

Securing the Digital Future: Customary Law Perspectives on AI, Cyber Defence, and Trust

Innocent Onohomhen Ebbih

Department of Jurisprudence & International Law,
Ambrose Alli University, Ekpoma

ORCID ID: <https://orcid.org/0000-0001-6079-6539>

Email: innocent.ebb@aauekpoma.edu.ng; innoebb17@gmail.com

Abstract

The rapid integration of artificial intelligence (AI) into critical infrastructures has altered the landscape of cybersecurity, governance, and digital trust and thus creating a fundamental normative deficit. It is obvious the dominant regulatory frameworks, based on Western liberal legal traditions, have failed to generate the depth of communal trust, legitimacy, and internalisation which effective digital governance requires, especially among African states characterised by legal pluralism, customary governance structures, and historically marginalised indigenous communities. These state-centred and technocratic frameworks often overlook the normative relevance of indigenous legal traditions. In addressing this deficit, this paper advances a theoretical proposition that customary law constitutes a generative and underutilised resource for the governance of AI systems, cyber defence architectures, and digital trust frameworks as a complementary governance mechanism. Customary law, understood in its full breadth encompasses indigenous and ethnic custom, religious-customary norms, mercantile custom, technical-professional custom, and customary international law. From a doctrinal approach, the paper explores how principles of customary law such as communitarian accountability, restorative justice, collective responsibility, and legitimacy through social consensus can inform ethical AI governance and cyber defence strategies. By examining four trust-generating mechanisms inherent in customary law (internalisation over coercion, predictability born of lived repetition, communal legitimacy, and reputational enforcement), it argues that these mechanisms provide culturally grounded pathways for ethical AI governance, cyber defence strategies, and the restoration of digital trust. It evaluates Global South customary frameworks like the Ubuntu, Akugbe-ahu, Islamic jurisprudential principles, the CARE Principles for Indigenous Data Governance, and the ASEAN Way as substantive, co-equal normative sources rather than corrective appendices. It argues that these principles provide culturally grounded pathways for enhancing trust, promoting compliance, and mitigating harms associated with emerging technologies. It contends that the digital future of Africa, and indeed of the international community, cannot be secured without the normative foundations that customary law uniquely supplies.

Key Words: Artificial Intelligence governance, customary law, Cyber defence/ security, Digital Trust, Legal pluralism

Introduction

One of the greatest challenges of today's world is the impact and effect of AI systems on the human race and its activities. Artificial intelligence today, has moved from a mere theoretical concept into a powerful force in such a way that it now defines several aspects of our contemporary life including systems and processes of governance, national security, commerce, and social interactions. Thus, the gravest threats to human dignity, security, and

state sovereignty lies not in guns, ammunition, or invading armies, but in algorithms moving silently but powerfully through fibre-optic cables.⁴ This could be seen from the US – Iran war when drones struck three Amazon Web Services data centres in the United Arab Emirates and Bahrain which resulted in significant disruption of financial services in some of the states.⁵ This speaks of the extent to which technology and AI system today controls or regulates human activities and interactions. It is however sad that despite these overwhelming effect of AI systems, the legal frameworks governing this transformative domain to a large extent, remains uncertain and structurally inadequate considering the challenges posed by it.

Closely linked to this development is the evolution of cyberspace from being just a specialized technical environment to an arena of global competition and conflict. Today, deployment of digital technologies by states have gone beyond communication and innovation to manipulation of public opinion, spying and attacks on critical infrastructure, and the projection of power across borders which is usually carried out without firing a single shot.

With these developments, there is a growing crisis in the confidence and trust reposed on technology by users. With the spread of misinformation, increase in cyberattacks, and the influence of artificial intelligence in decision-making, it has become difficult knowing which information to trust, institutions to rely upon, and how best to engage with confidence in an increasingly interconnected world. The challenge therefore before individuals, communities, international organizations, and governments, is not just about the management of this technological change but also the rebuilding of trust, accountability, and cooperation in the digital age.

