SCOTTISH JOURNAL OF
ARTS, SOCIAL SCIENCES
AND
SCIENTIFIC STUDIES

VOLUME 14, ISSUE I
July, 2013

Articles

Risk factors associated with cervical carcinoma among women in Malaysia Oncology ward: A case control study

Faridah, M.S

Department of Medicine, Faculty of Medicine and Health Sciences

Rohana, T

Department of Medicine, Faculty of Medicine and Health Sciences

Rohani, A

Department of Obstetrics and Gynaecology, Faculty of Medicine and Health Sciences

Malina, O

Department of Medical Microbiology and Parasitology, Faculty of Medicine and Health Sciences

Norashiqin, M

Department of Medical Microbiology and Parasitology, Faculty of Medicine and Health Sciences

Abstract

Studies have shown that human papillomavirus (HPV) infection is responsible for more than 90% of the cases of cervical cancer worldwide. Identifying risk factors that lead to cervical cancer has depended mainly on case-control studies. To determine the risk factors, we used face-to-face interviews with women who had the cervical cancer and women who had negative Pap smear at Oncology Unit, Hospital Kuala Lumpur. We measured the socio-demographic, sexual behaviour, reproductive history, smoking habit, birth control method and family history association with cervical cancer. Among cervical cancer women, Chinese race, no formal or primary education, unemployed and had less than RM1000 household incomes were significantly associated with increased cancer risk. Sex with multiple partners was associated with a 5.7-fold increase in risk. High parity and age of menarche at age less than 12 years old also increase the risk of getting cervical cancer about 20.8 times and 2.4 times, respectively. Ever smoking was associated with a 6.3-fold increase in risk, and there was significant trends of increased risk with years of smoking (p=0.001). Other significant risk factors of increased risk included the Combined Oral Contraceptive pill (COCP) use more than five years and family history of cervical cancer or other cancer. In conclusion, reproductive history, sexual behaviour, COCP use, smoking, family history and as well as the socio-demographic pattern were observed increase the risk of cervical cancer in this population.

Keywords: Malaysia, Oncology Ward, Breast cancer, Oral contraceptive, sexual behaviour

Malaysia located at the heart of Southeast Asia is a developing country with about 29 million populations and 67.6% of the population consists of women aged between 15 to 64 years (MOH, 2012). Currently, this country observing an epidemiological transition due to urbanization, industrialization, changes of lifestyle, population and aging growth which contributing to the trend of incidence and prevalence of new cases increasing rapidly.

The burden of reproductive cancer counting cervical cancer is increasing in both developed and developing countries. In many of the regions of the world, cervical cancer now the most frequently occurring malignant diseases associated with 18% of all female cancer and one of the leading cause of cancer death in women (Ferlay, Shin, Bray, Forman, Mathers, & Parkin, 2010). Worldwide, cervical cancer is the fifth most common cause of cancer death following lung cancer, stomach cancer, liver cancer, and colon cancer. In 2005, cervical cancer caused 502,000 deaths and 80 % of global cervical cancer mortality and morbidity are in low middle income countries (Ferlay et al, 2010; Ramiya,2011).

The peak occurrence of cervical cancer in developed countries is above the age of 30 years and the trends equated to Malaysia. Overall age standardized incidence rates were 12.2 per 100,000 women. An increasing trend in the incidence rates of the cervical cancer increased with age after 30 years and has been reported peak at the ages 60-69 by registries of National Cancer Registry Project (Ministry of Health, 2006). Cervical cancer is the third most common cancer among women in Malaysia and the fourth cause of death in Malaysia (Ferlay et al. 2004, MOH, 2012). Total of 1,557 and 847 cases of cervical cancer cervix registered with National Cancer Registry in 2003 and 2007 respectively. The overall incidence rate for cervical cancer in Malaysia was 19.7 per 100,000 populations. Majority at the advanced stage with highest at stage II 34% stage III 26 %, stage 1 21%, and stage IV was 19% when they were diagnosed (Lim & Yahaya 2004; Ministry of Health, 2006).

Human papillomavirus (HPV) is recognized as the main cause of cervical cancer particularly type 16 and 18. This virus found to infect the cell in the basal layer of squamous epithelium (Ha et al. 2004). Thus, infection caused by HPV found in various body sites, such as genital tract, skin, conjunctiva, larynx, tracheobronchial mucosa, oesophagus and oral cavity (Syrjanen et al. 1988). In addition, substantial studies suggesting this virus is carcinogenic, which lead to the uncontrolled growth of cell and further will develop the malignant lesions at the site of infection such as cervical carcinomas depends on its potential.

Nevertheless, the present of HPV alone is not sufficient to cause cervical cancer, but this must have associated with the characteristics of the virus, host and also the environment. These co-factors have been frequently reported influencing the progression from infection to cancer (Plummer et al. 2003). Previous epidemiological studies have obviously verified that the importance of cofactors such as first pregnancy at an early age, family history, use of oral contraceptives, and having sexual intercourse before age 18 years old in cervical carcinogenesis (American Society, 2006). Previous study also have clearly demonstrated that the lifestyle significantly influence this infection. Women who like to change sexual partners, engaged in early sexual activity and having HPV infection that spreads during sexual intercourse are high risk in getting cervical cancer (Nor Hayati, 2003).

Apart from that, the socio-demographic factors are also associated with the risk factors of cervical cancer among women. For instance, ethnicity has a close association with the risk for getting cervical cancer as this is proven by the research showed that Chinese women having the highest incidence of cervical cancer with 28.8 followed by Indians (22.4) and Malay 10.5 per 100,000 populations (Lim & Yahaya, 2004). The epidemiology studies of cofactor for cervical cancer have a count on primarily on case-control designs (Plummer et al. 2003). The designation of risk factors can help determine the group at predominantly higher risk and can

lead to novel preventive strategies (Chichareon et al. 1998). However, current knowledge of the aetiology of cervical cancer remains incomplete (Plummer et al. 2003).

Cervical cancer is perhaps the most curable form of any human cancer if detected at the precancerous stage, and it has been the significantly beneficial and the cheapest reproductive cancer control program in Malaysia as well as developing countries where cervical cancer is a significant cause of morbidity and mortality.

Remarkable progress has been made in preventing and controlling of cervical cancer caused by HPV. Two different vaccines have been developed to prevent infection from HPV 16 and 18. In addition, one of these vaccines is known in providing additional protection against HPV 6 and 11 that causing genital warts. Both vaccine need to administered with 3 doses given to female aged 9-26 years and most effective if given before the female's first sexual encounter. Although the vaccine is available, however, in developing countries like Malaysia, national HPV vaccination programme has not been implemented full pledge because of the vaccine price is expensive.

By earlier detection and identifying pre-cancerous lesions using cytology based Pap smear screening, these lesions can be treated before they progress to cancer, thus, produce better prognosis and reducing of incidence and mortality (Eddy 1990; Miller, Nazeer, & Fonn, 2000). Even though cytology based screening is resource intensive in term of equipment and manpower, it is the most effective method of screening programmes at the population level employed in the developing countries. The cervical cancer screening programme was established in 1969 in promoting of early detection of precancerous cervical cancer among the target group of women aged 20–65 years (MOH, 2004 (Ministry of Health, 2008).

Statement of problem

Despite 80 % incidence and prevalence of cervical carcinoma occurring in developing countries, just 5 % of women come forward for cervical abnormalities screening (WHO, 2006). However, little is known about the factors that hinder Malaysian women from taking up screening. Therefore, any intention to increase the screening rates among women, the understanding about the risk factor associated with cervical cancer is highly essential (Wong et al. 2009).

Exposure to potential cofactors for cervical cancer varies substantially between countries (Moreno et al. 2002). Although the precise mechanisms of individual co-factors that contribute to the process of carcinogenesis are unknown (Tay et al. 2008), nonetheless, identifying of the risk factors for each of different communities has crucial implications for primary prevention of cervical cancer and future research initiatives. This study was conducted to determine the risk factor that involved in cervical cancer, using case-control design among women who had positive Pap smear as case subjects and among women who had negative Pap smear at Oncology Unit, Kuala Lumpur.

Method

Study Design and Population

This was hospital based case-control study that involved 374 women who were diagnosed to have cervical cancer 6 months or one year ago in Oncology Unit of Hospital Kuala Lumpur (HKL), Malaysia as case subjects. Control subjects were women with normal cervical smear who were selected from the same hospital. This study was conducted from 1st November 2010 until 31st January 2011. The inclusion criteria for case subject were that they had a histologically confirmed cervical cancer only and either attended the Obstetrics and gynaecology (O&G) clinic or were admitted in the Oncology of same hospital. For control

subjects; women who had not undergone Pap smear test must be excluded from the study. Case and control subjects who were in poor physical and mental condition were excluded.

Data Collection and Ethical Approval

All data were collected by face-to-face interviewed using a validated questionnaire, encompassing on the socio-demographic status, sexual behaviour, reproductive history, contraceptive pill usage smoking habit and family history. Ethical approval was obtained from the Medical Research Ethical Committee of Faculty of Medicine and Health Sciences, Universiti Putra Malaysia. Each participant was given written consent and explanation of the research detail

Statistical Analysis

Statistical analysis was performed using the "Statistical Package for Social Science (SPSS)" Window version 19. To estimate the risk of cervical cancer associated with socio-demographic characteristic and the other risk factors, we conducted the Chi-square test to get the odd ratios (ORs) and 95% Confidence Interval (CIs), $p<0.05$ as the significant level.

Definition

Cervical cancer is the cancer that forms in tissues of the cervix (the organ connecting the uterus and vagina) (National Cancer Institute, 2011). Number of parity is defined as the number of times a woman has given birth (World Health Organization, 2010). Whereas oral contraceptives pill means the birth control pill and Intra Uterine Device (IUD) is a device that inserted into uterus to prevent conception (pregnancy).

Results

Out of 187 patients with cervical cancer, 48.2% were at age 50 to 59 years old and followed by age 40 to 49 years old (46.5%). Meanwhile, the least affected age was 30-39 years olds. The mean age for case subjects was 49.9 ± 4.5, whereas for control subjects were 40.7 ± 8.2. This study showed that the incidence was highest in Chinese (42.8%) followed by Malay (40.6%), Indian (15.5%) and others (1.1%) (Table 1).

Table 1	Socio-demographic characteristic among case subjects and control subjects		
	No of cases (%)	No of control (%)	Total (n=374)
Age			
30-39	1 (0.5)	105 (56.1)	106
40-49	87 (46.5)	68 (26.4)	155
50-59	90 (48.2)	12 (6.4)	102
60-69	9 (4.8)	2 (1.1)	11
Mean age ($\pm$ SD)	49.9 ± 4.5	40.7 ± 8.2	
Ethnic			
Malay	76 (40.6)	127 (67.9)	203
Chinese	80 (42.8)	28 (15.0)	108
Indian	29 (15.5)	24 (12.8)	53
Others	2 (1.1)	8 (4.3)	10

This results showed that there was a significant association between cervical cancer and age (p=0.001). The prevalence of cervical cancer was highest in women who were more than 45 years old. The odd ratios showed the risk was 326 times (95% CI 130 - 817) more than patients who were age less than 45 years old (Table 2). Increased the cervical cancer also was related to the Chinese which was 4.2 times (95% CI 2.5 - 6.9) more than non-Chinese (Malay, Indian and others). This study also revealed that the education level has significant influenced with the risk of getting cervical cancer. The respondent who have no formal education or only had primary level, unemployed and had monthly income less than RM 1000 increased the risk about 7.8 (95% CI 4.5-13.3), 15.6 (95% CI 8.6-28.1), and is at risk of 13.0 times (95% CI 7.5-22.5), respectively.

Table 2   Association of socio-demographic characteristic with cervical cancer

Variables	Cases (%)	Control (%)	OR (95% CI)	P value
Age at diagnosis				
> 45	175 (93.6)	8 (4.3)	326.2 (130-817)	0.001*
≤ 45	12 (6.4)	179 (95.7)		
Ethnic				
Chinese	80 (42.8)	28 (15)	4.2 (2.5-6.9)	0.001*
Non-Chinese	107 (57.2)	159 (85)		
Marital status				
Married	178 (95.2)	183 (97.9)	0.4 (0.1-1.4)	0.15
Widowed/divorced	9 (4.8)	4 (2.1)		
Educational level				
No formal/Primary	93 (49.7)	21 (11.2)	7.8 (4.5-13.3)	0.001*
Secondary/Tertiary	94 (50.3)	166 (88.8)		
Employment status				
Unemployed	171 (91.4)	76 (40.6)	15.6 (8.6-28.1)	0.001*
Employed	16 (8.6)	111 (59.4)		
Income				
$ 1000	114 (61.0)	20 (10.7)	13 (7.5-22.5)	0.001*
$1001 and above	73 (39.0)	167 (89.3)		

* P ≤ 0.05 statistically significant

The result of this study indicated that there was an association of sexual behaviour toward the cervical cancer. Women who have the 1st sexual coitus at age lower than 20 years old were at increased risk of cervical cancer about 16.8 times (95% CI 10.0 - 28.1) higher than women who have the 1st sexual coitus at age more than 20 years old. Women who have multiple sexual partners were 5.7 times (95% CI 2.3 - 14.2) more risk compared to those reporting only one lifetime sexual partner (Table 3). Women who reported having live births more than three had 20.8 fold (95% CI 11.7 - 37.1) increases in risk compared with respondent who reported having live births less than three. With regard to age of menarche, a statistically significant increase in risk was observed with age below 12 years old (p=0.001).

Among women as assessed in this study population, the risk of cervical cancer increased with increasing years of Combined Oral Contraceptives (COC) pill use. Using the OC pill more than five years appeared to be associated with 8.4-fold (95% CI 5.0 - 14.1) increase in risk of cervical cancer. The finding or this study also discovered that intrauterine contraceptive device use was no association with the risk of cervical cancer (p>0.05). This study also showed that smoking increased risk of cervical cancer among respondent significantly. There were trends of increasing risk with a greater number of years smoked. Women who smoked more than 10 years had a 9.3-fold (95% CI 4.3 - 20.2) increase in risk compared with smoked less than 10 years. Women who had the family history with cancer were almost 2.4 times (95% CI 1.4 - 4.1) more likely to develop cervical cancer than controls (Table 3).

Table 3   **Association of risk factors and cervical cancer**

Variables	Cases (%)	Control (%)	OR (95% CI)	P value
Age at first coitus				
< 20	156 (83.4)	43 (23.0)	16.8 (10.0-28.1)	0.001*
≥ 20	31 (16.6)	144 (77.0)		
Sex with multiple partner				
Yes	30 (16.0)	6 (3.2)	5.7 (2.3-14.2)	0.001*
No	157 (84.0)	181 (96.8)		
Parity				
≥ 3	169 (90.4)	58 (31.0)	20.8 (11.7-37.1)	0.001*
< 3	18 (9.6)	129 (69.0)		
COCs used				
≥ 5 years	106 (56.7)	25 (13.4)	8.4 (5.0-14.1)	0.001*
< 5 years	81 (43.3)	162 (86.6)		
Intrauterine Device used				
Yes	18 (9.6)	17 (9.1)	1.0 (0.5-2.1)	0.09
No	169 (90.4)	170 (90.9)		
Ever smoked				
Yes	53 (28.3)	11 (5.9)	6.3 (3.1-12.5)	0.001*
No	134 (71.1)	176 (94.1)		
Duration of smoking				
≥ 10 years	55 (29.4)	8 (4.3)	9.3 (4.3-20.2)	0.001*
< 10 years	132 (70.6)	179 (95.7)		
Family history				
Yes	55 (29.4)	27 (14.4)	2.4 (1.4-4.1)	0.001*
No	132 (70.6)	160 (85.6)		

* P ≤ 0.05 statistically significant

Discussion

The analysis of this study consistent with previous studies from developed and developing countries that suggesting on the risk of cervical cancer is associated with the socio-demographic characteristic among women under study. The highest incidence of cervical cancer was women at age 40 to 59 years old, which represent 94.6%. The mean age of case subjects was 49.9 ± 4.5 years old. Previous study by Schiffman (1992) reported that the

prevalence of oncogenic HPVs infection among young women initiating sexual intercourse in their teens and twenties and the median age of cervical cancer diagnosis is two decades later (around 40 years old). This finding also support by previous epidemiology study. A case-control study in America showed that the incident of HPV-positive was highest among women at age 35-60 years old (Shields et al. 2004). Previous study in Malaysia, showed that the prevalence of HPV infection was found to be highest in 30–45 age group (58.3%), followed by <30 years old (21.4%) and >46 years old (20.2%). Patient who is their husband or partner with secondary educational level has 1.5 times of getting HPV infections (95% CI 0.8–2.77). Women suffered with any gynaecological disease have 2.5 times (95% CI 1.0–6.6) chances of getting HPV infection (Rusinahayati et al. 2009).

This finding documented that ethnicity bears a significant association to cervical cancer. Chinese ethnicity had the highest incidence of cervical cancer, followed by Malay, and the lowest cases were among Indian. This finding was differing from the previous study by Rusinahayati et al. (2009), which reported that Malay women are 1.5 times (95% CI 0.8–2.7) of getting HPV infection as compared to Chinese and Indian women. In 2010, an epidemiology study in Malaysia also found that more than two-third of the cervical cancer women (68.5%), were above 50 years of age, with the mean age of 55.21 years and most of the subjects were Malay (82.9%) and married (84.3%) (Saini et al. 2010). On the other hand, this finding shared similar result with a study in Singapore, the neighbouring country. A study by Tay et al. (2008) reported that Malay and Indian ethnicity have a substantially lower risk when compared to Chinese. Chinese had the highest incidence of cervical cancer at 11.5 per 100,000 women, followed by ethnic Malays and Indians at 7.4 and 6.1 per 100,000 women, respectively. In America population, study showed that white, non-Hispanic had the highest incidence of cervical cancer compared to black and white, Hispanic people (Shields et al. 2004).

Result in this study also found the association between marital status, education level, employment status, as well as the household income and cervical cancer among the case subject. In Thailand, a case control study showed that the highest prevalence of cervical cancer was among women of primary or non-formal education which represent 92.0% (Chichareon et al. 1998). Study by Saini et al. (2010) that the incidence of cervical cancer also related to marital status, which indicated 84.3% women is married. An epidemiology study by Baker et al. (2000) reported that women in a rural area have a higher rate of cervical cancer than those in urban areas, which is thought to be related to lower household income, lower levels of education, and barriers to preventive screening (Hopenhayn et al. 2005).

This finding indicated that women who had their 1st sexual coitus at a younger age (less than 20 years old) are 16.8 times more likely to get cervical cancer as women who had first intercourse at more than 20 years old. In a cross-sectional school survey of 12-19 year, old adolescents in Malaysia showed that 5.4% (of which 8.3% were males and 2.9% were females) reported having had sexual intercourse. Median age at first sexual intercourse was 15 years (Lee et al. 2006). An increasing proportion of adolescents engaging in premarital sex lead the increased possibility of being exposed to HPV and other sexually transmitted infections (STI) (Domingo et al. 2008). Women who have multiple partners showed significant association with cervical cancer. Other epidemiology also reported that having multiple marriages or multiple partners were increased risk of cervical cancer (Biawas et al. 1997; Bayo et al. 2002). In Taiwan, study by Wang & Lin (1996) reported that women who their husband ever visiting prostitute increased risk of getting cervical cancer about 2.6 times.

Data showed the risk of getting cervical cancer is increased among women who had parity more than three children while women having age menarche at less than 12 years old none exceptional. Several studies also found that women who had high parity associated with

cervical cancer (Green et al. 2003; Bayo et al. 2002). This might be due to the hormone progesterone changes during pregnancy that could induce the HPV oncogene instability that resulting in the integration of viral DNA into the cell genome host effecting the mucosal immunity and reduced the transformation zone (Schiff et al. 2000). This finding shared similar finding with previous study by Smith et al (2003) that reported on the risk of cervical is associated with age of menarche.

In term of effect of birth control on risk of cervical cancer, we found that long-term use of oral contraceptives pill for longer than 5 years could be a cofactor that increased the risk by up to 8.4-fold. Conversely, this study found no association between those who using Intrauterine Device and cervical cancer. Green et al. (2003) also reported that long-term use of COCPs among women is one of the risk factor of cervical cancer in United Kingdom. Another study conducted by Taherian et al. (2002) also found the association between women using COCPs for more than 5 years and cervical cancer which indicated OR=3.4 (95% CI 1.4-8.2). Different from the study by Schiff et al. (2000), which demonstrate that those who ever or current use of intrauterine device increased risk for getting cervical cancer. COCPs are the mixture of synthetic estrogen and one of several C19 steroids with progesterone as active noretindron. The use of estrogen can be risky because it stimulates endometrial thickening of the uterine wall and stimulate cells of the endometrial, so that changed the nature become cancerous (Setyarini 2009).

The data suggested that risk of cervical cancer is increased 6.3 fold if they smoke and more critically for those who smoking more than 10 years. A case-control study in the Philippines reported that woman with less household amenities (a proxy for socioeconomic status), having ever smoked, and having given birth six or more times were at an increased risk of squamous cell carcinoma (Ngelangel et al. 1998). Previous study had shown that among HPV-positive women with history of previous and current smokers are at an increased risk for cervical cancer (Plummer et al. 2003). A study in UK also found that women who smoke cigarette increased risk of cervical cancer compared to non-smoker women (Gonzalez et al. 2004). Various possible mechanisms have been proposed for the association between smoking and cervical cancer. One known mechanism is due to the carcinogenic effect of tobacco and methilcolanthrene or tar (IARC 2003). There is a cell in the lining of the cervix called Langerhans cells will help fight against disease such as HPV virus. The Langerhans cell does not function well in smokers and are less able to fight the virus and protect the cervical cells from the genetic changes that may lead to cancer (Capps et al. 2009).

In the present study, indicated that the history of gynaecological tumours other than cervical cancer in a relative was significantly associated with risk of disease (OR=2.4 95% CI 1.4-4.1). This finding was consistence with study by Lee et al. (2003), which reported that the risk of cervical cancer among Korea women has been associated with a family history (OR=2.1, 95% CI: 0.84–5.23). However, this finding is dissimilar from Zelmanowicz et al. (2005) that suggested the history of gynaecological tumours other than cervical cancer in a first-degree relative was not significantly associated. Another study also reported that family history with cervical cancer were not significantly associated with rapid-onset disease (Hildesheim et al. 1999).

Conclusion

In summary, cervical cancer appears to be associated with socio-demographic status in Malaysia. Among cervical cancer-women, we observed, an increased risk of women who had no formal or primary education, unemployed and household income less than $1000 monthly. The other co-factors that involved the risk of cervical cancer are included those who had the first intercourse below 20 years old, having more than one sex partner, smoking, Combined

Oral Contraceptive pill used and family history of cancer. This finding provides significant implication in developing reproductive health awareness programme among high risk behaviour adolescents.

Limitations of the Study

Because of case control nature of the study, certain bias arises in the study. Important is recall bias, which was minimized by including only incident cases. Selection bias was minimized by selecting controls from similar socioeconomic group.

references

American Cancer Society. 2006. Cancer cervix. Retrieved 13 June 2010, from http://www.cancer.org.

Baker, P., Hoel, D., Mohr, L., Lipsitz, S. & Lackland, D. 2000. Racial, age, and rural/urban disparityin cervical cancer incidence. Ann Epidemiol 10(7): 466–7.

Bayo, S., Bosch, F. X., Sanjose, S.D., Munoz, N., Cambita, A. L., Coursaget, P. et al. 2002. Risk factors of invasive cervical cancer in Mali. International Journal of Epidemiology 31: 202-209.

Biawas, L.N., Manna, B., Maiti, P.K. & Sengupta, S. 1997. Sexual risk factors for cervical cancer among rural Indian women: A case-control study. International Journal of Epidemiology 26(3): 491-495.

Capps, N.P., Stewart, A., & Brun, C. 2009. The interplay between secondhand cigarette smoke, genetic, and cervical cancer: A review of the literature. Biological Research for Nursing. 10(4), retrieved 9 June 2010. From http://brn.sagepub.com

Chichareon, S., Herrero, R, Munoz, N., Bosch, F.X., Jacobs, M.V., Deacon, J., Santamaria, M., Chongsuvivatwong, V., Meijer, C.J.L.M. & Walboomers, J.M.M. 1998. Risk factors for cervical cancer in Thailand: a case-control study. J Natl Cancer Inst. 90: 50–57.

Domingo, E.J., Noviani, R., Noor, M.M.D., Ngelangel, C.A., Limpaphayom, K.K., Thuan, T.V., Louie, K.S., Quinn, M.A. 2008. Epidemiology and Prevention of Cervical Cancer in Indonesia, Malaysia, the Philippines, Thailand and Vietnam. Vaccine. 26S: M71–M79.

Eddy, D.M. 1990. Screening for cervical cancer. Archives of Internal Medicine. 113 (3): 214-26.

Ferlay, J., Shin, H. R., Bray, F., Forman, D., Mathers, C., & Parkin, D. M. (2010). Estimates of worldwide burden of cancer in 2008: GLOBOCAN 2008. *International Journal of Cancer, 127*(12), 2893-2917.

Ferlay J, Bray F, Pisani P, Parkin D. 2004. GLOBOCAN 2002. Cancer Incidence, Mortality and PrevalenceWorldwide. IARC CancerBase No.5, version 2.0 IARCPress, Lyon.

Gonzalez, B., Sweetland, S. & Green, J. 2004. Comparison of risk factors squamous cell and adenocarcinomas of the cervix: A meta-analysis. British Journal of Cancer 90: 1787-1791.

Green, J., Gonzalez, B., Sweetland, S., Berl, V., Chilvers, C., Crossley, B. et al. 2003. Risk factors for adenocarcinoma and squamous cell carcinoma of the cervix in women aged 20-44 years: The UK National case-control study of cervical cancer. British Journal of Cancer 89; 2078-2086.

Ha, K.T., Kim, J.K., Lee, Y.C. & Kim, C.H. 2004. Inhibitory effect of Daesungki-Tang on the invasiveness potential of hepatocellular carcinoma through inhibition of matrix metalloproteinase-2 and -9 activities. Toxicol Appl Pharmacol 200:1-6.

Hildesheim, A., Olympia, H., Schwartz, P.E., Wheeler, C.M., Barnes, W., Lowell, D.M., Willett, J. & Schiffman, M. 1999. Risk factors for rapid-onset cervical cancer. American Journal of Obstetrics and Gynecology. 180 (3): 571-577.

Hopenhayn, C., Bush, H., Christian, A. & Shelton, B.J. 2005. Comparative analysis of invasive cervical cancer incidence rates in three Appalachian states. Prev Med. 41(5–6): 859–64.

IARC. 1986. IARC Monographs on the evaluation of carcinogenic risks to human, Volume 38. Tobacco Smoking. Lyon: International Agency for Research on Cancer.

Lee, L.K., Chen, P.C.Y., Lee, K.K. & Kaur, J. 2006. Premarital sexual intercourse among adolescents in Malaysia: a cross-sectional Malaysian school survey. Singapore Med J. 47(6) : 476

Lee, S.A., Kang, D., Seo, S.S., Jeong, J.K., Yoo, K.Y., Jeon, Y.T., Kim, J.W., Park, N.H., Kang, S.B., Lee, H.P. & Song, Y.S. 2003. Multiple HPV infection in cervical cancer screened by HPVDNAChip. Cancer Letters. 198 (2): 187-192.

Lim, G.C.C. & Yahaya, H. 2004. Second report of the National Cancer Registry-cancer incidence in Malaysia 2003. National Cancer Registry Malaysia. Ministry of Health Malaysia. Retrieved June 16, 2010, from http://www.crc.gov.my/ncr

Ministry of Health (MOH). 2004. Guidebook for Pap smear screening, Ministry of Health. Kuala Lumpur: Division of Family Health Development, Ministry of Health, Malaysia, 2004: 1-2.

Ministry of Health. (2006). *Malaysian Cancer Statistic: Data and Figure Peninsular Malaysia.* Kuala Lumpur: National Cancer Registry, Malaysia.

Moreno, V., Bosch, F.X., Munoz, N., Meijer, C.J., Shah, K.V., Walboomers, J.M., Herrero, R. & Franceschi, S. 2002. Effect of oral contraceptives on risk of cervical cancer in women with human papillomavirus infection: the IARC multicentric case–control study. Lancet 359: 1085–1092.

National Cancer Institute. 2011. Cervical cancer: Defination of cervical cancer. Retrived November 2011 from http://www.cancer.gov/cancertopics/types/cervical

Ngelangel, C., Munoz, N., Bosch, F.X., Limson, G.M., Festin, M.R., & Deacon, J. et al. 1998. Causes of cervical cancer in the Philippines: a case-control study. J Natl Cancer Inst, 90 (1): 43–49.

Nor hayati, O. 2003. Cancer of the cervix – from bleak past to bright future: A review, with an emphasis on cancer of the cervix in Malaysia. Malaysian Journal of Medical Sciences, 10(1): 13-26.

Plummer, M., Herrero, R., Franceschi, S., Meijer, C.J.L.M., Snijders, P., Bosch, F.X., de Sanjosé, S., & Muñoz, N. 2003. "Smoking and cervical cancer: pooled analysis of the IARC multi-centric case–control study", Cancer Causes and Control, 14(9): 805-14.

Ramiya, S. (2011). Landmark study to improve cancer control in the ASEAN region. Me*dical Tribune*. Hong Kong: UBM Medica, 2011:1. [cited 2012 Feb 22]. Available from:http://www.mims.com/Hongkong/pub/topic/Medical%20Tribune/2011-08/Landmark%20study%20to%20improve%20cancer%20control%20in%20the%20ASEAN%20region%20%20

Rusinahayati, M., Chong, P.P., Nurul Asyikin, A., Noraihan, M., Maha, A., Rohani, A., Hamilton, H.W. & Ng, C. 2009. Socio-demographic factor associated with HPV infection from non-cervical cancer women in Southern Selangor, Malaysia. International Journal of Gynecology & Obstetrics 107S2 (2009) S413–S729.

Saini, R., Khim, T.P., Rahman, S.A., Ismail, M. & Tang, T.H. 2010. High-risk human papillomavirus in the oral cavity of women with cervical cancer, and their children. Virology 7:131.

Schiff, M., Miller, J., Masuk, M., King, A.V.L., Altobelli, K.K., Wheeler, M.G. & Becker, M.W. 2000. Contraceptive and reproductive risk factors for cervical intraepithelial neoplasia in America Indian Women. International Journal of Epidemiology, 29: 983-998.

Schiffman, M.H. 1992. Recent progress in defining the epidemiology of human papillomavirus infection and cervical neoplasia. J Natl Cancer Inst. 18;84(6):394–398.

