Insurgency: State failure and Jihad*". New York: W.W. Norton in -Swenson, G., 2018, *Legal pluralism in theory and practice*, *International Studies Review*, Vol. 20.
- 10) Jones, Seth G. 2010, *In the Graveyard of Empires: America's War*. New York: Norton.
- 11) Kantor, P., 1996, *Domestic violence against Women. A global issue*, in Nanda Serena, *Cultural Anthropology*, (2004).
- 12) Kuipers, Joel., C. , 1990, *Power in performance: The Creation of textual Authority in Weywa Ritual Speech*. Philadelphia: University of Pennsylvania Press.
- 13) Miller, B., 2006, *Social order and social conflict* in *Cultural Anthropology* (4th ed.), *George Washington University*.
- 14) Minkano, E. K., 2021, *Advocacy for Customary Justice Reform in Cameroon: What is to be done with Customary Law?* A Journal of Contemporary Research, www.Universalacademicservices.Org.
- 15) Miyazawa, S., 1992, *Policing in Japan/ A study on making Crime*, in Frank, G. Bennett, Jr. and al. Albany: State University of New York Press.
- 16) Nanda, S. 1994. *Political Systems and Social Control* in *Cultural Anthropology*, Wadsworth Publishing Company, Belmont, California.
- 17) Peters, E. and Ubink, J.M. 2015, "*Restorative and Flexible Customary Procedures and their Gendered Impact: A preliminary view on Namibia's Formalization of Traditional Court*"; 3 *The Journal of Legal Pluralism*, *Unofficial law* 47 (2).
- 18) Rowe, W. and Shelling, V., 1991, *Memory and Modernity. Popular culture in Latina; Amazon*
- 19) Swenson, G., 2018, *Legal pluralism in theory and practice*, *International Studies Review*, Vol. 20.
- 20) Tamanaha, B., 2007, *Understanding legal pluralism: past to present, local to global*, University of Sydney, vol. 30.
- 21) Time, Victoria, 2000, *Legal pluralism and harmonization of law: An examination of the process of reception and adoption of both civil and common law in Cameroon criminal justice* 24(1):19-29 <https://doi.org.10.1080/24036.2000.9678650>.
- 22) Tuncer, F. F., 2023, *Discussing globalization and cultural hybridization*, *Universal Journal of History and culture*, (Online)
- 23) Yanou, A. M. 2009, *The local Courts, decentralization and Good Governance / The Case of the English Speaking provinces of Cameroon*, Online.