Digital trust in this sense has been defined to mean “the confidence users have in the ability of technology, processes and organizations to create and maintain a secure digital environment.”⁶ It is further defined as:

*The confidence and belief individuals or entities have in the reliability, integrity, and security of digital technologies and online environments. It encompasses the assurance that digital systems, platforms, and processes will function as intended, protect personal information, and uphold privacy rights.*⁷

This paper therefore comes from a conviction which though may appear archaic and unfashionable in an age filled with technical and regulatory novelty that customary law can contribute in mitigating these challenges. Customary law being the oldest source of law known to human civilisation promises to be a veritable resource for rebuilding digital trust and not necessarily a new treaty, a new technical standard or a new regulatory agency.⁸ Customary law

⁴ Roland Abi Najm, ‘Media disinformation, AI-driven forgery, and violations of international humanitarian law in the digital age’ *National Human Rights Law Commission*, (16th April, 2026) <https://nhrcib.org/en/archives/6627>. Accessed 16th June, 2026

⁵ Calum Inverarity, ‘The world’s internet infrastructure is under threat – who is going to protect it?’ *Chatham House*, 15th June, 2026, <https://www.chathamhouse.org/publications/the-world-today/2026-06/worlds-internet-infrastructure-under-threat-who-going-protect>. Accessed 16th June, 2026

⁶ Gavin Wright & Jeffery Ritter, ‘What is digital trust?’ *TechTarget*, (October 30th 2025) <https://www.techtarget.com/whatis/definition/digital-trust>

⁷ MICROBLINK, ‘Digital Trust’ <https://microblink.com/resources/glossary/digital-trust/>

⁸ Daniel Chidike NWUZOR & Chidebe Matthew NWANKWO, ‘Customary Law: The Forgotten Source of Law In Nigerian Jurisprudence?’ *Law and Social Justice Review*, (2025) Vol. 6(2)

has been defined by the Nigerian Supreme court as “a system of law not being the common law and not being the law enacted by a competent legislature in Nigeria, but which is enforceable and binding within Nigeria as between the parties subject to its sway.”⁹ The court in *Oyewumi v Ogunesan* defined customary law as “The organic or living law of the indigenous people ... regulating the lives and transactions. It is organic in that it is not static; it is regulatory in that it controls the lives and transactions of the community subject to it.”¹⁰ It has therefore been said that ‘custom is a mirror of the culture of the people.’¹¹ Customary law can therefore be referred to as the body of norms or rules which were not enacted by the legislature or a negotiated treaty, but evolved from the continued and consistent long practice of a community which has become binding on the members of the community. It is therefore argued that customary law in its full and proper breadth embraces indigenous and ethnic custom, ethno-religious customary norms, professional and technical custom, mercantile custom, and customary international law.

It is therefore posited that the application and deployment of these customary norms in all shades and spheres offers an indispensable architecture and a veritable road map for the restoration of trust in the digital domain. Though so much have been invested in governance and regulations, there remains a normative deficit which is neither technical nor a matter of legislative design, but a failure to generate the quality of trust, legitimacy, and internalised obligation without which the law remains a formal shell and is incapable of shaping behaviour in any meaningful way. This paper therefore argues that when governance is rooted in normative foundations, communities recognise such as their own and thus generates not merely legal obligation but moral commitment, social accountability, and communal legitimacy. It is therefore the contention of this paper that customary law, properly understood and theoretically developed, will offer precisely these foundations. This flows from the fact that compliance under customary law does not require any external force or command but that which comes naturally from within.

Customary Law as A Genus and Not A Single Species

Customary law encompasses the diverse forms of unwritten rules and standards that emerge from repeated practices and shared acceptance within a community.¹² Customary norms arises when patterns of conduct become sufficiently established and are widely regarded as appropriate, obligatory, or legitimate by a community whether it is composed of states, indigenous peoples, religious groups, professional associations, technical networks, or other social formations.¹³

i. Customary International Law

It is important to clarify the misunderstanding that the term ‘customary law’ in discussions of international governance, is often used as though it refers basically

⁹ *Kharie Zaiden v Fatima Khalil Mohssen* (1973) ANLR 740

¹⁰ *Oyewumi v Ogunesan* (1990) 3 NWLR (Pt. 137), 182 at 207

¹¹ *Ibid*

¹² Tobie Bassey, ‘Customary Law In Nigeria: Evolution, Legitimacy and Reform Within A Plural Legal Order’ *African Journal of Law, Ethics and Education [AJLEE]*, (2026) Vol. 9(2). <<https://ajleejournal.com>>. Accessed 24th June, 2026.

