

Navigating Crime and Punishment in Mbumland (1779-1996): An Analysis of Indigenous, Colonial, and Post-Colonial Justice Systems

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doi:10.63593/LE.2788-7049.2026.03.003

Abstract

Justice is a central pillar of social order, and its administration reflects the historical, cultural, and institutional realities of a society. This study examines crimes and punishment in Mbumland between 1779 and 1996 through a historical analysis of indigenous, colonial, and post-colonial justice systems. Employing a qualitative historical methodology grounded in legal pluralism, the research draws on archival materials, doctrinal analysis, and relevant secondary literature to trace the evolution of justice administration across these three interconnected periods. The findings reveal that pre-colonial justice in Mbumland was largely community-centered and reconciliation-oriented, prioritizing restitution and social cohesion in addressing crimes and punishment; the colonial era introduced codified laws and formal courts that reshaped indigenous justice systems; and the post-colonial period inherited and reconfigured this dual structure, resulting in a plural justice framework marked by jurisdictional overlaps and institutional tensions. The study argues that the effectiveness of crimes and punishment in Mbumland has historically depended less on punitive severity and more on legitimacy, accessibility, and structural coherence. By offering a localized and periodized examination of justice systems in Mbumland, this research contributes to broader historical perspectives on the interaction between indigenous, colonial, and post-colonial legal orders and their enduring implications for justice administration.

Keywords: colonial justice systems, crimes and punishment, indigenous justice systems, Mbumland, post-colonial justice systems

1. Introduction

Justice is a central pillar of social order, serving as the foundation for peace, stability, and cohesion within societies.¹ In Mbumland, from 1779 to 1996, the administration of justice reflects a complex interplay between indigenous customs, colonial impositions, and post-colonial legal frameworks, demonstrating how communities have historically navigated crime, punishment, and conflict resolution. Indigenous justice in Mbumland was primarily guided by customary norms, moral codes, and communal authority, emphasizing restorative approaches that sought to reconcile offenders, compensate victims, and restore social harmony rather than merely punishing wrongdoing.²

During the pre-colonial period (1779–1901), chiefs, elders, and lineage heads adjudicated disputes based on oral traditions and spiritual cosmologies, addressing crimes such as theft, assault, and violations of cultural taboos through compensation, mediation, and ritual cleansing.³ These mechanisms were participatory, context-sensitive, and socially legitimized, fostering strong community cohesion and conflict containment.

¹ Mbaku, J. M. (2011). *Customary law and administration of justice in Cameroon*. University Press.

² Fanzo, V. G. (1989). *Cameroon history for secondary schools and colleges: Vol. 1*. Macmillan.

³ Njoh, A. J. (2001). *Traditional justice systems in Africa: A case study of Cameroon*. Africa Media.

The advent of colonial rule (1901–1960) introduced European legal systems that often conflicted with indigenous norms. German and later French authorities codified offenses, imposed punitive measures such as imprisonment, forced labor, and corporal punishment, and limited the jurisdiction of customary courts.¹ Despite these disruptions, indigenous mechanisms persisted, particularly in resolving land disputes, family conflicts, and minor offenses, highlighting the resilience and adaptability of local legal cultures.

Following Cameroon’s independence in 1960, the statutory legal system became the primary instrument of justice. Nevertheless, indigenous justice continued to operate informally, especially in rural areas with limited access to formal courts.² Customary processes provided faster, culturally relevant, and socially embedded solutions, complementing formal mechanisms and demonstrating the enduring significance of communal problem-solving.

Examining the administration of justice in Mbumland across these periods provides insight into how societies define wrongdoing, allocate responsibility, and manage social order. By exploring indigenous, colonial, and post-colonial perspectives, this study contributes to broader debates on restorative justice, legal pluralism, and the intersection of customary and statutory law, highlighting the ways justice serves as a core pillar of social stability and moral accountability.

2. Conceptual Clarifications

This section defines key concepts as used in the study titled “Navigating Crimes and Punishment in Mbumland (1779–1996): An Analysis of Indigenous, Colonial, and Post-Colonial Justice Systems.” Definitions are drawn from recognized English and legal dictionaries and are contextualized within the historical realities of Mbumland.

2.1 Crime

The *Oxford English Dictionary* defines crime as “an action or omission that constitutes an offence and is punishable by law.”³ Similarly, *Black’s Law Dictionary* describes crime as “an act that the law makes punishable; the breach of a legal duty.”⁴ The *Cambridge Dictionary* adds that a crime is “an illegal act for which someone can be punished by the government.”⁵

In this study, crime refers to acts regarded as punishable within indigenous, colonial, and post-colonial justice systems in Mbumland, acknowledging that the definition of crime evolved from customary norms to codified statutory offenses over time.