Setryarani, E. 2009. The risk factors that relation with the incidence of cervical cancer at Dr Moewradi Hospital of Surakarta. Retrieved 20 March 2011. Etd.eprints.ums.ac.id/3942/1/J410040010.pdf.

Shields, Tammy S., Brinton, Louise A Burk, Robert D. et al. 2004. A Case-Control Study of Risk Factors for Invasive Cervical Cancer among U.S. Women Exposed to Oncogenic Types of Human Papillomavirus. Cancer Epidemiol Biomarkers Prev 13:1574-1582.

Smith, J.S., Green, J., de Gonzalez, A. et al. 2003. Cervical cancer and use of hormonal contraceptives: A systematic review. Lancet 361: 1159-67.

Syrjanen, S.M., Syrjanen, K.J., Happonen, R.P. 1988. Human papiilomavirus (HPV) DNA sequences in oral precancerous lesions and squamous cell carcinoma demonstrated by in situ hybridization. J Oral Pathol. 17:273-278.

Taherian, A.A., Eshrat, F. & Bahram, S. 2002. Study of risk factors for cervical cancer a case-controlled study in Isfahan-Iran. Kuwait Medical Journal 34(2): 128-132.

Tay, S.K., Ngan, H.Y., Chu, T.Y., Cheung, A.N. & Tay, E.H. 2008. Epidemiology of human papillomavirus infection and cervical cancer and future perspectives in Hong Kong, Singapore and Taiwan. Vaccine 26: M60–M70.

Wang, P.D. & Lin, R.S. 1996. Risk factors for cervical intraepithelial neoplasia in Taiwan.

Gynecol Oncol 62: 10–8.

Wong, L.P., Wong, Y.L., Low, W.Y., Khoo, E.M. & Shuib, R. 2009. Knowledge and awareness of cervical cancer and screening among Malaysian women who have never had a Pap smear: a qualitative study Singapore Med J. 50 (1): 49.

World Health Organization (WHO). 2010. Human Papilomaviruses and related cancer. 3rd edition. World Health Organization: Geneva.

Zelmanowicz Ade M, Schiffman M, Herrero R, Goldstein AM, Sherman ME, Burk RD, Gravitt P, Viscidi R, Schwartz P, Barnes W, Mortel R, Silverberg SG, Buckland J, Hildesheim A. 2005. Family history as a co-factor for adenocarcinoma and squamous cell carcinoma of the uterine cervix: results from two studies conducted in Costa Rica and the United States. Int J Cancer. 116(4):599-605.

The Concept of Human Rights in the Philosophy of Islamic Law Perspective

Deni K. Yusup

dk_yusup@yahoo.com

Abstract

This paper examines the concept of human rights in Islamic and Secular system of justice through the philosophy of Islamic law approach. All Muslims believed that Islam is not only a system of belief, but also contains the universal principles of Islamic legal doctrines and human rights norms that derived from the Quran and the Sunna. In some discourses, there are some interpretations regarding on the definition and the origin of human rights. It also sometime becomes the dilemma for Muslim countries to adopt human rights values because of the reason that it is the representation of the Western-Secular values. This paper is not only to explain the comparative concept of human rights between Islamic and Western Law perspective through philosophical approach, but also the Islamic law method and approach on the construction of human rights in the hierarchy of Islamic law including the challenge of human right study in Islamic Higher Education.

Keyword: Human Rights, Islamic Law, Legislation, Declaration, Covenant, and Instrument

1. Introduction

Among Muslim legal scholars, the term of human rights is not seen as a contemporary issue. It is assumed as part of the universal principles of Islamic law which can not be simply understood philosophically, historically, politically, and legally, but it is also related with the mindset of people, society or government in articulating and expressing their reasons and actions on how to respect universal human rights values in the context of social and international relation.

From the beginning of Islam to the present, every Muslim believes that Islamic Sharia is understood as the whole of Islamic legal doctrines based the Quran, the Sunna, and Ijtihad (Islamic Jurisprudence) which is guarantying the universal principles of human rights norms and placed them on the highest position of Medina Constitution on seventh centuries ago, and even constituted formally by the state members of Islamic Conference Association in Cairo, Egypt on September 19, 1981 in the form of Universal Islamic Declaration of Human Rights (UIDHR).

At the recent times, it becomes crucial issue, fundamental, sensitive, and controversial because of several reasons and perspectives. In the one hand, the notion of human rights is produced by the Western political thought to hold their supremacies and political roles in international relation after the Second World War. In the other hand, it is related with the various perspectives in understanding human rights because of the distinction of religions and beliefs, cultures, and legal traditions among the people or society to protect and to fulfil their rights in the form of Universal Declaration of Human Rights (UDHR) on December 10, 1948.

Based on the reason mentioned above, this paper tries to explain several questions that related to the concept of human rights in the philosophy of Islamic law perspective, such as what is human rights, how to understand the origin of human rights, what is the method and approach to understand human rights, how to develop the concept of human rights in Islamic legal studies, and how to solve human rights law challenges in the future.

2. What is Human Rights?

The term of human rights is derived from the word of "rights" and "human being".[1] The term of rights is derived from the Arabic "al-haqq". The rights are inherent in form of human beings, which are universal, inalienable, and related to the present of obligations to others. The term "al-asas" in Arabic is equivalent to the word base, fundamental, and principle in English. These have the same root meaning, namely something that is inherent and fundamental to a particular subject or object.[2]

The term "al-insan" in Arabic is equivalent to the word "human" in English and the term Islamic law is integrating of two terms, both are "law" and "Islam". Law or legal is equivalent to the word "al-hukm".[3] In any literature, Islamic law is more known "Sharia". In simply, the combination of these terms is the popular form of human rights (*huquq al-insaniyah al-asasiyyah*).[4]

Thus, human rights can be meaning the most fundamental rights that are universal, inalienable, eternal, and relate to the obligation. We can say that the essence of human rights is

---

[1] Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca and London: Cornell University Press, 1989), p. 3-5.
[2] Subhi Mahmasani, *Huquq al-Insan fi al-Islam,* (Cairo: Dar al-Maktabah al-Mishriyyah, n.d), p. 12. Chandra Muzaffar, *From Human Rights to Human Dignity* in *Debating Human Rights: Critical Essays from the United States and Asia,* (London and New York: Routledge, 1999), p. 25.
[3] Juhaya S. Praja, *Filsafat Hukum Islam* (Bandung: UNISBA Press, 1992), p.15-18.
[4] Abul 'Ala Al-Maududi, *Human Rights in Islam* (Leicester: The Islamic Foundation, 1976), p. 3-5.

fundamental rights inherent in human beings by nature, universal, and timeless as the grace of God Almighty and without the rights, someone can not live as human beings. Based on the reason, someone cannot impose his free will to others, because he would be limited by his obligation to bear.

Moreover, I consider human rights definition that given by Adnan Kusuma who referred to Jan Materson's view, one member of Human Right Commission on United Nations, he examines that human right could be generally defines as those right which are inherent in our nature, and without it we cannot live as human being.[5] It means that human rights is not only inherent with moral values, but also related strongly with legal aspect.

James W. Nickel defines human rights as a normative aspect to guide all people for act, to protect the freedom, and to gurantee human dignity in a life. He also says that the rights consits of three aspects: first, the rights ownership; second, the scope of the rights; and third, the subjects who respects and accepts the rights. Here, i agree to Nickel's view that these aspects are inherent in redefining human rights including in understanding it normatively as known as human rights law.[6]

Shortly, in the context of law, i can say that human rights can be understood as all rules and regulations are established through a consensus process and poured into the country's constitution and international conventions, so it has a legally enforceable, organize, bind, and force. Any form of waiver of the rules and human rights legislation that can categorize human rights violations.

3. The Origin of Human Rights Concept

It may not easy to describe the origins of human rights. Each of us is seldom unclear or subjective in explaining the history of human rights. In this context, I appreciate to consider some Muslims scholars view that the origin of human rights in Islamic law discourse is often referring to Universal Islamic Declaration of Human Rights (UIDHR) which is stated at Islamic Conference Association in Cairo, Egypt on September 19, 1981. I also covers to the Western law scholar perspective, it is more previously claimed referring to Universal Declaration of Human Rights (UDHR), which is declared on December 10, 1948 by some of the United Nations Members; it is more known as part of liberty and liberal-democracy movement. So, it is very well known as one of the international instruments of human rights after Second World War.

For instance, in Western philosophical perspective, the origin of human rights is based on the concept of the rights which is not similar to the concept of obligations. For Western scholar, it is based on the concept of natural rights, which is universal, inherent to ethics, no limit to act and human believes. This perspective is influenced by natural law theory in early enlightenment age, against the Church doctrines that had given the absolute rights to the Kings and Caesars positions, and also to support moral justification values and liberal-democracy movement.

Contrary with the philosophy of Islamic law perspective, the origin of human rights is based on three concepts: first, the concept of human being (*mahfum haqiqat al-insaniyyah al-asasiyyah*); second, the concept of rights and obligations (*mafhum al-huquq wa al-wajibah*); and third, the concept of human rights law enforcement (*mafhum tanfizh al-hukm fi huquq al-*

---

[5] See Jan Materson's view in Adnan Kusuma, *"Dinamika Hak Asasi Manusia",* research report that publicated in http://cahpucuk.multiply.com/journal/item/1/DINAMIKA_HAK_ASASI_ MANUSIA?&item_id= 1&view:replies=reverse, it is accessed on July 21, 2009.

[6] James W. Nickel, *Hak Asasi Manusia: Refleksi Filosofis atas Deklarasi Universal Hak Asasi Manusia,* (Jakarta: PT. Gramedia Pustaka Utama, 1996), p. 1-3.

insaniyyah al-asasiyyah). These becomes the fundamental distinction of understanding human rights concepts between Islamic and Western Law philosophy.

According my view, these are also implicated to the politics of law among Muslim Countries in accepting and implementing human rights standards. Some of them implemented formally human rights fundamental norms in the constitution and the other considered human rights fundamental norms as part of international instruments that must be ratified but the latest is not be fully implemented.

The study of human origins becomes one of the interesting topics to be explored further to do with the formulation of human rights concept. In debating are two theories about human origins, namely the Theory of Evolution - Charles Darwin and the Theory of Creation of Adam the First Man (the creation of human), has given birth to two poles are opposite each other in formulating the theory of human rights. On the one hand, the theory of evolution offers one idea that man is a perfect manifestation of the evolution of life on this earth.[7] While on the other hand, the Islamic faith asserted that human nature is God's creation - the descendants of Adam and Eve - a very noble position than the other God's creature.[8]

Darwin's theory of evolution is increasingly strengthened the view of Western philosophy that puts man in his natural rights. According to him, a natural right is something that is very universal, inherent to ethics, and not limited to human actions and beliefs. This ideology is based on natural law theory that is growing rapidly in the Enlightenment age against the Church doctrine that gives an absolute right to the King/Caesar and moral justification to support the teaching and liberal-democracy.[9]

While in Islam, Allah created human beings with the rights and obligations as described in the Qur'an, Surah al-Mu'minun verse 115 which reads:

> *Did you think that We had created you in play (without any purpose), and that you would be brought back to us?*

The verse mentioned above become the theoretical bases of human existence which is divided into three aspects: first, human beings as creature of God; secondly, humans are not created in vain, but has the functionality; and third, the man will return accountable to God and all rights and obligations during the life (Caliph) on earth.[10]

The differences of human origins concept at the top gave to a new thesis regarding on the concept of rights and obligations (*mafhum al-huquq wa al-wajibah*). This concept can not be separated from two points of view. First, the origins of rights and obligations in the Western legal philosophy are rooted in the theory of natural rights and legal rights. While the philosophy of Islamic law, the origin of rights and obligations stem from the relationship theory between God as Creator (*Khaliq*) as created by human beings (*makhluq*). Second, the legal relationship between rights and obligations in more Western legal philosophy based on rationalism,

---

[7] *Charles Robert Darwin, Natural Selection or the Survival of the Fittest, in Charles W. Eliot,* The Origin of Species *(2001), it is derived from* www.bartleby.com *and published in* http://www.bartleby.com/11/4001.html *which t is accessed on July 21, 2009 dan Matthew K. Chew, & Laubichler, Manfred D., Evolutionary Biologists Customarily Employ the Metaphor: Survival of the Fittest, in Perceptions of Science: Natural Enemies--Metaphor or Misconception?, published in* International Journal of Science, *Number 301, Edition on* July 4, 2003, *p. 52-53.*

[8] See Ahmad Azhar Basyir, *Falsafah Ibadah dalam Islam,* (Yogyakarta: UII Press, 1984), p. 7-8.

[9] See Peter John, *The Philosophical Theory of John Finnis and The Conception of the Natural Rights of Thomas Hobbes*, (Palgrave: Mac Millan, 1994), p. 73 dan Jonathan Wallace, *Natural Rights Don't Exist: The Ethical Spectacle (2000-2004)*, this article is published within http:// en.wikipedia.org/ wiki/Natural_ right. It is accessed on July 21, 2009.

[10] See M. Quraish Shihab, *Wawasan Al-Qur'an* (Bandung: Mizan, 1999), p. 73-75.

experience, and justification of the reality (the consensus among human beings themselves), while in Islamic law are governed by the provisions of revelation (sacred texts) and Islamic jurisprudence (*ijtihad*).

The implications of the two propositions mentioned above, makes the concept of natural rights as the main supporter of the thesis that human rights is something that exists by itself, can not be determined either by God, and the state government and the community. Although ideology is different from the legal rights which states that human rights can be determined by the government, state and society, but simply - the natural rights - is recognized every human being has rights that are universal and free, but the nature universal and free it is limited by legal rights. According to Hobbes, it is a specific rule and relates to the existence of obligations, while the right is justified and associated with the absence of obligations.[11]

Continuation of the second thesis is the third concept of human rights law (*mafhum tanfizh al-hukm fi huquq al-insan*). This concept is closely related to the legal authorities, legal forms, legal object and purpose of the law. Just as in the first and second thesis, the thesis of the view that the third thesis is "contrast" between law enforcement objectives of human rights in Western legal philosophy and Islamic law. It is situated at the base footing of human rights law makers who, how human rights law is made, and what the purpose of human rights law apply to humans.

In Western legal philosophy, legal authorities were dominated by human. Although most of them recognize the authority of God as law makers, including the recognition of the authority of the ruler (King/Caesar) in making laws, the rest of the legal authorities to be in the hands of the people switch based on the principles of liberal democracy and consensus. It is resulted to two principles of decision making, the law as a political and consensus product of the people. In modern constitutional theory, there is known a term of state-based power (*machstaat*) and state-based law (*rechstaat*). Of course, the implications of the law making process, both in terms of legal form and the object and the purpose of human rights law into different orientations.

While the philosophy of Islamic law, the absolute authority of the law makers in the God's hand. In this context, both the ruler and his people could settle public affair comes to the revelation (*nash*) and the rest is determined by the people through "ijtihad" which derives the principle of consultation. The implication, all forms of human rights law and the purpose of product enactment of human rights law should be devoted to justice and human welfare without limiting the provisions contained in the revelation. One of the most popular concepts is the objective law of personality (*maqashid al-shari'a*) put forward by Imam al-Syatibi in his work, *Al-Muwafaqat fi Ushul al-Shari'ah* and *Imam al-Ghazali* in his work, *al-Mustasfa min Ilmi al-Ushul*.[12]

In turn can be said that Islamic law recognizes every human being born in a state of nature free and equal in dignity and status (*al-insanu sawaasiyatu kainsanu musthi*), which rests on the authority granting the rights and obligations by God to man.[13] While in Western law, human rights is something that exists by itself naturally. But both are the basis of the premise that everyone has a rights and dignity and the recognition of the rights for everyone to

---

[11] See Peter John, *The Philosophical Theory of John Finnis and The Conception of the Natural Rights of Thomas Hobbes*, (Palgrave: Mac Millan, 1994), p. 73.

[12] Al-Syathibi, *al-Muwafaqat fi Ushul al-Syari'ah*, (Beirut: Dar al-Kutub al-Ilmiyyah, n.d.), Juz II, p. 7-8 dan Abu Hamid al-Ghazali, *Al-Mustasfa* min Ilmi Ushul, (Beirut: Dar al-Maktabah al-Mishriyyah, n.d), p. 29-31.

[13] Abul 'Ala al-Maududi, *Human Rights in Islam* (Leicester: The Islamic Foundation, 1976), p. 2.

get justice right, as well as obligations to others (*where are the rights, there are the obligations*). The three principles equal significance to the "principle of reciprocity".

4. The Islamic Law Method and Approach in Understanding Human Rights

In some cases, the relationship between Islamic law and human rights is commonly understood dichotomy, both are in theory and practice. For instance, the application of death penalty.[14] Theoritically, Islamic Sharia regulates that death penalty is more appropiate to be implemented for someone who did extra ordinary crime against humanity like genosida or killer. But it is not easy to be implemented in pratice today because it may not be contradicted to the right to life in universal principles of human rights. It is becomes a dilemma for the government in some muslim countries on how to choose the populis policy (Sharia or Non Sharia Law) regarding on implementing death penalty in law enforcement process.

At the recent decades, United Nations (UN) try so hard to establish the two international human rights instruments: first, International Covenant on Civil and Political Rights (ICCPR) that is statuted on Januari 3, 1976. This covenant is addressed to protect the civil and political rights for all people, society, and the states; and second, International Covenant on Economic, Social, and Cultural Rights (ICESCR) that is statuted on March 23, 1976. This covenant is addressed to protect the economy, social, and cultural rights for all people, society, and the states without the distinction of race, nationality, religion, sex, and other social status.[15]

In thic context, the improvement of human rights enforcement in Indonesia is more better than other muslim countries around the world. One of the indicators is all international human rights instruments ratified into the human rights rules and the Constitution. Moreover, the Indonesia government is also establishing the ad hoc institutions that is very well known as the National Commission on Human Rights or KOMNASHAM and the Ad Hoc Human Rights Court).

Here, I find a problematic situation in translating human rights standards. On the one hand, some people sees human rules is made to answer the international community demand on the Indonesia commitment to ratify the international human rights intruments. On the other hand, it seems the additioning of Western tradonal rules into the Indonesian tradisional rules which may not fully appropiate with Islamic and Non-Islamic tradition among Muslim or Non-Muslim society in Indonesia. Consequently, there is a crucial question, where is the universal standard of human rights? This is it what I say a dilemma.[16]

Based on the reason, I would like to support An-Na'im who promote the idea of Islamic Sharia reformation to be relevant with human rights. He explains in two statements:[17] first, in Islam, human rights is not separately from any factors that influenced to how Muslims interpretating Islamic Sharia and try to practice it in their traditions and cultures. So, We can try

---

[14] Abdullahi Ahmed An-Naim, *Towards an Islamic Reformation: Civil Liberties, Human Rights and International Law* (Syracuse: Syracuce University Press 1994), p. 17-21.

[15] Andrew Levine, *Human Rights and Freedom*, "The Philosophy of Human rights" ed. Alan S. Rosembum (London: Aldwych Press, n.y), p. 138. See also C. Theodoor van Boven, *Survey of the Positive International Law of Human Rights*, in *The International Dimensions of Human Rights*, ed. Karel Vasak, (Wesport-Connecticut: UNESCO and Greenwood Press, 1982) Vol. 1, p. 87-92.

[16] Human rights is assumed as "Western Product" becoming controversial for Asia and Africa Communities including becomes the argument for them to reject it. See an explanation by Joanne Bauer and Daniel Bell (eds.), *Human Rights in East Asia*, (New York: Cambridge University Press, 1999), p. 21-25.

[17] Abdullahi Ahmed An-Na'im, *The Universal Declaration of Human Rights as a Living and Evolving Commond Standard of Achievement*, (The Hague: Netherlands Minitry of Foreign Affairs, 1998) and *Islam and Human Rights: Beyond The Universality Debate*. (Washington: The American Society of International Law, 2000), p. 12.

to compromise them through various ways such as normative, social, and political approaches;[18] second, universal principles of Islamic Sharia is basically appropiate with universal principles of human rights, unless several poin that related with the rights of women in Islamic Family Law and the rights of Non-Muslim in Islamic Criminal Law.[19] For example, talking about the freedom of religion is seen very serious and sensitive in the Classical of Islamic Sharia. Someone who changes his religion from Islam to Christian or Jewish will be justified as apostate and he can be punished by capital punishment. In secular view, of course, there is the rights for someone to choose or to change his religion including not to has a religion. But in Islamic view, apostate is forbidden. This case is not comprehensively solved by Muslim scholars.

Through the Islamic law philsosophical approach, I would like to introduce an alternative way to compromise Islamic law and human rights, such as: first, we have to analyze compehensivey the contribution of human beeing in understanding and practicing Islamic Sharia; second, we have to reconstruct the theoritical and practical arrangement on the universality of human rights; thrid, we have to rearranging the right method and approach to integrate and to compomise Islamic Sharia and human rights both are in theory and practice.

Relating to formulate the concept of human rights in the philosophy of Islamic law perspective, it can be based on two sources of law or foundation. First, the nail argument (*qath'iyy*) that is derived from the Quran and the Sunnah of the Prophet, while the second is the aqli argument (*zhanni*yy) that is derived from *ijtihad* and *legal facts*. *Ijtihad* is a free interpretation of the texts and legal facts, which is also must do to address and to solve the society problems, in which moral, social, and humanitarian crises exist so badly.

Therefore, Muslim scholars (*mujtahid*) must be a "supporter, legislator, and the guard" at the line front in defending and upholding shari'a future. Thus, I can say that we have to do ijtihad as "wajib syar'i" more than "wajib aqli", because it would be more progressive to maintain the actualization of Islamic law throughout the ages.

The principles of human rights in Islamic law cover some of the following points:

First, human rights in Islamic law are based on divine principles (*al-tawhid*), justice (*al-'adalah*), equality (*al-musyawah*), freedom (*al-hurriyyah*), mutual assistance (*al-ta'awun*), called the good and the misguidance rang mela (*'amr ma'ruf nahyi munkar*), God's rights and human rights (*haqq Allah wa haqq al-Adami*), and tolerance (*al-tasamuh*);

Second, human rights in Islamic law are also based on the principles of Islamic personality (*syahadah*), the authority of faith (*credo*), legality (*legal*), caution (*al-ikhtiyath*), the rule of law (*law enforcement*), balance (*proportionality*), equity (*distribution*), ethical (*ethics*), man of honor (*al-fitrah*), unity (*al-ittihad*), consensus (*al-ijma'*), making the selection (*al-takhyir*), voluntary (*antaraddin*), and to bear one another (*takaful al-ijtima'*); and

Third, the norms of human rights in Islam are formulated using the rules of ushuliyyah, fiqhiyyah, dawabith, and lawahiq, which later became the basis for the establishment of human rights jurisprudence (*fiqh al-huquq al-insaniyyah*). So that the implementation of human rights in the life of nation and state should be directed to the purpose of justice, goodness, and the benefit in accordance with circumstances, and objectives of Islamic Shari'ah. This is in

---

[18] Yusuf Musa, *Tarikh al-Fiqh al-Islami* (Beirut: Dar al-Maktabat al-Hayat, n.d), p. 10, Mahmud Syalthut, *Islam, Aqidah wa Syari'ah* (Cairo: Dar al-Qalm, 1966), p. 12, and Manna al-Qattan, *Al-Tasyri wa al-Fiqh fi al-Islam* (Cairo: Muassasah al-Risalah, n.d), p. 14.

[19] Muhammad Hamad Khidr, *Islam and Human Rights* (Beirut: Dar al-Maktabat al-Hayat, 1980), p. 18 and Muhammad Muslehudin, *Filsafat Hukum Islam dan Pemikiran Orientalis*, (translator: Yudian Wahyudi Asmin), (Yogyakarta: Tiara Wacana, 1992), p. 277-278.

accordance with the rule of law which states that a fatwa adapted to changing situations, conditions, time and place and refers to the principal objectives of Islamic law (primary), which negates badness and prioritize the public good.

The formulation of human rights through Islamic legal study approach can be done by three methods: first, legal research methods is a method of ijtihad by reviewing the legal arguments (*qath'iyy* and *zhanni*) directly from the source, both are deductive and inductive approach, secondly, the formulation method of the sharia law based on the principles of Islamic law that includes general rules (*qawa'id al-ushuliyyah*), specific rules (*qawa'id al-fiqhiyyah*), the technical rules of binding (*qawa'id al-dawabith*), and the technical rules of the boundary (*qawa'id al-lawahiq*); third, a method for law produces is used within the scope of ijtihad by the ulama (jurists) in general , namely: *Ijma ', Qiyas, Istihsan, Istishab, Mashlahah al-Mursalah, Syaddud al-Dzari'ah, Syar'un man Qablahu, and 'Urf.*[20]

In Islamic law perspective, the forms of human rights law can be formulated as follows: first, the nature of human rights in Islamic law is closely associated with Islamic law that contains the identity of legal faith, worship, and muamalah and legal norms that are *ta'aqquli* and *ta 'abbudi*; secondly, the forms of human rights in Islamic law can be classified into three types, namely the basic rights (*dharuriyyah*), secondary rights (*hajjiyyah*), and tertiary rights (*tahsiniyyah*) third, other forms of human rights into the various regulatory legalized and legislation is not only personal responsibility, but also state responsibility. It is intended to fulfill, promote, and protect the rights of every citizen.

Legislation and purposes of the human rights include the following aspects: first, in the context of constitutional law, the application of human rights through constitutional approaches (formal) is done through a process of transformation of human rights norms into the rules and regulations. While cultural approach (non formal) is done through traditional and cultural approaches (cross-cultural approach); second, referring to the theory of *mashlahah* by Najamuddin al-Thufi, general purpose of the application of human rights law in life is to preserve the goodness and neglect badness which concern to rights and obligations without violating the provisions contained in the texts (*nash*). While in theory of Islamic legal purposes (*maqashid al-shari'a*) Imam al-Syatibi, the objective application of international human rights law included in the primary goal category (*maqashid al-dharuriyyah* or *mashlahah al-al-dharuriyyah*).

5. The Development of Human Rights Concept in Islamic Legal Studies

Islamic law is very open to respond to all challenges and problematic law in society that aims to human benefit. The universal principles and bases of Islamic law provide opportunities for people to accept this legal system. Therefore, the development of human rights studies at Islamic University can be done through two approaches, namely interdisciplinary and multidisciplinary.

An interdisciplinary approach to study the development of human rights is integrated into a clump of material science in teaching. For example, human rights subjects are integrated into the structure and its unit courses in the Faculty of Sharia and Law. For example, this is already practiced in teaching at the State Islamic University of Sunan Gunung Djati Bandung and supported by discussion forum that established by Center for the Study of Law and Human

---

[20] Murtadha Muthahari and M. Baqir Ash-Shadr, *Ushul Fiqh dan Ushul Fiqh Perbandingan*, Translator: Satrio Pinandih and Ahsin Muhammad (Jakarta: Pustaka Hidayah, 1993), p. 44-50. See also Ibnu Qayyim al-Jauziyah, *I'lam al-Muwaqqi'in* (Beirut: Dar al-Fikr, n.d), p. 5, Al-Syathibi, *Al-Muawafaqat fi Ushul al-Syari'ah*, *Juz II,* (Beirut: Dar al-Kutub al-Ilmiyyah, n.d.), p. 18 and 'Izuddin bin Abd al-Salam, *Qawâ'id al-Ahkâm fî al-Mashâlih al-Anâm* (Beirut: Dar al-Fikr, n.d), p. 34.

Rights, as a forum for study, research, and training for students and lecturers in the field of law and human rights.

While a multidisciplinary approach is the development study of human rights that is integrated with all disciplines and analyzed from multi perspectives. For example, human rights lecture classes studied as an object that is integrated with all programs of study in Islamic universities. With this approach, the learning of human rights is not only the exclusive courses in the Faculty of Sharia and Law, but also to additional learning materials in the Program/Faculty of others.

Both of the mentioned approaches above, it seems to be further developed due to the opportunities and challenges of human rights thinking in increasingly complex future. Even if it refers to the rules and human rights laws that already exist in Indonesia at this time showed a trend as follows:[21]

First, cultural relativism is a system of ethics and moral values embraced by a society that deals with the process of social interaction between individuals and groups, social behavior, social institutions, customs, habits, and norms;

Second, the application of human rights rules in Indonesia through cultural relativity approach that are based on local knowledge and social characteristics seem to be affected to Islamic law itself, namely: universal, elastic/flexible, dynamics, systematic, *ta'aqquli* and *ta'abbudi*;

Third, the application of human rights rules is a primary need (*maqashid al-dharuriyyah*) which refers to the principles, principles, and objectives of Sharia and is intended for the public good (*mashlahah al-'ammah*).

Based on these three points above, the application of the principles and the principles of Islamic law in human rights legislation in various Muslim countries should refer to the rules of Islamic law: "***if expanded will be more stringent, and if tightened will be global" (idza tasa'a dhaqa' wa idza dhaqa 'ittasa'a). Rule of law that gave birth to the preposition that 'the law was tightened and tied, the more loose and elastic. "Likewise, "the law was relaxed and elastic, then the law is more stringent and binding".*** As free as any of the mujtahid and implementing Shariah law enforcement in life, it should not break away from the "main axis" of Islamic legal doctrine, namely monotheism (*al-tawhid*). This has to be mentioned here as a preposition is a paradigm of thought on elasticity of Islamic law practice as illustrated above, referred to "***supra dynamics theory".***

Supra dynamics contains the meaning of "the law of nature is not seen separated from someone but it always felt a strong and entrenched in the legal consciousness of a person". The term of supra dynamics was adopted from thermodynamic theory that is widely used by scientists in the field of physics that explains the presence of mixing and compounding substance (energy). If the theory of compound used as the method of transformation of law principles and the principles of Islamic law into the laws and human rights legislation, it can synergize with all the circumstances, conditions, time and place dynamically without changing the nature, substance, and purpose of his purposes. It becomes an argument for the author in developing the theory of supra dynamics as a paradigm of the application of Islamic law that has a balance between nature and deeds with dynamism and flexibility.

---

[21] Deni K. Yusup, "The Principles of Human Rights in Islamic Law", the paper is presented at Panel Discussion among Doctoral Islamic Legal Studies Program, Postgraduate Program, State Islamic University Bandung in January 15, 2009.

In the hierarchy of Islamic law, there are four categorizes who have the legal authority in legal transformation process: first, God (Allah) is absolutely believed by all Muslims and he also has a highest authority in creating the laws; second, in political matter, the government and state leaders have an authority to regulate human rights laws into the Constitution; third, in juridical matter, the Judges in the court system have an authority to establish human rights law in law enforcement process; and fourth, even though the Ulama has not a considerable position in legal authority, but they have very important role in promoting the understanding of human rights consciousness among Muslim society.