¹³ Manvendra Rajpurohit, ‘The Interface between Traditional Customary Law and Modern Legal Systems in India’ *International Journal of Advanced Research and Development*, (2025), Vol. 10(2), 24-27 <www.multistudiesjournal.com>. Accessed 24th June, 2026.

to customary international law. The doctrine of customary international law famously articulated by the International Court of Justice in the *North Sea Continental Shelf Cases* (1969)¹⁴, holds that a rule of customary international law emerges from the combination of consistent state practice and a belief by states that such practice is legally required (*opinio juris*). Customary international law therefore does not imply the whole of customary law but simply one specie within a much larger family of practice-based normative systems.¹⁵ While this understanding of custom undoubtedly forms part of the analysis in this paper, it however represents only one aspect of a much broader phenomenon.

Thus, besides customary international law, there are at least four further species directly relevant to the digital governance project of this paper which will be briefly discussed hereunder:

a. **Indigenous and Ethnic Customary Law**

Indigenous and ethnic customary law refers to the body of unwritten, practice-derived normative rules and principles that govern the social, economic, political, and spiritual life of a particular indigenous community or people group.¹⁶ These rules are organic and they evolved from long and consistent practice of the community itself, validated by its shared conviction that such practices are obligatory, right, and binding upon its members as different from legislative enactment, executive decree, or judicial pronouncement.¹⁷ These customary rules and laws practices across Africa and some other parts of the world are recognised and binding by the Constitutions of these countries.¹⁸

b. **Religious-Customary Law**

This represents another species of customary law which consists of the long-established norms and ethical practices of faith communities, such as the Islamic Sharia traditions and the customary moral teachings of Christianity and other religious communities. Through repeated observance and shared belief, these norms/ traditions cultivate enduring principles such as trusteeship, stewardship, justice, and the prohibition of harm to others. Because these norms are deeply internalized by their communities, they provide a powerful source of legitimacy and trust that can complement statutory and international legal frameworks.¹⁹ It is opined that religious customary law creates predictability and trust and it is nurtured by encouraging truthfulness, fidelity, and moral responsibility secured through conscience and communal morality.²⁰ This suggests that trust is produced more through consistent practice of shared ethical norms by communities than by legal rules.

¹⁴ *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands), Judgment*, I.C.J. Reports 1969, p. 3

¹⁵ Gerald J. Postema, 'Custom in International Law: A Normative Practice Account' *Duke Law Journal*, (2012) Vol. 62, 707 DOI: [10.1017/CBO9780511493744.013](https://doi.org/10.1017/CBO9780511493744.013). accessed 24th June, 2026

¹⁶ Alfred P. Minei & Sam O. Kaipu. 'Indigenous Customary Law in Context' *US-China Law Review*, (2022), Vol. 19(1), 1-23. doi:10.17265/1548-6605/2022.01.001. Also available at: <https://www.researchgate.net/publication/359283797_Indigenous_Customary_Law_in_Context>. Accessed 26, June, 2026

¹⁷ Ibid

¹⁸ Section 211 South African Bill of Rights, Constitution of the Federal Republic of Nigeria, CFRN sections 315(3) and (4)(b), and Evidence Act 2011 sections 16 & 17

¹⁹ Francis J. Powers, 'Religion and the Law' *Catholic University Law Review*, Vol. 1(3), 115. Available at: <https://scholarship.law.edu/lawreview/vol1/iss3/2>

