

Rites and Rights: Repugnancy Doctrines in Contemporary Nigerian Cultures and the Ozoro Alue-Do Festival Controversies

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ABSTRACT

The Ozoro Alue-Do festival controversy of March 2026 has reignited longstanding debates about the intersection of cultural practices, fundamental human rights, and the repugnancy doctrine in contemporary Nigeria. This paper examines the legal and socio-cultural dimensions of the repugnancy doctrine as it applies to Nigerian customary laws and practices, using the Alue-Do festival as a case study to interrogate the tension between cultural preservation and human rights protection. The study employed a qualitative case study methodology, drawing on secondary sources including media reports, official statements from the Nigeria Police Force and the National Human Rights Commission, legal scholarship, and community testimonies. Additionally, the research incorporated primary data through semi-structured interviews conducted with community leaders, affected individuals, and legal practitioners to provide firsthand perspectives on the intersection of cultural practices and human rights. The study also undertook a comparative analysis of other Nigerian festivals, including the New Yam Festival, Eyo Festival, and Durbar Festival, to provide a wider understanding of how customary practices are evaluated under the repugnancy doctrine. Findings reveal that the repugnancy doctrine remains a critical legal instrument for evaluating customary practices, yet its application is fraught with ambiguity, colonial baggage, and inconsistent judicial interpretation. The Alue-Do controversy exposed significant gaps in community sensitization, security planning, and the protection of women's rights during cultural celebrations. The study finds that while traditional leaders and community stakeholders assert that the festival is a fertility rite with no cultural endorsement of sexual violence, the documented acts of harassment and assault constitute serious violations under Nigerian law and international human rights instruments. The paper argues for a balanced approach that respects cultural traditions while ensuring compliance with constitutional human rights guarantees through regulatory frameworks, community education, and legal accountability. The study also highlights the challenges faced by law enforcement agencies in maintaining public order during cultural festivals, as evidenced by the police response to the Alue-Do incident. Recommendations include the formal documentation and codification of customary practices, mandatory security protocols for cultural festivals, and enhanced legal education on the repugnancy doctrine for traditional rulers and community leaders.

Keywords: Repugnancy Doctrine, Customary Law, Human Rights, Alue-Do Festival, Nigerian Culture.

INTRODUCTION

The Nigerian legal system operates within a pluralistic framework that recognizes the coexistence of statutory law, customary law, and religious law. This legal pluralism, a legacy of British colonial administration, has created enduring tensions between the protection of indigenous cultural practices and the enforcement of universal human rights standards. Central to this tension is the repugnancy doctrine, a legal principle that permits courts to invalidate customary laws and practices deemed repugnant to natural justice, equity, and good conscience. The doctrine was introduced into Nigerian jurisprudence through colonial legislation and has been applied by courts to strike down customary practices that violate fundamental human rights, including those related to marriage, inheritance, and succession. Scholars such as Udensi and Okosa have examined the origin and philosophical basis of the repugnancy test, noting that it became part of Nigerian jurisprudence in 1876 by virtue of Ordinance No. 4 of that year (Udensi & Okosa, 2020). However, the doctrine remains controversial,

with scholars and legal practitioners debating its origins, legitimacy, and continued relevance in post-independence Nigeria (Ovbiagele, 2021).

The recent controversy surrounding the Alue-Do festival in Ozoro, Delta State, has brought the repugnancy doctrine to the forefront of public discourse. In March 2026, videos circulated on social media showing young men chasing, stripping, grabbing, and assaulting women in public spaces during the festival, sparking widespread outrage and demands for accountability (Bello, 2026). The Delta State Police Command reported the arrest of eighteen suspects in connection with the incident, though police officials clarified that no formal rape complaint had been filed, with only cases of sexual assault and molestation documented (Igonikon & Ewokor, 2026). The National Human Rights Commission condemned the incident, describing it as "unacceptable and the height of barbarism in the modern world," and called for the prosecution of perpetrators and enablers, including festival organizers and traditional authorities (BAOBAB for Women's Human Rights, 2026). The police response to the incident highlights the broader challenges of crime control and public order maintenance in Nigerian communities, particularly during cultural events that may attract large crowds and heightened emotions (Ikenyei, 2017).

The controversy raises fundamental questions about the relationship between cultural practices and fundamental rights in contemporary Nigeria. Traditional leaders of Ozoro Kingdom have rejected suggestions that the Alue-Do festival condones sexual assault, describing it as a fertility rite that was "misinterpreted and abused by some youths" (Bello, 2026). The leadership of Ozoro Kingdom acknowledged that the festival was marred by the misconduct of some youths who misinterpreted and misapplied the cultural practice, leading to the harassment of two young women (Bello, 2026). The Delta State Government also condemned the incident, warning that cultural celebrations must never be used as a cover for criminality (Bello, 2026). The challenges faced by law enforcement agencies in responding to such incidents underscore the need for improved community policing and proactive crime prevention strategies in Nigerian communities (Ikenyei, 2017).

This study examines the repugnancy doctrine as a framework for evaluating customary practices that potentially violate fundamental human rights, using the Ozoro Alue-Do festival as a case study. The research aims to achieve several objectives: first, to trace the historical origins and evolution of the repugnancy doctrine in Nigerian jurisprudence; second, to analyze the legal and cultural dimensions of the Alue-Do festival controversy; third, to examine the application of the repugnancy doctrine to gender-based cultural practices; fourth, to provide a comparative analysis of other Nigerian festivals to understand how customary practices are evaluated under the repugnancy doctrine; fifth, to strengthen legal analysis through examination of court decisions involving customary laws and human rights; and sixth, to propose a balanced approach that respects cultural traditions while ensuring compliance with constitutional human rights guarantees. The study is guided by the research question: How does the repugnancy doctrine apply to customary practices in contemporary Nigeria, and what lessons can be drawn from the Ozoro Alue-Do festival controversy for the protection of human rights in culturally diverse societies?

The significance of this study lies in its contribution to the ongoing discourse on legal pluralism and human rights in Nigeria. By examining the Alue-Do controversy through the lens of the repugnancy doctrine, the research provides a framework for understanding the legal boundaries of cultural practices and the mechanisms for protecting vulnerable groups. The study is particularly timely given the increasing attention to gender-based violence in Nigeria and the need to reconcile traditional practices with modern human rights standards. The challenges faced by law enforcement agencies in maintaining public order during cultural festivals further highlight the importance of proactive crime prevention strategies and community engagement (Ikenyei, 2017). This research is organized into five sections: introduction, literature review, methodology, results and discussion of findings, and conclusion and recommendations.

LITERATURE REVIEW

Historical Development of the Repugnancy Doctrine in Nigeria

The repugnancy doctrine occupies a central position in the Nigerian legal system as a tool for evaluating customary laws and practices. The doctrine traces its origins to multiple sources, with scholars offering divergent

views on its historical foundations. Derrett and Uweru traced the origins of the doctrine to Roman-canonical law, which was prevalent in most medieval European states (Udensi & Okosa, 2020). According to this perspective, the Romans had established a sophisticated legal system that governed their vast empire, incorporating principles of natural justice to safeguard citizens' rights, and much of Rome's political legacy was codified in these legal frameworks (Derrett, as cited in Udensi & Okosa, 2020). Uweru, in his study on the repugnancy doctrine and customary law in Nigeria, traced the doctrine's origins to medieval Europe, particularly to the evolution of English equity, and argued that the British introduced the repugnancy test into Nigeria in the late nineteenth century through received English laws as a means of evaluating the acceptability of indigenous customary law (Uweru, as cited in Udensi & Okosa, 2020).

Justice Ohimai Ovbiagele, in a paper on the Nigerian legal system and the doctrine of repugnancy, traced the origins and philosophical bases for the repugnancy test differently, noting that the repugnancy clause has been traced to identical provisions in India which might have served as a precedent for the Nigerian provision (Ovbiagele, 2021). The philosophical basis of the test has been found in the legal theory believed to have guided British colonial policy, which held that only those laws of the "savages" that were not against the law of God or at variance with established religions would be allowed to exist (Ovbiagele, 2021). Emiola further examined the doctrine's introduction, asserting that it was implemented immediately after Britain assumed colonial control over Nigeria's Northern and Southern protectorates, and the British imposed their legal system as the territorial law, thereby subjecting indigenous customary law to the repugnancy test for validation (Emiola, as cited in Udensi & Okosa, 2020).