To establish human rights law, the government has the strongest obligation to guarantee, fulfill, promote, and protect the human rights aspects for all citizens the distinction of race, nationality, religion, sex, gender, and other social status. But it cannot be done fully only by the government. However, everyone has also an obligation to promote and respect the rights of every person. In Islamic law, there is the principle of Islamic legal doctrines mentioned that everyone has an obligation to respect the rights of the other ones. It similar with the fundamental principle of universal human rights (*where are the rights, there are the obligations; where are the obligations, there are the rights*).
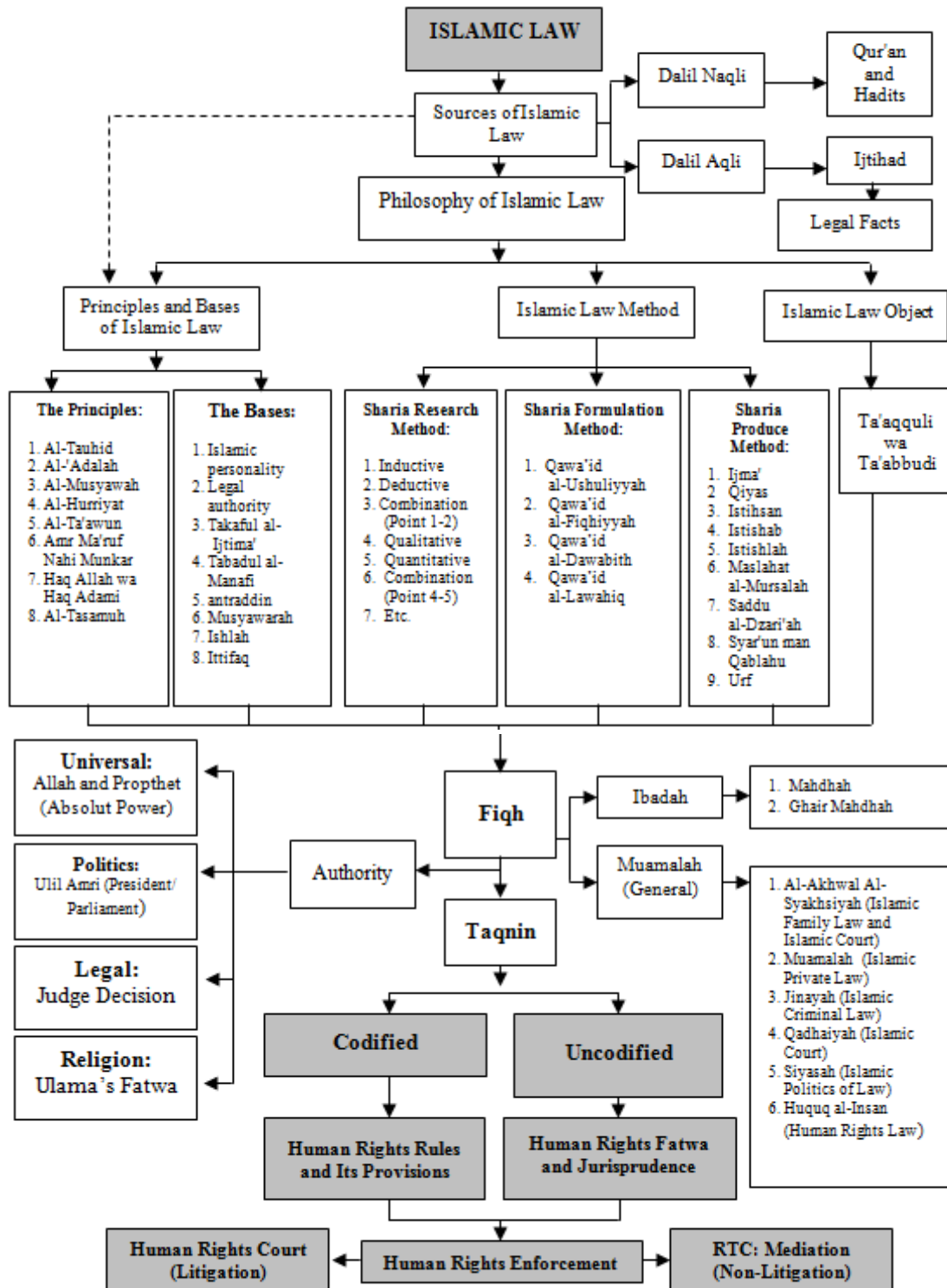
Notes:

↓ = The Hierarchy of Producing Human Rights Rules and Its Application

⇄ = The Categoritation of Human Rights Scope in Islamic Law

— = Direct relationship (Absolute)

⇠--▸ = Indirect relationship (Relative)

6. Human Right Challenges in the Future

Trend of thought and direction of human rights rules in the future will likely lead to the four poles that dominate each other, namely:

First, there is a different trend in the understanding of human rights both among Western thinkers and Muslim thinkers. For example, both Western and Muslim thinkers began to realize that human rights need to be interpreted and reformulated according to the international consensus that guarantee all the difference in ideological backgrounds, political, legal, economic, social, and cultural. But this effort would seem hard to do when the countries holding the "right of veto" on the UN Security Council is still very strong dominance;

Secondly, there is a tendency of individual rights to be separated from the boundaries of the sovereignty of a country, so that a particular country to invade another country for reasons of protecting the rights of certain individuals or communities. For example, granting asylum to a country to a person or people who want to liberate themselves from their home countries would threaten the sovereignty of the country concerned;

Third, there is a tendency of human rights enforcement that countries developed economically to other countries that are poor and weak. For example, a package of economic assistance by developed countries to poor countries, in order for a country that assisted following the foreign policy of the state of economic aid. Fourth, there is a tendency of thinking of human rights assessment in the future is no longer based on a policy of international human rights institutions, but a regional and even local, so that international human rights institutions become increasingly weaker position and ignored its existence. For example, for the oppressed in countries suspected of committing acts of gross human rights violations can no longer intervene because of the international human rights organizations do not have a strong mandate to protect their human rights.

If four such tendencies exist in reality, it would appear that the "new individualism" or "Neo-individualism" which is contrary to the teaching of democracy, equality, and freedom. Individualism is a mode of thinking that became the forerunner of the birth of "Neo-Capitalism" and "Neo-Liberalism", which will ultimately lead to a subjective truth and led to the emergence of tyranny. In short, the question is "*who is strong stuff, and then he would win and become the ruler*".

7. Conclusion

On this occasion, made three important notes as advice or recommendation of this paper, among others: first, government officials, academicians, practitioners, community leaders, scholars, Islamic community, and Islamic social organizations should be encouraged to improve human rights understanding and socialize it into society, nation and the state, and also emphasis in the law enforcement process in line of the Indonesia constitution, customs, and culture that are very pluralistic and religious; second, Islamic political elite in level of legislative, executive, and judiciary should be more accommodating in response to all the aspirations and demands among the Islamic community in terms of the demands of law enforcement, justice, and human rights, both in court (litigation) and out of court (non-litigation); and third, the existence of the Faculty of Sharia and Law in Islamic Higher Education (PTAI) has to conduct the program of human rights education which is including human rights materials into the curriculum and learning systems. Through these efforts, PTAI graduates are expected to have considerable insight and are able to become agents of social change and agents of social control in the field of human rights law enforcement.

Reference

Ahmad Azhar Basyir, *Falsafah Ibadah dalam Islam,* (Yogyakarta: UII Press, 1984).

Andrew Levine, *Human Rights and Freedom*, "The Philosophy of Human rights" ed. Alan S. Rosembum (London: Aldwych Press, n.d).

Al-Marzouqi. Abdullah Ibrahim, *Human Rights in Islamic Law* (Abu Dhabi: Civil Aviation Department, 2000).

Al-Maududi. Abul 'Ala, *Human Rights in Islam* (Leicester: The Islamic Foundation, 1976).

Al-Syathibi. Abu Ishak, *al-Muwafaqat fi Ushul al-Syari'ah*, (Beirut: Dar al-Kutub al-Ilmiyyah, n.d.).

An-Na'im. Abdullahi Ahmed, *Towards an Islamic Reformation: Civil Liberties, Human Rights and International Law* (Syracuse: Syracuce University Press 1994).

-----------, *The Universal Declaration of Human Rights as a Living and Evolving Commond Standard of Achievement*, (The Hague: Netherlands Minitry of Foreign Affairs, 1998).

-----------, *Islam and Human Rights: Beyond The Universality Debate.* (Washington: The American Society of International Law, 2000).

C. Theodoor van Boven, *Survey of the Positive International Law of Human Rights*, in *The International Dimensions of Human Rights*, ed. Karel Vasak, (Wesport-Connecticut: UNESCO and Greenwood Press, 1982).

Charles Robert Darwin, <u>Natural Selection or the Survival of the Fittest, in Charles W. Eliot,</u> The Origin of Species *(2001), it is derived from www.bartleby. com and published in* http://www.bartleby.com/11/4001.html *which t is accessed on July 21, 2009.*

Donelly. Jack, *Universal Human Rights in Theory and Practice* (Ithaca and London: Cornell University Press, 1989).

Hassan. Rifaat, *"On Human Rights and the Qur'anic Perspective,"* Ed: Arlene Swidler, *Human Rights in Religious Traditions* (New York: The Pilgrim Press, 1982).

Ibnu Qayyim al-Jauziyah, *I'lam al-Muwaqqi'in* (Beirut: Dar al-Fikr, n.d).

Ignatief. Michael, *Universal Human Rights in Crisis* (The Hague: Human Rights Neewsletter, 2001).

'Izuddin bin Abd al-Salam, *Qawâ'id al-Ahkâm fî al-Mashâlih al-Anâm* (Beirut: Dar al-Fikr, n.d).

Jan Materson's view in Adnan Kusuma, *"Dinamika Hak Asasi Manusia",* research report that publicated in http://cahpucuk.multiply.com/journal/item/1/ DINAMIKA_HAK_ASASI_ MANUSIA?&item_id= 1&view:replies= reverse, it is accessed on July 21, 2009.

James W. Nickel, *Hak Asasi Manusia: Refleksi Filosofis atas Deklarasi Universal Hak Asasi Manusia,* (Jakarta: PT. Gramedia Pustaka Utama, 1996).

Jamil. Husain, *Huquq al-Insan fi al-Wathan al-'Arabi* (Beirut: Markaz Dirasat al-Wahda al-'Arabiyah, 1986).

Joanne Bauer and Daniel Bell (eds.), *Human Rights in East Asia*, (New York: Cambridge University Press, 1999).

Jonathan Wallace, <u>*Natural Rights Don't Exist*</u>*: The Ethical Spectacle (2000-2004)*, this article is published within http:// en.wikipedia.org/ wiki/Natural_ right. It is accessed on July 21, 2009.

Khidr. Muhammad Hamad, *Al-Islam wa Huquq al-Insan* (Beirut: Dar al-Maktabat al-Hayat, 1980).

-----------, *Islam and Human Rights* (Beirut: Dar al-Maktabat al-Hayat, 1980).

Mahmasani. Subhi, *Huquq al-Insan fi al-Islam* (Cairo, Mesir: Dar al-Maktabah al-Mishriyyah, n.d).

Mahmud Syalthut, *Islam, Aqidah wa Syari'ah* (Cairo: Dar al-Qalm, 1966).

Manna al-Qattan, *Al-Tasyri wa al-Fiqh fi al-Islam* (Cairo: Muassasah al-Risalah, n.d).

Matthew K. Chew, & Laubichler, Manfred D., Evolutionary Biologists Customarily Employ the Metaphor: Survival of the Fittest, in <u>*Perceptions of Science: Natural Enemies--Metaphor or Misconception?,*</u>* published in* International Journal of Science, *Number 301, Edition on* <u>*July 4,*</u> <u>*2003*</u>.

Muhammad Hamad Khidr, *Islam and Human Rights* (Beirut: Dar al-Maktabat al-Hayat, 1980).

Muhammad Muslehudin, *Filsafat Hukum Islam dan Pemikiran Orientalis*, (translator: Yudian Wahyudi Asmin), (Yogyakarta: Tiara Wacana, 1992).

Murtadha Muthahari and M. Baqir Ash-Shadr, *Ushul Fiqh dan Ushul Fiqh Perbandingan*, Translator: Satrio Pinandih and Ahsin Muhammad (Jakarta: Pustaka Hidayah, 1993).

Muzaffar. Chandra, *From Human Rights to Human Dignity* in *Debating Human Rights: Critical Essays from the United States and Asia,* (London and New York: Routledge, 1999)

Mousalli. Ahmad S., *The Islamic Quest for Democracy, Pluralism, and Human Rights* (Florida: The University of Florida Press, 1994).

M. Quraish Shihab, *Wawasan Al-Qur'an* (Bandung: Mizan, 1999).

Peter John, *The Philosophical Theory of John Finnis and The Conception of the Natural Rights of Thomas Hobbes*, (Palgrave: Mac Millan, 1994)

Praja. Juhaya S., *Hukum Islam Indonesia* (Bandung: PT. Remaja Rosdakarya, 1981).

-----------, *Epistimologi Hukum Islam*, Doctoral Thesis at School of Gradute Studies IAIN Syarif Hidayatullah Jakarta 1985.

-----------, *Filsafat Hukum Islam* (Bandung: UNISBA Press, 1992).

Yusuf Musa, *Tarikh al-Fiqh al-Islami* (Beirut: Dar al-Maktabat al-Hayat, n.d)

The Author:

Deni K. Yusup is Senior Lecturer at the Faculty of Sharia and Law, State Islamic University of Sunan Gunung Djati Bandung, Indonesia

Effects of Sociological Interference On Marital Stability Among Couples In Lagos Metropolis, Nigeria

Bola Makinde Ph.D,

Ohuakanwa,

Chijjioke E. Ph.D,

Idowu Rasheed. A

Oseghale Fafowora

Abstract

This Study investigated effects of sociological interference among couples in Lagos metropolis. The study employed the descriptive survey design. The target population comprised all couples in Lagos metropolis. The sample consisted of one hundred and twenty (120) couples in Oshodi/Isolo Local Government Area of Lagos metropolis randomly selected from four areas in the local government area of Lagos metropolis. The areas were selected using simple random sampling and the selected areas were Ire-Akari Estate, Isolo, Oke-Afa, Aswani and Okota. A researcher-made instrument was used for data collection termed Sociological Interference Among Couples (SIAC). Five research questions were raised and five research hypotheses were equally generated to guide the study. Pearson Product Moment Correlation and One-Way Analysis of Variance statistical tools were used to test the hypotheses at 0.05 level of significance. The study revealed that there was a significant relationship between in-laws interference and marital stability among couples. The study also revealed that financial status, family background, religion and infertility had significant impact on marital stability of couples. Based on the findings of this study, recommendations and suggestions were made for couples, counselors, pastors, psychologists and other relevant agencies for further research.

Key words: In-laws, Infertility, polygyny, marital stability and interference

Introduction

Throughout the world, marriage is regarded as a moment of celebration and a milestone in adult life. Actually, marriage is a universal social institution (UN, 1990) through which an adult male and an adult female generally involve in marriage relationship and acquire new social status as a husband and wife.

The dynamics of culture and human relationships have made researchers to observe many influences, manifestations, happenings and occurrences in marriage- stability within the African society. These manifestations and occurrences have significant impact on marriage within the African modern society. The impacts have been both positive and negative. However, a recent observation on people's attitude to marriages in African Modern Society, suggest an alarming negative effect of these impacts (Borgatta & Edgor, 2000).

According to Gove (1986), marriage is described as the state of being united with a person of the opposite sex as husband or wife, the mutual relation of the husband and wife, the institution whereby men and women are joined in a special kind of social and legal department for the purpose of founding and maintaining a family, an act of marrying or rite by which the married status is effected.

From the societal level of analysis the institution of marriage represents all the behaviours, norms, roles, expectations and values that are associated with legal union of a man and woman. It is the institution in society in which man and woman are joined in a special kind of social and legal dependence to find and maintain a family. For most people, getting married and having children are the principal life events that mark the passage into mature adulthood. Marriage is considered to represent a life long commitment by two people to each other and it is signified by contract sanctioned by the state and for many people by God.

Factors that are inhibiting the quality of marriage within African Modern Society of the twenty-first century have been a recent discussion among African clinical and social psychologists, religious authorities, behavioural scientists, sociologists, anthropologists and environmental psychologists.

African society is generally characterized with arranged marriages, polygamous marriage and others. Though there are different groups, traditions and different marriages but they have one specific thing in common and that is, the charges of the weddings and marriages pattern which are influenced by the western societies. It is happening rapidly and the old traditions are constantly fading away.

Holley (1981) addressed the question of; how mechanization and the factory system influence family life in modern society. He maintained that the biggest single influence on the families of skilled workers was the size of the wage the head received at work and the resulting standard of living which it permitted. When a skilled worker head the family fortunes, even when children in the family were also old enough to earn wages. The sheer size of the skilled worker's day package was the most important thing for such families. These families avoided poverty during their neediest years.

Patterns of urban family life are closely connected with the nature of economy, including its configurations of high income and low-income sectors. Economically, marginal urban populations, among whom there is high unemployment, are available for casual work as maids and garden boys thus affecting the manner in which wealthier families are run (Smith, 1981).

Danso, cited in Ardayfio-Schandorf (1990) claims, in spite of its indispensability, marriage has been beset by many problems that have threatened its usefulness and very existence. He attributes the high rate of divorce to inadequate length of courtship before

marriage, dissimilarities between spouses in social and economic characteristics such as social class, ethnicity, religion and age. Other causes include sterility, adultery, desertion and excessive cruelty as well as default in remitting the family practices. The fragility of the marital bond is a notable feature of the contemporary world. It spores no continent and is present at every level of society. It makes society fragile and even jeopardizes the education task and the trust that sustain a home. All too often it leads to numerous separation as well as divorce. One sometimes has the impression that separation as well as divorce are considered the only way out of marital crisis. These are part of the growing divorce mentality which is the product of marriage instability.

The endemic nature of the physiological interferences that impede marriage stability made it alarming especially in Africa where marriage is religiously adored. This mind troubling issue has motivated the researchers to work on this topic, relative effect of sociological interferences among couples in Lagos metropolis.

Statement of the Problem

When couples come together in marriage, they are faced initially with series of problems and differences that challenge their stability. This requires that both sides, compromises, agreement and endurances must be met in dealing with issues such as parents, in-laws, finances, friends, habits, feeding, response to problems and purchases and use of house items. Other issues include attending to one's feelings and emotions, attending one's needs and attending to one's speech (communication cues) procreation, careers and academics to enhance marital adjustment or stability.

However, in Nigeria and many other African countries, literacy percentage is very low (Jimoh, 1999). This, notwithstanding, the purpose of marriage is far more important than the mere legalized sexual relationship among spouses (Agbutuin, 1990). To this end, Yakubu (1998)opined that in marriage, there are lots of stresses, bitterness, failure and success. Other factors that threaten marital stability include age of marriage, fertility status, kind of family background of spouses, communication, culture etc.

From the foregoing, a lot of researches on sociological interferences among couples show that many factors are responsible for the misnomer in marital union. Against this back drop, this study attempts to investigate sociological interferences among couples in Lagos Metropolis.

Purpose of the study

The objectives of this study are:

- To determine if there is a significant relationship between in-law interference and marital stability among couples in Lagos metropolis.

- To investigate if there is a significant relationship between financial status of couples and marital stability.

- To determine if there is a significant impact of infertility among couples on marital stability.

Research Questions

- Is there any significant relationship between in-law interference and marital stability among couples?

- Is there any significant relationship between financial status of couples and marital stability?

- Does religion have a significant impact on marital stability of couples?

- Does infertility have a significant impact on marital stability of couples?

Research Hypotheses

- There is no significant relationship between in-laws interference and marital stability among couples.

- There is no significant relationship between financial status of couples and marital stability

- Infertility has no significant impact on marital stability.

Significance of the study

This study is worthwhile and timely because of the sociological interference among couples in Lagos metropolis induced by so many factors that are calling for attention. The results of this study will therefore have a lot of implications, application and relevance to almost everybody in the society. Some of the beneficiaries include:

The guidance counselors

Counselling psychologists

Married couples

Marriage counselors

Non – governmental organizations

Parents

For instance, the findings will be of immense benefit to guidance counselors and counselling psychologists. It will provide them with detailed information about the common and new sociological factors interfering with marriages. It will also provide them with the counselling intervention available in solving the problems among couples.

The result of this study will also be beneficial to the married couples. It will get them informed about the factors that are likely to bring about conflict into the family which can lead to divorce. Through the recommendations of the results, the couples will know what to do to salvage the situation.

The result should also benefit parents. By knowing and acknowledging the causes of divorce, parents are in better position to give advice, motivation or moral support to those passing through the problem.

Similarly, philanthropic and non-government organizations will also benefit from the findings of this study. It will reveal areas of needs of not only the couples, but also the society in general and where they could assist through creation of public awareness such as symposia, seminars in educating the public on this ugly situation.

Literature Review

Gottman (1999) observed that communication between spouses was a very fundamental ingredient in marital stability. Its absence and the lack of communication skills created a real danger to marital stability, dialogue and decision-making. Gottman and collaborators drew a general hypothesis that couples who have poor communication may not be able to work

collaboratively and they tend to send contradictory messages to their children (Rosewell & Chapin, 2001).

Non-dialoguing spouses are likely to find it more difficult to maintain harmonious relationship to negotiate about money, friend, religion, sexual expression, work, relaxation time and step-parenting roles than dialoguing spouses (Nicholas, 1996). Likewise, depressed individuals who know' communication skills but lack motivation are inclined to communicate negative information (Burleson & Denton, 2009).

Conflict is natural and inevitable in marriages and other chose relationships ironically, one's experience of interpersonal conflict is often highest with one's spouse, compared to other long-term relationships (Argule & Furnham, 1983).

Marital relationships are particularly prone to conflict because spouses develop a great deal of shared intimacy and interdependence. These qualities make the partners more vulnerable to one another. At the same time, cohesion strengthens the relationship such that partners can better withstand criticism from one another and the relationship can survive partner disagreements.

The term conflict often conjures up perceptions of hostile dispute's and dysfunctional relationships. However, research has shown that mere existence of conflict is not necessarily bad. In fact, some conflicts produce positive outcomes. Conflict allows relational partners to express important feelings and to devise creative solutions to problems. Successfully managed conflict can strengthen relational bonds and increase relational cohesion and solidarity. Marital conflict also attributes to the social development of children.

The most frequent topics of conflict in marital relationships include communication, finances, children, sex, household works, jealousy and in-laws (Mead, 1990). Sometimes what appears on the surface to be a simple issue can reflect deeper relational struggles about power and intimacy (e.g. Disagreements about now much time to spend together versus with other people). Persistent conflict about such relational issues has the greatest impact on relationship satisfaction (Kurdick, 1994).

The intensity and seriously of conflicts vary widely both within and between couples. Some opposition are merely mild disagreements or complaints. They receive minimal attention and produce short-lived effects. Other conflicts represent ongoing struggles about personally significant issues that produce intense personal anxiety and relational tension. Conflict that are recurrent and stable over time are more problematic for relational stability (Lloyd, 1990), although relational harm can be mitigated when partners communicate relationally confirming messages during continued conflicts (Johnson & Roloff, 2000).

Determining how much conflict is typical or normal between spouses is difficult although there are estimates (McGonngle & Schilling, 1992). Indeed, averages of the number of disagreements across marriage are probably not meaningful because different types of marriages exhibit different amounts of conflict (Gottman, 1994).

Some couples construct a relational culture where they argue frequently, others experience disagreement infrequently and develop a norm to disagree only on issues of importance. Developmental patterns, however, can be consistent. For example, older spouses who have been married for a bigger period of time engage in, fewer overt disagreements compared to younger newly weds (Zietlow & Sillars, 1998). Yet, the mere frequency of disagreement reveals very little about the overall health or stability of marital relationships. More importantly, is the seriousness of disputes and the manner in which they are managed (Gottman, 1994).

Perhaps the most important feature of conflict management concerns its constructiveness or destructiveness (Deutsch, 1973). Constructive conflict tends to be cooperative, pro-social and relationship - preserving in nature. Constructive behaviours are relatively positive in emotional tone. Destructive conflict is competitive, antisocial and relationship - damaging in nature. Destructive behaviours exhibit negativity, disagreeableness and sometimes hostility.

Research has demonstrated that constructive and destructive conflict behaviours are connected to the quality and stability of marriage. This connection is probably reciprocal - conflict behaviour both influence and are affected by one's relationship satisfaction overtimes (Fletcher & Thomas, 2000). Methods for confronting or avoiding conflict influence the extent to which spouses are satisfied in their marriage and ultimately affect the, likelihood of separation and divorce. At the same time, spouses' degree of happiness or unhappiness in a marriage affects how they communicate during their conflicts.

Compared to dissatisfied couples, satisfied couples are more likely to exhibit patterns of accommodation (Rusbult, 1991). Accommodation occurs when one partner inhibits the tendency to respond in-kind to a partner's destructive conflict behaviour. In other words, in the face of a negative sequence of events, one partner takes responsibility to nudge the discussion back out a constructive course. Thus, although even happy couples can enact negative conflict behaviours, they are less inclined to get locked into sequences of reciprocated negative actions.

Marriage is the bringing together of two families. However, many couples struggle with exactly how to mesh two families together while maintaining their independence as a couple (Wark, 2000). When a couple gets married, an extended family is created as well as the beginning of a new family that the couple will create between the two of them. With each family comes its own values and with every new couple is now often unique set of traditions and memories will also develop. An initial hurdle that couples are faced with in the role their in laws will play in their lives.

Couples must move from a dependent relationship with parents to an interdependent relationship with their spouse. In order for this to happen, couples need to set boundaries and limits with their parents in the early stages of the marriage in order to eliminate interference (Munira, 2011).

Establishing clear boundaries is not easy and like marriage, it can require constant attention. Even when boundaries are created, families may not always want to abide by the boundaries, so couples must learn to reinforce the boundaries they want and negotiate new ones. The process of creating a new family is challenging for a new couple, but ultimately it brings the couple closer together and it brings more peace to everyone's lives (Kenton, 2009).

Before marriage, couples need to negotiate the role they envisage their in-laws having in their lives. Making assumptions that you have the same vision will only lead to surprises and resettlement setting boundaries as a couple is a way to protect one's marriage early on and the communication it requires will insulate one from outside problems creeping into the marriage. Boundaries that can be set with in-laws include seeking advise, exchanging money, frequency of visits, phone calls, vacations, raising children and gossip (Yeaning, 2010).

Boundaries for every couple will be different and they will need to choose what the most pressing matters are that need to be addressed in their family. Couples can resolve any issues that arise by setting new limits or by simply adapting to the expectation (Sheik, 2011).

Couples sometimes unknowingly place their parents in the middle of their relationship by telling them everything or by running to them at the first signs of problems in the marriage. A new couple needs to depend on one another and to make discussion as a team (Yewah,

2007). This requires that couples communicate with one another and if disagreements ensue, they resolve them together rather than bringing in their parents to "referee". This is especially vital at the beginning of the marriage because it will solidity the unification of the couple and encourage them to solve problem together as they establish their own family.

Boundaries are ways of preserving family and those limits must be decided upon by the couple. A new couple struggles to develop loyalty and a new bond with one another and this can easily be fractured if in-laws interfere aggressively. In-laws who seek to have healthy relationships with their adult children and their children's spouses will respect boundaries established by the couple and will do everything they can to help the couple be independent. The adult relationship between parents and spouses will always evolve and improve with time. If family members are open and honest about their feelings and expectations. Communicating and understanding the roles everyone holds in the new family will bring peace to families and help build the bonds that create new memories (Rosewell, 2009).

Infertility which has been defined by World Health Organisation (WHO) as an inability of a couple of child bearing age to conceive over 12 months of exposure to regular unprotected sexual intercourse is a problem of public health importance in Nigeria and many parts of Africa especially sub-Saharan region. This is not only because of the high prevalence but due to the important social effects on affected couples and families. Impaired fertility is measured by childlessness, sub-fertility and infertility.

Ironically, infertility and sub-fertility are prevalent within the high fertility zones of Africa (Belsey, 1999). Areas with high rates include Central African Gabon, Central African Republic, Democratic Republic of Congo, Chad and the Cameroon. Also, intermediate rates of infertility exist in parts of West and East Africa.

In Nigeria, over 800,000 couples are said to have difficulty in achieving desired pregnancy. The concomitantly high rates of fertility increase the demand for sensitivity on the part of health care providers (Ladipo, 1999).

Most cultures place a high social value of fertility, particularly as a demonstration of the consummation of the marriage and as an expression of the couple's social role. A couple of months after marriage if there is no evidence that the wife has conceived, a lot of anxiety is generated. This has led to suggest the following definition for infertility "the inability of a couple of reproductive age to establish pregnancy despite regular and unprotected sexual intercourse, within a period of their desire (Anate, 1999).

In some cultures such as Uganda, a marriage is not considered consummated until the birth of children and their survival through infancy. Furthermore, at the Science Summit in India in 1993, the African Academy of Sciences issues a dissenting statement, stressing the importance of fertility of Africans. Various practices and expressions exist in Nigeria which reflects the value placed on childbearing. For example, among the Yorubas, after marriage, statements such as "eyin iyawo ko ni meni" are made as a form of prayer by friends, relatives and other well-wishers. This means that the couple should not have periods of infertility. The Ibos celebrate the attainment of high fertility (10 children) by a woman.

Infertility has often been a source of pain, anxiety and shame. It leaves couples unfulfilled as they are unable to realize their goals of childbearing. It is accepted as a basis for divorce and whether as a course or effect, childlessness is often seen among divorces in many cultures (Odusanya, 2000).

Often the woman is blamed for the infertility and it could lead to polygyny, usually without considering which of the partners is affected. There is an adage in Yoruba which says "Kosi agan okunrin". This means that there is no infertile man.

Interviewers in a study were quoted as saying that "even if the man had married ten wives who could not conceive, people will say that it was his destiny to marry an infertile woman", without considering the fact that he could be the cause (Oyekan, 1999). Many of the people who believe that a man cannot be fertile often confuse fertility with potency (Okonofia, 1997).

The relationship between the women and their in-laws is usually strained and a lot of emotional distress is generated (Xu, 2000). Polygyny is usually the outcome of pressure on the man from his relatives and/or friends. It is a common belief that the presence of children (usually the woman's step-children) within the home can "attract" children to the couple.