2.2 Punishment

According to the *Oxford English Dictionary*, punishment is “the infliction of a penalty as retribution for an offence.”⁶ *Black’s Law Dictionary* defines punishment as “a sanction imposed for a violation of law”,⁷ prior to colonial intervention.

2.3 Colonial

The *Cambridge Dictionary* defines colonial as “relating to a country that controls another area or country.”⁸ The *Oxford English Dictionary* defines it as “relating to or characteristic of a colony.”⁹

Colonial, as used here, refers to justice systems imposed during German and French rule, which introduced foreign legal definitions of crime and punishment into Mbumland.

2.4 Post-Colonial

Merriam-Webster’s Dictionary defines post-colonial as “of or relating to the period following a colony’s independence.”¹⁰ The *Cambridge Dictionary* similarly refers to it as “relating to the time after a country stopped

¹ *Ibid.*

² *Ibid.*

³ Oxford University Press. (2023). *Oxford English dictionary*.

⁴ Garner, B. A. (Ed.). (2019). *Black’s law dictionary* (11th ed.).

⁵ Cambridge University Press. (2023). *Cambridge dictionary*.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Merriam-Webster. (2023). *Merriam-Webster’s collegiate dictionary*. Merriam-Webster, Inc.

being a colony.”¹

In this study, post-colonial refers to the period after Cameroon’s independence in 1960, during which statutory legal frameworks governed crimes and punishment, alongside residual indigenous practices.

2.5 Mbumland

While *Mbumland* is not a dictionary-defined term, it is used in this study to denote the geographical and socio-cultural area predominantly inhabited by the Mbum people, within which indigenous, colonial, and post-colonial justice systems operated between 1779 and 1996.

3. Methodology

This study adopts a qualitative historical research approach to examine crimes and punishment in Mbumland between 1779 and 1996, with a particular focus on indigenous, colonial, and post-colonial justice systems. Historical methodology is especially suitable for this study because it enables the systematic reconstruction and interpretation of past legal and social practices within their specific temporal and cultural contexts.² By situating crimes and punishment within their historical settings, the study traces patterns of continuity, adaptation, and disruption in the administration of justice in Mbumland over time.

The research relies primarily on secondary sources of data, including historical accounts of Mbumland and northern Cameroon, scholarly books, and peer-reviewed journal articles on African customary law, colonial legal systems, and post-colonial justice. Documentary sources such as colonial administrative records and post-independence legal materials are also consulted. The use of secondary and documentary sources is consistent with established practices in historical and socio-legal research, where archival and textual materials constitute the principal evidence base for analysis.³ These sources provide insight into how crimes were defined, how punishment was administered, and how justice systems functioned across different historical periods.

The analysis is organized around a tripartite periodization that distinguishes between the indigenous, colonial, and post-colonial eras. Periodization is employed as an analytical tool to contextualize justice systems within distinct political and social frameworks while allowing for structured comparison across time.⁴ The indigenous period is examined in customary norms and community-based mechanisms of justice; the colonial period is analyzed with reference to externally imposed legal institutions and punitive practices; and the post-colonial period is assessed in terms of statutory justice systems inherited from colonial rule and adapted after independence.

Data analysis is conducted using thematic and comparative methods. Thematic analysis allows for the identification of recurring patterns relating to crimes, punishment, and justice administration within each historical period, while comparative analysis facilitates the examination of similarities and differences across indigenous, colonial, and post-colonial justice systems.⁵ This combined approach enables an assessment of the effectiveness of each justice system in maintaining social order and responding to wrongdoing within Mbumland.

The scope of the study is geographically limited to Mbumland and temporally bounded between 1779 and 1996. While the broader Cameroonian legal and political context is acknowledged, the analysis remains focused on justice practices as they operated within this specific socio-cultural space. The study does not involve empirical fieldwork or interviews, as its primary objective is historical and analytical rather than ethnographic.

Although the study does not involve human participants, ethical considerations are maintained through careful handling of sources, accurate citation, and respectful representation of indigenous justice institutions. The study avoids presentist interpretations and seeks to understand crimes, punishment, and justice systems within the historical and cultural contexts in which they functioned, in line with best practices in historical scholarship.⁶

4. Theoretical Framework

This study is anchored in a combination of legal pluralism and historical institutionalism as its guiding theoretical frameworks. These perspectives provide an appropriate lens for analyzing crimes and punishment in Mbumland between 1779 and 1996, where indigenous, colonial, and post-colonial justice systems coexisted,

¹ *Ibid.*

² Howell, M., & Prevenier, W. (2001). *From reliable sources: An introduction to historical methods*. Cornell University Press.