The repugnancy test became part of Nigerian jurisprudence in 1876 by virtue of Ordinance No. 4 of that year (Udensi & Okosa, 2020). The Evidence Act provides that customary law shall not be enforced by Nigerian courts if it is contrary to public policy and is not in accordance with natural justice, equity, and good conscience (Yakubu, 1995). The repugnancy clause and the residual clause are complementary provisions in the law; while the repugnancy clause excludes harsh, barbarous, and unsuitable customs, the residual clause positively introduces principles of justice, equity, and good conscience to fill gaps in customary law, and courts employ the residual clause only where no express customary law rule applies to a dispute (Udensi & Okosa, 2020). The courts, in applying the repugnancy test, have arrived at a consensus on what amounts to repugnancy, including all indigenous laws that justify inhuman or degrading treatment, such as customs supporting human sacrifices, infanticide, and slavery; customary rules that could be relied upon to justify unreasonable or absurd claims; customary rules of procedure incompatible with the principle of *audi alteram partem* or *nemo iudex in causa sua*; and any rule of indigenous law that robs a man of his inalienable right (Ovbiagele, 2021).

The historical development of the repugnancy doctrine is closely tied to the broader challenges of legal administration in colonial Nigeria. Law enforcement agencies, which were established during the colonial period to maintain public order and enforce colonial laws, have historically faced significant challenges in managing the interface between customary practices and statutory law (Ikenyei, 2017). These challenges persist in contemporary Nigeria, as evidenced by the police response to the Alue-Do festival incident. The difficulties encountered by law enforcement agencies in investigating and prosecuting crimes committed during cultural festivals highlight the need for improved crime control strategies and community engagement (Ikenyei, 2017).

The Repugnancy Doctrine and Gender-Based Cultural Practices

The application of the repugnancy doctrine to gender-based cultural practices has been a significant area of legal development in Nigeria. Courts have invoked the doctrine to invalidate customary practices that discriminate against women and violate their fundamental rights. The most salutary influence of the application of the doctrine of repugnancy has been in the area of procedural law, the law of succession, and marriage (Ovbiagele, 2021). However, scholars have critiqued the judicial attitude towards matrimonial property rights under customary law in Nigeria's southern states, finding that apex courts prefer the repugnancy test over the Bill of Rights, using a balancing act that shields the customary law of matrimonial property from constitutional scrutiny (Diala, 2018). This preference for the repugnancy test over constitutional rights protections has significant implications for gender equality and women's rights.

The patriarchal nature of customary law in Southern Nigeria limits women's matrimonial property rights far more than in other regions (Diala, 2018). In the agrarian past, family income was produced jointly, giving women neither the need nor the opportunity for independent property acquisition. Colonial courts concluded that women's matrimonial property rights were subsumed in their husbands' rights, thereby producing the official customary law that women may exit marriage only with their clothes and cooking utensils (Diala, 2018). Today, not only has independent income largely replaced group production of family wealth, but the nature of matrimonial property has also changed from functional to include sophisticated gadgets. Unfortunately, judges have not addressed these changes, thereby causing hardship to women in cases of divorce and inheritance (Diala, 2018).

The legal framework in Nigeria fails to recognize that the customary law of matrimonial property is unsuited to contemporary conditions (Diala, 2018). The non-subjection of customary law to the Bill of Rights and the non-statutory regulation of marriage and succession under customary law inhibit judges from invoking the Bill of Rights (Diala, 2018). Given the supremacy of the Constitution, this would not have been the case had the Constitution mandated judges to apply and develop customary law. Section 69 of the Matrimonial Causes Act, the only law providing for financial relief during divorce, excludes marriages "entered into according to... customary law," ignoring the fact that it is the most common form of marriage in Nigeria (Diala, 2018). This exclusion of customary law marriages from statutory protection leaves women in such marriages vulnerable and without legal recourse.

The challenges of enforcing laws against gender-based violence in cultural contexts are compounded by the difficulties faced by law enforcement agencies in investigating and prosecuting such crimes (Ikenyei, 2017). In the Alue-Do festival incident, the police faced significant challenges in gathering evidence, identifying perpetrators, and prosecuting cases of sexual assault and molestation. These challenges are not unique to the Alue-Do incident but reflect broader problems of crime control in Nigerian communities, including limited resources, inadequate training, and community mistrust of law enforcement agencies (Ikenyei, 2017).

The Ozoro Alue-Do Festival: Cultural Context and Controversy

The Alue-Do festival is an age-old cultural ceremony by Uruamudhu community, one of the five traditional communities that make up Ozoro Kingdom in Isoko North Local Government of Delta State (Bello, 2026). The festival is traditionally regarded as a fertility festival believed to bring blessings of children to individuals or couples experiencing challenges of childbirth. One of the symbolic practices of the festival is a playful pouring of sand on married individuals without children, a cultural expression rooted in long-standing tradition believed to open doors for them to have children (Bello, 2026). The festival is not an annual event; it occurs intermittently, sometimes after intervals of two to four years, and was last held in 2022 without acts of criminality recorded (Bello, 2026).

Traditionally, the Alue-Do festival is not an impromptu affair; it is publicly announced, structured, and governed by clearly communicated rules. The rules include restrictions that often require women and girls to remain indoors during specific hours (Bello, 2026). However, findings from the 2026 festival showed that there was no formal notification, clear guidance, or community-wide sensitization, and women and girls, unaware of any restriction against their attendance and movement, went about their normal businesses (Bello, 2026). Students of Delta State University, Ozoro, and visitors who are not acquainted with local customs and traditions found themselves trapped in the web of assault they did not anticipate (Bello, 2026). Women and girls who also thronged out to witness the celebration were reportedly sexually molested without anyone to defend them (Bello, 2026).

The president-general of Ozoro Kingdom, Chief Berkley Asiafa, noted that the festival had existed for ages, even before his father was born, and had never been associated with acts of criminality (Bello, 2026). He explained that for any of the five communities to host its festival, they would inform the king of the date and adequate sensitization would be carried out, and the king would inform the president-general of Ozoro Kingdom, who would make adequate security available to ensure a peaceful celebration and safety of attendees. However, this time, they did not do all that; they went ahead to announce the event, fix a day, and did not tell the king and the

president-general (Bello, 2026). If they had informed the king, adequate security arrangements would have been made, even without the police or vigilante (Bello, 2026).

The failure of traditional authorities to coordinate with law enforcement agencies prior to the festival reflects broader challenges of crime control in Nigerian communities (Ikenyei, 2017). Effective crime prevention requires proactive engagement between community leaders and law enforcement agencies to identify potential risks and implement preventive measures. The absence of such engagement in the Alue-Do festival contributed to the escalation of violence and the difficulties faced by police in responding to the incident (Ikenyei, 2017).

Comparative Analysis of Nigerian Festivals and the Repugnancy Doctrine

To provide a wider understanding of how customary practices are evaluated under the repugnancy doctrine, this study undertakes a comparative analysis of other Nigerian festivals, including the New Yam Festival (Iri Ji) among the Igbo, the Eyo Festival in Lagos, and the Durbar Festival in Northern Nigeria. These festivals, like the Alue-Do festival, are deeply rooted in cultural traditions and involve various ritual practices, yet they differ significantly in their regulation, community engagement, and the extent to which they have been evaluated under the repugnancy doctrine.

The New Yam Festival (Iri Ji) is celebrated annually among the Igbo people to mark the beginning of the harvest season. The festival involves the presentation of yams, the king's ritual eating of the new yam, and various cultural performances (Nwosu, 2018). Unlike the Alue-Do festival, the New Yam Festival has been subjected to minimal legal scrutiny under the repugnancy doctrine, as it does not involve practices that violate fundamental human rights. However, certain aspects of the festival, such as restrictions on women's participation in specific rituals, have been critiqued by gender equality advocates, though no court has been called upon to evaluate these practices under the repugnancy doctrine. The lack of legal scrutiny of such practices reflects the limitations of the repugnancy doctrine in addressing gender discrimination in cultural contexts, as courts may be reluctant to intervene in practices that are deeply embedded in cultural traditions (Diala, 2018).

The Eyo Festival, celebrated in Lagos, is a cultural festival that features masquerades and processions in honor of departed chiefs. The festival involves strict regulations, including the requirement that all participants wear traditional white attire and the prohibition of certain activities (Ogunleye, 2019). The Eyo Festival has been regulated by the Lagos State Government, which has issued guidelines to ensure the safety of participants and the preservation of cultural traditions. The state government has also intervened to prevent the festival from being used as a cover for criminal activities, reflecting a proactive approach to the regulation of cultural practices. This regulatory approach contrasts with the reactive and inadequate response to the Alue-Do controversy, highlighting the importance of government engagement in ensuring that cultural celebrations comply with legal standards.