In some cultural settings, infertility could lead to stigmatization. As reported among a matrilineal ethic group in Mozambique, the consequences of infertility include exclusion of the infertile women from certain social activities and traditional ceremonies (Gerrits, 1999).

It has been reported that among the Ekitis of South-Western Nigeria, infertile women are treated as out-casts and their bodies are buried in the outskirts of the town with those of demented persons (Ademola, 1982).

Studies have shown that infertility causes tension between couples and affects sexual and marital relationships. It could lead to physical violence which has implications for human rights abuse against African women (Okonofia, 1997). The sexual problems include decreased frequency of intercourse and anorgasmia in the wife. It has been reported that infertile women may engage in extra-marital sexual intercourse with the hope of achieving pregnancy (Oyekan, 1999).

In addition to the pressure on infertile couple from relatives, friends and the community, they suffer stress from the investigations and treatment and from the frustration of failure. When no cause for the infertility can be demonstrated, no specific treatment is possible. This is difficult for patients to accept and it leads many to seek alternative medicine. The management of infertility places a heavy financial burden on couples. This is even worse in the present state of economic recession.

Material and Method

This study adopted a descriptive survey design where questionnaires were administered to the respondents (couples).The target population for the study was made up of all couples in Lagos Metropolis. The sample size of the study consisted of 120 couples randomly selected from five areas in Oshodi/Isolo Local Government areas of Lagos state. The instrument for the study was a researcher designed questionnaire titled Sociological Interference Among Couples (SIAC).

A 30-item researcher-made questionnaire was designed using four-point scale technique to elicit responses from the participants. The instrument was divided into three sections. Section A contained the biographic data on sex, religion, family background and many others. Section B contained items used to gather data on couple's financial status, in-law interference, infertility rate. Section C contained items that would gather information on culture belief and marital stability.

The validation of the instrument was done by submitting the items to supervisor and to colleagues experts in measurement and evaluation to ensure face and content validity. Reliability of instrument was done where a pilot testing on the instrument was carried out on thirty married couples out of Oshodi/Isolo Local Government Area of Lagos state. The questionnaire was administered on these couples twice with a time difference of two weeks. Thereafter, test-retest reliability estimate was done using person method. The coefficient of

relation obtained was between 0.79 to 0.81, which was accepted as relatively high, hence ensuring that the instrument is stable over time.

The researcher with research assistants administered the instrument to the participants. Every participant was given ample time to react to the items and help was provided where participants asked for explanation. This ensured hitch-free administration.

Descriptive statistics was employed to collate data which were later subjected to Pearson Product Moment Correlation and Analysis of variance statistical tools. All the hypotheses generated were tested at 0.05 level of significance.

Result

Descriptive Analysis of Participants' Biodata

Table 1: Percentage Distribution of Couples by Personal Characteristics
n = 120

S/n	Personal Characteristics	Frequency	Percentage %
1.	Sex		
	Male	25	45.80
	Female	65	54.20
2.	Age (years)		
	25 - 30	45	37.50
	31 - 40	35	29.17
	41 - 50	30	25.00
	51 and above	10	8.33
3.	Years of Marriage		
	1-5	30	25.00
	6-10	40	33.33
	11-5	35	29.17
	16 and above	15	12.50
4.	Educational Background		
	OND/NCE	10	8.33
	HND/B.Sc	50	41.67
	M.S·c/M.ED.MBA	55	45.83
	Ph.D	5	4.17
5.	Monthly Income (₦)		
	Below 10,000	6	5.00
	11,000 - 50,000	35	29.17
	60,000 - 100,000	60	50.00
	100,000 and above	19	15.83

Source: Field data, 2012

Data in table 1 show that most of the participants (54.20%) were females and majority of them (62.50%) come from Christian background. Also, most of the participants (37.50%) were 25 - 30 years. On years of marriage, most (33.33%) had spent 6-10 years in marriage. In terms of number of children, majority (41.67%) had 3 children while most (45.83%) possessed

and degree in terms of educational qualification. On monthly income, most (50.00%) had 60,000 - 10,000.

Hypothesis One

The first hypothesis states that there is no significant relationship between inlaws interference and marital stability among couples. This hypothesis was tested with Pearson Product Moment Correlation at 0.05 level of significance.

Table 2: Correlation between in-laws interference and marital stability among couples

Variable	n	$\bar{x}$	sd	df	r-cal	r-crit
In-laws interference	120	14.38	2.55	118	0.77	0.20
Marital stability	120	13.93	1.71			

Significant at 0.05, df = 118, r-cal = 0.77

Result from table 2 shows a significant value of r-calculated of 0.77 which is greater than critical r-value of 0.20 with 118 degrees of freedom at 0.05 level of significance. Hence, there is a significant relationship between in-laws interference and marital stability among couples.

Hypothesis Two

The second hypothesis states that there is no significant relationship between financial status of couples and marital stability. This hypothesis was tested with Pearson Product Moment Correlation at 0.05 level of significance.

Table 3: Correlation Between Financial Status and Marital Stability

Variable	n	$\bar{x}$	sd	df	r-cal	r-crit
Financial status	120	13.65	1.72	118	0.94	0.20
Marital stability	120	13.93	1.71			

Significant at 0.05, df = 118, r-cal = 0.94

Result from table 3 shows that a calculated r-value of 0.94 is significant since it is greater than the critical r-value of 0.20 given 118 degrees of freedom at 0.05 level of significance. Hence, there is a significant relationship between financial status of couples and marital stability.

Hypothesis Three

The fifth hypothesis states that infertility has no significant impact on marital stability. This hypothesis was also tested with One-Way Analysis of Variance at 0.05 level of significance.

Table 4: One Way Analysis of Variance of Infertility Impact on Marital Stability of Couples

Family Background	N	$\bar{x}$	sd	
High	40	11.27	4.32	
Moderate	30	16.32	3.34	
Low	50	12.33	3.62	
Source of variation	SS	df	MS	F-ratio
Between group	397.84	2	198.92	6.01
Within group	3867.14	117	33.05	
Total	4264.98	119		

Significant at 0.05, df = 1 and 118, critical f = 3.05

Result from table 6 shows a calculated F-value of 6.01 which is significant since it is greater than the critical F -value of 3.05 given 2 and 117 degrees of freedom at 0.05 level of significance. Hence, infertility has a significant impact on marital stability of couples

Discussion of Findings

Hypothesis One

The first hypothesis states that there is no significant relationship between in-laws interference and marital stability among couples. This hypothesis was tested with Pearson Product Moment Correlation at 0.05 level of significance and the result showed that there was a significant relationship between in-laws interference and marital stability among couples.

This result confirms the assertion of Yewah (2007) that a new couple needs to depend on one another and if disagreements ensue, they resolve them together rather than bringing in their parents to "referee". He went further to say that couples should not place their parents or any relatives in the middle of their relationship by telling them everything or by running to them at the first signs of problems in the marriage.

It also collaborates with Kenton (2009) that establishing clear boundaries is not easy and like marriage, it can require constant attention. Even when boundaries are created, in-laws may not always want to abide by the boundaries, so couples must learn to reinforce the boundaries they want and negotiate new ones. He went further to say that the process of creating new family is challenging for a new couple, but ultimately it brings the couple close together and it brings more peace to every one's lives.

Hypothesis Two

The second hypothesis states that there is no significant between financial status of couples and marital stability. This hypothesis was tested with Pearson Product Moment Correlation at 0.05 level of significance. The result showed that there was a significant relationship between financial status of couples and marital stability.

The result conforms with Holley (1981) where he maintained that the biggest single influence on the families of skilled workers was the size of the wage the head received at work and the resulting standard of living which it permitted. He went further to say that when a skilled worker heads the family fortunes, even hen children in the family were old enough to earn wages, the sheer size of skilled worker's day package was the must important thing for such families.

Data & Idowu (2006) also pointed out in their findings the financial status of couples is one of the factors that threatens marital stability.

Hypothesis Three

The third hypothesis states that infertility has no significant impact on marital stability. This hypothesis was tested with One-way Analysis of Variance at 0.05 level of significance. The result showed that there was a significant impact of infertility on marital stability of couples.

This result conforms with the findings of Odusanya (2000) that infertility has been a source of pain, anxiety and shame. It leaves couples unfulfilled as they are unable to realise their goals of childbearing. It is accepted as a basis for divorce and whether as a cause or effect, childlessness is often seen among divorcees in many cultures.

Implication of the Study

This study has serious implications for the married couples, marriage counselors, counselling psychologists and the society in general. Marriage therapists need to be more prominent and available in our society. It seems marriage counselors have been operating behind the scene in the modern society unlike in other countries of the world, where marriage counselling is accessible to the entire populace. Attending to marriage issue is not exclusively reserved for the pastors though a large number of pastors are exposed to skills in counselling psychology.

The results obtained in this study have demonstrated the realities of marriage instability among couples in Lagos metropolis. The findings from the study have great multi-dimensional implications for marriage counselors, spinsters and bachelors, married couples as well as the government. This is because the problems that confront marriages are direct concern of the entire society. It therefore means that, to ensure marital stability, couples should be encouraged to make a deliberate decision of meeting a marriage counselor for their marriage assessment. The findings also corroborate the fact that marital instability in our modern society is the result of several factors; some of which have nothing to do with spiritualism. The main implication of the study for the nation is that, if the causes of marriage instability were addressed at the appropriate levels and quarters, it would not be too difficult for the government to achieve her initiated war against insecurity. The war would be won with little or no stress.

Conclusion and Recommendations

The findings from this study demand urgent attention by all concerned, including counseling psychologists, marriage counselors, religious leaders, married couples and the entire public. This is because the study has revealed and confirmed the reality of marriage instability. Prevention they say is better than cure. Therefore, the results from the study should be of paramount interest and concern to marriage counselors.

Therefore, in order to reduce these sociological interferences to the barest minimum, the following recommendations are made:

The government and marriage counselors should help to maintain marital stability among couples through seminars, workshops, etc.

The government should provide an enabling environment for couples to improve their living standards as a means of ensuring stability of marriage and seminars for the counselors, lectures and workshops should be organized for married couples to enhance marital stability and to teach them some skills in maintaining good marital relationships.

Pre-marital counselling should be regularly organized for youths on techniques of enhancing marital stability before going into this God-ordained institution of marriage.

References

Ademola, A. (1982). Changes in the Patterns of Marriage and Divorce in a Yoruba town. *Rural Africana, 14,* 16

Agbutuin, A. (1990). Marriage problems inventory in Egunland and the need for marital counselling. *Unpublished M.Ed Thesis,* University of Lagos.

Anate, M. (1999). *Recent advances in the Management of Infertility.* A paper presented at the joint departmental scientific meeting on infertility management, diagnosis and social issues organized by the Association of Resident Doctors UITH, Ilorin.

Ardayfio-Schandorf, E. (1990). *Women in Ghana: An Annonated Bibliography.* Accra: Publishing Service.

Argules, E.A. & Furnham, J.B. (1983). Intra-couple variability in marital aggrandizement: idealization and satisfaction within enduring relationship. *Current Research in psychology 80(15,* 23.

Belsey, A.(1999). The epidemology of infertility, a review with particular reference to Sub-Saharan African. *WHO Bulletin, 54:* 19 – 341.

Borgotta, E. & Edgor, A. (2000). *Encyclopedia of Sociology,* 2nd edition, USA: Michigan .

Burlesson, A.J. & Denton, F.B. (2009). *Resources of Population: A Study of the Gurungs of Nepal.* New York: Cambridge University Press.

Deutsch, M. (1973). *The Resolution of Conflict: Constructive and Destrucive Processes.* New Haven, CT: Yale University Press.

Fletcher, G.J. & Thomas, G. (2000). Behaviour and on-line cognition in marital interaction. *Personal Relationship, 7:* 111 – 130.

Gerrits, T. (1999). Social and cultural aspects of infertility in Mozambique. *Patient Educ Couns, 31*, 39 – 48.

Gothman, J. M. (1994). *Marital Interaction: Experimental Investigation.* New York: Academic Press.

Holley, C. (1981). The Two Famimy Economics of Industrialism: Factory Workers in Victorian Scotland. *J.Fam.Hist, ed. 6:*1.

Iloyd, A.J. (1990). Institutional pressures and strategic responsiveness employer involvement in work-family issues. *Acad. Marriage – J, 37(2),* 350 – 382.

Jimoh, K.T. (1999). *Education, Marital Stability and Productive Adult Life.* A paper presented at the 2nd Annual Workshop of School of Education, College of Education, Technical, Lafaigi, Nigeria.

Johnson, K.L. & Roloff, M.E. (2000). Correlates of the perceived resolvability and relational consequences of serial arguing in dating relationships. Argumentative features and the use of coping strategies. *Journal of social and Personal relationship, 17,* 676 – 686.

Kento, A.J. (2009). The sequential and distributional structure of conflict interactions as a function of attributions concerning the locus of responsibility and stability of conflicts. *In Communication Yearbook, 4, ed,* D.Nimmo New Brunswick, NJ: Transaction.

Kurdek, A.B. (1999). An examination of two aspects of work-family conflict time and identity. *Women Marriage Rev. 10(2)*, 17 – 25.

Ladipo, O. A. (1999). *The Epidemiology of Infertility,* Dokita, 16, 1- 5

McGonagle, K.A. & Schilling, E,A. (1992). The frequency determinants of marital disagreements in a community sample. *Journal of Social and Personal Relationships, 9,* 507 – 524.

Mead, J.B. (1990). Antecedents and outcomes of work-family conflict among married professional women: evidence from Singapore. *Human Relations, 49(4),* 465 – 487.

Munira, K. T. (2011). Understanding the relationship between religiosity and marriage: An investigation of the immediate and longitudinal effects of religiosity on newly wed couples. *Journal of Family Psychology, 15,(4),* 610 – 626.

Odusanya, R.O. (2000). Reduced fertility and associated factors in the western state of Nigeria. In Adaderoh Bk. Ed. *Sub-fertility and Infertility in Accra.* Ibadan: Caxton Press, 43.

Okonofia, F.E. (1997). The social meaning of infertility in south west, Nigeria. *Health Transition Review, 7,* 205 – 220.

Rosewell, A.B. (2009). The influence of religion on fathers' relationships with their children. *Journal of Marriage and Family 65,(2),* 362 – 395.

Rusbult, C.E. (1991). Accommodation processes in close relationship: theory and preliminary empirical evidence. *Journal of Personality and Socialy Psychology, 60;* 53 – 78.

Sheik, A. B. (2011). The impact of concentration of religious denominational affiliations on the rate of currently divorced in countries in the Unites States. *Journal of Family Issues, 27,(7),* 976 – 1000.

Smith, T.R. (1981). The family and the modern world system: some observations from the Carribbean. *J.Fam.Hist,Ed. Harevn KT, 3(4)*: 337.

Wark, G. (2000). Gender and dilemma differences in real-life moral judgement. *Developmental Psychology,* 32, 220-230.

Xu, L. (1997). Psychological aspect of infertile couple in China. *Chung Han Fuchan Ko Tsa Chihh, 29,* 232-4, 254-5.

Yakubu, L. A. (1998). Relationship among behaviour patterns, marital adjustment and job performance of federal and servants. *Unpublished Ph.D Thesis,* University of Ilorin, Nigeria.

Yeaning, A.E. (2010). Finding meaning in religious practices. *Journal of family psychology, 15(4),* 597 – 609.

Zietlow, P.H. & Sillars, A.L. (1998). Life-stage differences in communication during marital conflicts. *Journal of Social and Personal relationships 5,* 223 – 245.

The Spirit of Islamic Law within the Indonesia Legal System:Tradition and Politics

Abdul Hamid

dk_yusup@yahoo.com

Abstract

This article explains the historical description on the transformation of Islamic law into the Indonesia legal system. For Muslims, Islam is not only a system of belief, but also contains the universal principles of Islamic legal doctrines that must be implemented formally in the life as well as in the Pancasila and the 1945 Constitution. Through Islamic political law, every Muslim believed to willing and to accept the enforceability of Islamic law (the persuasive source). Every Muslim also believed that Islamic law has the strength authority to be implemented in practice formally (the authority source). The three patterns of the relationship between Islam and the state in the New Order period from the antagonistic and reciprocal-critics to accommodative approach has opened the door widely for the Islamization process of social institutions, culture, politics, and the law in Indonesia. It shows the evidence that Islamic law can be applied through the juridical approach formally.

Keywords: Transformation, Legislation, Regulation, Islamic Law, and Constitution

1. Introduction

The discourse of Islamization is always becoming the crucial issue in Indonesia from the past to the present. When Indonesia declared independence in 17th August 1945, it was significant controversy surrounding the role of Islam in political situation that is caused by the enormous tensions while the Muslim politicians want to adopt a civil code instead of an Islamic one into Pancasila and the 1945 Constitution. As the largest Muslim-majority nation in the world, on the one hand, Indonesia is very well known as the most populous Muslim country with 85 percents of Indonesia's 240 million people is Muslim where Islamic Law became traditional norm in their life. On the other hand, in recent years, there has been a trend toward a more orthodox interpretation of Islam which is part of longest Islamic political law debate between Nationalist-Muslim and Nationalist-Secular groups.

Nationalist-Muslim group argues that Islam is not only a system of belief, but also contains the universal principles that must be implemented formally into Pancasila and the 1945 Constitution. In contrast, Secular-Muslim group rejects its proposal because of the reason that Indonesia is not Islamic or Secular State. Finally, the deadlock political debate has resulted President Soekarno (Old Order) using his authority to take President Decree in 15th July 1959 returned the 1955 Constitution to the 1945 Constitution.

In New Order period, President Soeharto has an intensification of religious belief amongst Muslims. Under Soeharto regime, all Islamic Parties were forced to unite under one government-supervised in Islamic Party, the Partai Persatuan Pembangunan (Unity and Development Party or PPP). With Soeharto's resignation in 1998, all issues that related with the Islamization movement is encountered by the political repressive approaches to collapse the existence of religion society.

During the fall of the New Order Regime in reformation period in 1999, Nationalist-Muslim has tried to re-entering Islamic Law into the Indonesia Constitution through Extra-Ordinary Meeting of Majelis Permusyawaratan Rakyat (Indonesia Representative Council or MPR). But they were lost more for second times by Nationalist-Secular groups who still strongly supported Pancasila as the fundamental principle of the Indonesia Constitution. In recent years, this becomes problematic issue regarding on tradition and politics in contemporary Indonesia.

2. Islamic Law Tradition in Indonesia: Past and Present

The implementation of Islamic Law in Indonesia has dialectic together with the government political law and it is also strongly influenced by the sosio-cultural tradition that living in a Muslim society. Since the coming of Islam to Indonesia at seventh centuries ago until the present, Muslims society has a diferrent interpretation and understanding about the essence of Islamic law and its application in their life.[22] For instance, M. Atho Mudzhar explained that it was influenced by four categorizes, such as Fiqh Books, Religious Court Decisions, the Rules of Law in Muslim Countries, and Ulama's Fatwa.[23] Accoding to him, these are commonly influenced to the transformation process of Islamic Law into the Indonesia Constitution although the existence of Islamic Law cannot be separated from the Custom Law and Western Law.

---

[22] The term of heterogenity here is mean the distinction of Muslims understanding in implementing Islamic Law into two tendencies: first, Islamic Law is defined as Sharia and Fiqh. Muslim Scholars defined Sharia as the whole of Islamic legal doctrines derived from the Quran and the Sunna directly. Fiqh is resulted by the interpretation of Muslim Jurists or Mujtahid in translating Islamic legal norms from the Quran, the Sunna, and the legal cases in the line of ijtihad.

[23] M. Atho Mudzhar, "Pengaruh Faktor sosial Budaya terhadap Produk Pemikiran Hukum Islam" in *Journal Mimbar Hukum* Number 4 Year 2 (Jakarta: Al-Hikmah and Ditbinbapera Islam, 1991), p. 21-30.

Regarding on Mudzhar's view, Islamic Law can be understood with two points: first, Islamic Law is formally implemented by Muslims in the life, and also codified and added within the Indonesia legal system; and second, Islamic Law is absolutely believed by Muslims as the whole of Islamic legal doctrines based on the Quran and the Sunna that is normatively consists of the regulations and the sanctions and must be implemented in their life. Consequently, there is often a conflict in implementing Islamic Law among tradition and politics.

To explain the tradition of Islamic Law in Indonesia, it is related with the stereotype distinction of Islamic Law understanding. In my perspective, it can be explored through philosophical, historical, sociological, and juridical approaches. Philosophically, Muslim Jurists (*Fuqaha*) has identified Islamic Law in the line of Sharia. The integral meaning of Sharia is assumed containing the God's rules that related with human behaviors and its relation to God and the other humans. In contrast, Fiqh is specifically understood and even more individually practiced by Muslims in the life because it is commonly related with all subjects in the relationship between human and God as well as human and the others.

Yusuf Musa[24] defines *Sharia* as the whole of Islamic legal doctrines that consists of moral, ethics, believeness, and religiousness in the line of individual expression in actualizing Islamic rules. *Fiqh* is defined specifically and related with the practical cases in outside of belief. He defines fiqh as the whole of Islamic legal doctrines based on the interpretation of texts and legal cases and it is also practiced in various legal activities among Muslim life. In this context, *Fiqh* is always dynamically changed to be in order with the condition of socio-political among Muslim tradition.[25] In any cases, fiqh is inconsiderable to be used formally as a legal standard by Muslim. The Government is in need of codifying it to add into the constitutional law which is known as *Qanun*. Therefore, I can say that Islamic law in the form of *Fiqh* is not simply understood through philosophical approach, but also more sociologist and empiric in the line of Islamic legal studies. It means that *Fiqh* is commonly seen as Islamic law traditions.

In historical perspective, fatwa is conducted by Muslim Jurists (*Mujtahid*) from the Quran and the Sunna (*dalil naqli*) and ijtihad (*dalil aqli*). The unique of Islamic law is fiqh conducted by mujtahid since the third centuries ago until the present. They have a different approach on how to compile and arrange the systematic of fiqh. Some of them have used an inductive approach to arrange the construction of fiqh through analytical method from the texts into the cases. This method is commonly done by the Ulama Syafi'iya who is very well known as *ahl al-hadith*. The other one has used deductive approach through compromising the cases into the texts. This method is commonly done by the Ulama Hanafiya who is very well known as *ahl al-ra'yi*.[26]

Then in political perspective, I think Islamic political law in Indonesia has dialectic from the beginning of Islam come to Indonesia until the reformation period. In this context, I would like to refer to Fakhri Ali and Bahtiar Effendi's view that Islamic political law in Indonesia has been related with the relationship between Islam and the state, especially as long as the age of New Order regime. They assumed that it consists of three periods: first, antagonistic relation (1966-1981) shows the existence of Islamic movement is very dominantly controlled by the government; second, reciprocal critics (1982-1985) shows the existence of

[24] Yusuf Musa, *Tarikh al-Fiqh al-Islami,* (Cairo, Mesir: n.y.), p. 10 and Manna al-Qattan, *Al-Tasyri wa al-Fiqh fi al-Islam,* (Cairo, Egypt: Muassasah al-Risalah, n.y), p. 14.

[25] Amir Syarifudin, "Pengertian dan Sumber Hukum Islam" in *Falsafah Hukum Islam,* Second Edition, (Jakarta: Bumi Aksana – Depag RI, 1992), p. 15.

[26] Fathurrahman Djamil, *Filsafat Hukum Islam Jilid II*, (Jakarta : Logos Wacana Ilmu, 1997), p. 9.

Santri trying to change their mindset and activities in actualizing the intellectuality within political challenge in Indonesia; and third, accommodative relation (1985-1998) shows the harmonization of Islam and the state which can be seen Muslim intellectuals and Muslim politicians collaborated together in building Indonesia within the government and bureaucracy system.

Moreover, the relationship between Islam and the state can be seen sociologically pro and contra in understanding of modernisation. It can be divided into three types: first, the pattern of apology, which is a form of the refusal of Islam to all the values that are rooted in the discourse of modernization. The first pattern even assume modernization with Westernization and secularization identical; Secondly, adaptive pattern, which is a form of accepting partial modernization values that do not conflict with the teachings of Islam; Third, creative pattern, which is a form of dialogical attitude that is more intellectual approach in response to modernization.

Referring to the three patterns mentioned above, the third pattern seems to be more dominant because of the intellectual approach that developed by the modernists is more representative to develop modern Islamic in Indonesia. This occurs as the antithesis of the more conservative Islamic circles directed to Islamic ideology and depolitization formally resulting tensions spawned by the New Order regime.

From there, it can be said here that the Islamic legal tradition that exists in muslin Indonesian society is divided into several levels first, as he becomes a mean value of legal guidelines are followed and adhered to by a Muslim religious authority to submit, obey and submit to the teachings of Islam. Secondly, as the rule of law means it contains charges that universal norms of Islamic law and specific, vertical and horizontal, adhered to and complied with applicable within Muslim societies continuously. Third, the rule of law means that it contains a number of rules, both written and unwritten rules, and still exist and apply in kehiduan Muslim community itself. Fourth, as a legal product means it is a political product in the form of the Act and other regulations, which resulted from an agreement at the level of legislative, executive and judicial branches.

The juridical, tradition implementation of Islamic law in Indonesia is carried out through the legal policy of unification and codification of Islamic law. Transformation of Islamic law in the form of legislation (*Takhrîj al-Ahkam fi al-nash al-Qanun*) is a product of the interaction between the political elite of Islam (the Muslim Scholars, Mass Media Leaders, Religious Officials, and Muslim Scholars) to the power elite or the ruling elite who are the politicians and the state officials. As one of the examples, the enactment of the Islamic Marriage Law Number 1 of 1974 is the fact that Islamic elite is more quite dominant role with the political elite at the legislative level.

3. Islamic Political Law Thought in Indonesia

Ismail Sunny illustrates an Islamic political law as the process of Islamic law acceptance by the people and the government in two periods, namely: first, the persuasive source in where every Muslim believed to willing and to accept the enforceability of Islamic law; and second, the authority source in where every Muslim believed that Islamic law has the strength authority to be implemented in practice formally. In other words, Islamic law can be applied based on the formal juridical approach and it is codified through the legislation process.[27]

---

[27] Isma'il Sunny, *Tradisi dan Inovasi Keislaman di Indonesia dalam Bidang Hukum Islam*, in *Bunga Rampai Peradilan Islam di Indonesia*, (Bandung: Ulul Albab Press, 1997), p. 40-43.

To develop the transformation process of Islamic law supremacy into the National Law, it is required the people and the institution of political participation, as well as the relationship between Islamic law with the bodies of state power in the scope of Islamic political law. Islamic political law can be seen as the product of the political interaction among the political elite based on the various socio-cultural groups. The opportunities for the development of Islamic law in the national law system may be possible to be transformed when the Muslim political elite have a strong of bargaining power in the political interaction process.

In New Order era, the political law policy has been set out in the Decree of the People's Consultative Assembly (Majelis Permusyawaratan Rakat or MPR). MPR made the Guidelines of State Policy (Garis-Garis Besar Haluan Negara or GBHN) in 1973, 1978, 1983, 1988, and 1993. During the period of 1973-1988, the development of national law is aimed to codify and to unify the law system to be in order with the society interests. The certain forms of written law are codified and unified, especially the laws that are seen "neutral" for social engineering. Likewise for Muslims, Islamic law unification gained the national recognition in the national legal system.[28]

The transformation of Islamic law in the form of legislation (*Takhrîj al-Ahkam fi al-nash al-Qanun*) is a product of the interaction between the political elite of Islam to the power elite or the ruling elite who are the politicians and the state officials.[29] As the political decision-making procedures in the legislative and the executive levels, Islamic law legislation is understood in the terms of legal drafting. It should refer to the political law policy that made collectively by the political bodies of the state power. The law can be defined as the written rules if it has been codified through the political process at the bodies of state power such as in the legislative and the executive institutions, as well as considerable with the requirements and the appropriate of legislation design.

The conceptual approach of Islamic law legislation procedure is proposed by A. Hamid S. Attamimi who explains that the government and the parliament held the strength authority in the legislation procedure. He mentioned in Article 5 Verse 1 of the 1945 Constitution that "the President has the power to make laws with the approval of Parliament." While the explanation of Article 5 Verse 1 of the 1945 Constitution stated that "unless the executive power, the President, together with the House of Representatives (Dewan Perwakilan Rakyat or DPR) to run a legislative power in the state legislature."[30]

Based on the description above, DPR should give a consideration to all rules design that are proposed by the government. It is also similar with the Explanation of Article 20 Verse 1 of the 1945 Constitution that DPR may reject or accept all rules design that proposed by the government. In this context, the government and DPR have to concern fully together both are in rejecting or accepting the proposed of design rules.

4. Dynamics of Islamic Political Law in Indonesia

The political power transition from the Old Order to the New Order regime had been marked by the downfall of Sukarno from the President Position post the Movement Coup of the Communist Party (G-30/S/PKI) in 1965.[31] The political events have implications for the

---

[28] Teuku Mohammad Radhie, "Politik dan Pembaharuan Hukum" in *Prisma* Number 6 Year II (Jakarta: LP3ES, 1973), p. 4; M. Yahya Harahap, "Informasi Materi Kompilasi Hukum Islam: Memposisikan Abetraksi Hukum Islam" in *Mimbar Hukum* Number 5 Year II (Jakarta: Al-Hikmah and Ditbinbapera Islam, 1992), p. 17-21.

[29] Amak F.Z., *Proses Undang-Undang Perkawinan*, (bandung: al-Ma'arif, 1976), p. 35-48.

[30] See A. Hamid S. Attamimi, "Peranan Keputusan Presiden Republik Indonesia dalam Penyelenggaraan Pemerintah Negara: Suatu Analisis Mengenai Keputusan Presiden yang Berfungsi Pengaturan dalam Kurun Waktu Pelita I-Pelita IV", Doktoral Thesis at University of Indonesia, (Jakarta: UI, 1990), p. 120-135.

[31] Mochtar Mas'oed, *Ekonomi dan Struktur Politik Orde Baru 1966-1971*, (Jakarta: LP3ES, 1989), p. 47-53.

emergence of the highest tension of political crisis when the mass movement demands the dissolution of the Communist Party, political system reform, and the restoration of the country's security.[32]

The peak is occurred in 1966 when the political situation in Indonesia is not stabile and chaos. This situation implicated to the President Soekarno to write the Testament Letter of March Eleven (Surat Perintah Sebelas Maret or SUPERSEMAR) to General Suharto in which essentially contains the command to restore the national security, to consolidate all military and civilian personnel, as well as the reporting of all duties and the responsibilities of its letter.[33]

In addition, the political process in Indonesia was running very fast while the pace of the clock ticking. In the situation, General Suharto had directly or indirectly became the holder of security and political control. He also took all the steps that necessary for the accelerated of recovery and social conditions, such as in politics and economics at the time. It had performed until the convening of MPRS General Session in June-July 1966.