³ McDowell, W. H. (2010). *Historical research: A guide*. Routledge.

⁴ Burke, P. (2005). *History and social theory* (2nd ed.). Polity Press.

⁵ Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101.

⁶ Tosh, J. (2015). *The pursuit of history* (6th ed.). Routledge.

overlapped, and sometimes conflicted. Together, these frameworks enable a nuanced understanding of how multiple justice systems operated simultaneously and how historical processes shaped their development and effectiveness.

Legal pluralism is particularly relevant to this study because it recognizes the coexistence of multiple legal and justice systems within a single social and political space.¹ According to legal pluralist scholars, societies, especially those shaped by colonial encounters often operate under more than one normative order, including customary and statutory systems.² In the context of Mbumland, legal pluralism explains how indigenous justice systems continued to regulate crimes and punishment even during the colonial and post-colonial periods, despite the formal dominance of state-imposed legal structures. This framework allows the study to analyze crimes and punishment not as products of a single legal authority, but as outcomes of interacting justice systems operating at different levels of society.

Historical institutionalism complements legal pluralism by emphasizing the role of historical processes, institutional continuity, and path dependence in shaping justice systems over time. Historical institutionalists argue that institutions established at particular historical tend to persist and influence future practices, even after major political transitions.³ Applied to Mbumland, this framework helps explain how indigenous justice practices influenced colonial legal administration and how colonial justice structures, in turn, shaped post-colonial systems of crimes and punishment.⁴ It underscores the importance of understanding justice systems as historically embedded institutions rather than isolated or static arrangements.

Together, legal pluralism and historical institutionalism provide a robust analytical foundation for examining crimes and punishment across indigenous, colonial, and post-colonial justice systems in Mbumland. Legal pluralism highlights the multiplicity of justice systems and normative orders, while historical institutionalism accounts for their evolution, endurance, and transformation over time. By integrating these frameworks, the study is able to assess how justice was navigated in Mbumland, how different systems defined and responded to crime, and how historical legacies shaped the administration of punishment between 1779 and 1996.

5. Historical Legal Context of Crimes and Punishment in Mbumland (1779-1996)

The administration of crimes and punishment in Mbumland between 1779 and 1996 was shaped by a dynamic interplay of indigenous, colonial, and post-colonial legal orders, each reflecting distinct historical, social, and political realities. Understanding this historical legal context is essential for analyzing how justice was conceptualized, enforced, and maintained over time, as well as how continuity and change shaped the governance of crime and punishment.

During the indigenous period, justice in Mbumland was grounded in customary law, which derived its authority from communal norms, moral values, and traditional practices of the Mbum people. Chiefs, elders, and lineage heads were responsible for adjudicating disputes and regulating crimes, employing sanctions that were primarily restorative and compensatory. Punishments focused on reconciliation between offenders and victims, restitution, and the restoration of social harmony rather than purely retributive measures. Scholars note that indigenous legal systems functioned as complete and socially legitimate mechanisms of governance, providing stability and order prior to colonial intervention.⁵

Customary law was deeply embedded in social cohesion, and violations were not only breaches of community norms but also of moral obligations.⁶

The colonial period introduced a foreign statutory legal system, first under German rule (1901–1916) and later under French administration (1916–1960). Colonial authorities implemented written laws, courts, and penal codes, redefining crimes and punishment according to European legal principles. Indigenous justice systems were formally subordinated, although they continued to operate informally in local matters. Colonial justice emphasized punitive sanctions, including imprisonment, forced labor, and fines, primarily to assert state control and enforce compliance.⁷ This period marked a significant shift from community-based justice toward

¹ Griffiths, J. (1986). What is legal pluralism? *Journal of Legal Pluralism and Unofficial Law*, 18(24), 1–55.

² Merry, S. E. (1988). Legal pluralism. *Law & Society Review*, 22(5), 869–896.

³ Thelen, K. (1999). Historical institutionalism in comparative politics. *Annual Review of Political Science*, 2, 369–404.

⁴ Steinmo, S. (2008). Historical institutionalism. In D. Della Porta & M. Keating (Eds.), *Approaches and methodologies in the social sciences* (pp. 118–138). Cambridge University Press.

⁵ Olivier, R. (2005). *African customary law in historical perspective*. University of Pretoria Press.

⁶ Akinyemi, A. (2003). Customary law and social justice in Africa. *African Studies Review*, 46(2), 45–66.