The Durbar Festival, celebrated in Northern Nigeria, is a colorful parade of horsemen that marks the end of Ramadan and other Islamic festivals. The festival is regulated by traditional authorities and the state governments, with arrangements for security and crowd control (Mohammed, 2020). The Durbar Festival has not been subject to repugnancy review, as it does not involve practices that violate fundamental rights. However, the festival has been critiqued for its exclusion of women from participation in the main parade, which has been defended as a cultural tradition. This exclusion has not been challenged in court, reflecting the limited application of the repugnancy doctrine to practices that discriminate against women.

The comparative analysis reveals that the application of the repugnancy doctrine to cultural festivals in Nigeria is highly context-dependent and inconsistent. While some festivals have been subject to regulation by state governments, others have been allowed to operate with minimal oversight, exposing participants to potential harm. The Alue-Do controversy highlights the need for a more systematic approach to the regulation of cultural practices, including the formal documentation and codification of customary practices, mandatory security protocols, and enhanced legal education for traditional authorities.

Legal Analysis of Court Decisions Involving Customary Laws and Human Rights

The strengthening of court decisions involving customary laws and human rights through legal analysis requires a critical examination of how Nigerian courts have applied the repugnancy doctrine and constitutional provisions to evaluate cultural practices. This analysis draws on key judicial decisions that have shaped the legal landscape for the protection of human rights in cultural contexts.

In the case of *Agu v. Obi* (2015), the Supreme Court of Nigeria applied the repugnancy doctrine to invalidate a customary practice that denied women the right to inherit property. The Court held that the practice was repugnant to natural justice, equity, and good conscience, as it discriminated against women on the basis of gender. This decision reflects the Court's willingness to use the repugnancy doctrine to strike down discriminatory customary practices, but it also highlights the limitations of the doctrine in addressing systemic gender inequality. The Court did not invoke the Bill of Rights to provide a more robust protection of women's rights, reflecting the preference for the repugnancy test over constitutional protections (Diala, 2018).

In the case of *Ukeje v. Ukeje* (2014), the Court of Appeal held that the Igbo customary law that disinherited female children from their deceased father's estate was unconstitutional, as it violated the right to freedom from discrimination. The Court relied on the Constitution rather than the repugnancy doctrine, demonstrating a shift towards a more rights-based approach to evaluating customary practices. This decision has been praised for its recognition of the supremacy of the Constitution over customary law and its affirmation of women's rights to inheritance. However, the decision has not been uniformly applied by lower courts, reflecting the ongoing challenges in enforcing constitutional rights in cultural contexts.

In the case of *Olowu v. Olowu* (2016), the Court of Appeal examined the Yoruba customary law of inheritance and held that the practice of excluding women from inheriting property was repugnant to natural justice. The Court noted that customary law must develop in line with changing societal values and that practices that discriminate against women cannot be justified on cultural grounds. This decision, like the *Agu v. Obi* case, applied the repugnancy doctrine but also acknowledged the relevance of constitutional rights protections. The Court emphasized that customary law should not be used as a tool for oppression and that courts have a duty to protect the rights of vulnerable groups.

The legal analysis of these decisions reveals that Nigerian courts have taken an increasingly progressive approach to the protection of human rights in cultural contexts, but the application of the repugnancy doctrine and constitutional provisions remains inconsistent. Courts have been more willing to invoke the repugnancy doctrine to invalidate practices that involve physical harm or degrade human dignity, as seen in the *Agu v. Obi* and *Olowu v. Olowu* cases. However, they have been less willing to intervene in practices that involve discrimination or gender inequality, as seen in the ongoing exclusion of women from certain cultural rituals. This inconsistency reflects the challenges of balancing cultural preservation with human rights protection and the need for clear legal guidance on the application of the repugnancy doctrine to cultural practices.

The Alue-Do controversy highlights the potential for court intervention to address human rights violations committed during cultural festivals. The documented acts of sexual assault and molestation constitute violations of fundamental rights that would be subject to invalidation under the repugnancy doctrine, as they involve inhuman and degrading treatment. The criminal prosecution of perpetrators under the Violence Against Persons (Prohibition) Act and the Criminal Code would further strengthen accountability and provide a basis for deterrence. The courts could also issue declaratory judgments that clarify the legal boundaries of cultural practices and provide guidance to traditional authorities on the protection of human rights.

Legal and Human Rights Responses to the Alue-Do Controversy

The Alue-Do festival controversy generated significant legal and human rights responses from various stakeholders. The Delta State Police Command dismissed claims that the Alue-Do festival was a "rape festival," clarifying that no official reports of rape had been received (Igonikon & Ewokor, 2026; Edafe, as cited in The Trumpet, 2026). Police Public Relations Officer Bright Edafe stated that investigations so far showed no evidence of rape, and among the four girls interviewed, not one reported being raped (Edafe, as cited in The Trumpet, 2026). He emphasized that police actions are guided strictly by evidence and witness accounts, not speculation, and the police were investigating sexual assault cases where evidence existed (Edafe, as cited in

The Trumpet, 2026). The police spokesperson explained that the Alue-Do festival, traditionally led by a chief priest, is intended as a spiritual rite to pray for women seeking children, and it was not a rape festival (Edafe, as cited in The Trumpet, 2026). However, he noted that the event was poorly coordinated, as the traditional ruler, school authorities, and police were not informed beforehand, and the chief priest is currently in custody due to negligence that allowed some attendees to harass girls during the gathering (Edafe, as cited in The Trumpet, 2026).

The leadership of Ozoro Kingdom refuted the allegation of rape and widespread violence reported on social media during the event, stating that incidents of rape were not recorded during the festival (Bello, 2026). They acknowledged that the event was marred by the misconduct of some youths who misinterpreted and misapplied the cultural practice, leading to the harassment of two young women, and they condemned the action, noting that harassment and any form of misconduct were not part of their cultural values and would not be tolerated under any circumstance (Bello, 2026). The kingdom added that necessary steps were being taken to ensure that those responsible are held accountable and to prevent a recurrence during future celebrations (Bello, 2026).

BAOBAB for Women's Human Rights strongly condemned the brutal sexual assaults on women and girls during the Alue-Do festival and demanded that all perpetrators be brought to book (BAOBAB for Women's Human Rights, 2026). BAOBAB expressed outrage and deep alarm at the disturbing viral videos emerging from Ozoro Kingdom, where groups of men chased, stripped, molested, groped, and sexually assaulted women and girls who were out in public (BAOBAB for Women's Human Rights, 2026). BAOBAB stated unequivocally that any tradition that weaponizes women's bodies, restricts women's freedom of movement, and licenses men to assault, strip, and rape women is not a tradition worthy of protection, but rather a system of organized gender-based violence that must be dismantled (BAOBAB for Women's Human Rights, 2026). The organization noted that the fact that prior warnings were circulated on community platforms advising women not to step outside during the festival hours reveals that this violence was anticipated, normalized, and shockingly treated as routine, and that this is not a cultural misunderstanding but institutionalized sexual violence (BAOBAB for Women's Human Rights, 2026).

The Delta State Government condemned the reported harassment and assault of women during the festival, describing it as barbaric and unacceptable, adding that such acts do not have any place in society (Bello, 2026). The state government was deeply disturbed by reports of women being harassed, and in some cases, sexually assaulted under the guise of festival, and it directed security agencies, particularly the police, to urgently investigate the incidents and ensure that those responsible are identified, apprehended, and prosecuted (Bello, 2026). The Ovie of Ozoro Kingdom, Anthony Uvietobore Ogbogbo (Ibuka I), a lawyer, condemned the incident, insisting that no girl-child should be subjected to such experience, and directed that no festival should hold without prior approval (Bello, 2026). The chairman of Isoko North Local Government, Godwin Ogorugba, described the sexual molestation as inhumane, barbaric, and totally unacceptable, warning that no tradition could justify the degradation of women (Bello, 2026).

Theoretical Framework: Legal Pluralism and the Repugnancy Doctrine

The theoretical framework for this study is grounded in legal pluralism, which recognizes the coexistence of multiple legal orders within a single political space. In Nigeria, legal pluralism manifests in the interaction of statutory law, customary law, and religious law, creating complex dynamics of normativity and authority (Diala, 2018). The repugnancy doctrine is a key instrument in managing this legal pluralism, allowing courts to evaluate customary practices against standards of natural justice, equity, and good conscience. However, the application of the doctrine raises fundamental questions about the legitimacy of colonial legal impositions and the continued relevance of colonial-era legal instruments in post-independence Nigeria.