In this regard, the MPRS Provision Number: IX/MPRS/1966 has become a constitutional basis for Supersemar and convening the General Assembly of MPR in 1967 that displacing Sukarno from the President position by MPRS Decree Number: XXXIII/MPRS/1967. This has paved the way for Suharto become for the Second President of Indonesia that set out in the MPRS Provision Number: XLIII/MPRS/1968.[34]

The birth of the New Order is seemed supported by the student movement in Indonesian such as the Student Action Union of Indonesia (Kesatuan Aksi Mahasiwa Indonesia or KAMI) and the Youth and Student Action Union of Indonesia (Kesatuan Aksi Pemuda Pelajar Indonesia or KAPPI) whose members are predominantly Muslim. It can be said that they spearhead the collapse of the Old Order regime. At the beginning of the New Order, Soeharto seems to make changes to the irresponsible bureaucratic tendency as well as the heritage of the Old Order regime.

New Order used political approach in the closing form of relationship between military and technocrats elements for the purpose of carrying out the development and realizing the stability and the strongest of the government system. Military and bureaucracy collaboration is a political machine to organize the social and political life of the community, which the New Order becomes a single political force in Indonesia through the two components.[35]

The political form is created as follows: first, the role of bureaucracy is very powerful because it is run by the military support after the collapse of guided democracy and becomes the only major player on the national political stage; second, to build the force of social-political organization, as an extension of the military and the government, Soeharto took a political policy to unite the people in the form of Golkar Party as a single majority of political organization in the New Order period; third, the taming of radicalism in political context, Soeharto took a political repressive approach through the process of the mass politisation, such as applying the concept of floating mass and NKK/BKK in the scope of higher education institutions; fourth, Soeharto did more emphasize on the security approach than the welfare

---

[32] Joeniarto, *Sejarah Ketatanegaraan Republik Indonesia*, (Jakarta: Bumi Aksara, 1990), 3rd Edition, p. 140.

[33] Harold Crouch, *The Army and Politics in Indonesia*, (Ithaca: Cornell University Press, 1978), see at Chapter VII.

[34] Fuad Hasan, *Meramu Intelegensi dengan Intuisi: Di antara Para Sahabat Pak Harto*, (Jakarta: PT. Citra Lamtorogung Persada, 1991), p. 261-262.

[35] Lance Castle, *Birokrasi dan Masyarakat Indonesia*, (Surakarta: Hapsara, 1983), p. 27.

approach in social and political development; and fifth, Soeharto also mobilized a public support through the social and community organizations based on the corporatist.[36]

The relationships between Islam and politics in the New Order period had actually started since the New Order regime introducing the modernization policy, where the stigma of development mindset and the outlook of the Indonesian people and also the process of cultural transformation and social change more adopt what has happened in Western countries. The paradigm of development in Indonesia has changed from Eastern Europe into Western Europe and United States. Many scholars and intellectuals began to familiar and to introduce their knowledge with Western thought.

Meanwhile, for Islamists group, modernization is like a dilemma because of faced with two choices, namely: on the one hand, supporting the modernization of the New Order means the same as supporting the West. On the other hand, if Muslims refuses that it means they will lose the opportunity to play an active role in the national development program.[37]

The pro and contra response among the majority of Muslims are taking the modernization spawned in the three following pattern: first, apology pattern, which is the form of rejecting attitude of Islamists group against all the values that are rooted in the discourse of modernization. Even the first pattern is assumed modernization synonymous with Westernization and Secularization; second, adaptive pattern, which is the form of Muslims acceptation to the most of the modernization values which is not contrary to the teachings of Islam; and third, creative pattern, which is the form of Muslims attitude to dialogue through more intellectual approaches in response to modernization.

Based on the explanation above, intellectual approach seemed more effective to modernize Indonesia than Islamic political approach. However, the approach is very dominantly developed by the Muslim modernist intellectual group more considerable and representative for developing of modern Islam in Indonesia. I can say that this occurs is the antithesis of the conservative Islam that is more directed to ideology and the depolitization of Islam formally, and this would result the spawned tension between Islamist traditional groups with the New Order regime.

Regarding on the linkage pattern of political Islamization in Indonesia, it is often too provocative because it not the best way to develop Indonesia and also not entirely the representation of the majority of Muslims to be united in the frame of socio-political system. In this context, there was born the idea of cultural Islam as the mid-way for Muslims to continue to play their role in the national political stage. At least, the truth of this way will open the way for the Muslims towards the Islamization process in the late of New Order political policy in 1970.[38]

The political policy of the New Order regime has put Islam in the marginal position of the national political stage. It has given the tensions between Islam and the state. History has recorded that the dynamics of the relationship between Islam and the state in the New Order regime has shifted from being antagonistic, reciprocal critical to adaptive. Antagonistic relationship (1966-1981) reflects the pattern of the hegemonic relationship between Islam and the New Order government. The political ideology of the state has been strongly influenced to

---

[36] Affan Gaffar, *Politik Indonesia: Tradisi Menuju Demokrasi,* (Yogyakarta: Pustaka Pelajar, 1999), p. 37.

[37] M. Dawam Rahardjo, *Intelektual, Intelegensia dan Perilaku Politik Bangsa,* (Bandung: Mizan, 1993), p. 381.

[38] M. Syafi'i Anwar, *Politik Akomodasi Negara dan Cedekiawan Muslim Orde Baru: Sebuah Retrospeksi dan Refleksi*, (Bandung: Mizan, 1995), p. 232-235; see also Fakhri Ali and Bahtiar Effendi, *Merambah Jalan Baru Islam: Rekonstruksi Pemikiran Islam Indonesia Masa Orde Baru*, (Bandung: Mizan, 1985), p. 108-110.

the growth community level. At the same time, it has been opposed to reactive stance among Muslims and result the ideological conflict to place Islamic Group as an opposition.[39]

In stage of reciprocal critical (1982-1985), the Muslim Students (Kaum Santri) tried to reflect their views and change themselves to show their intellectual performance in Indonesia political sphere. At this stage, the choice of rational-pragmatic understanding has given a mutual understanding between Islam and the New Order government. During the period of 1982-1985, the majority of the intellectual Muslims have begun to accept Pancasila as the fundamental ideology of the state, the mass organizations, and the political organizations.

In the stage of accommodative (1985-2000), the relationship between Islam and the state reflected more harmonious in which Muslims have been entered as part of the political elite and bureaucracy system. At the same time, the Muslims political aspiration was particularly noticeable and contribute themselves in the form of developing Indonesia such as establishing of social order, politics, economics, and culture that are rooted in the noble of Islamic values as well as the national culture in the framed of integrative philosophy of Pancasila and the 1945 Constitution.[40]

Referring to the explanation above, I can say that the accommodative pattern is the one way for Muslims to contribute themselves in developing of Indonesia future. At the recent decades, the Muslims political participation show us that Islamic values can be included into the Indonesia political sphere through intellectual and cultural approaches. At least, it can be seen as one of the general descriptions on the relationship model that must be developed in Indonesia future.

5. The Transformation of Islamic Values into the Indonesia Legal System

In the term of the state science, the transformation of Islamic law can be explained through the God and the state sovereignty theories. According to God sovereignty theory, Allah is only one of the creators of law and human being just implements the God's Law. In Islamic Law Philosophy, there is one theory that mentions that everyone has an obligation to obey his own religious rules. It means that all Muslims have to follow the God's Law and practice it in the life.

Contrary in democratic state, the politics of law is derived from the people sovereignty, which the Constitution represents the political awareness of the people and the political law authority of the government. In this context, Republic of Indonesia adopted the concept of legal state (*rechtstaats*). All rules including Islamic law can be implemented in practice if it has been guaranteed and regulated in the Indonesia Constitution.

At the beginning of Indonesia independence in August 1945, the people political representation has been performed in the People Consultative Assembly (Majelis Permusyawaratan Rakyat or MPR) and the People Representative Council (Dewan Perwakilan rakyat or DPR). It has been changed after the fall of the New Order regime in the mid of 1998 when the President, the Members of MPR and DPR are directly elected by the General

---

[39] M. Syafi'i Anwar, *Pemikiran dan Aksi Islam Indonesia: Sebuah Kajian Politik Tentang Cendekiawan Muslim Orde Baru*, (Jakarta: Paramadina, 1995), p. 9.

[40] For example, in the year of 1970-1981, Islamic Marriage Law Number 1 of 1974 is too long regulated by the parliament and the government. In contrast, It is extremely different with the accommodative state in 1985-2000 where the govenment regulated some Islamic regulations such as the Islamic Court Law Number 7 of 1989, the Islamic Banking Law Number 10 of 1998, the Zakat Law Number 38 of 1999, and the Islamic Law Compilation under the President Instruction Number 1 of 1991. See Ahmad Sukardja, "Keberlakuan Hukum Islam dalam Tata Hukum Indonesia" in Cik Hassan Bisri (ed), *Bunga Rampai Peradilan Islam 1st Edition*, (Bandung: Ulul Albab Press, 1997), p. 24-25.

Election. In this regard, there is performed the principle of check and balances between the President and the Parliament as well as the separation of power concept.

Since 1970 until the present, the dynamics of Islamic law transformation process has been running in a synergistic line with the political dynamics in Indonesia. The three patterns of the relationship between Islam and the state in the New Order period from antagonistic and reciprocal-critics to accommodative approach, has opened the door widely for the Islamization process of social institutions, culture, politics, and the law in Indonesia.

Regarding on the description above, the concept of the development of Islamic law in Indonesia future must reflect the social order and culture, politics and law policies in society. Its direction will become qualitatively an Islamic law awareness to be implemented by the Muslim and also set it into the national legal system by the government and state agencies. The concretization of this view is referred to the term of Islamic law legislation concept (*taqnîn*).

I refer to Abdul Ghani Abdullah's view that Islamic law has been placed on the high position of the Indonesia Constitution based on the three reasons: first, in philosophical reason, the teachings of Islam is the way of life, moral and legal ideals among Muslim-majority in Indonesia, and it has an important role for the creation of the fundamental norms of Pancasila; second, in sociological reasons, the development of Islamic law in Indonesia is part of Muslims culture as well as the legal consciousness; and third, in juridical reasons, Islamic law can included in the Indonesia legal system referred to the Article 24, 25 and 29 of the 1945 Constitution.

In more concrete reality, there are several products of regulations and legislation that are substantially consist of Islamic law values: (a) Islamic Marriage Law Number 1 of 1974; (b) Islamic Law Compilation under the President Instruction Number 1 of 1991; (c) Islamic Banking Law Number 10 of 1998; (d) Pilgrimage Law Number 17 of 1999; (e) Wakaf Law Number 41 of 2004; (f) Zakat Law Number 38 of 1999; (g) Religious Court Law Number 50 of 2009; and so on.[41]

In line of the political climate and democratization change from the early 1980 to the present seemed the positive sign for the positive progress in the development of Islamic law in all dimensions of public life. The structural and cultural approaches are the most effective way to the process of Islamization of social institutions in Indonesia as well as in culture, politics, economics and law. As the next challenge is how the Muslims can manage their consciousness and awareness to perform their political expression positively.

6. Conclusion

In my last remark, I can say that the historical transformation of Islamic law in Indonesia is loaded with the variety of historical, philosophical, political, sociological, and juridical dimensions. On the one hand, Islamic law in Indonesia has experienced up and down as long as the politics of law that applied by the state power. On the other hand, it is also rooted in the socio-cultural power in which the Muslims in Indonesia have been interacting in the political decision making process, thus giving to various political policies for the benefit of the Muslim community.

In this final section, I can say that the Islamic law transformation in the national legal system in Indonesia has experienced in a dynamic and sustainable development, as well as its relations to the channel of political infrastructure and superstructure including the realities,

---

[41] Abdul Ghani Abdullah, "Peradilan Agama Pasca UU No. 7/1989 dan Perkembangan Studi Hukum Islam di Indonesia", in *Mimbar Hukum* Number 17 Year V, (Jakarta: Al-Hikmah & Ditbinbapera Islam Depag RI, 1994), p. 94-96.

demands, and support from all political elements. The historical evidence of Islamic law establishment since the Colonial period to the Independence and reformation periods is the fact that Islamic law would never sued the truth. In other word, Islamic law will always exist together with the existence of Islam in Muslims life.

Reference

Abdullah. Abdul Ghani, *"Peradilan Agama Pasca UU No.7/1989 dan Perkembangan Studi Hukum Islam di Indonesia"* dalam *Mimbar Hukum* No. 17 Tahun V (Jakarta: Al-Hikmah & Ditbinpera Islam Depag RI, 1994).

Amak F.Z., *Proses Undang-Undang Perkawinan*, (Bandung: al-Ma'arif, 1976).

Anwar. M. Syafi'i, *Politik Akomodasi Negara dan Cendekiawan Murlim Orde Baru: Sebuah Retrospeksi dan Refleksi*, (Bandung: Mizan, 1995).

----------------, *Pemikiran dan Aksi Islam Indonesia: Sebuah Kajian Politik tentang Cendekiawan Muslim Orde Baru*, (Jakarta: Paramadina, 1995).

Attamimi. A. Hamid S., *"Peranan Keputusan Presiden Republik Indonesia dalam Penyelenggaraan Pemerintah Negara: Suatu Analisis Mengenai Keputusan Presiden yang Berfungsi Pengaturan dalam Kurun Waktu Pelita I-Pelita IV"*, Disertasi Doktor Universitas Indonesia (Jakarta: UI, 1990).

----------------, *"Materi Muatan Peraturan Pemerintah Perundang-undangan"* dalam *Majalah Hukum dan Pembangunan* (Jakarta, 1979).

Bisri. Cik Hasan "Peradilan Agama dan Peradilan Islam" dalam *Bunga Rampai Peradilan Islam I*, (Bandung: Ulul albab Press, 1997).

Castle. Lance, *Birokrasi dan Masyarakat Indonesia*, (Surakarta: Hapsara, 1983).

Crouch. Harold, *The Army and Politics in Indonesia*, (Ithaca: Cornell University Press, 1978).

Gaffar. Affan, *Politik Indonesia: Tradisi Menuju Demokrasi*, (Yogyakarta: Pustaka Pelajar, 1999).

Harahap. M. Yahya, *"Informasi Materi Kompilasi Hukum Islam: Memposisikan Abetraksi Hukum Islam"* dalam *Mimbar Hukum* No.5 Tahun II (Jakarta: Al-Hikmah dan Ditbinbapera Islam, 1992).

Hassan. Fuad, *Meramu Intelegensi dengan Intuisi: Di antara Para Sahabat Pak Harto*, (Jakarta: PT. Citra Lamtorogung Persada, 1991).

Joeniarto, *Sejarah Ketatanegaraan Republik Indonesia*, (Jakarta: Bumi Aksara, 1990).

Huijbers. Theo, *Filsafat Hukum dalam Lintasan Sejarah*, (Yogyakarta: Kanisius, 1982).

Mahendra. Yusril Ihza, *Dinamika Tata Negara Indonesia: Kompilasi Aktual Masalah Konstitusi Dewan Perwakilan dan Sistem Kepartaian* (Jakarta: Gema Insani Press, 1996).

Mas'oed. Mochtar, *Ekonomi dan Struktur Politik Orde Baru 1966-1971*, (Jakarta: LP3ES, 1989).

Mudzhar. M. Atho. "Pengaruh Faktor sosial Budaya terhadap Produk Pemi-kiran Hukum Islam" dalam Jurnal *Mimbar Hukum* No. 4 tahun II (Jakarta: Al-Hikmah dan Ditbinbapera Islam, 1991).

M. Saleh. Hasanudin, *HMI dan Rekayasa Asas Tunggal Pancasila*, (Yogyakarta: Pustaka Pelajar, 1996).

Prodjodikoro. Wiryono, *Asas-asas Hukum Tata Negara Indonesia* (Jakarta: Dian Rakyat, 1989).

Radhie. Teuku Mohammad, *"Politik dan Pembaharuan Hukum"* dalam *Prisma* No.6 tahun II (Jakarta: LP3ES, 1973).

Rahardjo. M. Dawam *Intelektual, Intelegensia dan Perilaku Politik Bangsa*, (Bandung: Mizan, 1993).

Sunny. Isma'il. *Tradisi dan Inovasi Keislaman di Indonesia dalam Bidang Hukum Islam*, dikutip dari *Bunga Rampai Peradilan Islam di Indonesia*, jilid I (Bandung: Ulul Albab Press, 1997).

Sukarja. Ahmad, "Keberlakuan Hukum Islam dalam Tata Hukum Indonesia" dalam Cik Hasan Bisri (ed.) *Bunga Rampai Peradilan Islam I*, (Bandung: Ulul albab Press, 1997).

Soeprapto. Maria Farida Indrati, *Ilmu Perundang Undangan : Dasar-dasar dan Pembentukannya*, (Yogyakarta : Kanisius, 1998).

Soehino, *Ilmu Negara*, (Yogyakarta: Liberty, 1980).

Yamin. Mohammad, *Naskah Persiapan UUD 1945* (Jakarta: Reproduksi Setneg, t.th.).

----------------, *Naskah Persiapan UUD 1945*, Jilid I, cet ke-2 (Jakarta: Prapanca, 1971).

The Author:

Abdul Hamid is Senior Lecturer at the Faculty of Sharia and Law, State Islamic University of Sunan Gunung Djati Bandung, Indonesia

Leadership Styles as Factors in Intra-Union Disputes Management Strategies in Oyo State Public Service

Oyelekan I. Ayantunji (Phd).

Department of Industrial Relations and Public Administration

Lagos State University, Ojo,

Lagos, Nigeria.

Email: oyelekanayantunji@yahoo.com

Mojirade Mary Ayantunji

Department of Adult Education,

University of Ibadan,

Ibadan, Nigeria.

Email: adeoyemary55@yahoo.com

Abstract

The activities of trade union leaders in our organization is radically changing particularly towards dispute management and various mode been used in addressing issues relating to leadership styles on effective dispute management in industrial setting. These phenomena have brought about some salient questions: What are the effects of leadership styles on intra union dispute management? What is the leadership styles being adopted within trade union movements on intra-union dispute management? What are those factors militating against any leadership style adopted by union leaders. In an attempt to find answers to these questions, this study therefore attempt to assess leadership styles as factors in Intra union disputes management in Oyo State Public Service. The study is an expo-facto research which adopts the descriptive survey research design. The population for this study is the trade union leaders and members in Nigerian-Union of Teachers (NUT), Nigerian Union of Local Government Employees (NULGE), Medical and Health Workers' Union of Nigeria (MHWUN) in Ibadan North Local Government Oyo State. In selecting the sample, multi-stage sampling procedure was used. A total of 250 respondents were used for the study. Data were collected using a research questionnaire tagged "Leadership Styles and Intra-Union Dispute Management (LSIDM). Three research questions were raised and answered; while two hypotheses were tested at 0.05 significant levels. Data were analyzed using frequency counts, percentage, chi-square.

The study shows that there are five main types of leadership style adopted by the trade union leaders towards conflict management in Oyo State; these are autocratic, democratic, bureaucratic, transformational and transactional leadership styles. There was significant relationship between the various leadership styles adopted by trade union leaders and intra union dispute management (X^2 cal = 144.25, df = 10; P < 0.5). The study also shows that there was a significant joint effect of all these leadership styles on the intra union dispute management in Oyo State public service respectively. (f(5, 144) = 442.609, P < 0.05) and (f(5, 94) = 298.459, P = 0.05). The independent variables predicted the dependent variables as follows: Democratic (β = 357), Autocratic (β = .294) Transformational (β = .306), Bureaucratic (β = .208) and Transactional (β = 116).

In view of this, it was concluded that leadership styles contributed positively to effective intra union dispute management. It was therefore recommended of all the leadership styles examined though situation and nature of dispute might be different like wise the environment democratic cum transformational leadership styles would always suffice in intra-trade dispute management and those leaders should have the right communicating skills to communicate in diplomatic and non-confrontational manner.

Key words: Leadership, Leadership style, Trade Union Leaders, Trade dispute, Trade dispute management

Introduction

Leadership is found in groups with more than one person and it is central to our everyday lives in the private and public spheres. In our homes, institutions, religious and social groups we hardly function without an effective leadership Donald, (2005). For a long time, leadership style has attracted much interest worldwide. Every leader comes with his/her style of leadership. Leadership style is the manner and approach of providing direction, implementing plans, and motivating other people. It is a known fact that leadership style influences or serves as motivation for other workers in an organization Sasongu (2005). Workers motivation is influenced by the changing ambitions or leadership styles they works under or socializes with.

There are as many leadership styles namely-autocratic, bureaucratic, charismatic democratic or participative, laissez-faire; people oriented or relations; people-oriented, servant; task-oriented; transactional and transformational leadership styles. According to Bankole (2007), leadership style is crucial to the success of an organization. Understanding these leadership styles and its impact helps to develop and adapt the suitable style which will help one become a more effective leader. However, all the above-mentioned leadership styles cannot have the same priority because each has different personal goals.

Hitherto, the debate had been on whether or not conflict is desirable in an organization. But several empirical studies have shown that conflict is an inevitable element in any social interaction that involves human beings (Mullins, 1996; Omole and Adegoke, 2001; Otite, 2001; Hammed, 2002 and Okhakhume and Durodola, 2002). The pursuit of divergent interests, goals and aspirations by individuals and/or group in defined social and physical environment has been adduced as the main reason why conflict is ubiquitous in every human grouping (Edwards, 2002 and Otite, 2001). "When this is the case, the conflict is managed using a variety of mechanisms to ensure that the relationship is constructive and that open communication is maintained (Bhushan, 2005).

There is difference between resolving a conflict and managing a conflict. Resolving a conflict means bringing an end to the disputes, which is practically impossible. Managing a conflict, on the other hand, contains specialized interaction that prevents a dispute from becoming a destructive battle (Lederach, 1995).

In a typical work organization, for instance, the interest of an employer of labour who has invested his hard earned money with the aim of maximizing profit at minimum cost is fundamentally at variance with that of his employees who or their part struggle to resist exploitation and wrest as much benefits as possible in the form of enhanced salaries and best working conditions possible, from the employer (Arije, 2000).

Yesufu (2000) made the illustration clearer when he said that as the relationship between management and labour becomes more and more sophisticated, it degenerates into conflicting partnering. He succinctly posited that:

> *It generates much conflict as the worker tends to demand more wages and/or facilities from his employer to improve his standard of living and welfare; while the employer seeks to extract from him a higher of output to ensure some, or rising profitability. The consequences of pursuing high profitability and the demands and counter demands between the employer and the employee, increasingly generates some conflicts which have important social and economic impact for the country (Yesufu, 2000: p. 75-76).*

It is, however, germane to mention that the occurrence of conflict between the organized labour and their employer is not inherently harmful rather it is the way such conflict is handled that determines whether its outcome will be functional or dysfunctional (Omoluabi,

2001 and Mitchell, 2004). This implies that the leadership style of Union leaders is critical to the outcome of any conflict management process.

Most organizations have a preferred dispute management styles, but they will use different leadership styles under different conditions. The skill of dispute management is to apply the right mode/management leadership style for the situation. In other words, we need to recognize all the leadership styles to conflict/dispute management. Although, the leadership style we choose is partly influenced by the type of dispute, it is also affected by personal characteristics, including cultural background.

Given the above scenario, it therefore becomes imperative for the social actors in the industry to acquire skills that will positively influence their intra-union dispute management to bring industrial harmony in the Nigerian economy. This task, however, demands an adequate understanding of the leadership styles of both the labour leaders and management representatives with a view to establishing the needed skills, which are potent determinants of their intra-union dispute management strategies. This therefore raise the relevance of such leadership styles as autocratic, bureaucratic, laissez-faire, people oriented, transformational and task-oriented to the leadership styles effective management of intra-union dispute in the Nigerian industrial relations system. The incidence of industrial conflict in Nigeria has consistently and persistently been on the increase. This development has been attributed to leadership style of labour leaders and disputes management because over the years, evidences abound showing that most labour leaders seem to lack the styles required of them to effectively handle the frequently occurring intra-union disputes.

This to a greater extent has been having negative effects on the socio-economic and technological development of Nigeria. However, not many trade union leaders have succeeded in achieving harmonies in labour management relations with their management. It is on this basis that this study, therefore, intended to find how leadership style determines intra-union disputes management strategies among selected union in Oyo State public service.

Literature Review

Three areas of literature are particularly relevant to this study. These are (i) concept of leadership (ii) leadership styles and (iii) trade disputes management strategies, are briefly discussed below.

Concept of Leadership

Leadership is an elusive concept. It has been described in many ways by many scholars in various publications and it has attracted the attention of academic and experts in the field of industrials relations as well as government. Without doubt leadership plays a dominant role in the outcome of any organized effort aimed at a particular goal or a set of goals. According to Advance Learners Dictionary (2000) leader is defined 'as a person who leads a group especially the head of a country, an organization and so on'.

Lord Monrgomery in his book "paths to leadership" cited by Aiki, (1992) describes a leader as:

> *"one who can be looked up to whose personal judgment is trusted, who can*
> *inspire and win the hearts of those he leads, gaining their trust and confidence*
> *and explaining what is needed in language which can be understood".*

From the definition above, it follows that a leader is that person who influences the activities of an individual or a group in an effect toward achieving a goal in a given situation. Leadership process is a function of the leader, the follower and other situational variables. This is better explained by the following function: L=f (L, f and S).

Sasongu (2005) defines leadership as a "process of directing and influencing the task of related activities of group members". Similarly, it could be seen as the process of influencing other people to achieve organizational objectives. Bass, (1982) also defines leadership as "an interaction between members of a group. Leaders are agents of change, persons whose act affect other people more than the other people acts affect them. Leadership occurs when one group member modifies the competence of others in the group".

According to the United States Army Handbook (1973) as cited by Donald Clark (2005) Paternalism has at times been equated with leadership styles and most definitions of leadership normally imply that one of the actions within leadership is that of influencing. The Army uses the following definition:

> *"Leadership is influencing people ... by providing purpose, direction and motivation-... while operating to accomplish the mission and improving the organization". (pg 74)*

The Army further goes on by defining 'influence' as a means of getting people to do what you want them to do. It is the means or method to achieve two ends; operating and improving. But there are more to influencing them simply passing along orders. The example one sets is just as important as the words one speaks. And one set an example good or bad ...... with every action one takes and words are utters, on or off duty. Through ones words and examples, one must communicate purpose, direction and motivation.

Webster on the other hand defined 'paternalism' as a "system under which an authority undertakes to supply needs or regulate conduct of those under its control in matters affecting them as individuals as well as in their relationships to authority and to each other". This paternalism supplies needs for those under its protection or control, while leadership gets things done. The first is directed inwards while the latter is directed outwards.

Leadership is however concerned with influencing people through whichever means (be it positive or negative) to achieve a predetermined results. Leadership entails an unequal distribution of power between leaders and group members. On the other hand, scientific management seems to have erased paternalism in organizations but the inherent features of it which are later tagged as motivation could not be joked with if an organization is poised to succeed.

Katz and Khan (2007) see leadership, as applied to formally organized enterprises as "the influential increment over and above mechanical compliance with the routine directives of the organization. In other words, there is much to add to the non-personal things an individual must do to carry out a job. These include supplementing the organizational design with information necessary for persons to perform their roles, clarifying roles in view of the changing environment, and recognizing the fact that every role is a part of an organized enterprise and interpreting them to those working in it and by making adjustments for human beings and their various behavioural patterns.

The complexity of the leadership cannot be revealed without coordinating the dynamic interaction between the leaders and the followers. Research has indicated that a good leadership style is contingent on such factors as the leader's subordinate relationships, the leader's characteristics, the follower's characteristics, the organizational culture and environment. Leadership therefore, depends on an interactional context which includes how others view a leader's performance and its effects and this is influenced by the leadership expectation and preference of the subordinate (Adegbite 2006). It can also be seen as a dynamic process in a group whereby one individual influences others to contribute voluntarily to the development of group tasks in a given situation. In order words, leadership is the ability to elicit participation or

influence other to their maximum performance to accomplish a task, objective or purpose. It does not make a difference whether you are leading a company, ministry or unions, unit or department a leader must be able to get and influence fellowship.

According to Webb (2003), he opined that in a case of where get-the-job has priority.

...All decisions are based on getting the job done. The worker with the defective extension cord card can order it discarded and get a new one from the tool room. The person affected by the problem has authority to take action to correct it. It does not have to go through a chain of command. Minor problems arc handled now, and they do not pile up. Getting the job done has priority and is automatic control.

Webb, (2003) further explains:

"The above example may be simple, but what kind of problems are workers and supervisors allowed to correct without going through chain of command. What kind of problems requires management to be called in With Command and - control leadership, workers and sometime supervisors are not allowed to take action on any problem, no matter how elementary, without approval. In this environment, the only problems addressed arc major, this is why companies have to pay low wages; they have to pay for a growing list of unrecognized list of problems".

Considering the above explanations, public service is a replica of an institution where command - and - control leadership is deeply rooted. Likewise the trade union associations, hardly could a leader be allowed to take action on any problem without obtaining approval from other members, in case such an action is taken and it boomerangs, such leader is deemed to face the music. However, the bureaucracy in the public service makes the union leaders to be less effective and hinders efficiency.

Leadership Styles

Leadership style is the manner and approach of providing direction, implementing plans and motivating people. Clark (2005) quoted U.S. Army handbook (1973) stating that there are normally three styles of leadership which are: authoritarian or autocratic, participative or democratic and delegate or free reign.

Mind Tools Limited (2006), the following are the various leadership styles that this study will be anchored on.

- Autocratic leadership Bureaucratic leadership
- Charismatic leadership
- Democratic or participative leadership
- Laissez - faire leadership
- People oriented leadership or Relations oriented
- Servant leadership
- Task - oriented leadership
- Transactional leadership
- Transformational leadership

*   **Autocratic Leadership:** Autocratic leadership is an extreme form of transactional leadership, where leader has absolute power over his or her employees or team. Employees and team members have little opportunity for making suggestions, even if these would be in the team or organizations interest. Most people tend to resent being treated like this. Because of this, autocratic leadership usually leads to high level of absenteeism and staff

turnover. For some routine and unskilled jobs, the style can remain effective where advantages of control outright the disadvantages.

* **Bureaucratic Leadership**: Bureaucratic leaders work by the book: ensuring that their staff follows procedures exactly. This is a very appropriate style for work involving serious safely risk (such as working with machinery, toxic substances or at heights) or where large sums of money involved (such as cash handling) and in government establishment where policies that have to do with the general public are made.