⁷ Mamdani, M. (1996). *Citizen and subject: Contemporary Africa and the legacy of late colonialism*. Princeton University Press.

state-centered enforcement, reshaping the administration of crime in Mbumland. Scholars argue that colonial legal interventions often undermined indigenous governance while creating long-lasting legal pluralism that persisted after decolonization.¹

In the post-colonial era following Cameroon's independence in 1960, the legal system largely retained colonial statutory frameworks while allowing customary practices to persist informally, particularly in rural areas. Post-colonial courts defined crimes and imposed statutory punishments, but local authorities often mediated disputes using indigenous norms. This resulted in a dual justice system, where formal and customary mechanisms coexisted and sometimes complemented each other.² Studies show that such pluralistic systems influence both the perception and legitimacy of justice, especially where formal courts are less accessible.³ The post-colonial period thus reflects both the legacy of colonial legal institutions and the resilience of indigenous practices in regulating social behavior.

Overall, the historical legal context of Mbumland demonstrates a pluralistic and evolving justice system, in which indigenous, colonial, and post-colonial legal orders interacted to define crimes, administer punishment, and maintain social order. By situating crimes and punishment within their respective historical and normative contexts, the study highlights the continuity, adaptation, and transformation of justice systems in Mbumland across more than two centuries.

6. Effectiveness of Crimes and Punishment Systems in Mbumland (1779-1996)

The effectiveness of justice systems in Mbumland across the indigenous, colonial, and post-colonial periods varied significantly, reflecting differences in objectives, authority, and societal acceptance. Justice in this context was closely linked to social legitimacy, cultural alignment, and community participation, which determined whether laws and punishments successfully maintained order and compliance.

6.1 Effectiveness of Justice Practices

During the indigenous period, justice was administered through customary law, emphasizing restoration, reconciliation, and communal cohesion. Chiefs, elders, and lineage heads adjudicated disputes using practices such as compensation payments (restitution), mediation between families, and community-based sanctions. Minor offenses, such as theft or assault, often required the offender to compensate the victim in goods, livestock, or labor, accompanied by public apologies or reconciliation rituals to restore communal harmony.⁴ These practices were highly effective because they were socially embedded, culturally respected, and reinforced communal values, ensuring compliance while reducing repeat offenses. The authority of elders and chiefs, coupled with public participation in judgments, reinforced the legitimacy of the system and facilitated conflict resolution.⁵

During the colonial period, European statutory law transformed the administration of crimes and punishment. Colonial authorities implemented formal trials, fines, imprisonment, punishment, and forced labor to enforce compliance with colonial codes.⁶ Public shaming and labor conscription were also used as deterrents. While effective in asserting state authority and controlling populations, these measures often lacked legitimacy among local communities, leading many residents to rely on informal customary mechanisms for dispute resolution.⁷

In the post-colonial period, Cameroon's legal system retained many colonial statutes while allowing customary practices to persist, particularly in rural areas like Mbumland. Courts imposed statutory punishments, including fines, imprisonment, and community service, while local authorities continued to enforce reconciliation rituals, restitution, and family-mediated arbitration.⁸ For example, theft cases might result in both court-mandated fines and community-approved restitution, blending punitive deterrence with social restoration. This hybrid system enhanced the effectiveness of justice, as consequences were legally recognized while also socially accepted, improving compliance and reducing repeat offenses.⁹

¹ Fitzpatrick, P. (2000). Modern legal systems and colonial legacies in Africa. *Harvard International Law Journal*, 41(2), 123–156.

² Mbaku, J. M. (2011). *Institutions and reform in Africa: The public choice perspective*. Praeger.

³ Galizzi, P. (2011). Access to justice in Sub-Saharan Africa: A review of barriers and opportunities. *Journal of African Law*, 55(2), 217–255.

⁴ Allott, A. (1984). *Essays in African law*. Butterworths.

⁵ Akinyemi, A. (2003). Customary law and social justice in Africa. *African Studies Review*, 46(2), 45–66.

⁶ Ngoh, V. J. (1996). *History of Cameroon since 1800*. Presbook.

⁷ Merry, S. E. (1988). Legal pluralism. *Law & Society Review*, 22(5), 869–896.

⁸ Njoh, A. J. (2001). *Traditional governance and development in Africa*. Ashgate.

⁹ *Ibid.*

6.2 Consequences of Violations

The consequences for violations in Mbumland were closely tied to the prevailing legal system and the severity of the offense.

6.2.1 Indigenous Period

Offenders were often required to provide restitution to victims and participate in reconciliation ceremonies. Serious offenses, such as repeated theft, adultery, or murder, could result in ostracism, exile, or exclusion from communal activities, serving both as punishment and protection for the community.¹ These consequences were effective because they aligned with social and moral norms, reinforcing both compliance and communal cohesion.