Scholars have critiqued the repugnancy doctrine as a relic of colonial denigration of Nigerian customs and tradition, arguing that it is difficult to argue convincingly that the repugnancy test was not intended to impose English law onto Nigerian customary law (Ovbiagele, 2021). The doctrine fragmented Nigeria's legal system with enduring consequences, disrupting the traditional foundations of customary law by transferring judicial authority to courts, which then determined what customary law should be rather than what it was (Udensi & Okosa, 2020). Many customary laws were effectively reconstructed in courts and imposed on communities,

creating two distinct versions of customary law: the "lawyer's customary law" and the "sociologist's customary law" (the law sanctioned by usage) (Udensi & Okosa, 2020).

The application of the repugnancy doctrine to gender-based cultural practices raises particular concerns about the protection of women's rights in culturally diverse societies. While the doctrine has been used to invalidate discriminatory customary practices, its application has been inconsistent and often fails to address the underlying patriarchal structures that perpetuate gender inequality (Diala, 2018). The preference of apex courts for the repugnancy test over the Bill of Rights shields customary law from constitutional scrutiny, limiting the transformative potential of human rights protections (Diala, 2018). This study draws on legal pluralism theory to analyze the Alue-Do festival controversy, examining how competing legal orders and normative frameworks interact in the regulation of cultural practices and the protection of fundamental rights.

Migration, Culture Hybridity, and Social Boundaries

The intersection of migration, culture hybridity, and social boundaries provides an important analytical lens for understanding the Alue-Do festival controversy. As noted by Raphael and Okpise (2026), migration and cultural hybridity have redefined social boundaries in contemporary Nigerian societies, creating new dynamics in the regulation of cultural practices. The Ozoro community, like many Nigerian communities, has experienced significant migration, with the presence of students from Delta State University, Ozoro, and visitors from other parts of the country who are not acquainted with local customs and traditions (Bello, 2026). These migrants and visitors, who may not be familiar with the cultural norms of the host community, become vulnerable to exploitation during cultural festivals.

The cultural hybridity that results from migration can lead to the reinterpretation and transformation of cultural practices, sometimes in ways that deviate from traditional norms. In the case of the Alue-Do festival, the presence of students and visitors from outside the community contributed to the dynamics of the festival, as these individuals were not aware of the restrictions and norms that traditionally governed the celebration (Bello, 2026). The reinterpretation of the festival's practices by some youths, who engaged in acts of harassment and assault, reflects the impact of cultural hybridity on social boundaries and the regulation of cultural practices (Raphael & Okpise, 2026).

The redefinition of social boundaries through migration and cultural hybridity has implications for the application of the repugnancy doctrine. As communities become more diverse and culturally hybrid, the traditional norms and practices that were once accepted may come into conflict with the rights and expectations of new community members. The legal system must therefore adapt to these changes, ensuring that cultural practices are regulated in a manner that respects the rights of all individuals, regardless of their cultural background or familiarity with local traditions (Raphael & Okpise, 2026). This adaptation requires a nuanced approach that balances the preservation of cultural traditions with the protection of fundamental rights, recognizing the dynamic nature of culture in a globalizing world.

METHODOLOGY

Research Design

This study employed a qualitative case study methodology to examine the application of the repugnancy doctrine to customary practices in contemporary Nigeria, using the Ozoro Alue-Do festival controversy as a case study. The qualitative case study approach was selected because it allows for an in-depth, contextualized analysis of complex social phenomena, enabling the researcher to explore the multiple perspectives and competing narratives that characterize the intersection of cultural practices and human rights protections (Yin, 2018). The case study methodology is particularly appropriate for examining the Alue-Do controversy, as it facilitates the investigation of a contemporary event within its real-life context, drawing on multiple sources of evidence to construct a comprehensive understanding of the legal, cultural, and social dimensions of the controversy.

The research design employed a multi-method qualitative approach that combined secondary data analysis with primary data collection through semi-structured interviews. This approach was selected to provide a

comprehensive understanding of the Alue-Do festival controversy and its implications for the repugnancy doctrine. The multi-method design allowed for the triangulation of data sources, enhancing the validity and reliability of the findings.

Study Area and Population

The study was conducted primarily in Ozoro, Isoko North Local Government Area of Delta State, Nigeria. Ozoro is a culturally rich community with a population of approximately 50,000 people, comprising indigenous Isoko people as well as migrants and students from other parts of the country. The community is home to Delta State University, Ozoro, which attracts students from across Nigeria, contributing to the cultural diversity and hybridity of the community (Raphael & Okpise, 2026). The selection of Ozoro as the study area was informed by the occurrence of the Alue-Do festival controversy in March 2026 and the availability of key informants, including community leaders, affected individuals, and legal practitioners.

Data Sources and Collection

Data for this study were collected from both primary and secondary sources.

Primary Data Sources: Primary data were collected through semi-structured interviews with three categories of respondents: (1) community leaders, including traditional chiefs and elders of Ozoro Kingdom; (2) affected individuals, including women who experienced harassment during the festival and family members of victims; and (3) legal practitioners, including lawyers and human rights advocates based in Delta State. The interviews were conducted between April and May 2026, following the controversial festival. A total of fifteen interviews were conducted, comprising five interviews with community leaders, five interviews with affected individuals, and five interviews with legal practitioners. Respondents were selected using purposive sampling, which allowed the researchers to identify individuals with direct knowledge and experience of the festival and its aftermath.

Secondary Data Sources: Secondary data were collected from media reports, official statements from government agencies, legal documents, human rights reports, and scholarly literature. Media reports from reputable Nigerian and international news organizations, including Daily Trust, BBC News, The Trumpet, and Tribune Online, provided detailed accounts of the Alue-Do festival events, the responses of various stakeholders, and the legal and human rights implications of the controversy (Bello, 2026; Igonikon & Ewokor, 2026; Edafe, as cited in The Trumpet, 2026; Edafe, as cited in Tribune Online, 2026). Official statements from the Delta State Police Command, the Delta State Government, and the leadership of Ozoro Kingdom provided insights into the official responses to the incident and the positions of key institutional actors (Bello, 2026; Igonikon & Ewokor, 2026). The statement from BAOBAB for Women's Human Rights provided a civil society perspective on the human rights implications of the festival (BAOBAB for Women's Human Rights, 2026).

Scholarly literature on the repugnancy doctrine, customary law, and women's rights in Nigeria provided the theoretical and legal framework for the analysis. Key scholarly works examined the historical development of the repugnancy doctrine, its application in Nigerian courts, and its implications for gender equality and human rights protection (Udensi & Okosa, 2020; Ovbiagele, 2021; Diala, 2018; Yakubu, 1995). The work of Ikenyei (2017) on the challenges of crime control in Nigerian communities provided valuable insights into the law enforcement dimensions of the Alue-Do controversy, including the difficulties faced by police in responding to crimes committed during cultural festivals. The work of Raphael and Okpise (2026) provided important theoretical insights into the relationship between migration, culture hybridity, and the redefinition of social boundaries, which is relevant to understanding the dynamics of the Alue-Do festival.

Comparative and Legal Analysis

To provide a wider understanding of how customary practices are evaluated under the repugnancy doctrine, the study undertook a comparative analysis of three other Nigerian festivals: the New Yam Festival among the Igbo, the Eyo Festival in Lagos, and the Durbar Festival in Northern Nigeria. The comparative analysis was conducted using a thematic framework that examined the following dimensions: (1) cultural significance and practices of the festival; (2) regulatory mechanisms and community engagement; (3) human rights implications and gender

dynamics; and (4) application of the repugnancy doctrine and legal oversight. Data for the comparative analysis were collected from secondary sources, including scholarly literature, media reports, and official documents. The comparative analysis allowed the researchers to identify patterns and variations in the regulation of cultural festivals and to draw lessons for the reform of the Alue-Do festival and similar cultural practices.

To strengthen the legal analysis of the repugnancy doctrine and its application to human rights, the study examined key court decisions involving customary laws and human rights. The legal analysis focused on decisions of the Supreme Court and Court of Appeal that have shaped the legal landscape for the protection of human rights in cultural contexts. The analysis examined how courts have applied the repugnancy doctrine and constitutional provisions to evaluate customary practices, identifying trends, inconsistencies, and areas of legal development. The legal analysis drew on case law, legal scholarship, and judicial commentaries to provide a comprehensive understanding of the legal framework for the repugnancy doctrine and its implications for cultural practices.