* **Charismatic Leadership:** This leadership style can appear similar to a transformational leadership style in that the leader inject huge doses of enthusiasm into his or her team, and is very energetic in driving others forward. However, a charismatic leader tends to behave more in him or herself then in their team. This can create a risk that a project or even an entire organization, might collapse if the leader were to leave. In the eyes of their followers success is tied with the presence of the charismatic leader. As such, charismatic leadership carries great responsibility, and needs long-term commitment from the leader.

* **Democratic Leadership or Participative Leadership:** Although a democratic leader will make the final decision he or she invites other members of the team to contribute to the decision-making process. This not only increases job satisfaction by involving employees or team members in what's going on, but it also helps to develop people's skills. Employees and team members feel in control of their own destiny, such as the promotion they desire, and they are motivated to work hard by more than just a financial reward. As participation takes time, this approach can take more time, but often the end result is better. The approach can be suitable where team working is essential, and quality is more important than speed to market or productivity.

Laissez-Faire Leadership

This French phrase means "leave it be" and is used to describe a leader who leaves his or her colleagues to get on with their work. It can be effective if the leader monitors what is being achieved and communicates this back to his/her team regularly. Most often, laissez-faire leadership works for teams in which the individuals are very experienced and skilled self-starters. Unfortunately, it can also refer to situations where managers are not exerting sufficient control.

People - Oriented or Relations - Oriented Leadership

This style of leadership is the opposite of task-oriented leadership; the leader is totally focused on organizing, supporting and developing the people in the leader's team. A participative style, it tends to lead to good teamwork and creative collaboration. In practice, most leaders use both task oriented and people oriented styles of leadership.

Servant Leadership

Robert (1985) describes a leader who is often not formally recognized as such. When someone, at any level within an organization, leads simply by virtue of meeting the needs of his/her team, he or she is described as a "servant leader".

In many ways, servant leadership is a form of democratic leadership as the whole team lends to be involved in decision making.

Supporters of the servant leadership model suggest it is an important way ahead in a world where values are increasingly important, in which servant leaders achieve power on the basis of their values and ideals. Others believe that in competitive leadership situations, people

practicing servant leadership will often find themselves left behind by leaders using other leadership styles.

- **Task Oriented Leadership**

A highly task - oriented leader focuses only on getting the job done, and can be quite autocratic. He/she will actively define the work and the roles required, put structures in place, plan, organize and monitor. However, as task-oriented leaders spare little thought for the well being of their teams, this approach can suffer many of the flaws of autocratic leadership, with difficulties in motivating and retaining staff.

- **Transactional Leadership**

This style of leadership starts with the idea that team members agree to obey their leader totally when they take on a job the "transactional is (usually) that the organization pays the team members in return for their effort and compliance. Yon have a right lo "punish" the team members if their work doesn't meet the pre-determined standard.

Team members can do little to improve their job satisfaction under transactional leadership. The leader could give team members some control of their income/reward by using incentives that encourage even higher standards or greater productivity. Alternatively, a transactional leader could practice "management by exception", whereby, rather than rewarding better work, he/she would take corrective action if the required standards were not met.

Transactional leadership is just a way of managing rather a true leadership style as the focus is on the short-term tasks. It has serious limitations for knowledge based or creative work, but remains a common style in many organizations.

- **Transformational Leadership**

A person with this leadership style is a true leader who inspires his or her team constantly with a shared vision of the future. Transformational leaders are highly visible, and spend a lot of time communicating. They don't necessarily lead from the front, as they tend to delegate responsibility amongst their team. While their enthusiasm is often infectious, they generally need lo be supported by "details people".

In many organizations, both transactional and transformational leadership are needed. The transactional leaders (or managers) ensure that routine work is done reliably, while transformational leaders look after initiatives that add value.

While the transformational leadership approach is often highly effective, there is no one 'right' way to lead or manage that suits all situations. To choose the most effective approach for you, you must consider the following:

- The skill levels and experience of your team.
- The work involved (routine or new and creative).
- The organizational environment (stable, radical changing, conservative or adventure).
- Time available.
- Your own preferred or natural style.

It should be understood that a good leader will find he/she switching institutively between styles according to the people and work they are dealing with. This is often referred to as 'situational leadership'. This is believed to be a 'force' which are involved between the followers, the leader and the situation, some examples include:

-        Using an authoritarian style on a new employee who is just learning the job. The leader is competent and a good coach. The employee is motivated to learn a new skill. The situation is a new environment for the employee.

-        Using a participative style with a team of workers who know their job. The leader knows the problem but does not have all the information. The employees know their jobs and want to become part of the team.

-        Using a delegative style with a worker who knows more about the job than oneself. One cannot do everything. The employee needs to take ownership of her job. Also, the situation might call for you to be at other places, doing other things.

-        Using the major three viz: authoritarian, participative and delegative. For example, telling ones employees that a procedure is not working correctly and a new one must be established is authoritarian. Asking for their ideas and input on creating a new procedure is participative. The delegation of the task in order to implement the new procedure is democratic.

Trade Dispute Management Strategies in Nigeria

Trade dispute on terms is inevitable; however, the results of trade dispute are not predetermined. Trade dispute might escalate and lead to non-productive results, or can be beneficially resolved and lead to quality final products. Therefore, learning to manage trade dispute is integral to a high performance team.

Trade dispute management is the principle that all disputes cannot necessarily be resolved, but learning how to manage disputes can decrease the odds of non-productive escalation. Therefore, trade dispute management involves acquiring skills related to dispute resolution, self-awareness about disputes modes, dispute communication skills, and establishing structure for management of dispute in your environment, physiologically, we respond to dispute in one of two ways - we want to "get away from dispute" or we are ready to take on anyone who comes our way".

Trade dispute management in Nigeria takes place at two levels namely: internal machinery which is collective bargaining based on the conditions of services.

The second level is external machinery, which is based on statutory laws of the states regarding industrial relations. The actors involved in any conflict/dispute will first want to employ the internal machinery in the settlement of the conflict through collective bargaining process.

Section 55 of the Trade Unions Acts of 1973 defines trade disputes as "Disputes between workers and employers or workers which is connected with employment or conditions of work of any person". In other words, trade dispute can be referred to as industrial conflict. However, because of the destructive effects of industrial conflict, certain measures have now been taken in the Trade Disputes Acts of 1976 to minimize industrial unrests. These procedures according to Hammed, (2002) emphasize eight steps to be taken in the management/resolution of conflict.

The Trade Disputes Act, 1976 acknowledges the role of voluntary grievances procedure in the management of trade disputes and thus requires parties to a dispute to first attempt settling their disagreement by the existing agreed procedures for management of dispute.

The second step is when step taken above fails, both parties to the dispute have to meet under an agreed presiding mediator to both parties. The mediator will be saddled with the responsibility of amicable management of dispute.

The third step is if an agreement could not be reached under above mentioned within 14 days from the date mediator was appointed. Then the dispute has to be reported to the minister of Labour within 14 days of the end of the first days.

The fourth step is that if the Minister is not satisfied with the steps taken above, he should issue to the parties in writing specifying the steps, which is expected to be "taken to satisfy those requirements.

Therefore, if the Minister is satisfied with all the steps taken so far but the dispute is not yet resolved, he would now exercise his power by appointing a conciliator.

In the same vein, the conciliator appointed would try to effect settlement within 14 days from the date of his appointment. If settlement is reached he would report the terms back to the Minister of Labour, but if settlement could not be reached, he would still have to report back to the Minister stating the reasons.

The next step to be taken would be for the Minister of Labour to report the issues of dispute to the Industrial Arbitration Panel (I.A.P) within 14 days of receiving the negative report from the conciliator. The I.A.P. would now go ahead in passing its award if there is no objection from any of the parties involved in the disputes. However, the Minister would have it published in an official gazette, hence, it becomes binding on both parties.

The last step on the other hand is that if there is an objection from any of the parties to disputes within time prescribed and in accordance with the stated procedures, the Minister would have to transfer the case to the National Industrial Court (N.I.C) whose decision would then be final on the parties to the dispute.

The foregoing constitute attempts at peaceful management of trade disputes, are intended to avoid a situation where unions and employers both seeking to advance their interest by force and violence, threatening the maintenance of the system and May even be destructive. In such a situation, dispute instead of being a means of inducing agreement might result in class warfare, disorganization, alienating and life-threatening work environments, gross inequalities in income and power damage to national economy Otobo & Omole (1987).

Objectives of the study

The main objective of the study is to assess the extent to which leadership styles affect intra-union disputes management. While the specific objectives are to:

i. identify the various leadership styles adopted by trade union leaders in Oyo State,
ii. determine the relative effects of each of the leadership styles on intra union disputes management strategies, and,
iii. determine the composite effect of the union leadership style on intra union disputes management strategies in Oyo State public service.

Research Questions

The following research questions would be answered:

1) What are the various leadership style(s) adopted by the union leaders in Oyo State public service?

2) What are the relative and composite effects of the leadership styles on intra union dispute management strategies in Oyo State public services?

Methodology

The descriptive survey research design of expo-facto was adopted in this study.

This enhance the collection of data from the study population which was made up of trade union leaders, executives and members of the three purposive selected industrial unions in Oyo state. These unions are: The Nigerian Union of Teachers (NUT), Nigerian Union of Local Government Employees (NULGE), Medical and Health Workers Union of Nigeria (MHWUN). The choice of these three unions was based on their size and activities within the public sector of the Oyo state economy. A simple random sampling technique was used to select 20% of the total population of all the members which is 241 and all executives.

Leadership Styles as Factors in Intra-union Disputes Management scale (0.77) was used for data collection. To achieve the reliability of the instrument, a pilot study was conducted at National Union of Posts and Telecommunication Employee (NUPTE) using 50 respondents. To ensure the consistency of the questionnaire, a Pearson product moment correlation coefficient of 0.77 was ascertained, this confirmed the reliability of the instrument. The questionnaire was administered on 287 respondents, 267 were retrieved, while 250 were valid and used for analysis. Data were analyzed using multiple regressions at 0.05 level of significant.

Results and Interpretation

Table 1 (a): These tables show the various leadership styles adopted by the union leaders

Variable	Unstandardized ient		Standardized ient	F	Sig.
	B	SF (B)	Beta coefficient		
(Constant)	-9.169	1.029		-8.499	.000
Democratic	.859	.065	.357	13.241	.000
Autocratic	.920	.101	.294	9.139	.000
Transformational	.867	.080	.306	10.863	.000
Transactional	.640	.148	.116	4.312	.000
Bureaucratic	1.169	.183	.208	6.401	.000

Table 1 (b):

Variable	Unstandardized ient		Standardized Coefficient	F	Sig.
	B	SF(B)	Beta coefficient		
(Constant)	.832	.763		1.090	.279
Democratic	.142	.068	.066	2.106	.038
Autocratic	.355	.055	.227	6.459	.000
Transformational	1.047	.079	.389	13,326	.000
Transactional	1.187	.091	.334	12.996	.000
Bureaucratic	1.168	.083	.426	14.000	.000

From the tables above, it was revealed that the various leadership styles adopted by the union leaders, are democratic, bureaucratic, autocratic, transformational and transactional on were significant among the rank and file members as well as among the leaders themselves with (β = .357. $P < 0.05$), autocratic (β-.294, $P < 0.05$), transformational (β = .306, $P < 0.05$), transactional (β = .116, $P < 0.05$) and bureaucratic (β = .208, $P < 0.05$) respectively. Therefore, it implies that the independent variables predicted on the dependent variables.

Table 2 (a): the relative and composite effects of the leadership styles on intra-union dispute management strategies.

Source of variation	Df	SD	MS	F-Ratio	Sig. of P
Regression	8141.579	5	1628.316	442.609	.000
Residual	529.762	144	3.679		
Total	8671,340	149			

R = .969

Adjusted R = 0.939

Adjusted R^2 = 0.937

Table 2 (b):

Source of variation	Df	SD	MS	F-Ratio	Sig. of P
Regression	1043.246	5	208.459	298.459	.000
Residual	65.714	94	.669		
Total	1108.960	99			

R = .970

Adjusted R = 0.941

Adjusted R^2 = 0.938

From the above tables 4.9 (a and b) it was found that the joint effect of the leadership styles (automatic, democratic, transformational, transactional and bureaucratic) on intra trade disputes management was significant respectively among the rank - and - file members as well as among the leaders themselves. (F (5,144) = 442.609, P < 0.05) and (F (5, 94) = 298.459, P = 0.05) respectively. However, the variation accounted for by the independent variable was .939 and 941 respectively. This, therefore, implies that the independent variables will jointly influence the dependence variable.

However, their relative contributions were indicated as follows: Democratic (β = 357), Transformational (β - 306), autocratic (β = .294) Bureaucratic (β = .208) and Transactional (β = .116) on the part of rank -and - file. While on the part of the leaders, relative contribution of independent variables on trade dispute management was indicated as: transformational (β = .389), Transactional (β = .426), Bureaucratic (β = -334), Democratic (β = .227) and Autocratic (β - .066).

Discussion of Findings

These findings correlated with that of Adesina (2008) when he identified three leadership styles as autocratic, democratic and laissez-faire. However, Adesina (2008) like this study concludes that the style mostly preferred is dictated by the condition prevalent in an organization. The study went further to indicate that much is however achieved under democratic leaders because, the leaders believe in unity of purpose and the workers are ready to work sacrificially to achieve a common goal.

On autocratic leadership style reverse is the case because workers tend to do what they can do, such a leader believes he/she knows all and subordinates tend to keep vital information and useful suggestions to themselves. This is agreement with the result of this finding because attributes such as "Democratic leaders are partly cooperative and partly assertive" and "Democratic leaders use good communicating skills in making trade dispute were ranked high". This indicate that for any effective dispute management, union leaders need to embrace democratic option which will involve the members and even the opposing sides such that it will involve effective communication between the parties.

In the same vein, Ogundairo (2004) indicates that there is a significant positive relationship between democratic leadership style and teachers' attitude to works and there is also a negatively significant relationship between autocratic leadership style and teachers' attitude to work. She reported that the principal's leadership styles that meets the belonging needs of staff, understanding their individual differences and cater and stimulate their attitude to develop positive and healthy attitude towards their work. This also is in line with the results of this findings where it revealed that among the various leadership styles adopted by the union leaders, democratic style ranked the highest and is significant among rank-and-file as well as leaders towards dispute management.

The findings of this study conform to the observation of Atata (1995) when he identified two leadership styles namely autocratic and democratic styles. He stated that authoritarian leadership style is a veritable motivational factor while democratic leadership style induces more successful community development programme. However, Atata (1995) like this study concludes that leaders should employ both autocratic and democratic styles in achieving community development goals. The opinion is in consonant with the result of this finding where it was found that democratic ranked highest while autocratic ranked second respectively. This therefore, implies that leaders can switch between styles based on the nature of dispute, the work involved and the organizational environment for effective intra union dispute management.

Babajide (2001) identified four distinct leadership styles among male and female managers in the banking industry as authoritarians, persuasive, exploitative and democratic. She stated that automatic leaders are usually domineering in approach and also not allow their subordinates to contribute to the growth of the organization while democratic leader usually consider the opinion of their subordinates in decision making. This is in line with the findings of this study where it was revealed that for any effective dispute management union leaders need to employ democratic option which involves all the members and even the opposition sides, such that it will involve effective communication between the two parties.

Several studies (Homwell, 2006; Chades, 2008 and Adeogun, 2010) have examined transformational leadership. Homwell (2006) examined the display of transformational and transactional leadership behaviours. In studies, researchers found evidence for the existence of transformational leadership behaviours in each culture of an organization. This is also in line with the findings of the study where it shows that leaders who employed transformational style would greatly enhanced motivation and morality of the rank and file as of members as well as leaders.

Recommendations

The following recommendations are hereby made:

1. For effective dispute management, union leaders should be able to switch institutively between leadership styles for effective trade dispute management.

2. Union leaders should build trust and maintains it towards the follower, for effective dispute management in all situation, leaders must take the characteristics and situations of their subordinates into consideration.

3. Leaders should know that dispute management requires acquiring some certain skills related to dispute management, thus lead to effective management of dispute, this leaders should be sent out for training programmes to equip them for better understanding of styles of leading to forestall peace and harmony.

Conclusion

This study investigated the leadership styles as factors in intra-union trade dispute management strategies in selected unions in Oyo state public service.

It is however, pertinent to note that in all the literature reviewed no one source to specify a particular approach on how to manage or resolve industrial dispute. In order words, we need to recognize all the leadership styles to disputes management, although, the style we choose is partly influenced by the situation and nature of dispute. However, leadership styles is an important issue and it is crucial to the success of any organization but due to the increased globalization of today's business environment a better understanding of effectiveness of different styles of leadership may vary with individual background and cultural orientations.

References

Algert, N.E., Watson, K. (2002) Conflict Management: introductions for individual, organisations. Byran.

Arid K.T. (1992) Workers' Perception of Existing Leadership styles in an organization and their Effects on Production.

Atata, A.U, (1995) Leadership style as a factor in successful community Development Programme in Imo state PhD Thesis, University of Ibadan.

Babajide E.O (2000) Comparative Analysis of Leadership Styles of male and female managers in Banking Industry in South Western Nigeria. PhD Thesis, University of Ibadan.

Bankole A.R. (2007): *Psychosocial Factors as determinants of conflict.* Handling Behaviour of trade Union Leaders in Nigeria. Unpublished thesis in the Department of Adult Education, Faculty of Education, University of Ibadan, Nigeria.

Bartlett, C. & Ghoshal S. (1998) Managing across borders. Boston, M.A. Harvvard Business school Press.

Burton, J. (1991) *"Conflict resolution as a political system"*. In vanik Volkah, (Ed) The Psychodynamics of International Relationship Volume II. Unottcian Diplomacy at Work. Lexington. MA: Lesangton Books.

Bushan, A. (2005): *Conflict behaviour in an Organization,* Unpublished Manuscript.

Donald Clark (2005): *Leadership styles* www.goggle.com Retrieved November, 2012

Edwards, P.K. (2000) *Industrial Conflict.* In M. Poole and M. Warner (Ed) The Handbook of Human Resource Management London: International Business Press, Engle-wood Clitts, N.J.: Prentice - Flail.

Kahn, R. & Katz, D. (1960) *Leadership practice in relation to productivity and morale.* In D. Cartwno & Zander (eds.) Group Dynamics Research and Theory. Elmsford NY: Row Petersont

Leadership styles - *using the right one for your situation,* goggle web http://www.mindlools.com 2012.

Lederach J.P. (1995) *Preparing for peace: Conflict transformation across cultures.* Syracuse. Syracuse University Press.

Mind Tools Ltd. 2006: *Leadership - using the right one for your situation,* www.google.com Retrieved Nov, 2012

Ogundairo I.S. (2004) *Leadership styles and Workers' Productivity*: A case study of some selected secondary schools in Oyo state Med Unpublished thesis.

Udegbe, I.B. (2004) *Leadership: Nature and Pathways to Effectiveness* Yuki, G.A. 1994: Leadership in organizations.

Metamorphosis of Garden Sculpture in Higher Art Institutions in Nigeria (1970-2000)

Prof. R.O. Rom Kalilu

Fine and Applied Arts Department

LAUTECH, Ogbomoso, Oyo-State, Nigeria

F.E.A Oladugbagbe

Fine and Applied Arts Department

LAUTECH, Ogbomoso, Oyo-State, Nigeria

SCULPTURE has been long noted in historical past for its importance as a veritable means of recording people and events in a two or three-dimensional form. This function has also not diminished in today's importance of sculpture (and even in the other spheres of artistic expression) in human evolution. But sculpture's quadrangular importance or aesthetic value, class distinction, record and utility keeps sculpture in high estimation from the list of all the artistic genres. Many definitions of sculptures have also been given of the meaning of sculpture. Expectedly, many of these range from pure aesthetic notions; many stem from metaphorical and dramatic connotations. Umberto Boccioni (Gardner, 1976: 840) states that, sculpture is "Not pure form, but pure plastic rhythm; not the construction of bodies, but the creation of the action of bodies" (Brussell, 1988: 511). In Brussell (1988: 511), again, William Morris says, it is "Images, lifelike but lifeless, wonderful but dead" (511). But John Ruskin, also in Brussell (1988: 511), gives a rather less encompassing definition when he says that sculpture is, "Not the mere cutting of the stone; it is the cutting of the *effect* of it" [emphasis his]. These few definitions provide an insight into the nature of what could be called "Sculpture".

Thus, from the foregoing insight, sculpture notably takes different forms and characters. It can serve one of its quadrangular purposes; it can even serve two or three (and possibly the four) purposes together. But the eventual resting place of a sculpture for viewing is of utmost importance and challenge to the sculptor. One interesting location to place a sculpture is the open air: a garden or an environment where an onlooker can savour the full aesthetics of such work. In such a case, the work becomes a garden sculpture or an environmental sculpture.

Most garden sculptures on one hand serve aesthetic purpose that is, for viewer or passersby to sight and create personal, virtuous opinions about them. Some, on the other hand, have functional and aesthetic qualities: like Olu Amoda's totem pole (see plate 1) in Agbaraotor's sculpture garden workshop centre in Delta State of Nigeria or the kinetic sculpture of Jean Tinguely, *Homage to New York,* and (see plate 2) for example *Homage to New York* is one artistic jumble of automated machine, when viewed, will likely force the viewer to imagine a chaotic and an automated environment that most heavily industrialized and commercialized cities found themselves (Getlein, 2002:526)

Plate 1

Olu Amoda, *Totem Pole*, Metal Installation

(Nigerian Gallery of Art Jan. 2002-Dec. 2005, p.83)

Plate 2

Jean Tinguely, *Homage to New York*, 1960.

http://quazen.com/arts/visual-arts/jean-tinguelys-homage-to-new-york-a-self-destructing-artistic-
masterpiece

Ultimately, it is this trespass on the spatial environment, which a sculpture occupies, as well as its intrusion on the human consciousness that make the sculpture, to a greater extent than most artistic endeavours, an aesthetic matter involving the sociology and the politics of a community.

Consequently, having a physical, three dimensional view of an artwork in-the-round, like an architectural model or a mechanical cast of new automobile invention is likely to have a lasting impression on the human mind than any other form of artistic enterprise. A reason again is, having this 360^0 angle-view to feel the tactile quality as well as the overall

beauty, which is usually a paramount value of three dimensional artworks, makes preliminary aesthetic assessment of such a work easier and faster. This experience that is primarily psychological or intuitional and which one gets from the exhibition of a quasi-natural state of the "being" in a three dimensional art object is amplified through the interference (or co-existence) of the art object in the man's shared space and the wider environment.

Another plausible reason for much interest in this type of artworks and structures is that the space acquired by this object is a trespass on the available, environmental space, which is shared by the public; and it is equally an infringement on the public psyche. In the case of artworks in-the-round, in order to accept the art piece as a co-occupier of the available space therefore, it must be accepted by its neighbor. Otherwise, it will offend the built environment on one hand, and will also offend the people in this socio-cultural context on the other hand.

Academically, the scope of sculpture is wide both in theory and in practice. It is taught in all Fine or Creative Art schools in Nigeria. Sculpture students are expected to produce works in relief and in the round. Sometimes, the works are as small as *Marquette* and sometimes as big as life size. Occasionally, they make monumental works. Most times, these exploratory circumstances are determined by a combination of the factors of the curriculum, the art lecturer, the student, and, most importantly, space. In six higher institutions alone, about seven hundred and seventy-five sculptures would be seen designated for beautification in and around the sculpture gardens and specific areas within the six institutions (Oladugbagbe, 2012: 35).

Many of the works have been exceptionally handled, thereby becoming exemplary (see plates 3 and 4). Several of these works are of great historical and socio-cultural importance (see plates 5 and 6). Some are just expressions of anatomical understanding of man or animal (see plate 7). Others are abstract exploration of the mind and the universe (see plate 8).

Plate 3

Adeleye Albert, *Unpaid Labour,* 1993, (ABU)

Photograph by Allan Oladugbagbe, 2002

Plate 4

Kingsley Edesi, *Mother and Child*, 1991, (AUCHI)

Photograph by Allan Oladugbagbe, 2009

Plate 5

Ugiagbe, E. Destiny, The *Rape of a Continent,* 2005, (AUCHI)

Photograph by Allan Oladugbagbe, 2010

Plate 6

Agho O., *Police Brutality,* 1990, (AUCHI)

Photograph by Allan Oladugbagbe, 2009

Plate 7

Frank Egwali, *Potential Strength of Man,* 1980, (UNIBEN)

Photograph by Allan Oladugbagbe, 2003

Plate 8

Offiong, *Offering,* 1999, (UNN)

Photograph by Allan Oladugbagbe, 2004

Some of the good works are gradually destroyed due to weathering and oxidation of the materials used. There are also occasional movements of some of the works from their original sites, due to expansion in the academic environment. But one should be very disturbed by the politically and religiously motivated destruction of some of these sculptures, including those sculptures that are erected in public places, such as major roundabouts and government designated beautification sites in many of the Nigerian cities (Lasisi, 2009). Another source of worry is a self-inflicted one: the sculpture students occasionally destroy older works done by their predecessors, on the ground of looking for vantage postions and or obsoleteness of some earlier garden sculptures.

There is as a matter of urgency, therefore, the need for proper documentation of artworks that are prone to these types of destruction, at least for historical record and provenance reference.

Review of Literature and Scholarship

Generally, in all academic disciplines, there are literature materials that documented processes of the disciplines' historical and developmental past as well as the present state of affairs and the projections into the future. Such literature materials also abound in the Visual Art. All of the early materials in art were written by Western scholars. They ethnocentrically position the African peoples, history and the Visual Art culture. But this notwithstanding, the writings provide basic framework to correct and rewrite many of the biased viewpoints of the early Western scholars. With this juxtaposition of documents, the emphasis on firsthand documentation becomes paramount in all academic fields and scholarship. Thus, the field of art and art as social and cultural strength of the African communities has been well, and in many cases erroneously, appraised, a regrettable but intruging case is the theory the "Lost Atlantis" that was propagated in respect of metal sculpture of ancient Ife by Leo Frobenus in 1910 (Willet, 1972: , Lawal, 1977: 201). This theory is mainly seen in the documentation of African art by the early European explorers. Many literature materials that corrected this anomaly, however, surfaced after the aesthetic value inherent in African sculpture became irrepressible (Lawal, 1977: 197). Further to the foregoing, literature materials relevant to sculpture generally are classifiable into three types: Western perception of world traditional and modern sculpture, traditional African sculpture, Contemporary African, and Nigerian art.

A few number of literature materials that fall under the Western perception of traditional and modern sculpture are those of Gardner, (1976), Selz, (1981), Grieder (1990), Landlish, (1998), and Getlein (2002). They are a broad appraisal of world art. These publications are not specifically concerned about African sculpture or those of Nigeria. They are simple synthesis of world artistic notions. The next set of publications is those that focus on traditional African sculpture, they extol the role of sculpture in culture of the traditional African. A few numbers of studies on Contemporary Nigerian Art that looked at sculpture also surveys the art and architecture of Nigeria and emphasizes the new types of sculpture that flourish in Nigeria, both of which they regards as the "new art forms."

It is, however, noteworthy that since the establishment of formal art schools in Nigeria in the late 1940s, some of the most striking features in contemporary time that generate much pride in the institutions are the garden sculptures located around the vicinities of Fine and Applied Arts departments. Also, it is disheartening to note that the gardens have largely remained isolated phenomena that have been neither studied nor documented (Oladugbagbe, 2010: 16).

As a result of this, understanding the metamorphosis of garden and environmental sculpture in the art schools in a non-systematic and less-indepth way will definitely be less achievable, which will lead to a subjugation of a comprehensive history of modern Nigerian art. The study is a morphological analysis of garden sculptures in tertiary institution in Nigeria. In doing this, forms, styles, materials and skills development are looked into with a view to establishing the metamorphosis of the sculptures over the period between 1970 and 2000.

The scope of garden and environmental sculpture in Nigeria (even when limited to the tertiary institutions alone) is still rather very wide. The viewpoint of the study is limited to garden sculptures in-the-round in four tertiary institutions. In limiting the typological scope to sculpture in the round, the study has taken into cognizance the vast number of such works, which greatly outnumbered relief sculptures that mostly hung on building walls or left on the

floors resting on the walls. Nevertheless, such a typological limitation as this cannot in any way hinder the transformation survey which the paper intends to achieve. The spatial scope of the study in its own case covers four institutions. In this wise, only the transmutation structures and socio-artistic activities of two universities and two polytechnics will be mainly discussed. A balance in the geographical spread of the institutions has also been taken into consideration. The art schools used for the study are Ahmadu Bello University (ABU), Zaria in the (northern region of Nigeria); University of Nigeria (UNN), Nsukka in the (eastern region of Nigeria). The other two schools are Yaba College of Technology (Yabatech), Yaba in the (western region of Nigeria); and Auchi Polytechnic (Auchipoly), Auchi in the (mid-western region of Nigeria). Apart from these regional representations that the selected schools represent, the reason for their selection is both historical and morphological. ABU and Yabatech are respectively the first university and polytechnic offering Fine Art courses in the country, while UNN and Auchipoly are the most conscious and most explorative in the presentation of modern artistic media and norms-showcasing the most enthuse with morphological state in garden sculpture. The schools therefore contain both the oldest and contemporary forms and since the study is a morphological examination, the selected institutions are rightly taken to be presumptuous of the other tertiary institutions in Nigeria.

Methodology

Materials for this study have been taken from primary and secondary sources. Information from related literature materials have been used to facilitate detailed study of the sculptures. Direct field research method has been employed for a careful investigation of the garden sculptures in-situ and in relation to their environment.The sculptures in the selected schools were identified, surveyed and a reconnissance of them were done. It is in the light of the immediate foregoing that the theoretical framework for the study has been based on the humanistic parameters by which man is the measure of all things, and which is also the guiding artistic principle of the African peoples.

Art and Academic Art in Nigeria

Before Western influence in the African mode of politics, economics, religion and socio-culture, there had been one peculiar way of imparting knowledge: oral. When it came to transferring craftsmanship and learning physical skills, it was only learnt through apprenticeship scheme. This form of learning is referred to as the informal type of learning.

As the "scramble for Africa" began in 1870s (Gerbrands, 1987: 11), European nations colonizing Africa brought their ways of living, their religions and education, after slave trade had been abolished in 1865 generally across Africa and the New World 1885 (Cell, 2008). Gradually, reading and writing was introduced to the locals, though some of the returnee slaves in Ngeria. Two distinct media of education were introduced in Africa: the Western type and the Islamic type. Western education was brought by the Christian missionaries to West, East and South Africa; while Islamic education was brought to North and Central Africa through conquest and commerce from the Spaniards and the Arabs. These two modes of education are what we refer to as formal types of education.