²⁰ Ibid

c. Mercantile and Commercial Custom

Mercantile and commercial custom as another specie of customary law, illustrates how commercial communities create their own systems of normative order. From the historic *lex mercatoria* to contemporary business and financial custom/ practices, merchants and market participants have developed widely accepted rules governing contracts, payment practices, trade usages, and commercial dealings. These norms/ practices become legally significant and authoritative having been established through consistent observance and have become accepted and trusted within the commercial community itself. Courts and arbitral tribunals in turn, recognise and enforce them not because they were created by legislation, but because they have already acquired legitimacy through sustained commercial practice. This demonstrates one of the cardinal features of customary law where legal authority often follows social acceptance rather than precede it.

d. Professional and Technical Custom

This is a distinct form of customary law consisting of the unwritten rules, standards, and practices that evolve within engineering, scientific, and technical communities from repeated use and collective acceptance.²¹ Through continuous collaboration, institutions such as the Internet Engineering Task Force (IETF), the World Wide Web Consortium (W3C), and the Internet Corporation for Assigned Names and Numbers (ICANN) have come to establish widely accepted standards and practices that regulates the operation of the digital ecosystem. These standards having been consistently followed and widely accepted, have become authoritative, and regarded by the technical community as the proper way to design, manage, and secure digital systems and not legally binding because they are enacted by governments. Their legitimacy, like that of other forms of customary law, is derived from repeated practice, professional consensus, and internalized acceptance. This demonstrates the fact that effective governance in the digital age often depends as much on trusted professional customs and not just on formal legal regulation.²²

This paper therefore posits that all five species of customary law which includes customary international law, indigenous and ethnic customary law, religious-customary law, mercantile and commercial custom and professional and technical custom must be brought to bear on the project of securing the digital future. This is because each operates through the same underlying mechanism of trust generation. Thus, digital governance cannot be said to be the business of states alone acting in their relations with one another but the business of communities, professions, faith traditions, and commercial networks acting in relation to a shared digital infrastructure that none of them individually controls and all of them depend upon.

Building Trust through the Application of Customary Law

²¹ Cyril Asuquo Etim, 'Is "Customary Law" Law? *International Journal of Development Research (IJDR)*, (2013) Vol. 3(11), 184-190. <<https://www.journalijdr.com/%E2%80%9Ccustomary-law%E2%80%9D-law>> Accessed 30, June, 2026.

²² Hui-Chol Pak, et al, 'Analysis on the Legal Definition of *Jus Cogens* Provided in Article 53 of the Vienna Convention on the Law of Treaties' *Sage Journals*, (2022), Vol. 59(4) <<https://doi.org/10.1177/00208817221136375>> accessed 30th June, 2026

It is important to note that customary law from a broader sense and in a very unique way, is suitable and relevant in dealing with the digital trust problem as against the way statutory and treaty law does. Thus, trust is not just a mere by-product of customary law but one of the defining characteristics of customary law. This is because the authority of customary law is derived from shared belief and practices, collective acceptance, and a sense of mutual obligation owed one another within the community.²³ This trust-building capacity is founded on four interrelated and interconnected features, each offering valuable insights into some of the vital challenges facing contemporary digital governance.

i. Internalisation rather than Coercion

The basis of trust in statutory and treaty laws is the coercive force and apparatus that backs them which are the courts and State's enforcement mechanism. This is where customary law differs because it does not require external compulsion but an inner conviction. A rule or norm becomes customary not because it was commanded by an authority, but because it has been consistently followed by a community long enough that it is now regarded as the acceptable way of behaviour.²⁴ Therefore, compliance is driven not by an external enforcement but by shared acceptance. The norm is trusted because it has been internalised and has become embedded in the community's values, practices, and collective understanding, and a way of behaviour.²⁵ This kind of trust mechanism can be seen in the development of the internet itself. The observance of the protocols and standards that forms the basis of the digital ecosystem is not out of a compulsion from a global authority, compliance is rather because such practices have become widely accepted within the technical community.²⁶