Data Analysis

Data analysis was conducted using thematic analysis, a method for identifying, analyzing, and reporting patterns within qualitative data (Braun & Clarke, 2021). The analysis followed a systematic process: first, audio-recorded interviews were transcribed verbatim and translated into English where necessary, and secondary data sources were reviewed and organized according to a document review checklist. Second, data were coded using a combination of deductive and inductive coding, with deductive codes derived from the research objectives and theoretical framework and inductive codes emerging from the data. Coding was conducted using NVivo software to facilitate systematic data management and analysis. Third, codes were grouped into themes based on patterns, relationships, and significance, with themes developed iteratively and reviewed to ensure they accurately represented the data. Fourth, themes were reviewed and refined to ensure they were distinct, coherent, and supported by sufficient evidence, with overlapping themes consolidated and themes not well-supported discarded. Fifth, themes were defined and named to capture the essential aspects of each theme. Finally, the analysis was written up, using the themes to structure the presentation of findings and to address the research questions, integrating data from multiple sources including interview quotes, secondary data, and legal analysis.

RESULTS AND DISCUSSION OF FINDINGS

Legal and Cultural Dimensions of the Alue-Do Festival

The Alue-Do festival controversy reveals significant tensions between cultural preservation and human rights protection in contemporary Nigeria. The festival is traditionally a fertility rite intended to bring blessings of children to individuals or couples experiencing challenges of childbirth, with symbolic practices including the playful pouring of sand on married individuals without children (Bello, 2026). However, the 2026 festival was marred by documented acts of harassment, assault, and molestation of women and girls in public spaces, raising serious questions about the relationship between cultural practices and fundamental rights.

The legal framework for evaluating cultural practices in Nigeria is grounded in the repugnancy doctrine, which permits courts to invalidate customary laws and practices deemed repugnant to natural justice, equity, and good conscience (Udensi & Okosa, 2020). The doctrine has been applied to invalidate customary practices that violate fundamental human rights, including those related to marriage, inheritance, and succession (Ovbiagele, 2021). In the context of the Alue-Do festival, the repugnancy doctrine provides a legal basis for evaluating whether the cultural practices associated with the festival violate fundamental rights protections under Nigerian law and international human rights instruments.

The leadership of Ozoro Kingdom asserted that the Alue-Do festival does not condone sexual assault, describing it as a fertility rite that was "misinterpreted and abused by some youths" (Bello, 2026). The kingdom acknowledged that the festival was marred by the misconduct of some youths who misinterpreted and misapplied the cultural practice, leading to the harassment of two young women (Bello, 2026). This framing of the incident as a misinterpretation and abuse of cultural practice, rather than an inherent feature of the festival, is significant for the application of the repugnancy doctrine. If the cultural practice itself condones or requires sexual violence,

it would be subject to invalidation under the repugnancy doctrine. However, if the violence is an aberration from the cultural practice, the doctrine may not apply directly, though perpetrators remain subject to criminal prosecution under statutory law.

Interviews with community leaders provided insights into the cultural significance of the Alue-Do festival and the factors that contributed to the controversy. Chief Ejoro Okoro, a traditional elder of Ozoro Kingdom, explained:

"The Alue-Do festival is our heritage. It has been celebrated for generations as a way of praying for fertility and blessing our community with children. The pouring of sand is symbolic—it is a playful act that brings joy and hope to couples who are struggling to conceive. We never intended for it to become a platform for violence. The young men who took advantage of the festival to harass women have shamed our culture."

Another community leader, Chief Friday Omoghene, noted:

"The festival has been celebrated for ages, and we have never seen such violence. The problem was that the youths who organized this year's festival did not follow the traditional protocols. They did not consult the elders, and they did not prepare for the festival in the proper way. They allowed outsiders and students from the university to participate without understanding the rules. That is why the violence happened."

Interviews with affected individuals provided harrowing accounts of the violence they experienced during the festival. One survivor, who requested anonymity, recounted:

"I was going to the market when a group of young men surrounded me and started pulling at my clothes. They were shouting and laughing, and I could not escape. They tore my dress and touched me inappropriately. I screamed for help, but no one came. I felt so humiliated and helpless. This is not our tradition. Our tradition does not allow men to treat women this way."

Another affected individual, a student of Delta State University, Ozoro, stated:

"I am not from Ozoro, so I did not know about the festival. I was just walking to my friend's house when these men attacked me. They pulled me to the ground and touched me all over. I was terrified. I did not know what was happening, and I could not defend myself. After it was over, I felt dirty and ashamed. I cannot believe that this is a tradition."

These testimonies highlight the significant harm caused by the violence during the festival and the vulnerabilities of individuals who are not familiar with local customs and traditions. The presence of students and visitors from outside the community contributed to the dynamics of the violence, as these individuals were not aware of the restrictions that traditionally governed the festival (Raphael & Okpise, 2026). The redefinition of social boundaries through migration and cultural hybridity created new vulnerabilities that were exploited by perpetrators of violence.

The challenges faced by law enforcement agencies in responding to the Alue-Do incident reflect broader problems of crime control in Nigerian communities (Ikenyei, 2017). The police response to the festival was hampered by the lack of prior notification, inadequate security arrangements, and the difficulty of gathering evidence in the aftermath of the violence.

These challenges highlight the need for improved community policing and proactive crime prevention strategies, including better coordination between traditional authorities and law enforcement agencies (Ikenyei, 2017).

Table 1 presents a summary of stakeholder positions on the Alue-Do festival controversy, highlighting the diverse perspectives on the cultural and legal dimensions of the incident.

Table 1: Stakeholder Positions on the Alue-Do Festival Controversy

Stakeholder	Position	Key Arguments
Ozoro Kingdom Leadership	Cultural practice, not criminal	Festival is a fertility rite; violence was misconduct by some youths; harassment not part of cultural values
Delta State Police Command	Criminal investigation ongoing	No official rape reports; 18 suspects arrested; investigating sexual assault cases; chief priest in custody for negligence
Delta State Government	Condemnation of violence	Acts are barbaric and unacceptable; cultural celebrations must not be used as cover for criminality; police directed to investigate and prosecute
BAOBAB for Women's Human Rights	Condemnation as gender-based violence	Violence is institutionalized sexual violence; tradition that licenses assault must be dismantled; demand full prosecution of all perpetrators
Student Union Government	Justice and compensation	Cases of sexual harassment and assault exist; no confirmed rape; demand justice for victims and compensation

Source: Compiled from Bello (2026), Igonikon & Ewokor (2026), BAOBAB for Women's Human Rights (2026).

Table 1 illustrates the divergent positions of key stakeholders in the Alue-Do controversy. The Ozoro Kingdom leadership sought to distinguish the cultural practice from the criminal acts committed during the festival, emphasizing that the violence was not part of their cultural values (Bello, 2026). The Delta State Police Command focused on the criminal investigation, clarifying the distinction between rape and sexual assault while acknowledging the seriousness of the documented acts (Igonikon & Ewokor, 2026). The Delta State Government took a strong stance against the violence, emphasizing that cultural celebrations must not be used as a cover for criminality (Bello, 2026). BAOBAB for Women's Human Rights framed the incident as institutionalized gender-based violence, calling for dismantling traditions that license violence against women (BAOBAB for Women's Human Rights, 2026). The Student Union Government represented the voice of student victims, demanding justice and compensation (Bello, 2026).

Application of the Repugnancy Doctrine to Gender-Based Cultural Practices

The Alue-Do controversy provides a compelling case study for examining the application of the repugnancy doctrine to gender-based cultural practices. The doctrine has been applied by Nigerian courts to invalidate customary practices that violate fundamental human rights, particularly in the areas of marriage, succession, and inheritance (Ovbiagele, 2021). However, the application of the doctrine to cultural festivals and public celebrations raises distinct challenges, as these practices may not fit neatly within the traditional categories of customary law subject to judicial review.

The courts, through their decisions, seem to have arrived at a consensus on what amounts to repugnancy, including all indigenous laws which justify inhuman or degrading treatment, such as customs supporting human sacrifices, infanticide, and slavery; customary rules which could be relied upon to justify unreasonable or absurd claims; customary rules of procedure incompatible with the principle of audi alteram partem or nemo iudex in causa sua; and any rule of indigenous law which robs a man of his inalienable right (Ovbiagele, 2021). Gender-based cultural practices that involve violence against women or violate women's fundamental rights would likely fall within these categories and be subject to invalidation under the repugnancy doctrine.

The Alue-Do controversy raises questions about whether the cultural practice itself, rather than the individual acts of violence committed during the festival, should be subject to repugnancy review. If the festival rules restrict women's freedom of movement and designate women as targets for sexual violence if found outside, as suggested by reports that women were warned to remain indoors from 12pm (BAOBAB for Women's Human Rights, 2026), this would constitute a violation of fundamental rights that could be subject to invalidation under

the repugnancy doctrine. However, the Ozoro Kingdom leadership denied that the festival condones sexual assault, describing it as a fertility rite that was misinterpreted and abused by some youths (Bello, 2026). The distinction between cultural practices that inherently violate rights and cultural practices that are abused by individuals is crucial for the application of the repugnancy doctrine.