As the Christian missionaries planned systemic integration of the culture and religion into the Nigerian traditional life, a permanent feature of dual living started to evolve. Though Western education was an important tool for evangelism, using the visual aid tools as a means of teaching and imparting Christian doctrine was an advantage. The need to produce Biblical messages and tracts, package designs, Bible leather cases, advertising leaflets, periodicals and bible story illustrations, among others, brought by missionaries for the purpose of their indoctrination triggered the beginning of a Western mode of artistic expression in Nigeria.

Western education progresses with civilization. It steadily envelopes all corners of the globe. As the trends progress, the desire for higher education in Nigeria as an inescapable means of national development had become overwhelming. Then by 1948, the University College-which was awarding degree from University of London, was established by the Nigerian government. Yaba Technical Institute came next (Jubril, 2004: 492-499). Not until 1960, the two institutes continued as the only institutions in Nigeria.

Between 1960 till date, Nigeria has over ninety-six universities, comprising twenty-five federal universities, thirty-two state universities, thirty-two private universities, and seven other degree awarding institutions (JAMB Brochure, 2011). There are also one hundred and ten polytechnics: forty-six federal polytechnics, forty-eight state polytechnics, and sixteen private polytechnics. About eighty-two colleges of education, out of which twenty are federal-owned, forty-one state-owned, and twenty-one are private-owned colleges of education also spread across the country (Nakpodia, 2009 and JAMB Brochure, 2010).

Before the establishment of the first two higher institutions, an acknowledged pioneer of the history of modern Nigerian art had emerged through Aina Onabolu and Kenneth Murray. Onabolu was among the first Nigerians to travel to United Kingdom for higher education around 1920, coming back with a diploma in Fine Art 1922 (Nicodemus, 1995: 20). Jegede (1977: 26) notes that Onabolu initiated and planned art education in schools curriculum in Lagos, and taught art education in some Nigeria schools. Due to shortage of art teachers, in 1927 Kenneth Murray (an English artist) was employed as Superintendent of Education in Arts and Crafts and later as Director of Antiquities in Nigeria. They started art teaching in secondary schools in Lagos and Umuahia respectively (Oloidi, 2006: 11).

These Schools continued to impart artistic knowledge through varying means; art generally in Nigeria has started evolving dramatically. Thus, it is not unusual to emphasize that artistic growth is like physical metamorphosis-growth or change that is usually made by breaking away from old forms or boundaries and widening the new horizon of actualities or possibilities, like developing new horizons in artistic expression.

Foundational Development of the Selected Four Art Schools

The ABU, Zaria, Kaduna State was first established as Nigerian College of Arts, Science and Technology in 1953 in Ibadan, Oyo State. The art section was moved in 1955 to Zaria and the Zaria Art School evolved, and in 1962 the college was upgraded to become a university, known as ABU. The products of the art school were the first driving force in the formation of visual arts departments in most of Nigerian tertiary institutions.

Yabatech, in Yaba, Lagos State was the second institution established by the Nigerian government. It was first established as Technical Institute in 1947 and later renamed Yaba College of Technology in 1963 (Oshiga, 1988: 12). The College is the foremost technology institution in Nigeria, with a good historic antecedence.

UNN, Nsukka in Enugu State, was established after the Ashby Commission's recommendation in 1955, but its foundation was laid in 1960 (Wikipedia Encyclopedia, 2009; Nnadozie, 2006: 45). A department of arts, at inception known as the Enwonwu College of Arts, admitted students in 1961 (Oloidi: 1985: 68). The art school, according to Oloidi (1985: 68), chose abstraction as a language of pictorial and sculptural expression to reflect the philosophy of African art.

Finally, Auchipoly, in Auchi, Edo State was established in 1973. It was an offshoot of the former Mid-West Technical College that was established in 1964 to produce middle level manpower for the nation's economy. The need to expand the institution to higher level was achieved in 1970 when the institution embarked on a multi-campus system, though retaining its

headquarters or main campus in Benin. The department of Art and Design was established in 1974. In 1975, the institution finally moved from Benin to its permanent site in Auchi, but in 1994, the Federal Government of Nigeria took over the control of the institution. This collage of different artistic work has been an extraordinary contribution to a fluid but complex metamorphosis that underlines the strongest point of the art school's creative metaphor.

Stylistic, Material and Thematic Metamorphosis of Garden and Environmental Sculpture in the Schools

Generally, the birth of sculpture as a course in all higher institutions that offer it in the department of Fine and Applied Arts is through the procedural handling of clay material, then cement, armature and reinforcement skill are gradually introduced to the students. Immediately the sculpture student goes to the sculpture garden to display his or her skill, the social, academic and environmental issues begin to germinate. In all the four schools, garden and environmental sculpture slips into the academic consciousness very slowly.

All early garden sculptures were rendered in concrete cement. It goes on to show that garden sculpture revolution started in the cement medium. This type of beginning is also true of Unife (now OAU) and Uniben; it is likely to be same for visual arts departments that started sculpture from the 1970s to the early 1980s. This is because exploration in other media was uncommon. Direct application of cement concrete on armature and or the reinforced base was popular among the four art schools that have identifiable works between 1970 and 1979: ABU, UNN, Yabatech and Auchipoly

Interestingly, however, UNN is notably the first school, out of the four under study, to start exploring the assemblage cast technique (see plates 9 and 10). It also, nonetheless, to show that cast works did not become prominent in garden and environmental sculpture until the 1980s; it is, however, not unlikely that a few ones may be spotted around a couple of other sculpture gardens of art schools that began in the 1970s. Before the end of the 1980s, all the four schools except Yabatech had at least two works each in concrete cement. Since then, cement cast sculpture has become prominent in these gardens till date.

Plate 9

Muhammed A. G., *Flutist, 1982,* (ABU)

Photograph by Allan Oladugbagbe, 2002

Plate 10

Igwu Ejifor, *Ridding Ghost,* 1975, (UNN)

Photograph by Allan Oladugbagbe, 2004

The exploration of casting with cement among sculpture students shifted at times with the excitement of the moment when in the 1990s they began experimenting with casting on fibre glass (see plate 11).

Plate 11

Tunde Babalola, *Aluya,* 1988, (ABU)

Photograph by Allan Oladugbagbe, 2009

UNN, however, did not have any identifiable work of fibre glass throughout the three decades in review. All together, from evidence it will be observed that casting as a form of sculpture technique was first explored by ABU and UNN (1970s), then metamorphosis in the Auchipoly sculpture garden (1981), much later in Yabatech (1986).

As fibre glass joined in cast media technique explored by the four art schools from the early 1990s, only few works of this medium were done before the turn of the millennium. The reason for this occurrence may not be farfetched: fibre glass materials are quite expensive and they are not commonplace before year 2000. It, therefore, cannot be used for large works that will be placed in the garden- for this will require huge funding from the sculpture student. The economic and commercial advantage of Lagos put Yabatech in the lead to explore this new medium and technique. Fibre glass is a much more easily accessible material now and recently, after 2000, works rendered in the medium now abound in the gardens. When the advantage of casting became obvious-that is, affording the sculptor to introduce all sorts of complex and

intricate features into a sculpture work, of which a mould is initially produced from clay or wax medium, many works in the garden began to have life and immense beauty (see plate 12). Casting again became popular because of its reproductive capability, therefore becoming commercially viable.

Plate 12

Abdurazak Yusuf, *The Return,* 1996, (ABU)

Photograph by Allan Oladugbagbe, 2002

The rigid form in sculpture before the early 1990s gradually reduced in works produced during and after the 1990s. This means that it technically make the sculpture student to be more daring, even when handling other media. Linked with the exposure of the lecturers and students to information on art and its advances globally, a mutational process in the growth of modern garden and environmental sculpture could be traced to the advent of casting form in sculpture. Casting engendered the progress in contemporary Nigerian cement, fibre glass and bronze sculpture, most especially in the higher institutions.

One undeniable fact is the presence of cement before and after 1970-2000 (and invariably the lives of sculpture students) in Nigerian art schools. Cement has become an integral part of all sculpture gardens in Nigerian art schools. The material is relatively cheap for students and is easy to master. Cement, with fibre glass, affords the sculpture student the opportunity to explore both realistic and abstract forms with ease. This is not so with the metal material, which suddenly metamorphosed in 1980 in Yabatech (see plate 13).

Plate 13

Victor Uwaifor, *Saxophone,* 1980, (YABA)

Photograph by Allan Oladugbagbe, 2009

The *Saxophone* (plate 14) is a careful amalgam of found auto parts. Though small in size, it paved the way for more sophisticated; elaborate and monumental metal works that now beautify, in one way or the other, all the four art schools (see plate 14).

Plate 14

Matthew Ehizele, *Hard,* 1988, (ABU)

Photograph by Allan Oladugbagbe, 2002

One basic fact that stems from the metal phenomena is that it spreads to almost all the art schools as some sculpture graduates from these first and second generations of art schools got lecturing appointments across the nation. They also wanted the metal feel in their garden, or, better still, to improve on the standard of the metal works they meet in the gardens.

A rather shocking trend is found in Auchipoly in two ways. One is in the output of garden sculpture produced between 1970 and 2000. Two is in the exploration of marble stone. (see plate 15).

Plate 15

Ezhizele Agbonde, *New Era,* 1992 (AUCHI)

Photograph by Allan Oladugbagbe, 2010

The work, titled *New Era*, clearly symbolically signifies the beginning of a new dawn; of a pure meditation and physical exploration of virgin domain in contemporary Nigerian sculpture.

Thus, a synthesis of the metamorphosis of the individual schools and a collective transformation can be briefly outlined. In ABU, during the thirty years studied in the research, there has not been significant leap or development. Realism and cement concrete are constants that trial the sculpture students and their medium. While UNN has just ten (10) identifiable works between 1970 and 2000, it glaringly extols abstraction more than realism. In fact, identifiably, the UNN sculpture garden started with abstract work in the 1970s, but in the 1980s it tried some realistic works. It quickly retracted its steps by going back to abstraction, which has been its greatest weapon and strongest force. Minus a couple of works, UNN concentrated most in cement concrete, a medium which is almost totally abandoned in many of the works done after 2000 because of their shifting interest to eclectic and conceptual art, which support the use of sorts media as viable tools to express art.

The proficiency in sculpture output for the two polytechnics is higher when compared to the two universities. Unlike UNN, Yabatech ventured into more abstraction than realism in the 1980s. But in the 1990s, Yabatech totally deviated from abstraction to realistic works. It has no major specific stylistic metamorphosis from 1970 to year 2000. It also remained loyal to the exploration of cement concrete. On the other hand, Auchipoly is more experimental; highly elastic in style and material exploration. It explored realism and abstraction with almost equal intensity of passion. While the pace of transition in style and material varies from school to school, the use of cement remains constant to all schools.

The themes of these sculptures have also been stretched to accommodate a broad spectrum of ideas and issues. In our quest for thematic explanation, therefore, for the identifiable sculptures done within 1970 and 2000, sculpture subjects are grouped into nine different thematic categories, based on ideas and issues. Three categories are based on ideas: Architectonic, Animals, and Portraiture/ model. The six others are based on issues relating to human activities and thoughts. These six issues are Cultural, Historical *cum* political, Religious *cum* philosophical, Socioeconomic, Sports, and Technology. They, one way or the other, present the traditional and contemporary Nigerian and African identity. Some of these are visual documents of history; others are aesthetic sources of inspiration of scholarship, individual experiences and acquaintances, important events, people and place. The rate of morphological expansion or growth has been sectional oriented.

The Cultural sub-group treats themes and activities that are related to the tradition of a people. The Historic *cum* Politics sub-themes portray themes that concern or relate to historical, governance and civil matters. The sub-themes under the Religious *cum* Philosophy are those that tend to conjure visual presentation of societal and environmental ironies, sarcasms, ridicules, pities or religion. Socioeconomic sub-themes encompass all sorts that project goods and produce, buying and selling, and occupation, business and industry. The Sports sub-theme sculptures are those that show or illustrate the activities of amusing the audience, or actions of combat or contest. Lastly, Technology sub-themes deal with science and technology.

Generally, understanding art through thematic exploration and or through the provision of thematic variables provides a plausible judgment of morphological growth in the student sculptor's visual mind on one hand, and the proclamation of skill and the infusion of appropriate style that will speak volume of the theme through the physical exertion of the sculptor on the other hand. Thematic assertion most times dictates the success of artistic work. This partially accounts for the reason why deep thematic understanding of art has gradually grown (and has been widely but cautiously endorsed) among the art Schools in this modern time.

The Impact of Sculpture in Art Schools

Of course, garden sculpture is housed in the garden. The sculpture could however as well be placed anywhere else if circumstances demand so. Then, why do we specially create a garden for sculpture? When a garden is created (whether in the school or anywhere else) essentially to house sculptures, it is most likely to be for three major reasons: first, to create an atmosphere for maximum viewing of the works with minimum hindrance; second, to create a reservoir of sculpture collection; and third, in the passage of time, the garden becomes a pathway to evaluating, historically and contextually, the aesthetic adventure of the collector- be it individual or institution. In the case of institution, particularly art School, these three vital reasons will serve as backgrounds for a brief impact theorizing on the garden sculpture and the sculpture garden vis-à-vis the students, the lecturers, the higher institution and the community at large.

Thus by extension, the impact of garden stems first from an historical antecedence a beginning that expands a rapport between the sculpture students and the lecturer on one hand; and on the other hand, gradually this rapport envelopes a third party that is the school community. This antecedence propels a metamorphosis that could spread into strings of evaluation and attitudinal tentacles, depending on management capability of all the tiers involved in the impacting process: sculpture student, lecturer, school community and state. But this would ultimately be bounded together by three psychological components, which Gross (1999, 514) identified as cognitive, affective and behavioural objectives. The cognitive expresses what an individual objectively understands about the "form": what it is like; the affective, what a person feels about the object; how favourable or unfavourable is evaluated, reflecting its place in the person's scale of value; and the behavioural, how a person actually responds to the "object" (Gross, 1999: 514). In essence, therefore, value dictates the level of impact garden sculpture and sculpture garden has on people, who on the long run add to the summation of total economic, historic, philosophic, psychological and ultimately aesthetic values that art impact on the human mind.

Summary and Conclusion

It would be noticed that the four art Schools- ABU, Nsukka, Yabatech and Auchipoly-extol, as undercurrent, creative skill in different stylistic expressions that is almost general to all. They also explore elements, symbols and icons, and themes reminiscent of the traditions peculiar to their local environments and ethnic peculiarities, which are reflected in some of the sculptures found in the art gardens located in the courtyards of the art departments or at designated places around the institutions' premises. Considering the structural plan given to the sculpture gardens in the four art Schools, Nsukka sculpture garden and the courtyard allocated to the Yaba Art School for its outdoor sculptures are not well structured compared to those of ABU and Auchipoly. On the whole, Nsukka Art School is fast destroying its morphological legacy- that which registers its developmental process through measurement of time and space, which is history.

Apart from these observations, one outstanding advantage of sculpture garden is the provision of avenue to exhibit talents among sculpture students within the school community. From some of the sculpture gardens in the art Schools, some beautiful sculptures have been moved to other parts of the institutions' environment to beautify those places.

Contribution to environmental beautification has been a major positive involvement of the art School in the institution's development. The introduction of environmental beautification through sculptural and other art edifications should therefore be vigorously explored by every art School and this avenue will create exceptional rapport between the

institution's authority and the art School. The opportunity of garden sculpture as an art awareness-generating medium in the higher institution must be fully utilized

References

Beier, U (1960). *Art in Nigeria.* Ibadan: Cambridge University Press.

----------, (1968). *Contemporary Art in Africa*. London: Pall Mall Press.

Brussell, Eugene U., ed., *Webster's New World Dictionary of Quotable Definitions*, (1988). N.Y.: Webster's New World.

Cell, J (2008) "Colonialism and Colonies".MicrosoftEncarta[DVD]Redmond,WA:Microsoft Corporation

Gardner, H (1976). *Art Through the Ages (7th ed).* Orlando, Florida: Harcourt Brace Javanivich, Publishers.

Gerbrands, A (1990) "The History of African Art Studies". In African Art Studies: State of the Discipline. Paper Presented at a Symposium Organized by the National Museum of African Art, Smithsonian Institution, Washington, D.C.

Getlein, M. (2002). *Living with Art.* NewYork: McGraw-Hill.

Grieder, T (1990) *Artist and Audience*. Texas: Holt, Rinehart and Winston

Gross, R (1999), *Psychology: The Science of Mind and Behaviour*, (*2nd ed)*. London: Hodder & Stoughton.

Jamb Brochure, (2010) National Headquaters. Graki, Abuja, Nigeria.

Jubril M. (2004). "African Higher Education: An International References Handbook". In Damitew, T. and Philip, G. (Ed). Indiana University Press.

Landlish, L; Marceau, J; William, D; et-al (1998). *Art: A World History*. London: Dorling Kindersley.

Lawal, B. (1977) "The Present State of Art Historical Research in Nigeria: Problem and Possibilities''.The Journal of African History. Volume 18, Number 2.

.Microsoft ® Encarta ® 2009. © 1993-2008 Microsoft Corporation.

Oladugbagbe, A (2012) "Stylistic and Thematic Development of Garden Sculpture in Nigerian Art Institutions" (1970-2000)". An Unpublished Dissertation, Department of Fine and Applied Art, Ladoke Akintola University of Technology, Ogbomoso, Nigeria.

Oloidi, (1985). "Three Decades of Modern Nigerian Art (1960-1990): General Observation and Critique". In *USO: Nigerian Journal of Art, Vol. 1*, Lagos: National Arts Theatre.

------------ (2006). "Philosophical and Ideological Triumvirate: Schools, Discourse and Styles in Modern Nigerian Art". In *Styles, Schools and Movements in Modern Nigerian Art: Proceeding of the 2nd National symposium on Nigerian Art.* Nigeria: National Gallery of Art.

Oshiga, I. (1988). *Historical Overview of the School of Art, Design and Printing, and Its Courses. Yaba Tech Staff Art at 40: Catalogue of Art and Printing Exhibition.* Co-Sponsored by the Department of Culture, National Arts Theatre, Lagos.

Wikipedia. (2008). http://en.Wikipedia.Org/Wiki/Sculpture

Willet, F, (1972) *African Art: An Introduction*. London: Thames and Hudson

Zelz, P. (1981). *Art in Our Times- A Pictorial History 1890-1980.* New York: Harry N. Abrams

Impact of Peer Pressure, Awarness of Hiv/Aids on the At-Risk Sexual Behaviour of In-School Adolescents in Lagos Metropolis: Implications For Counselling

Bola Makinde(Ph.D)

Department of Educational Foundations,   University Of Lagos,Nigeria.

Ohuakanwa, Chijioke. E (Ph.D)

St Augustine's C Ollege of Education, Lagos, Nigeria

Okoro Ben Onosheware

St Augustine's C Ollege of Education, Lagos, Nigeria

Idowu Rasheed Ajani

St Augustine's C Ollege of Education, Lagos, Nigeria

Abstract

This study investigated the impact of peer pressure and awareness of HIV/AIDS among in-school youths on their at-risk sexual behaviours in Lagos metropolis. The investigation specifically examined the extent to which at- risk sexual behaviours among in- school youths is impacted upon due to youth peer pressure and indeed their awareness of the existence and prevalence of the dreaded HIV/AIDS disease. The study adopted the descriptive survey design to investigate the major dependent variables examined in the study. The subjects consisted of 220 in- school youths of equal gender distribution between the age brackets of 14– 19 years. The study was conducted using a researcher made instrument. The questionnaire was first validated by 3 (three) experts before use. The study revealed that there is a high level of at- risk sexual behaviours among in- school youths. The result also showed that peer pressure has a significant impact on the at- risk sexual behaviours of in- school youths in the area the study was conducted. The study further revealed that there is high awareness level of HIV/AIDS disease among the target audience (respondents). The study also found out that there was significant gender difference in the level of involvement in at- risk sexual behaviour among in - school youths. Based on the result of the study, some recommendations were highlighted and some implications for counselling were arrived at.

Keywords: In-school youths (adolescents), Peer Pressure, Awareness of HIV/AIDS disease, At- Risk Sexual Behaviours.

Introduction

In this study in – school youths are those youngsters who are chronologically seen to be within the age range of between 14 – 19 years. They are by the school age in the senior secondary school and are about leaving the senior secondary school. They are also seen in the context of this study as youngsters who are physiologically undergoing rapid developmental changes intellectually, physically, socially, morally and even sexually. They are by all means vigorously in search of whom they are – their identity in life. They are universally known as adolescents. Generally speaking, the term youth is used to represent all adolescents in secondary schools and post - secondary schools, that is, colleges of education, polytechnics and universities (Ibe, 1990). In this study therefore, the terms youth and adolescent will be used interchangeably. Onyejiaku, (1991) in his opinion maintains that the description of adolescence is very limited when it is only seen from the chronological perspective. In addition to that the source opined that the period is associated with rapid physiological and anatomical changes. At this time when changes are high in physiological or hormonal function, the youth manifest primary and secondary sexual features. On the other hand sociologically, the youth tries to shift from dependent childhood life to independent adult responsible life. At this time the youths make efforts to be detached from the hook of parents and adult members of the family and to become attached to their friends and peers and then develop allegiance to his peer group. At the adolescence period the authority of the peer group seem to be overwhelming in the life of the youngster. Peer group identification is such that demands by omission or commission total allegiance and obeisance, thus giving room to peer pressure as it is referred to. In the opinion of Lingering (2001) adolescence is assumed to be a psychologically stressful and critical period, associated with assorted types of behaviours. The source also is of the view that most striking psychological issues concerning adolescents include identification with their peers. Belongingness is a common feature of the human being. As social beings, individuals develop and desire to associate with members of the community that share common identities or features and adolescents most often see themselves as those who are most times discriminated against by the community of adult members of the society and thus they question adult standards that discriminate against them and at the same time protest against parental guidance. The source maintains that the adolescents are reassured when they turn to their peers for advice. This is because their peers understand and sympathize with friends who are in the same position as they are. They believe that they are not ridiculed when they try out their new values and test their ideas with their peers.

A peer is hereby seen as an associate who shares similar or same experiences in common either socially, culturally or psychologically. In the view of Fox, Manning, Murphy, Urborm, Marwick and O'Shea (2008) peer refers to people who share the same age or who have the same type of job, social classes. It can also be referred to be anyone that is looked up to or someone who could be equals in ability or a friend. A peer could be someone in the community (Hardcastle, 2002). Adolescence is traditionally associated with peer pressure. Again, Fox et al (2008) opine that peer pressure represents the strong peer attraction to do the same things as other members of the same social, psychological or cultural orientation do, in order that one that belongs to the same peer group to be accepted and get integrated into the group.it is common to see most adolescents in their set of groups engage in peculiar behavioural pattern. For instance they want or they are attracted to wear a kind of hair do or style that is common at a particular time. They want to be engaged on a type of fashion that marks them out. There is a kind of strong attraction to be part of that life style, just for the simple reason to belong to the community of his/her peers. Peer pressure may play a vital role in the life of an individual generally. In other words an adolescent may be an achiever in life if he/she has been exposed to positive peer pressure or on the other hand the individual

adolescents can become a failure if the individual is exposed to the negative peer pressure. Therefore, peer pressure is not at all time in the negative direction. Invariably peer pressure may be one of two types. Positive and negative peer pressures. It should be noted that in spite of the common and traditional associations with the term peer pressure is not in most cases negative. This is true because a student for instance whose friends or peers are academically brilliant, may be motivated to work harder and get improved if the student is not doing well initially. Study groups, academic clubs or even sporting groups are expected to exert on the generality of student to get off certain habits that may be uncivilised and lead to academic and psychosocial maladjustments among students. Therefore, positive peer pressure is that influence on peers which drives them to be positively challenged to do better in their endeavours. When an in – school adolescent is motivated to outlive bad habits and become encouraged to turn a new leaf, the adolescent student is positively influenced by his/her peers.

On the other hand negative peer pressure is an unfortunate side of the former, which most times tend to eclipse the idea and sense of right or wrong of some individuals, in – school youths inclusive. Negative peer pressure majority of the time affect those in- school youths who are so desperate about seeking acceptance in their social environment. These groups of in – school youths one can comfortably say may lack self – concept or possess inadequate self – esteem when this is the situation, some in – school youths may be easily compelled to be sexually promiscuous, they may be inclined to take alcohol and drugs, join bad gangs like cults and engage in bad behaviour. Therefore, negative peer pressure is as the name suggests negative influence on youths and even adults whose sense of right and wrong may be eclipsed due to their poor or inadequate or lack of self – concept and how self – esteem so to speak. These are easily driven by the opinion of the crowd since they do not have their own opinion over issues presented to them and since they are desperately in need of the acceptance of their peer group. In view of the above assertion, it becomes very necessary to say that some individuals are indeed more vulnerable to peer pressure than others and at one stage in life than in another. Therefore, being self-aware is the hallmark of the technique in controlling and managing this type of pressure.

Adolescents' awareness of HIV/AIDS, in the context of this study adolescents' awareness of human immune virus and acquired immune deficiency syndrome (HIV/AIDS) simply connotes the extent to which the youth in the school are knowledgeable of the existence and prevalence of human immune virus (HIV) which later results to acquired immune deficiency syndrome (AIDS). How far do the youth know about risks involved in the infection of the dreaded disease which its transmission is considered to be majorly through sexual intercourse. The common saying that 'knowledge is power' is the key to success in any endeavour an individual engages in. In the context of this work, the argument is that the knowledge of adolescents about the risk involved in the infection of HIV/AIDS should influence their behavioural change with regard to their sexual behaviour. It is expected that if adolescents are knowledgeable about the high consequence of HIV/AIDS infection, there will be attendant care taken in terms of their engagement on risky sexual behaviour. The fact and the position of the researchers is that when adolescents are fully and reasonably aware or knowledgeable about the risks involved in the dreaded HIV/AIDS infection, which is considered to be majorly transmitted sexually, then their rate of getting involved in youthful risky sexual exploits will be curtailed if not completely eliminated. It is expected that adolescents' knowledge of the risk of HIV/AIDS will enhance their level of discipline and make them abstain from sexual relationships that can gravitate to infection with HIV/AIDS. Thus, adolescents' awareness of HIV/AIDS in relation to sexual behaviour is considered in this study to have been the first step towards effective sexual behaviour change generally including engagement in risky sexual behaviour and embracing abstiness for the youth and the

maintenance or keeping of a single sex partner for married young adults. This is the reason Becker and Joseph (1988), opined that although health behaviour models acknowledge the centrality of perceived risk in behavioural change, it is unclear how personal risk assessment relate to their sexual behaviour. what that stands to reason is, it is possible that an individual may be knowledgeable about the existence of the risks involved in the infection of HIV/AIDS and indeed other sexually transmitted infections but then goes on to play down the risks there in. In agreement with that opinion, Nzioka (2001), Aggleton et al (1994), Inghn and Zessen (1997) Becker and Joseph (1988) are of the view that individuals are more likely to underestimate than overestimate their risk of HIV/AIDS infection regardless of the nature of their sexual behaviour. Thus, it does not matter to them if they engage in safe sexual behaviour or even risky sexual behaviour.

At- risk sexual behaviour here refers to the nature of sexual acts, promiscuity, multiple sexual partners, unprotected sexual intercourse and kissing, alcoholic, abortion and so on. According to Nwaobi (2010) at-risk sexual behaviours are unhealthy sexual behaviours and such as practiced by in- school youths or adolescents are unprotected sexual intercourse, flirting, stroking and wearing of skimpy dresses. In the view of Abu and Akerele (2006) risky sexual behaviours with life threatening consequences are predominant at adolescence stage of life and include pre-marital sexual activity, multiplicity of sexual partners and so on. It is on this background that this investigation became imperative.

Statement of the Problem

There is no doubt that despite the efforts of government and other non-governmental agencies involved in the battle against the spread of HIV/AIDS, the dreaded infection has continued to rage on like wild fire unabated in the country. The prevalence rate has ever remained on the increase among the youth. Huge efforts in terms of money, time, and energy have been invested by both government and non-governmental agencies and organisations in the campaign against spread, care for those living with HIV and AIDS. So much awareness has been created about the risks involved, mode of transmission and prevention strategies. Unfortunately, the level of awareness does not seem to influence decrease in HIV/AIDS spread. This means that knowing something alone seems not to lead to behaviour change. For instance a lot of well-meaning doctors smoke, even when they have full knowledge of the harmful effects of smoking to the body and health of the individual.

It is on this note that the researchers consider an investigation on how adolescents' awareness of HIV/AIDS disease impacts on at- risk sexual behaviour of in-school youths, apparent. Hence, this study investigated the impact of peer pressure and adolescent awareness of HIV/AIDS on at-risk sexual behaviour among in-school youths in Lagos Metropolis, examining its counselling implications.

Purpose of the Study

Generally this study investigated the impact of peer pressure, awareness of HIV/AIDS on in – school youths at – risk sexual behaviour in Lagos Metropolis. Specifically the study tried to determine;

1. The extent of at - risk sexual behaviour among in - school youths in Lagos Metropolis.

2. The extent of peer pressure on in - school youth at - risk sexual behaviour.

3. The extent of youth awareness of the HIV/AIDS disease.

4. The extent of male and female in - school youth awareness of HIV/AIDS disease.

5. The extent of gender involvement in at - risk sexual behaviour.

Scope of the Study

This study is limited to in-school youths, male and female aged between 15 -19 years. The study was conducted in some selected schools in Lagos Metropolis. The study was concerned with the impact of peer pressure, awareness of HIV/AIDS on the at-risk sexual behaviour of in-school adolescents' in Lagos Metropolis. Implications for Counselling

Research Questions

The following research questions guided the investigation

1. What is the extent of at - risk sexual behaviour among in - school youths?

2. What is the impact of peer pressure on in - school youths at - risk sexual behaviour?

3. To what extent are the in - school youths aware of HIV/AIDS disease?

4. What is the extent of gender awareness of HIV/AIDS among in - school youths?

5. Does involvement in at - risk sexual behaviour of in - school youths depend on gender?

Research Hypotheses

This study was facilitated by the following hypotheses

1. Peer pressure will not have significant impact on in- school at - risk sexual behaviour.

2. There will be no significant gender difference among in - school youth awareness of HIV/AIDS disease.

3. There will be no significant gender difference among in -school youth involvement in at- risk sexual behaviour.

Methodology.