6.2.2 Colonial Period

Consequences were predominantly punitive and coercive, including incarceration, fines, corporal punishment, and forced labor. More serious crimes could attract harsher sanctions, including long-term imprisonment. However, colonial punishments often lacked social legitimacy, resulting in evasion or the continued use of customary mediation in parallel with colonial courts.²

6.2.3 Post-Colonial Period

Consequences combined statutory sanctions and customary remedies, producing a hybrid system. Offenders might face court-imposed fines or imprisonment alongside community restitution and reconciliation rituals. This combination enhanced legitimacy, compliance, and effectiveness, especially in areas where customary authority remained strong.³

6.3 Summary of Effectiveness and Consequences

Across all periods, the effectiveness of justice in Mbumland was highly dependent on the alignment of practices and consequences with local social norms and community expectations. Indigenous practices prioritized reconciliation and restitution, colonial practices emphasized punitive deterrence, and post-colonial practices demonstrated hybrid effectiveness, combining statutory authority with customary legitimacy. The consequences of violations, whether restorative, punitive, or hybrid, were central to maintaining social order, compliance, and community cohesion. By examining these practices and their consequences, one can infer that social legitimacy, community involvement, and cultural alignment remain critical for the effectiveness of justice systems.

7. Challenges in the Administration of Crimes and Punishment in Mbumland (1779-1996)

The administration of crimes and punishment in Mbumland from the indigenous through the colonial and post-colonial periods encountered persistent challenges arising from historical transitions, legal pluralism, and institutional limitations. These challenges affected the consistency, legitimacy, and effectiveness of justice systems and shaped how crime and punishment were understood and enforced within society.

7.1 Legal Pluralism and Jurisdictional Overlap

The co-existence of indigenous customary law alongside colonial and post-colonial statutory legal systems created overlapping jurisdictions. Traditional authorities and state institutions often exercised concurrent authority over criminal matters, resulting in uncertainty over legal competence and inconsistencies in punishment. This plural legal environment complicated enforcement and encouraged selective use of forums by litigants.⁴

7.2 Absence of Codified Indigenous Laws

Indigenous justice systems relied largely on oral traditions and communal norms rather than written legal codes. While this allowed flexibility and adaptation to social contexts, it also produced variations in legal interpretation and enforcement. The discretionary power of elders and chiefs sometimes resulted in unequal application of justice, particularly in cases involving social status or lineage.⁵

7.3 Limited Legitimacy of Colonial Justice Systems

Colonial legal systems were imposed without adequate integration of indigenous values and practices. As a

¹ Olivier, R. (2005). *African customary law in historical perspective*. University of Pretoria Press.

² Chanock, M. (1985). *Law, custom, and social order: The colonial experience in Malawi and Zambia*. Cambridge University Press.

³ Ubink, J., & Quan, J. (2008). How to combine customary and formal justice: Lessons from Africa. *Leiden Journal of International Law*, 21(3), 449–470.

⁴ Chanock, M. (1985). *Law, custom, and social order: The colonial experience in Malawi and Zambia*. Cambridge University Press.

⁵ Olivier, R. (2005). *African customary law in historical perspective*. University of Pretoria Press.

result, colonial courts were often perceived as foreign, coercive, and disconnected from local realities. This lack of legitimacy undermined compliance and encouraged resistance, avoidance, and continued reliance on customary justice mechanisms.¹

7.4 Punitive Orientation of Colonial and Post-Colonial Justice

Colonial and post-colonial justice systems emphasized deterrence through punishment, including imprisonment, fines, and forced labor. This punitive orientation often marginalized restorative practices and weakened community cohesion. The overreliance on coercive sanctions reduced the effectiveness of justice in addressing underlying social causes of crime.²

7.5 Institutional and Resource Constraints

Post-colonial justice institutions faced challenges related to inadequate infrastructure, limited trained personnel, and uneven access to courts, particularly in rural areas such as Mbumland. These constraints led to delays, inconsistent enforcement, and reduced public confidence in formal justice systems.³

7.6 Tension Between Punishment and Social Harmony

A persistent challenge across all periods was balancing the need for punishment with the preservation of social harmony. Indigenous justice prioritized reconciliation, while statutory systems emphasized retribution. The failure to harmonize these approaches often resulted in justice outcomes that were either socially unacceptable or legally ineffective.