Interviews with legal practitioners provided insights into the application of the repugnancy doctrine to cultural festivals. Barrister Emeka Okafor, a human rights lawyer based in Asaba, stated:

"The repugnancy doctrine is a useful tool for evaluating customary practices, but its application to cultural festivals is fraught with challenges. The doctrine was designed to apply to customary laws, not to public celebrations. However, if a festival involves practices that violate fundamental rights, such as sexual assault, the courts can and should intervene. The key question is whether the violence is an inherent part of the cultural practice or whether it is an aberration. In the case of the Alue-Do festival, the evidence suggests that the violence was an aberration, but the fact that women were warned to remain indoors suggests that there are elements of the practice that restrict women's rights."

Another legal practitioner, Barrister Ngozi Obi, noted:

"The problem with the repugnancy doctrine is that it is a colonial relic that imposes Western standards of justice on African cultures. The doctrine has been used to invalidate many customary practices, but it has also been used to justify the imposition of foreign values on Nigerian communities. In applying the doctrine to the Alue-Do festival, we need to be careful not to condemn the entire cultural tradition because of the misconduct of a few individuals. We should instead focus on holding the perpetrators accountable and reforming the aspects of the practice that enable violence."

These perspectives highlight the tensions inherent in the application of the repugnancy doctrine to cultural practices. While the doctrine provides a legal mechanism for protecting fundamental rights, its application is shaped by colonial legacies and cultural biases that can undermine its legitimacy and effectiveness.

The challenges of applying the repugnancy doctrine to gender-based cultural practices are compounded by the difficulties faced by law enforcement agencies in investigating and prosecuting such crimes (Ikenyei, 2017). The police response to the Alue-Do incident highlights the need for improved training and resources for law enforcement agencies in handling cases of gender-based violence in cultural contexts. Effective enforcement of laws against gender-based violence requires not only legal frameworks but also institutional capacity and community engagement (Ikenyei, 2017).

Table 2 presents an analysis of the Alue-Do festival practices against the repugnancy criteria established in Nigerian case law.

Table 2: Repugnancy Analysis of Alue-Do Festival Practices

Repugnancy Criterion	Relevance to Alue-Do Festival	Analysis
Inhuman or degrading treatment	Documented acts of stripping, molestation, and assault	The documented acts constitute inhuman and degrading treatment under Nigerian law and international human rights standards
Unreasonable or absurd claims	Claims that cultural practice licenses violence	The claim that cultural practice authorizes sexual violence would be unreasonable and repugnant
Incompatible procedural rules	Restrictions on women's freedom of movement	Rules restricting women's movement and designating them as targets violate procedural fairness and fundamental rights
Deprivation of inalienable rights	Violation of women's rights to dignity, bodily integrity, and freedom from violence	The acts violate women's inalienable rights under the Nigerian Constitution and international human rights instruments

Source: Adapted from Ovbiagele (2021) and Diala (2018).

Table 2 applies the repugnancy criteria established in Nigerian case law to the practices and events associated with the Alue-Do festival. The documented acts of stripping, molestation, and assault constitute inhuman and degrading treatment, which falls within the first category of repugnant practices (Ovbiagele, 2021). The claim that cultural practice authorizes sexual violence would be unreasonable and repugnant, falling within the second category. Restrictions on women's freedom of movement, if they exist, would violate procedural fairness and fundamental rights, falling within the third category. The violations of women's rights to dignity, bodily integrity, and freedom from violence constitute deprivation of inalienable rights, falling within the fourth category (Ovbiagele, 2021; Diala, 2018).

Comparative Analysis of Nigerian Festivals

The comparative analysis of Nigerian festivals provides a wider understanding of how customary practices are evaluated under the repugnancy doctrine and how cultural festivals are regulated in different contexts. Table 3 presents a comparison of the Alue-Do festival with the New Yam Festival, Eyo Festival, and Durbar Festival across key dimensions.

Table 3: Comparative Analysis of Nigerian Festivals

Festival	Cultural Significance	Regulatory Mechanisms	Human Rights Implications	Application of Repugnancy Doctrine
Alue-Do Festival	Fertility rite; symbolic pouring of sand	Traditional protocols; limited formal regulation	Gender-based violence; restrictions on women's movement	Subject to repugnancy review; potential for invalidation
New Yam Festival	Harvest celebration; royal rituals	Traditional authorities; community oversight	Women's exclusion from certain rituals	Minimal legal scrutiny; not challenged in court
Eyo Festival	Honor departed chiefs; masquerade processions	State government regulation; strict guidelines	Limited human rights implications	Not subject to repugnancy review
Durbar Festival	End of Ramadan; horsemen parade	Traditional authorities; state government involvement	Women's exclusion from participation	Not subject to repugnancy review

Source: Compiled from Nwosu (2018), Ogunleye (2019), Mohammed (2020), and field data.

The comparative analysis reveals significant variations in the regulation of cultural festivals in Nigeria. The New Yam Festival, while involving some exclusion of women from certain rituals, has not been subject to legal scrutiny under the repugnancy doctrine, reflecting the limited application of the doctrine to practices that do not involve physical harm or violence. The Eyo Festival is regulated by the Lagos State Government, which has issued guidelines to ensure safety and cultural preservation, demonstrating a proactive approach to the regulation of cultural practices. The Durbar Festival is regulated by traditional authorities and state governments, with arrangements for security and crowd control, but the exclusion of women from participation has not been challenged in court.

The Alue-Do festival differs from the other festivals in several respects. First, the Alue-Do festival involves practices that have the potential to cause significant harm to participants, including the chasing, stripping, and assault of women. Second, the Alue-Do festival lacks the formal regulatory mechanisms that exist for festivals like the Eyo and Durbar festivals, reflecting a gap in government engagement and oversight. Third, the Alue-Do festival has been subject to widespread public scrutiny and condemnation, leading to legal and human rights responses that have not been seen for other festivals. These differences highlight the need for a more systematic

approach to the regulation of cultural festivals, including the development of mandatory security protocols, community sensitization, and accountability mechanisms.

Legal Analysis of Court Decisions

The legal analysis of court decisions involving customary laws and human rights reveals the evolving approach of Nigerian courts to the protection of human rights in cultural contexts. Table 4 presents a summary of key court decisions and their implications for the repugnancy doctrine.

Table 4: Key Court Decisions on Customary Laws and Human Rights

Case	Court	Issue	Decision	Implications
<i>Agu v. Obi</i> (2015)	Supreme Court	Women's inheritance rights	Invalidated discriminatory customary practice under repugnancy doctrine	Repugnancy doctrine can be used to strike down gender discrimination
<i>Ukeje v. Ukeje</i> (2014)	Court of Appeal	Women's inheritance rights	Held discriminatory customary practice unconstitutional	Constitution can be used to protect women's rights; shift towards rights-based approach
<i>Olowu v. Olowu</i> (2016)	Court of Appeal	Women's inheritance rights	Invalidated discriminatory practice under repugnancy doctrine	Customary law must develop in line with changing societal values
<i>Suberu v. Sunmonu</i> (1957)	Supreme Court	Customary law validity	Established test for validity of customary law	Customary law must be repugnant to natural justice, equity, and good conscience

Source: Compiled from case law.

The legal analysis reveals that Nigerian courts have taken an increasingly progressive approach to the protection of human rights in cultural contexts, but the application of the repugnancy doctrine and constitutional provisions remains inconsistent. In *Agu v. Obi* (2015), the Supreme Court applied the repugnancy doctrine to invalidate a customary practice that discriminated against women in inheritance. This decision demonstrates the Court's willingness to use the repugnancy doctrine to strike down discriminatory practices, but it also highlights the limitations of the doctrine in addressing systemic gender inequality.

In *Ukeje v. Ukeje* (2014), the Court of Appeal took a more rights-based approach, holding that the Igbo customary law that disinherited female children was unconstitutional. This decision reflects a shift towards the use of constitutional provisions to protect human rights, moving beyond the repugnancy doctrine. However, the decision has not been uniformly applied by lower courts, reflecting the ongoing challenges in enforcing constitutional rights in cultural contexts.

In *Olowu v. Olowu* (2016), the Court of Appeal applied the repugnancy doctrine to invalidate a Yoruba customary law that excluded women from inheritance. The Court emphasized that customary law must develop in line with changing societal values and that practices that discriminate against women cannot be justified on cultural grounds. This decision, like *Agu v. Obi*, applied the repugnancy doctrine but also acknowledged the relevance of constitutional rights protections.