A similar dynamic can be seen in the development of the internet itself. Many of the standards and protocols that underpin the digital ecosystem are observed not because a global authority compels compliance, but because they have become widely accepted practices within the technical community. These practices have become customary to those in the trade and are thus recognized as legitimate, effective, and necessary for the system to function.²⁷

Flowing from the above, it is clear that the same can be extended to the governance of artificial intelligence and cyberspace as the imposition of rules from outside a community be it of states, developers/ operators of technology cannot produce a genuine and lasting trust. However, norms that evolved through participation and repeated practice, which have become acceptable everyone in the community are considered as legitimate and thus, attract voluntary compliance. It is therefore trite that for there to be a genuine trust in digital governance frameworks such must evolve not

²³ Abubakar Mohammed Bokani, 'Analysis of Trust in the Administration of Land in Nigeria' *The Nigerian Juridical Review*, (2025) Vol. 19, 59-71. <<https://doi.org/10.56284/Obghd35>>. Accessed 19th June, 2026.

²⁴ Modupe Nancy Wiwoloku, 'The Role of Customary Law in the Nigerian Judicial System' *The Obafemi University Law Journal*, (2024) Vol. 5(2), <<https://oaulj.oauife.edu.ng/index.php/oaulj/article/view/13>> Accessed 30th June, 2026

²⁵ Ashraf Ahmed, 'A THEORY OF CONSTITUTIONAL NORMS' *Michigan Law Review* [2022] Vol. 120, 1361-1418. Also available at <<https://michiganlawreview.org/journal/a-theory-of-constitutional-norms/>>. Accessed 19th July, 2026.

²⁶ Stephen D. Crocker, 'How the Internet Got Its Rules' *New York Times*, (April 7, 2009), chrome-extension://efaidnbmnnnibpcjpcglclefindmkaj/https://cs.brown.edu/courses/cs180/static/files/lectures/readings/lecture3/How%20the%20Internet%20Got%20Its%20Rules.pdf

²⁷ Ibid

from mere regulatory commands but from shared norms which the communities regard as their own.²⁸

The technical architecture of the internet has functioned by this trust mechanism for half a century where protocols like TCP congestion control or DNS resolution conventions are observed by engineers not out of a global government enforcement, but as a result of the fact that these practices have calcified into professional custom.²⁹ Thus for AI and cyber governance to enjoy this genuine and lasting trust, the rules must be such as have become their own community practice and not one that is imposed by an external authority.³⁰ Therefore, digital governance frameworks which desire to enjoy genuine trust must be designed in such a way to become customary and not merely rules to be obeyed.

ii. Predictability Born Out of Lived Repetition

Trust as it were, is basically a function of predictability as it concerns any relationship. It is therefore easier for persons to trust you because they have seen you repeatedly and consistently behave in a particular way.³¹ Though statutory law may also enjoy the status of predictability in its text, its application however, is wholly unpredictable because of its subjective selective enforcement, regulatory capture, or simple institutional incapacity. There are therefore challenges with enforcement in jurisdictions where formal digital regulation has been recently transplanted but lacks mature enforcement infrastructure. Customary law unlike statutory law, derives its predictability from the consistent and repeated observance of same over a long period of time. People know what to expect because they have seen the rule applied and respected for generations in similar situations. Its authority therefore comes not from formal enactment, but from the confident assurance that others will continuously follow a practice which has long been accepted as the only proper way to act.³² The relevance of this principle to the issue of digital trust is very significant. Genuine trust is built in digital environments not just through legal rules, but norms which have emerged from consistent and observable pattern of behaviour. This can be seen from the example of responsible disclosure of data breaches which has to a great extent become an accepted practice among reputable tech companies.³³ Besides, certain standards for handling and protecting data have over time evolved into expected norms among professional and

²⁸ Alexander R. Mueller & Christopher S. Yoo, 'TAKING STANDARDS SERIOUSLY: THE CASE FOR A PRIVATE STANDARDS-BASED APPROACH TO AI GOVERNANCE' *Berkeley Technology Law Journal (BTLJ)*, (2026) Vol. 40(4). Also available at <https://btlj.org/wp-content/uploads/2026/04/40.4_Mueller.pdf>. Accessed 19th June, 2026.