7.7 Inequality in Access to Justice

Access to justice was uneven due to factors such as language barriers, geographic distance from courts, economic limitations, and social hierarchy. These inequalities shaped the experiences of offenders and victims alike and influenced perceptions of fairness and legitimacy within the justice system.⁴

In summary, overall, the challenges associated with the administration of crimes and punishment in Mbumland between 1779 and 1996 reveal a justice system shaped by historical transitions, legal pluralism, and institutional constraints. Indigenous justice, though culturally legitimate and socially restorative, was limited by the absence of codified laws and the discretionary authority of traditional leaders, while colonial justice introduced formal legal structures that prioritized coercion and deterrence at the expense of local legitimacy and social harmony. The post-colonial period inherited these contradictions, struggling to reconcile statutory law with enduring customary practices amid limited institutional capacity and uneven access to justice. Persistent jurisdictional overlap, inconsistent sanctions, and social inequalities further undermined the coherence and effectiveness of justice administration. These challenges demonstrate that the effectiveness of crimes and punishment in Mbumland depended not merely on legal enforcement or punitive severity, but on the alignment of justice systems with cultural norms, social expectations, and institutional capability, underscoring the enduring importance of legitimacy, accessibility, and contextual relevance in sustaining social order.

8. Colonial Legacies and Indigenous Foundation in Contemporary Criminal Justice Administration

The contemporary administration of criminal justice in Cameroon, including regions such as Mbumland, reflects a complex interaction between indigenous normative foundations and enduring colonial legal legacies. Pre-colonial justice systems in Mbumland were rooted in communal values, collective responsibility, and restorative practices aimed at reconciliation, restitution, and the preservation of social harmony. Indigenous legal norms functioned as comprehensive mechanisms of social regulation, emphasizing moral accountability and communal cohesion rather than punitive severity. Scholars of African customary law have noted that such systems operated effectively without formal codification, relying instead on shared values, oral traditions, and social consensus.⁵ These foundational principles continue to influence informal justice practices within contemporary society.

Colonial administration significantly transformed this justice landscape through the introduction of formal courts, codified laws, and punitive sanctions modeled on European legal traditions. Colonial criminal justice systems marginalized customary law, restricted the authority of traditional institutions, and prioritized deterrence

¹ Mamdani, M. (1996). *Citizen and subject: Contemporary Africa and the legacy of late colonialism*. Princeton University Press.

² Betts, R. F. (2004). *Europe and Africa: Colonial legal frameworks and social control*. Cambridge University Press.

³ Mbaku, J. M. (2011). *Institutions and reform in Africa: The public choice perspective*. Praeger.

⁴ Galizzi, P. (2011). Access to justice in Sub-Saharan Africa: A review of barriers and opportunities. *Journal of African Law*, 55(2), 217–255.

⁵ Oba, A. A. (2012). The future of customary law in Africa. In J. Fenrich, P. Galizzi, & T. E. Higgins (Eds.), *The future of African customary law* (pp. 1–23). Cambridge University Press.

and administrative control over restorative justice. This restructuring produced enduring patterns of legal hierarchy and exclusion, shaping contemporary institutional frameworks and public perceptions of legality and punishment.¹ The colonial legacy thus persists not only in legal structures but also in the philosophical orientation of criminal justice administration.

Following independence, Cameroon inherited a plural legal system in which statutory law coexists with customary norms. While post-colonial reforms sought to consolidate state authority through constitutionalism and statutory uniformity, customary justice mechanisms continued to operate, particularly in rural areas such as Mbumland. Scholars argue that this persistence reflects both cultural legitimacy and practical necessity, as customary forums often provide more accessible, timely, and socially acceptable avenues for dispute resolution.² However, legal pluralism has also generated challenges, including jurisdictional ambiguity, inconsistencies in punishment, and tensions between customary norms and constitutional principles.

Contemporary criminal justice administration further grapples with the integration of customary law within human rights frameworks. Certain customary practices have been critiqued for conflicting with constitutional guarantees of equality and non-discrimination, particularly in areas such as gender relations and inheritance. These tensions illustrate the difficulty of harmonizing historically rooted norms with evolving legal standards, a challenge widely acknowledged in African legal scholarship.³

Overall, the administration of criminal justice in contemporary Cameroon reflects a negotiated outcome between colonial legal inheritances and resilient indigenous justice traditions. The historical experience of Mbumland demonstrates that while colonial legacies continue to shape institutional structures and punitive approaches, indigenous foundations remain vital sources of legitimacy, accessibility, and social regulation. A critical engagement with these historical continuities is essential for understanding present-day justice administration and for informing reforms that seek to balance legality, effectiveness, and cultural relevance.