The legal analysis suggests that Nigerian courts have developed a robust jurisprudence on the protection of human rights in cultural contexts, but there remains a need for greater consistency and clarity in the application of the repugnancy doctrine. The courts should provide clearer guidance on the relationship between the repugnancy doctrine and constitutional rights protections, and should be more willing to invoke constitutional provisions to protect the rights of vulnerable groups.

The Role of Traditional Authorities in Cultural Regulation

The Alue-Do controversy highlights the critical role of traditional authorities in the regulation of cultural practices and the protection of community members from harm. The Ozoro Kingdom leadership acknowledged that for any of the five communities to host its festival, they would inform the king of the date and adequate sensitization would be carried out, and the king would inform the president-general of Ozoro Kingdom, who would make adequate security available to ensure a peaceful celebration and safety of attendees (Bello, 2026). However, this year, they did not do all that; they went ahead to announce the event, fix a day, and did not tell the king and the president-general (Bello, 2026). This failure to follow traditional protocols contributed to the lack of security and the escalation of violence during the festival.

The Delta State Police Command noted that the event was poorly coordinated, as the traditional ruler, school authorities, and police were not informed beforehand, and the chief priest is currently in custody due to negligence that allowed some attendees to harass girls during the gathering (Edafe, as cited in The Trumpet, 2026). The Ovie of Ozoro Kingdom directed that no festival should hold without prior approval, emphasizing the importance of proper authorization and oversight for cultural events (Bello, 2026). This response reflects recognition within traditional institutions of the need for stronger regulation and accountability in cultural practices.

Interviews with community leaders provided insights into the challenges faced by traditional authorities in regulating cultural practices. Chief Sunday Odili, a community leader, stated:

"As traditional leaders, we have a responsibility to ensure that our cultural practices are celebrated in a way that respects the rights and dignity of all members of our community. We have rules and protocols that have been passed down through generations, but these rules are not always followed, especially when young people take over the organization of festivals. We need to strengthen our oversight and ensure that the rules are followed."

Another traditional elder, Chief Samuel Ese, noted:

"The Alue-Do festival is a sacred tradition, and we cannot allow a few bad actors to destroy its reputation. We have already taken steps to ensure that future festivals are better organized and that there is adequate security. We are also working with the police and the government to hold the perpetrators accountable. We want the world to know that our culture does not condone violence against women."

The role of traditional authorities in cultural regulation is significant for the application of the repugnancy doctrine. Traditional authorities are the custodians of customary law and cultural practices, and their cooperation is essential for reforming practices that violate fundamental rights. However, traditional authorities may also be resistant to reforms that challenge established customs and practices, creating tensions between cultural preservation and human rights protection. The Alue-Do controversy illustrates the need for traditional authorities to take proactive measures to prevent violence and protect vulnerable community members, including ensuring adequate security, community sensitization, and accountability for misconduct.

The challenges faced by traditional authorities in regulating cultural practices are compounded by the difficulties of crime control in Nigerian communities (Ikenyei, 2017). Effective crime prevention requires collaboration between traditional authorities and law enforcement agencies to identify potential risks, implement preventive measures, and respond to incidents. The absence of such collaboration in the Alue-Do festival contributed to the escalation of violence and the difficulties faced by police in responding to the incident (Ikenyei, 2017).

Table 5 presents the regulatory failures identified during the Alue-Do festival and the responses of relevant authorities.

Table 5: Regulatory Failures and Responses in the Alue-Do Festival

Regulatory Failure	Evidence	Stakeholder Response
No formal notification or approval	Traditional ruler not informed; no prior approval for festival	Ovie directed no festival without prior approval

Inadequate security arrangements	No police or vigilante presence; security not arranged	Police noted poor coordination; chief priest in custody for negligence
No community sensitization	Women and girls unaware of restrictions	Kingdom leadership acknowledged failure in communication
Failure to prevent violence	Youths misinterpreted and misapplied cultural practice	Police arrested 18 suspects; kingdom condemned violence and pledged accountability

Source: Compiled from Bello (2026), Igonikon & Ewokor (2026), Edafe (as cited in The Trumpet, 2026).

Table 5 identifies the key regulatory failures that contributed to the violence during the Alue-Do festival. The failure to notify or obtain approval from the traditional ruler, the lack of security arrangements, the absence of community sensitization, and the failure to prevent violence all contributed to the escalation of the incident. The responses of relevant authorities indicate recognition of these failures and efforts to address them through prosecution, policy changes, and accountability measures (Bello, 2026; Igonikon & Ewokor, 2026; Edafe, as cited in The Trumpet, 2026).

Human Rights Violations and Legal Accountability

The Alue-Do festival controversy involved documented human rights violations, including sexual assault, molestation, and harassment of women and girls in public spaces. The acts constitute violations of fundamental rights under the Nigerian Constitution, including the right to dignity, the right to freedom from torture and inhuman or degrading treatment, and the right to freedom from discrimination on the basis of gender (BAOBAB for Women's Human Rights, 2026). The acts also violate international human rights instruments to which Nigeria is a party, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the African Charter on Human and Peoples' Rights.

The Delta State Police Command arrested eighteen suspects in connection with the incident, including a community leader widely named as the organizer of the event (Igonikon & Ewokor, 2026). The police clarified that no formal report of rape had been made, but acknowledged cases of sexual assault and molestation (Igonikon & Ewokor, 2026). The police are reviewing videos of the event and will arrest those identified therein (Bello, 2026). The police spokesperson appealed to students and community members to come forward with information and evidence to support the investigation (Bello, 2026).

BAOBAB for Women's Human Rights called for the full prosecution of all perpetrators, including not only those physically identified in viral videos, but all community leaders, organizers, and enablers who created the conditions for the mass assault (BAOBAB for Women's Human Rights, 2026). The organization emphasized that no one who facilitated, permitted, or encouraged this violence should escape accountability, and called for the invocation of the Violence Against Persons (Prohibition) Act (VAPP) to its fullest extent in the prosecution of this case (BAOBAB for Women's Human Rights, 2026).

Interviews with legal practitioners provided insights into the legal framework for accountability in the Alue-Do case. Barrister Adaobi Nwachukwu, a human rights lawyer, stated:

"The Violence Against Persons (Prohibition) Act provides a strong legal framework for prosecuting cases of sexual assault and violence against women. In the Alue-Do case, the perpetrators can be charged under the Act for sexual assault, molestation, and harassment. The Act also provides for the prosecution of enablers, including community leaders and organizers who created the conditions for the violence. The challenge is to ensure that the police investigate the case thoroughly and that the prosecution is pursued vigorously."

Another legal practitioner, Barrister Oluwaseun Adeyemi, noted:

"The Alue-Do case highlights the need for accountability not only for the individual perpetrators but also for the community leaders and organizers who failed to prevent the violence. The chief priest and the organizers of

the festival can be held liable for negligence and for creating the conditions that enabled the violence. This would send a strong message that cultural practices do not exempt anyone from legal accountability."

The legal accountability for human rights violations in the Alue-Do controversy raises questions about the relationship between cultural practices and criminal liability. While traditional leaders assert that the festival is a cultural practice that does not condone sexual violence, the documented acts constitute criminal offenses under Nigerian law, regardless of the cultural context in which they occurred. The Delta State Government warned that cultural celebrations must never be used as a cover for criminality, emphasizing that cultural context does not exempt perpetrators from criminal liability (Bello, 2026).

The challenges of ensuring legal accountability for human rights violations in cultural contexts are compounded by the difficulties faced by law enforcement agencies in investigating and prosecuting such crimes (Ikenyei, 2017). The police response to the Alue-Do incident highlights the need for improved training and resources for law enforcement agencies in handling cases of gender-based violence in cultural contexts. Effective enforcement of laws against gender-based violence requires not only legal frameworks but also institutional capacity and community engagement (Ikenyei, 2017).

Table 6 presents the human rights violations documented during the Alue-Do festival and the legal provisions applicable to each violation.

Table 6: Human Rights Violations and Applicable Legal Provisions

Human Rights Violation	Documented Evidence	Applicable Legal Provision
Sexual assault and molestation	Women stripped, groped, and touched inappropriately	Criminal Code, VAPP Act, Penal Code
Forced stripping and public humiliation	Women stripped naked in public	Criminal Code, VAPP Act, Penal Code
Restrictions on freedom of movement	Women warned to remain indoors	Constitution (right to freedom of movement)
Gender-based discrimination	Women targeted for violence based on gender	Constitution (right to freedom from discrimination), CEDAW
Violence against women	Systematic assault of women in public spaces	VAPP Act, African Charter on Human and Peoples' Rights

Source: Compiled from BAOBAB for Women's Human Rights (2026), Igonikon & Ewokor (2026), Bello (2026).

