AFRICAN CUSTOMARY

AND

RELIGIOUS

LAW REVIEW

Volume 2 (2021)

AFRICAN CUSTOMARY AND

RELIGIOUS LAW REVIEW

Volume 2 (2021)



A PUBLICATION OF THE INTERNATIONAL CENTRE FOR LAW AND DEMOCRACY STUDIES, IN CONJUNCTION WITH THE FACULTY OF LAW, NNAMDI AZIKIWE UNIVERSITY, AWKA, NIGERIA

Citation: (2021) 2 ACARELAR

© International Centre for Law and Democracy Studies (ICLDS)

Published, March 2021

All rights reserved. No part of this journal should be reproduced, stored in a retrieval system or transmitted in any form or by any means in whole or in part without the prior written permission of the copyright owner.

ISSN: 2994-7087

Printed and Published by: Amaka Dreams Ltd. 106, Arthur Eze Avenue Awka, Nigeria Tel: 08037449926

TABLE OF CONTENTS

A CRITIQUE OF DISCRIMINATORY INHERITANCE PRACTICES AND WIDOWHOOD	
RIGHTS UNDER ITSEKIRI CUSTOMARY LAW IN SOUTH-SOUTH NIGERIA	
Kenneth Bawo ATSENUWA	1
CANON LAW AND THE NIGERIAN LEGAL SYSTEM	
Ikenga K.E. ORAEGBUNAM & Aloysius ENEMALI	10
DIVORCE AND MAINTENANCE UNDER ISLAMIC MARRIAGES IN NIGERIA:	
THE NEED TO SAFEGUARD THE RIGHTS OF WOMEN AND CHILDREN	
Sylvia Chika IFEMEJE & P.O. ITSUELI	<i>19</i>
GBÀGÀLÀ AS A DEITY FOR INVESTIGATION OF CRIME AMONG THE ILAJE AND	
IJAW/APOI OF ONDO STATE, NIGERIA	
Olubusola Tunde SHEMUDARA	26
THE PROTECTION OF THE RIGHTS OF WOMEN IN AFRICA:	
CHALLENGES AND PROSPECTS	
Eric Chigozie IBE	35
VIOLATION OF DIGNITY OF VULNERABLE WOMEN IN AFRICAN CUSTOMARY	
LAW AND SOCIO-RELIGIOUS MYTHOLOGY	
Aloy OJILERE, Kamal ADEKILEKUN & Samson UMEH	44
THE DATE OF TRADITIONAL INCOMPANY IN LOCAL COVERNANCE IN MICEDIA	
THE ROLE OF TRADITIONAL INSTITUTIONS IN LOCAL GOVERNANCE IN NIGERIA	57
Hilda OBI-OBIORA & Favour Christopher ASIAZOBOR	56
PROVING SUBSTANTIAL NON-COMPLIANCE IN ELECTION PETITION UNDER THE	
NIGERIAN ELECTORAL ACT: A MIRAGE OR A REALITY?	
Chukwuemeka E. IBE & Uchechukwu Humphrey ONYEKACHI	64
ARE CANON LAW AND CIVIL LAW FOES OR FRIENDS? REFERENCE TO NIGERIA	
Ikenga K.E. ORAEGBUNAM & Aloysius ENEMALI	73
URGENT NEED FOR MORE LEGAL INTERVENTION TO CURB SEXUAL VIOLENCE	
AGAINST FEMALE STUDENTS IN NIGERIA'S TERTIARY INSTITUTIONS	01
Sylvia Chika IFEMEJE, Nwamaka IGUH & Chinwendu Prisca OKEKE	81
FEMALE GENITAL MUTILATION: A SOCIO-CULTURAL MYTH ON THE RIGHTS OF	
NIGERIAN WOMEN	
Samson Obi UMEH, Sarah Igbokwubiri UMEH, Aloy OJILERE &	
Anno Domini Chukwumaeze SAMSON-UMEH	89
TOWARDS SAME-SEX MARRIAGES IN NIGERIA AND ENGLAND	00
Alfred ABHULIMHEN-IYOHA	99
JUSTIFYING THE CALL FOR REGULATING COMPENSATION FOR OIL SPILLAGE IN	
THE NIGER DELTA: A LEGAL PERSPECTIVE	
Obioma Helen ONYI-OGELLE & Theophilus JARED	105
·····	

EDITORIAL TEAM

EDITOR-IN-CHIEF/GENERAL EDITOR:

Ikenga K. E. ORAEGBUNAM, PhD (Law), PhD (Phil.), PhD (Rel. & Soc.), MEd, BTh, BL, Faculty of Law, Nnamdi Azikiwe University

BOARD OF EDITORS:

Aloysius ENEMALI, LLB, LLM, JCL, JCD, BL, BPhil, BTh, Senior Lecturer, Faculty of Canon Law, Catholic Institute of West Africa (CIWA), Port Harcourt

- M. O. IZUNWA, LLB, LLM, MA, MEd, PhD (Phil), BL, BTh, Senior Lecturer, Faculty of Law, Nnamdi Azikiwe University
- Abdulmumini A. OBA, LLB, LLM, PhD, BL, Professor of Islamic Law, Faculty of Law, University of Ilorin

Jude O. EZEANOKWASA, LLB, LLM, PhD (Law), JCD, BL, BPhil, BTh, Senior Lecturer, Faculty of Law, Nnamdi Azikiwe University

Aloy OJILERE, LLB, LLM, PhD, BL, Senior Lecturer, Faculty of Law, Imo State University.

M. K. AMID, LLB, LLM, Lecturer, School of Law, Mettu University, Ethiopia

Henry C. OKEKE, LLB, LLM, BL, Lecturer, Faculty of Law, Nnamdi Azikiwe University

H. C. OKOLOMA, LLB, LLM, BL, Lecturer, Faculty of Law, Nnamdi Azikiwe University

EDITORIAL CONSULTANTS:

Jude ASANBE, Professor of Canon Law, Catholic Institute of West Africa (CIWA), Port Harcourt Mashood BADERIN, Professor of Law and Islamic Studies, School of Oriental and African Studies, University of London Edward Kofi QUASHIGAH, Professor of Law, University of Ghana

A. I. ABIKAN, Professor of Islamic Law, University of Ilorin

S.C. IFEMEJE, Professor of Law, Nnamdi Azikiwe University

Edwin O. EZIKE, Professor of Law, University of Nigeria

Jane ADOLPHE, Professor of Canon Law, Ave Maria School of Law, Ann Arbor, Michigan

Epiphany AZINGE, SAN, Formerly Professor of Law, Nigerian Institute of Advanced Legal Studies

Ogugua IKPEZE, Professor of Law, Nnamdi Azikiwe University

Israel N. E. WORUGJI, Professor of Law, University of Calabar

JOURNAL POLICY

African Customary and Religious Law Review (ACARELAR) aims at publishing peer-reviewed papers dealing with issues of customary and religious laws which are of relevance to Africa, Africans, and scholars of Africa. It provides a forum for scholars to report research findings in indigenous and religious laws and their applications towards peaceful harmony, peaceful co-existence, and human development in the light of autochthonous contexts. Well researched and original papers on topical subject matters, which will also contribute to learning and life in a multi-religious society, are therefore welcome. ACARELAR appears once in a year in March. The Review is published online and in print, and is abstracted and indexed with some major indexing outfits. Articles in it appear promptly in Google scholar. Submission of manuscripts can be made all through the year.

Guidelines to Contributors

1. Language

The language of the manuscript must be English (British standards).

2. Originality

Articles must be original and must not have been submitted for consideration and publication elsewhere. It is the responsibility of authors to ensure that the material submitted does not infringe copyright.

3. Length of paper

The length of the paper should not exceed 6000 words including tables, figures, references and appendices (if any). Articles should be typed in 1.5 line spacing (footnotes and references should appear in single line spacing) on one side of A4 paper only with wide margins. Authors are urged to write as concisely as possible, but not at the expense of clarity.

4. Title Page

The title page should include: (i) The name(s) of the author(s), (ii) A concise and informative title, (iii) The affiliation(s) and address (es) of the author(s), (iv) The e-mail address, and telephone numbers of the corresponding author.

5. Abstract

Please provide an abstract of 150 to 200 words which must include the objectives of the study, methodology, findings/results, method of data collection and summary of recommendations. The abstract should not contain any undefined abbreviations or unspecified references.

6. Keywords

Please provide 4 to 6 keywords which can be used for indexing purposes.

7. Subdivision of the article

Divide your article into clearly defined and numbered sections. Subsections should be numbered 1, 2. (then 1.1, 1.1.1, 1.1.2), 1.2, etc). The abstract is not included in section numbering.

8. References and Documentation

Author(s) should adhere strictly to Nigerian Association of Law Teachers Uniform Citation and Documentation Standards accessible at www.naltng.org.

9. Names of authors cited in the footnotes should start with initials and end with the surname.

10. Online sources should indicate the site and date of visit.

11. All submissions will undergo double blind peer review and plagiarism check.

Submission of Manuscripts

Interested contributors are to submit their manuscripts/papers to acarelar2020.edu.org@gmail.com and copy to the General Editor at ik.oraegbunam@unizik.edu.ng and ikengaken@gmail.com.