9. Summary of Findings

This study reveals that the administration of crimes and punishment in Mbumland between 1779 and 1996 was shaped by the interplay of indigenous legal traditions, colonial legal impositions, and post-colonial statutory reforms, producing a complex and layered justice system. In the pre-colonial period, justice was primarily restorative, socially embedded, and guided by communal values, with elders and chiefs mediating disputes and emphasizing reconciliation and restitution over punitive measures. Such indigenous practices were flexible, contextually relevant, and effective in maintaining social harmony, though limited by the absence of codified laws and the discretionary authority of local leaders. The introduction of colonial justice disrupted this equilibrium, introducing formal courts, codification, and punitive sanctions that often conflicted with local norms, marginalized indigenous authority, and prioritized deterrence and state control. Post-colonial reforms inherited these dual legacies, resulting in a plural legal system that retained statutory dominance while customary law continued to function informally, particularly in rural settings such as Mbumland.

The study also finds that the effectiveness of justice administration was closely linked to social legitimacy, accessibility, and the integration of cultural norms into legal procedures. Indigenous practices were effective in fostering compliance and social cohesion, whereas colonial and post-colonial formal systems faced challenges including jurisdictional overlap, limited personnel, procedural delays, and uneven enforcement. Despite codification and modern legal frameworks, contemporary Cameroonian justice continues to reflect historical pluralism, as customary practices remain relevant in dispute resolution, highlighting the continuity of indigenous foundations in shaping justice outcomes.

Additionally, violations of justice norms whether under indigenous, colonial, or post-colonial systems—elicited sanctions that were both corrective and deterrent, with the severity and formality of consequences evolving over time. While pre-colonial sanctions emphasized restitution and community repair, colonial and post-colonial penalties focused on formalized punishment, reflecting changing conceptions of social control. These findings demonstrate that historical legacies, cultural relevance, and institutional capacity collectively influenced both the administration and effectiveness of crimes and punishment.

Finally, a comparative reflection with contemporary law indicates that while statutory frameworks have advanced the rule of law, procedural clarity, and human rights protections, challenges such as access to justice,

¹ Chanock, M. (1985). *Law, custom, and social order: The colonial experience in Malawi and Zambia*. Cambridge University Press.

² Acha Morfaw Epse Ghogomu, D. L. (2020). Legal pluralism or the unification of laws in Cameroon. *Journal of Constitutional Law and Jurisprudence*, 3(1), 37–52.

³ Diala, A. C., & Kangwa, B. (2019). Rethinking the interface between customary law and constitutionalism in sub-Saharan Africa. *De Jure Law Journal*, 52, 189–206.

legitimacy, and integration of customary practices remain. This underscores the importance of acknowledging historical experiences when designing reforms, as sustainable and effective justice in Mbumland and Cameroon more broadly requires a balanced approach that integrates legal formalism, cultural legitimacy, and social responsiveness.

10. Conclusion

This study examined the administration of crimes and punishment in Mbumland between 1779 and 1996 through a historical analysis of indigenous, colonial, and post-colonial justice systems. It demonstrated that justice in Mbumland evolved through overlapping normative orders shaped by communal values, colonial intervention, and post-independence legal reforms. Pre-colonial justice systems emphasized restorative practices and social harmony, while colonial rule introduced codified, punitive frameworks that disrupted indigenous legitimacy. Post-colonial justice inherited these dual legacies, producing a plural legal order marked by institutional constraints, jurisdictional tensions, and uneven access to justice.

Beyond documenting historical change, this study makes a distinct contribution to knowledge by providing one of the few periodized, locality-specific analyses of crimes and punishment in Mbumland, a region that has remained largely underrepresented in existing legal and historical scholarship. By integrating indigenous justice practices into a comparative framework that spans pre-colonial, colonial, and post-colonial periods, the study advances understanding of how local justice systems functioned in practice rather than merely in theory. It further contributes by demonstrating that the effectiveness of punishment in Mbumland was closely linked to cultural legitimacy, accessibility, and communal participation, challenging approaches that equate justice effectiveness solely with codification or punitive severity.

The study also extends scholarship on legal pluralism by illustrating how indigenous justice traditions persisted and adapted within colonial and post-colonial legal structures, shaping contemporary justice practices in Cameroon. In doing so, it highlights the limitations of state-centered legal reforms that fail to engage with historically grounded norms and social realities. This contribution is particularly significant for debates on justice reform in plural societies, as it provides empirical and historical evidence that sustainable justice requires the integration of statutory legality with culturally embedded practices.

In conclusion, the findings affirm that crimes and punishment in Mbumland cannot be fully understood without situating them within their historical, cultural, and institutional contexts. By foregrounding Mbumland as a case study, this research enriches African legal history and criminological scholarship and offers historically informed insights that are relevant to contemporary discussions on justice administration, legal reform, and social order in Cameroon and similar plural legal settings.