The study adopted a descriptive survey design; the study aimed at investigating the impact of peer pressure, awareness of HIV/AIDS on at risk – sexual behaviours of in – school youths. Implication for counselling. The study involved male and female senior secondary students in selected schools in Lagos metropolis. The sample size of the study consisted of 220 male and female students randomly selected from five (5) randomly selected schools. The sample size involved equal male and female participants.

The instrument for the study was a researcher designed questionnaire, titled Adolescents' sexual behaviours questionnaire (ASBQ). The instrument was used to elicit the opinion of the respondents on the information needed from the questionnaire items. The instrument was in two parts. Part I elicited information on the demographic data of the respondents. Part 2 consists of 3(three) sections; A.B.C. Section A sought information on the peer pressure of in-school youths while sections B and C sought information on the in – youth awareness level of the prevalence of HIV/AIDS and their involvement in risky sexual behaviours respectively. All the sections, adopted four (4) point- Likert scale response pattern of, strongly agree (SA) agree (A) disagree (D) and strongly disagree. The instrument was a 23 item questionnaire, drawn by the researchers. The questionnaire was validated by three experts

91

in the areas of measurement and evaluation and psychology as well as guidance and counseling. The corrected version as suggested by the experts was used to gather the opinion of the 220 respondents selected for this study. The instrument was administered to the respondents by the researchers, directly with the assistance of the teachers in the various schools used for this study. In analyzing the data collected, simple percentage, mean and standard deviation were used while the hypotheses generated were tested with One-Way Analysis of Variance and Independent t-test statistics at 0.05 level of significance.

Results

Table 1: Respondents' Distribution

Sex	Frequency	Percentage (%)
Male	110	50
Female	110	50
Total	220	100
Age (years)		
12 – 14	32	14.55
15 – 17	60	27.27
18 and above	128	58.18
Total	220	100

Field data, 2012

Table 1 shows the socio-demographic characteristics of the respondents. It indicated that 50% of the respondents were male, while 50% were female. This shows that there was an equal gender representation. The distribution of the respondents according to the age shows that 14.55% were of the 12 – 14 years, 27.27% were of 15 – 17 years and 58.18% were 18 and above years.

Hypotheses Testing and Interpretation of Results

The first hypothesis states that peer pressure will not have a significant impact on in-school at – risk sexual behaviours. The hypothesis was tested using One-Way Analysis of Variance statistics.

Table 2: One-Way-Analysis Variance on Impact of Peer Pressure on In-school at – Risk Sexual Behaviour

Peer Pressure	n	$\bar{x}$	Sd
High	82	18.76	3.24
Medium	78	16.82	3.16
Low	60	15.72	2.71

Source of Variation	Sum of Squares	Degree of Freedom	Mean of square	F-ratio
Between group	185.39	2	92.70	
Within group	4614.76	217	21.27	4.36
Total	4800.15	219		

Significant at 0.05; df = 2 and 217; critical F = 3.05

Table 2 shows that a calculated F-value of 4.36 is significant since it is greater than the critical F-value of 3.05 given 2 and 217 degrees of freedom at 0.05 level of significance. The research hypothesis was accepted. Further analysis was done using Fisher's protected t-test statistics. The result of the pair-wise comparison of the group means ($\bar{x}$) shows that adolescents subjected to high Peer pressure have higher in-school at-risk sexual behaviour than either those with medium (t = 3.17; df = 158, critical t = 1.98; p < 0.05) or low peer pressure (t = 3.41; df = 140; critical t = 2.00; p < 0.05). There was no significant difference in at-risk sexual behaviours in comparison of adolescents with medium and low peer pressure (t = 0.68; df = 136; critical t = 1.98; p < 0.05).

The second hypothesis states that there will be no significant gender difference among in-school youth awareness of HIV/AIDS disease. This hypothesis was tested using independent t-test at 0.05 level of significance.

Table 3: Independent t-test of Gender Difference among In-school Youth Awareness of HIV/AIDS Disease

Awareness/Sex	N	$\bar{x}$	sd	Df	t-cal	t-crit
Male	110	16.71	4.46			
Female	110	18.23	3.16	218	1.78	1.96
Total	220	23.16	2.76			

No significant at 0.05, df = 218; t-crit = 1.96

Table 3 shows that a calculated t-value of 1.78 is not significant since it is less than the critical t-value of 1.96 given 218 degrees of freedom at 0.05 level of significance. This implies that no significant difference among in-school youth awareness of HIV/AIDS disease. Therefore the awareness of adolescents towards HIV/AIDS was not gender biased.

The third hypothesis states that there will be no significant gender difference among in-school youth involvement in at-risk sexual behaviours. This hypothesis was tested using One-Way Analysis of Variance Statistics at 0.05 level of significance.

Table 4: One-Way Analysis of Variance on Gender Difference among In-school Youth Involvement in at-risk Sexual Behaviour

At-risk Sexual Behaviour/Gender	n	$\bar{x}$	Sd
Male	110	14.78	3.24
Female	110	16.52	2.78
Total	220	15.78	3.21

Source of Variation	Sum of Squares	Degree of freedom	Mean of square	F-ratio
Between group	176.85	1	176.85	7.31
Within group	5276.21	218	24.20	
Total	5453.06	219		

Significant at 0.05; df = 2 and 218; critical F = 3.05

Table 4 shows that a calculated F-value of 7.31 is significant since it is greater than the critical F-value of 3.05 given 1 and 218 degrees of freedom at 0.05 level of significance. The research hypothesis was accepted. Further analysis was done using Fisher's protected t-test to establish the trends of the difference.

The result of the pair-wise comparison of the group means ($\bar{x}$) shows that male adolescents have higher at-risk sexual behaviour than their female counterpart (t = 2.78; df = 218; critical t = 1.96, p < 0.05).

Discussion of Findings

The study investigated the impact of peer pressure, awareness of HIV/AIDS on the at-risk sexual behaviour of in-school adolescents in Lagos Metropolis. The findings of the study showed that not only has peer pressure significant impact on at-risk sexual behaviour of in-school youths, it revealed also that awareness of the attendant consequences of HIV/AIDS infection does not necessarily have positive behaviour change of the in-school youths with regards to their at-risk sexual behaviour.

From the findings it was apparent that there exist among in-school youths in the area of this study to a reasonable extent at-risk sexual behaviour.

Consequent upon the result of the test of hypothesis 1as indicated in table 2, it is evident that peer pressure has significant impact on in-school at-risk sexual behaviour. The respondents in this study in their response tried to confirm the statement of fact that peers or people who share similar or same experience in common, either socially, culturally or psychologically most times have the tendency to influence or shape the behavioural pattern of their associates, depending on the degree or intensity of attraction or pressure they exact on their associates. Peers who could easily be guilty of this are those who share same age, sex, same job, social class or academic class, those who look up to or are equal in ability or friends. This kind of attraction or pressure is popularly or commonly associated or attributed to adolescents. This kind of attraction, often times known as peer pressure is indeed stronger in adolescence period because at this time of their lives they are in dare need of freedom from parents and adult members of the community and they found joy and fulfillment with the bonding of mates and friends. Thus, they tend to obey the laws and influences of their group that give them open and reassuring acceptance. It should be understood that this bonding influence, acceptance and reassurance can positively or negatively shape up the behaviour of peer members. The result of the study also revealed that, respondents that are subjected to high peer pressure suffer higher at-risk sexual behaviour among in-school youths. What this stands to reason is that some youths may be attracted to engage in at-risk sexual behaviour by their peers if they have poor acceptance of self or they have poor self-concept. It has been mentioned earlier in the study that if youths have poor self-concept, these brand of youths can be compelled to be sexually debased and they can easily be forced to engage in other at-risk sexual behaviour.

The result of the study further revealed that awareness of the prevalence of the dreaded HIV/AIDS disease is high among in-school youths. In other words both sexes (male and female) adolescents as evident in their responses are very knowledgeable of the prevalence of

HIV/AIDS and indeed its consequences. Thus, it is expected that the youth's awareness of the risks involved in the infection of HIV/AIDS would have remarkable positive impact on their at-risk sexual behaviour. It is indeed not surprising that the findings showed total and high awareness of the HIV/AIDS disease prevalence. The reason is that the generality of government, the world over, and Nigeria in particular are not leaving any stone unturned in the campaign against the spread of the dreaded disease, since it was dictated the world over. The government of Nigeria, from inception was decisive about the campaign against spread of HIV/AIDS and so employed various means and strategies in breaking awareness about the killer disease. People are sensitized about the mode of spreading of the disease, prevention of its spread, attempts on cure of the infected persons and management and care of people living with the disease (HIV/AIDS). Thus, the government and the numerous non-governmental organizations charged with HIV/AIDS prevention and control are ever not getting tired of keeping the nation's citizens aware of the various programmes on HIV/AIDS. This corroborated the findings of Nwagwu, Okoye and Isiugo-Abanihe (2011). This study determined the information sources used to disseminate information fastest and make people aware of the HIV/AIDS pandemic. The study further investigated to what extent, the government national policy on HIV/AIDS and her acknowledgement that comprehensive information, education and communication system is central to the nation's efforts to prevent the spread of HIV/AIDS and mitigate its impact (NACA, 2003) is being achieved. Thus, the government has ever made conscious and huge efforts for that matter to make awareness about the HIV/AIDS disease, very handy. Therefore nobody can comfortably claim ignorance about the prevalence of the dreaded disease. No wonder the result of the study shows no gender disparity in the awareness of the prevalence of the pandemic.

The result of the study as indicated in table 4, revealed that the adolescents in the school in the area of this study are involved in at-risk sexual behaviour. In the context of this study, at-risk sexual behaviour include those sexual acts that can expose youths to the unhealthy consequences of venereal infections or sexually transmitted infections including HIV/AIDS, which mode of transmission has been largely considered to be through sexual intercourse. This result negates the belief of many people, who may think that with wide awareness of the prevalence of the dreaded HIV/AIDS disease and the risks involved in its infection, the youths especially, would have been better cautious in their involvement in risky sexual behaviour. It is expected that with the extensive awareness campaign by the government and non-governmental organizations charged with HIV/AIDS prevention and control, there would be greater discipline and sexual behaviour change among the youths of today both in-school and out of school believed to be the most vulnerable group affected by the scourge. Again this finding contradicts the findings of Arogundade and Faloore (2012), which shows that there is significant difference in undergraduate dating behaviour due to their awareness of the HIV/AIDS prevalence in south-West Nigeria. However, the findings of this study, corroborated the findings of Becker and Joseph (1988), Nzioka (2001), Aggleton (1994), Inghn and Zessen (1997).

The result of the study also revealed the trend of involvement, as it indicated that the male in-school adolescents have higher at-risk sexual behaviour involvement. The reason may not be far from the fact that males are more sexually active than their female folks and of course, the female are more afraid of the consequences of pre-marital sexual exploits than the male. At least, they seem to bear the burden more than the male. Therefore, they are more likely to think twice or take adequate precaution before they are involved in at-risk sexual behaviour.

Implications for Counselling

Based on the findings of this study which investigated the impact of peer pressure, awareness of the HIV/AIDS infection and its consequences on at-risk sexual behaviour among in-school youths in Lagos metropolis; the following counselling implications were raised. These implications will no doubt be beneficial to the students, the parents, the counsellors, researchers and so on.

Findings of the study indicated that peer pressure has significant impact on at-risk sexual behaviour of youths. This goes to confirm that peers especially adolescents have a peculiar way of influencing their group members. This is in view of the nature of this stage of life, which is very explorative.

The fact that the findings revealed that the awareness of the prevalence of HIV/AIDS infection and the attendant risks does not necessarily influence behaviour change implies that knowing alone may not necessarily change individuals' perception and so bring about behaviour modification indeed. The findings also revealed that to a reasonable extent there still exist at-risk sexual behaviour among respondents in the area where this study was carried out, this implies that there are attractions or strong factors that lure the in-school youths of this area into at-risk sexual behaviour despite the obvious consequences associated with some of their sexual behaviours.

The findings also show that the male youths are more attracted or involved in at-risk sexual behaviour than their female counterparts. This implies that the male are more vulnerable and are inclined to having distorted perception of the hue and cry about the prevalence of HIV/AIDS and indeed other very life threatening sexual infections. On the other hand, the female folks seem to realize that as much as possible to bear in mind the effects of the evil scourge – HIV/AIDS and other venereal infections and then tend to be more precautious in their sexual behaviour.

Recommendations

In view of the findings of this study and its counselling implications, the following recommendations were proffered:

The fact that peer pressure significantly impacted on the at-risk sexual behaviour of in-school youths, it is recommended that information service of counsellors in schools should be intensified. Efforts of counsellors in schools should be directed to social-personal counselling where attention is drawn to students heterosexual life and counselling against pre-marital sexual relationship.

It is recommended in line with that, that sexuality education should receive a boost by the authorities that are, by way of making sure that it is introduced in all post primary schools. Using that as a medium in-school youth could be made to understand the concept of human sexuality and how to care for themselves and self-discipline.

It is also recommended that peer counselling and educators should be introduced using or by way of the HIV/AIDS awareness club in the schools. Through this medium in-school youths should be able to talk to themselves and share ideas concerning what they know about HIV/AIDS and other sexual infections.

Regular talk shows should be organized by the counsellors in schools to sensitize the in-school youths on matters of HIV/AIDS and other life threatening sexual infections and consequences of not being disciplined.

The in-school youths should be counselled on the need to avoid having distorted perception about HIV/AIDS prevalence. They should be made to understand in clear terms, that

the human immune virus (HIV) and the acquired immune deficiency syndrome (AIDS) are real and people are indeed suffering from it, some live with it and die of it. Therefore, if anybody including youths lives reckless sexual life they will be infected. They should be counselled to imbibe a disciplined sexual behaviour or life devoid of pre-marital sexual behaviour in their youthful stage and learn to stick to one sex partner in their later adult life.

References

Abu, P. B. & Akerele, E. O. (2006) Parental Influence on Adolescents Sexual Behaviour in Ibadan North Local Government Area of Oyo State, Nigeria. International Journal of Africa & African American Studies vol.5.1. 42 – 56

Aggleton, P., Slutkin, G. & Davies, P. (1994) Risking everything? Risk behaviour, Behaviour change and AIDS. *Science 265,* 341 – 345

Akwara, P. A., Madise, N. J. & Hinde, A. (2003) Perception of Risk of HIV/AIDS and Sexual Behaviour in Kenya. *Journal of Biosocial Science, 35,* 385 – 411. Cambridge University Press United Kingdom

Arogundade, O. T. & Faloore, O. O. (2012) HIV/AIDS Awareness as a Predictor of University Students' Dating Behaviour in South-Western Nigeria. *International Journal of Psychology and Behavioural Sciences 2 (1).* 9 – 14

Becker, M. H. & Joseph, J. G. (1988) AIDS and behavioural change to reduce risk: a Review. *Am. J publ. Hlth 78,* 394-410

Fox, C., Manning, E., Murphy, M., Urborm, R., Marwick, K. C. & O'shea, S. (2008). Concept of peer pressure. (ed) Longman Dictionary of Contemporary English. Edinburgh Gate. Pearson Education Limited.

Ingham, R. Van Zessen, G. (1997). Towards an alternative model of Sexual behaviour from individual properties to interactional process. In : *Sexual Interactions and HIV Risk: New Conceptual perspectives in European Research,* pp. 83 – 99.

Nwagwu, W., Okoye, I. & Isiugo-Abanihe (2011) HIV/AIDS Information source use and sexual behaviour of adolescents in Ekwusigo Local Government Area of Anambra State, Nigeria. *Journal of AIDS and HIV Research vol. 3 (8),* pp 138 – 150

Nwaoba, C. N. (2010) Effect of Sexuality Education on Sexual Behaviour of Secondary School Students in Anambra State, Nigeria. Unpublished Ph.D Thesis, University of Nigeria, Nsukka.

Onyejiaku, F. O. (1991) Psychology of Adolescence. Calabar. Rapid Publishers (Nig) Ltd

The Role of Women towards Achieving Good Governance in Nigeria: An Appraisal

Falana Titi Christianah

Depertment of Philosophy, Faculty of Arts

Ekiti State University

Falanatiti@Yahoo.Com

Abstract

In Nigeria, available data reveal that not many African women are active in the political arena. The paper provides an in-depth analysis on the need for African women to be actively involved in Nigeria's governance. Nigeria as a country has had more than its fair share of the worst form of governance- civil or military. She has been at the receiving end of political tyranny, thuggery, rigging of elections, injustice, assassination and corrupt political office holders. The inordinate and selfish ambition of the good boys to have their own share of the national cake has strangulated national development and derailed the train of technological advancement.[1] If as a result of the development of politics into a dirty game, women stay aloof, can their aloofness remove the evil from politics and governance? It is with this concern that this paper looks at the essential elements of good governance and the role African women, can play to help bring about good governance in Nigeria. The paper establishes that African women have a scared duty to provide the moral foundation and be the conscience of the nation. Some of those factors identified as constraint for women's inactive participation in governance are: socio-cultural constraints, violence that often characterizes governance, organizational constraint, and bad leadership example of some women, economic and domestic workload. The paper concludes by discussing essential qualities an effective politician who is to govern must possess before she can facilitate good governance.

Introduction

In recent times, the concern of most women was to have a full representation in the governance of Nigeria. Women have an important contribution to make to the moral strength and the political unity of the nation[2]. For women to shy away from the political agenda is to fob the civil populace of the most important ingredient for social unity and stability.

It is God's will that there should be an organized state. Jesus recognized this when he told his disciples to play their dual role of giving to civil authority and to God their respective dues. A form of government has to be in place to make possible such communal facilities like water, sewage, electricity, roads, telephone, and security e.t.c[3]. That cannot be constructed through individual efforts alone. To organize these, a government of whatever colour must be in place, and women as good citizens must be at the forefront of giving birth to such a government. For women not to allow themselves to be used in political activities will invariably shirk women's responsibility and challenge[4].

However, the fact still remains that the degree of women's participation at all levels is still very low. The question is why are African women not actively involved in governance? What positive contributions can African women make in governance?[5] This paper aimed at examining those questions raised. The paper will be rounded off with the appropriate recommendations to encourage African women to be up and doing in the Nigerian society[6].

What Is Government?

The concept, what is "governance" is not new. It is as old as human civilization. According to the United Nations Economic and Social Commission for Asia and the Pacific, it is the process of decision making and the process by which decisions are implemented (or not implemented)[7]. Thus, governance can be used in several contents such as corporate governance, international governance, national governance and local governance. While good governance embodies some major characteristics, viz: participatory, consensus, accountable, transparent, responsive, effective and efficient, equitable and inclusive and above all, it follows the rule of law[8]. Also, "governance" has been generally defined as the manner in which power is exercised in the management of a country's economic and social development[9].

As a matter of fact, not every governance of a country is good. To assess, therefore, the tenability of good and bad governance in a country, one must compare and consider the vitality of political and economic plurality which enhances choices made by the masses. Bad governance, however, has been described as the poor management and low level of development in the developing world[10].

Broadly speaking, governance is all about gaining power for social change. The definition of governance reveals that the art of governance or its process is supposed to be for the good of society and not for its destruction, neither is it for selfish interest[11]. Thus, good governance is a sine qua non for achieving a functional and result oriented goals, with the resultant overriding need extending the frontier of welfarism of the government of the governed[12].

What Is Women's Studies?

Women's studies is the examination of women's experiences that recognizes our achievements and addresses our status in society. Women's studies put women (in all our diversity) at the centre of inquiry and focuses on our reality as subjects of study. This is different than the traditional enterprise of women as objects of study means that researchers theorize about women's lives without women's input, placing women in a subordinate position

to men. Instead, women as subjects of study imply both active agency on women's part and a challenge to male domination and other systems of inequality like racism and classism.

When we are subjects of study, our experience and voices have informed analyses about our lives. This means that all women, across all our differences, are included. It also means that traditional notions regarding men as "humans" and women as "others" must be challenged and transcended. This confusion of maleness with humanity, which puts men at the centre and relegates women to outsiders in society, is called andro-centrism.

Women studies emerged as women and concerned men noticed the absence, mis-representation and trivialization of women in the higher education curriculum as well as the ways women were systematically excluded from many positions of power and authority. In the late 1960s and 1970s, students and faculty began demanding that the knowledge learned and shared in colleges around the country be more inclusive of women's issues, and they asked to see more women in leadership positions on college campuses. It was not unusual, for example, for entire courses in English or American literature to include not one novel written by a woman.

Although, we may argued that there have been important changes on most college campuses as women's issues are solely integrated into the curriculum and advances have been made in terms of women in leadership positions, these problems still do, unfortunately, exist in higher education today.

Women and the Political Landscape
In the pre-colonial and post-colonial Nigeria, women never enjoyed parity with men in issues of governance. The history of political transformation in Nigeria is replete with issues of male domination and women tokenism in participation in public affairs[13].

In Nigeria, although women tend to be involved as men in electoral politics (and sometimes even more involved in terms of voting, showing support and volunteering for campaigns), there are markedly fewer women involved in official political positions. Women still constitute a relatively small number of candidates for local, state and national offices, and their presence is greater at the local rather than national levels. As political offices get more visible, higher level, better paid, and more authoritative or powerful, there are fewer women in these positions[14].

Women's political participation continues to be inhibited by socio-cultural factors that relegate women to the background in leadership discourse and decision making processes. Thus the wide gender gaps in governance and politics have been blamed for the gross discrimination faced by the Nigerian women irrespective of region/urban-rural location, ethnic, origin, and religion.

Ude and Milbraith in their works observed that, "grassroots women are usually the majority of voters, they are substantially present at party rallies as members and supporters, but never as candidates for political offices and where they come out have failed woefully to get into party post". (Ude, 1999) Milbraith on the other hand shows the hierarchies of political involvement of women to be:

- Holding party and public offices

- Being a candidate for office

- Soliciting political funds

- Attending a caucus or strategy meeting

- Becoming an active member of a party

- Contributing time to political campaigns

- Attending political meeting or rally

- Attempting to persuade others to vote in a certain way

- Voting

- Exposing oneself to political stimuli[15]

For further understanding of the situation and level of women's involvement in Nigerian governance, data collected are hereby tabulated below

Table 1:

Position	No. of Seats Available	No. of Male elected	No. of Female Elected
President	1	1	0
Vice President	1	1	0
Senate	109	101	8
House of sentatives	360	336	24
Ministers	40	28	12
Governorship	36	36	0
Deputy Governor	36	33	3

Table 1: Showing women's level of participation in the Goodluck/Sambo's administration (*Sources: INEC, ABUJA 2013*)

1. The lists above show those areas where Nigerian women's political involvements are concentrated. In fact, as a matter of emphasis, some African women would not even have anything to do with the items highlighted above. To them the best they could do is to give support for people who are in governance. But that is not enough, what actually matter is getting fully involved to bring about a change. Also, Akintade aptly notes that:

Women were not adequately represented in the political realm. They were not generally active in politics, and remained largely absent at all levels of policy formulation and decision-making in a natural resources, environmental management conservation[16].

From the above, it is evident that the only very few Nigerian women have participated on the Nigerian political landscape. Even the number of women in the Goodluck/Sambo's administration was still very insignificant.

The Role of Women towards Achieving Good Governance In Nigeria

Women are called to build a just and equitable society, a society that cares for all its citizens, especially for those that are weak and marginalized, society that respects our constitution, the rule of law, that guards against misuse of power, that fosters our diversity and plurality, and that fosters the role of civil society. Such society can only be built on the moral and ethical values possessed by our mothers, that is, the women. Such values include: respect for elders, human dignity, humbleness, honesty, and to serve one another. But how can the women achieve the goal of good governance within a constitutional democracy?

1. **Encouraging participation in politics:** Women need to be envisioned to take up the responsibility of producing women politicians who will make positive impact on the society. Those that have the gifts and potential for leadership should be encouraged to go into politics to enable them use their gifts to serve people especially those that are marginalized and oppressed. The aim is not just for women to be represented in government, but more importantly to address the issues of corruption and injustice within the country[17].

2. **Promoting values transformation:** An important programme for women is moral recovery through international values transformation based on the ethical value of the society. Women politicians should be made to realize that they must uphold the ethical values such as, honesty is good, promise-keeping is good, justice and fair play, accountability and openness, community spirit, love through sacrificial living and giving, do not steal, and do not lie e.t.c[18]. Any values that goes against the over mentioned above must be discarded.

3. **Advocacy:** Advocacy is about influencing those in power and position of authority to bring about change for the benefit of all especially the poor[19]. Based on this understanding, advocacy is an integral part of the mission of the church. Jesus Christ modeled advocacy in his ministry here on earth. He said at the beginning of his ministry that he came to set the captives and prisoners free (Luke 4:18). Just as Jesus Christ served as advocate, the women should encourage women politicians to address issues that cause poverty among the people, serve as advocates for the people and stand in the gap for the people.

4. **Forming partnerships with the government and other sectors:** The women in Nigeria should seek to establish formal partnerships with the government (at all levels) and other sectors in order to change the lives of the poor, the unemployed, the excluded and those at risk in our society. This partnership needs to be promoted and sustained with commitment in spite of the problems and challenges. The women however, must be watchful against the danger of co-option, that is, of being used by the politicians who have their own agenda. The challenge here is that women in Nigeria should become a real partner in struggling against poverty and underdevelopment and towards achieving good governance in our country, Nigeria. It is believed that this partnership will help facilitate negotiations with government officials and representatives of other sectors to address the social, economic and political challenges confronting Nigeria.

6. **Praying and fasting:** One of the most important things women can do to usher in good governance in Nigeria is to fervently pray for those involved in governance – the politicians. There are times, women need to fast for those in government, most especially when critical decisions are to be taken, or when they are facing serious

persecution. The prayers and fasting should be focused on the need for courage, fearlessness, faithfulness, transparency, openness to correction, honesty and to overcome all temptations[20]. Having examined the roles that women should play toward achieving good governance in Nigeria, we want to discuss the need for women's active participation in governance.

Need For Women's Active Participation in Governance

Admittedly, the history of Nigerian governance has not been encouraging, but that is not sufficient reason to give up on our fatherland. Since no one would throw out the baby with the bath water, for some reason, some of our women must not give up on making attempts at the change we desire in our country.

On this, Martin Helwing succinctly adds:

Only when women become full participants in all domains of life and enter the important areas of decision-making will humanity be prepared to embark on the next stage of its collective development[21].

Thus this governance we are talking about has to do with women gaining power for social change. Women need to be politically active in the sense that, as conscientious citizens, they will vote in elections, inform themselves about contemporary issues, share in the public debate and perhaps champion women's cause.

Today, many sectors of the nation are in a shamble and even at the verge of total collapse. For this reason, devout women should take up their responsibilities in nation building. They should act like former minister of Information and the director-General of National Agency for Food and Drug Administration, Professor Dora Akunyili, who fought the scourge of counterfeit drugs to a standstill. Much is expected from women and any nation or society that under-estimate the power of womanhood cannot achieve her full potential because women are the salt and light of the world.

Conclusion

The qualities to be looked for in the life of any women politician include: courage, transparency, patience, perseverance, humility, contentment and discipline. As much as possible, the qualities mentioned above must be given priority when electing or appointing people into various leadership positions in our country, for when "the righteous rules, the people rejoice" (proverb 29:2).

As women, our most important contribution remains that we live out our true identity, that we are part of God's creation that have overcome ethnic, cultural, language divides e.t.c.. Therefore, being true to our own identity is the biggest challenge we can pose to political and economic processes that seeks to be elitist, that only represent the interest or the ideologies of a selected group. In the process we will sometimes oppose popular (and even "majority") interest- for the sake of peace, social justice and fairness, we need to do this in the public arena.

An examination of the role of women who are active in politics has been carved out and we observed that women, who have been opportuned to hold sway, have not measured up to the anticipated standard in their performances. Suggestions as to how women should operate if and when they find themselves in the position of governance were also proffered. It is strongly believed that if the suggestions are strictly adhere to, Nigeria and Nigerians will become better. Nevertheless, it is obvious that to transform the Nigeria society from all its evils requires radical policies and actions with regard to those who are highly placed[22] and charged with the responsibility of policy formulation and implementation. Ideally, those who claim to be

mothers… I mean women should not steal, lie, bribe or do otherwise[23]. We Nigerians should be mindful of our position in the universe.

Refrences

Robert F. Davidson (1952) Philosophies Men Live by, New York: Holt, Rinehart and Winston, P.325.

Milbraith (1969) in Ologunde A. O and Akindele R. F et al.

Ibid

Aina, O. I and Ukeje, Charles (1998) "Egendering the Political Space: The Role of NGOS in ensuring the participation of Women in Politics." Ife Social Sciences Review, July.

Ude (1999) in Ologunde A.O and Akindele R.F et al, "Gender Politics: A Factor in Grassroots Democracy and Development in Nigeria.

Akintunde, Dorcas Olu (2004). The Ministry of Women in Lucan Narratives: A model for Aladura Churches in Nigeria, Ibadan, Nigeria publications Bureau.

Good Governance- The Role of the Churches. A South African Perspective on www.gke.org. Downloaded 21/1/2011.

The World Bank Governance and Development, Washington D.C 1992

"What is good governance"? www.unescap.org/huset/gg/governance.htm. Downloaded 21/1/2011

Ibid

C.O Ayodele (1999) "Christianity and Democracy in Post-Independence in Nigeria" in J.O Akinbi (ed) towards a Better Nigeria: Reflections on Contemporary Issues in the Socio-Political and Economic development of Nigeria, Ibadan: Ben Quality. P. 33

Ibid

Ude (1999) in Ologunde A.O and Akindele R.F et al, "Gender Politics: A Factor in Grassroots Democracy and Development in Nigeria.

Ibid

Milbraith (1969) in Ologunde A. O and Akindele R. F et al.

Akintunde, Dorcas Olu (2004). The Ministry of Women in Lucan Narratives: A model for Aladura Churches in Nigeria, Ibadan, Nigeria publications Bureau. 17-25 inside the paper.

Palmer (1978) "Women and Green Revolutions." A paper presented to the conference on the continuing subordination of women and the Development process Sussex. Institute of Development Studies (Mimeo).

Ibid

Mr. Danladi (2009) Christian in Politics, Bukuru, Adrican Christian Textbooks, P. 136.

Ibid

Helwing Martins (1977) "Two Wings of a Bird: the Equality of Women and Men" in Women: Extracts from the Writings of Bahan. Ila Abdul-Buha (Shoghi Effendi and the universal Hose of Justice, June

I.O Umejes (2010) Religion and the Rule of Law: Antidote to Corruption Among Public Officers in Nigeria.

I. O Umejes (2010), Ibid