Table 6 identifies the human rights violations documented during the Alue-Do festival and the legal provisions applicable to each violation. The violations include sexual assault and molestation, forced stripping and public humiliation, restrictions on freedom of movement, gender-based discrimination, and violence against women. These violations are addressed by the Nigerian Criminal Code, the Violence Against Persons (Prohibition) Act, the Constitution, and international human rights instruments such as CEDAW and the African Charter on Human and Peoples' Rights (BAOBAB for Women's Human Rights, 2026; Igonikon & Ewokor, 2026; Bello, 2026).

Implications for Legal Pluralism and Human Rights Protection

The Alue-Do controversy has significant implications for legal pluralism and human rights protection in Nigeria. The incident highlights the tensions between customary law and statutory law in the regulation of cultural practices and the protection of fundamental rights. While the repugnancy doctrine provides a legal mechanism for evaluating customary practices against standards of natural justice and fundamental rights, its application is limited by jurisdictional constraints, judicial discretion, and the complexity of distinguishing cultural practices from criminal acts.

The non-subjection of customary law to the Bill of Rights and the non-statutory regulation of marriage and succession under customary law inhibit judges from invoking the Bill of Rights to protect women's rights (Diala,

2018). The preference of apex courts for the repugnancy test over the Bill of Rights shields customary law from constitutional scrutiny, limiting the transformative potential of human rights protections (Diala, 2018). This situation is particularly problematic for gender-based cultural practices, as the patriarchal structures that perpetuate gender inequality are often embedded in customary law and resistant to reform through judicial intervention.

The Alue-Do controversy demonstrates the need for a more robust approach to the regulation of cultural practices and the protection of human rights in Nigeria. This approach should include the formal documentation and codification of customary practices, mandatory security protocols for cultural festivals, enhanced legal education for traditional authorities, and increased accountability for human rights violations committed under the guise of cultural practices (BAOBAB for Women's Human Rights, 2026). The approach should also address the underlying patriarchal structures that enable violence against women in cultural contexts, through community education and the promotion of gender equality.

Interviews with community leaders and legal practitioners provided insights into the implications of the Alue-Do controversy for legal pluralism and human rights protection. Chief Emmanuel Ogbodu, a traditional elder, stated:

"We need to find a way to preserve our culture while also protecting the rights of our women. The Alue-Do festival is a sacred tradition, but we cannot allow it to be used as an excuse for violence. We need to work with the government and the police to ensure that future festivals are safe and that those who commit crimes are held accountable. We also need to educate our youths about the true meaning of our traditions and the importance of respecting women."

Barrister Olawale Akinwande, a human rights lawyer, noted:

"The Alue-Do controversy is a wake-up call for all of us. We need to recognize that cultural practices are not static; they evolve over time. The traditions that were acceptable in the past may not be acceptable in the present, especially when they violate fundamental rights. We need to have honest conversations about the need for cultural reform and the importance of protecting human rights. The repugnancy doctrine is a useful tool, but we also need to use the Constitution and international human rights instruments to protect the rights of women and other vulnerable groups."

The challenges of legal pluralism and human rights protection in Nigeria are further compounded by the difficulties faced by law enforcement agencies in maintaining public order and enforcing laws in culturally diverse communities (Ikenyei, 2017). Effective crime prevention and human rights protection require collaboration between traditional authorities, law enforcement agencies, and civil society organizations to identify and address the root causes of violence (Ikenyei, 2017).

Table 7 presents the implications of the Alue-Do controversy for legal pluralism and human rights protection in Nigeria.

Table 7: Implications for Legal Pluralism and Human Rights Protection

Dimension	Implication	Recommended Action
Legal pluralism	Tensions between customary law and statutory law in regulating cultural practices	Formal documentation and codification of customary practices
Repugnancy doctrine	Limitations in applying doctrine to cultural festivals	Enhanced judicial guidance on application of doctrine to cultural practices
Human rights protection	Gaps in protection of women's rights in cultural contexts	Mandatory security protocols for cultural festivals
Traditional authority	Role of traditional authorities in preventing violence	Enhanced legal education for traditional authorities
Accountability	Need for prosecution of perpetrators and enablers	Increased accountability for human rights violations

Source: Compiled from Diala (2018), BAOBAB for Women's Human Rights (2026), Ovbiagele (2021).

Table 7 summarizes the implications of the Alue-Do controversy for legal pluralism and human rights protection in Nigeria. The tensions between customary law and statutory law in regulating cultural practices highlight the need for formal documentation and codification of customary practices. The limitations in applying the repugnancy doctrine to cultural festivals suggest the need for enhanced judicial guidance on the application of the doctrine to cultural practices. The gaps in protection of women's rights in cultural contexts require mandatory security protocols for cultural festivals. The role of traditional authorities in preventing violence necessitates enhanced legal education for traditional authorities. The need for accountability requires increased accountability for human rights violations committed under the guise of cultural practices (Diala, 2018; BAOBAB for Women's Human Rights, 2026; Ovbiagele, 2021).

CONCLUSION AND RECOMMENDATIONS

Conclusion

The Ozoro Alue-Do festival controversy of March 2026 has exposed significant tensions between cultural preservation and human rights protection in contemporary Nigeria, raising critical questions about the application of the repugnancy doctrine and the regulation of cultural practices. This study has examined the legal and socio-cultural dimensions of the controversy through primary interviews, comparative analysis of Nigerian festivals, and legal analysis of court decisions.

The findings reveal that the repugnancy doctrine remains a critical legal instrument for evaluating customary practices, yet its application is fraught with ambiguity, colonial baggage, and inconsistent judicial interpretation. The comparative analysis revealed significant variations in the regulation of cultural practices, with some festivals subject to state regulation and others operating with minimal oversight. The legal analysis revealed that Nigerian courts have taken an increasingly progressive approach to human rights protection, but the application of the repugnancy doctrine and constitutional provisions remains inconsistent.

The study found that while traditional leaders assert that the Alue-Do festival is a fertility rite with no cultural endorsement of sexual violence, the documented acts of harassment and assault constitute serious violations under Nigerian law and international human rights instruments, including sexual assault, forced stripping, restrictions on freedom of movement, gender-based discrimination, and violence against women.

The Alue-Do controversy revealed significant regulatory failures, including lack of formal notification, inadequate security arrangements, absence of community sensitization, and failure to prevent violence. The responses of relevant authorities indicate recognition of these failures and efforts to address them through prosecution, policy changes, and accountability measures.

The study concludes that a balanced approach is needed to respect cultural traditions while ensuring compliance with constitutional human rights guarantees. This approach should include formal documentation of customary practices, mandatory security protocols, enhanced legal education for traditional authorities, and increased accountability for human rights violations committed under the guise of cultural practices.

Recommendations

First, the Nigerian government should undertake formal documentation and codification of customary practices across the country, involving collaboration with traditional authorities, legal experts, and human rights organizations to evaluate practices against human rights standards.

Second, the Nigerian government should establish mandatory security protocols for cultural festivals, requiring prior notification and approval, adequate security arrangements, and clear guidelines for prevention and response to violence.

Third, the government should provide enhanced legal education for traditional authorities on the repugnancy doctrine, human rights, and the legal framework for cultural practices.

Fourth, the government should strengthen accountability for human rights violations committed under the guise of cultural practices through full prosecution of perpetrators and enablers, invoking the Violence Against Persons (Prohibition) Act to its fullest extent.

Fifth, the government should conduct a nationwide audit of cultural practices that may shield sexual violence and develop community-based mechanisms to challenge and transform such norms.

Sixth, the government should strengthen the capacity of law enforcement agencies to investigate and prosecute gender-based violence in cultural contexts through enhanced training, improved forensic capabilities, and better coordination with civil society organizations (Ikenyei, 2017).

Seventh, the judiciary should provide clearer guidance on the application of the repugnancy doctrine to cultural practices, clarifying the relationship between the doctrine and constitutional rights protections.

Eighth, traditional authorities should develop and enforce community-based mechanisms for regulating cultural festivals, including festival committees, clear guidelines, and accountability measures for misconduct.

Ninth, the Nigerian government and civil society organizations should promote community education on the repugnancy doctrine, human rights, and legal boundaries of cultural practices, targeting youths and community members.

Tenth, the Nigerian government should ratify and implement international human rights instruments, including CEDAW and the African Charter, and ensure domestic legislation is aligned with international human rights standards.

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