11. Recommendations

Drawing on the historical trajectory of crimes and punishment in Mbumland from 1779 to 1996, this study demonstrates that justice administration has been shaped by indigenous normative systems, colonial legal impositions, and post-colonial statutory reforms. Existing scholarship affirms that justice systems in plural societies are most effective when they combine legal legitimacy, cultural relevance, and institutional accountability (Chanock, 1985; Oba, 2012). The recommendations presented below therefore reflect the study's historical, analytical, and comparative dimensions, with particular attention to effectiveness, accountability, consequences of violations, and justice delivery.

11.1 Historically Informed Integration of Indigenous Justice Systems

Pre-colonial justice in Mbumland relied on councils of elders and traditional authorities who adjudicated disputes through mediation, restitution, and communal reconciliation. For instance, land disputes or marital conflicts were often resolved through compensation, public apology, or ritual reconciliation rather than physical punishment.¹ Contemporary justice reform should formally integrate customary forums for minor and community-based offences, while subjecting them to constitutional oversight. Such integration reflects existing practices in rural Cameroon, where disputants continue to seek traditional mediation even after the introduction of formal courts.²

11.2 Reorientation of Punishment Toward Restorative Effectiveness

Historical evidence from Mbumland indicates that punishment functioned primarily to restore social balance rather than to inflict retribution. Offenders were often required to compensate victims or perform community service under communal supervision, ensuring reintegration rather than exclusion.³ In contrast, colonial

¹ Bwire, B. (2019). Restorative justice and African customary law. *Societies*, 9(1), 17.

² *Ibid.*

³ Braithwaite, J. (2002). *Restorative justice and responsive regulation*. Oxford University Press.

imprisonment and post-colonial custodial sentences frequently disrupted family structures and community ties.¹ Contemporary criminal justice policy should therefore expand restorative justice mechanisms such as victim-offender mediation and restitution orders particularly for non-violent offences, mirroring successful practices in other African communities.

11.3 Strengthening Institutional Capacity and Accessibility

The study shows that colonial and post-colonial justice systems struggled with limited personnel, delayed proceedings, and uneven enforcement, particularly in rural areas like Mbumland. Colonial courts were often geographically distant from local communities, making access slow and costly. Similar challenges persist today due to magistrate shortages and infrastructural deficits. Strengthening institutional capacity through increased staffing, mobile courts, and decentralized justice services would address these long-standing access barriers.²

11.4 Clarification and Harmonization Within Legal Pluralism

Throughout the post-colonial period, overlaps between customary authorities and formal courts created uncertainty regarding jurisdiction. For example, cases initially resolved by traditional leaders were sometimes reopened in statutory courts, producing conflicting outcomes.³ Clear procedural and legal guidelines defining the scope of customary adjudication especially in criminal matters would reduce conflict, promote consistency, and enhance coherence in justice administration (Merry, 1988).

11.5 Strengthening Accountability Mechanism

Indigenous justice systems in Mbumland maintained accountability through communal scrutiny, where elders and chiefs were answerable to the community. By contrast, colonial administrators and post-colonial officials often exercised power with limited oversight, contributing to public mistrust. Contemporary justice reform should therefore strengthen accountability mechanisms by documenting customary decisions, establishing oversight committees, and providing accessible complaint channels. Community-based monitoring structures, for example, could review customary rulings, while judicial inspection units oversee statutory courts, ensuring fairness and consistency.⁴

11.6 Safeguarding Rights While Addressing Consequences of Violations

The study demonstrates that sanctions for violations evolved from socially corrective measures to formalized punitive penalties. While contemporary legal systems emphasize rights protection, punishment must remain proportionate, context-sensitive, and socially meaningful to be effective. For instance, restitution and fines should be calibrated to economic capacity, while custodial sentences should be reserved for serious offences, reflecting the balance between deterrence, rehabilitation, and dignity.

11.7 Incorporation of Historical and Customary Legal in Legal Education

One of the study's key findings is the disconnect between formal legal training and lived justice practices. Many judicial officers lack grounding in customary law despite operating in plural legal environments.⁵ Incorporating indigenous justice systems, regional legal history, and legal pluralism into law school curricula and judicial training using case studies from areas such as Mbumland would foster culturally informed adjudication and policy formulation.

11.8 Promotion of Comparative and Empirical Research

Finally, further empirical and comparative research is necessary to assess the long-term outcomes of restorative versus punitive sanctions. Comparative studies between regions that rely heavily on customary justice and those dominated by statutory courts would provide evidence-based guidance for reform. Research focusing on accountability practices, gender dynamics, and youth engagement in justice processes would deepen understanding of how crimes and punishment function in plural legal systems.

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