²⁹ Ibid

³⁰ Adnan Masood, 'Establishing Trust in AI Agents — I: Monitoring, Control, Reliability, and Accuracy' *Medium*, <<https://medium.com/@adnanmasood/establishing-trust-in-ai-agents-i-monitoring-control-reliability-and-accuracy-f440664df5fd>>. Accessed 19th June, 2026.

³¹ Hilal Ahmad Khan, 'The AI Ethics Vacuum: How the Speed of Innovation is Outpacing Regulation' *Medium*, (August, 29, 2025) <<https://medium.com/@azha.khan.6/the-ai-ethics-vacuum-how-the-speed-of-innovation-is-outpacing-regulation-cc8023b1cbb3>>. Accessed 19th June, 2026.

³² Ruige Ma, 'The Gap between Law and Its Expected Social Effects: Reasons and Countermeasures' *Transactions on Social Science, Education and Humanities Research LHPER*, (2025) Vol. 14. DOI: 10.62051/q12fec08. Also available at: <https://www.researchgate.net/publication/394866500_The_Gap_between_Law_and_Its_Expected_Social_Effects_Reasons_and_Countermeasures>. Accessed 30th June, 2026.

³³ Giles Lindsay, 'The Intersection of Ethics and Technology – The Moral Maze' *Medium*, (16, November 2023) <<https://agiledelta.medium.com/the-intersection-of-ethics-and-technology-the-moral-maze-801899a371f2>>. Accessed 30th June, 2026.

technical communities. These practices having been reinforced through continuous and repeated observance and collective acceptance, have come to inspire a level of trust which newly enacted laws and regulations, no matter how well and carefully drafted, will not immediately achieve. It is therefore correct to say that durable and genuine digital trust is most likely to emerge when responsible behaviour becomes the established and widely shared practice instead of attempting to achieve same through a legal obligation.

iii. Communal Legitimacy where Formal Law is Contested or seen as Foreign

One of the strongest reasons for digital distrust particularly in the Global South, is the fact that the regulations seems to have been imported and imposed instead of flowing from the actual norms which communities know and follow. These regulations which are written in places like Washington, Brussels, or Geneva, and imported into countries whose social realities, cultural values and economic conditions are completely different. The result is that these regulations are seen and regarded as foreign and so lack legitimacy.³⁴

Customary law however offers a fundamentally different foundation with the principles of communal consent, collective ownership, and shared benefit which already exist within communities. These are not new rules imposed by outsiders but norms which the people have lived by for a long time and have come to trust. Principles like communal land ownership or collective decisions about shared resources, which are recognised by indigenous customary law should be applied with the same logic to how AI systems trained on community data are governed. AI system's governance should be seen as a natural extension of the norms the community already trusts rather than imported or super-imposed restriction.³⁵ This is equally applicable to customary-religious frameworks like the Islamic concept of trusteeship and the doctrine of no harm, no reciprocation of harm. These can provide moral language for data custodianship and AI deployment that already carries authority within communities. It will be difficult for a newly enacted data protection law, no matter how well-crafted and technically sound, to command that same trust which these centuries-old principles already hold in its first decade.³⁶

iv. Enforcement by Reputation rather than Litigation

Legal and formal enforcement carried out through the courts, regulatory agencies, and cross-border litigation as it concerns the digital environment, is often slow, costly, and limited by national boundaries. Customary law however, on the other hand relies on a different form of enforcement which borders on the social consequences that follows the breach of accepted norms, which includes loss of reputation, credibility, and the

³⁴ Ayesha Bhatti, 'EU Digital Rules Act as Regulatory Imperialism in Global South, New Report Concludes' *Centre for Data Innovation*, (January 26, 2026) <https://datainnovation.org/2026/01/eu-digital-rules-act-as-regulatory-imperialism-in-global-south-new-report-concludes/>. Accessed 30th June, 2026

³⁵ Josephat Ubanyionwu, 'Ethical and Cultural Considerations in Artificial Intelligence (AI) Application to Customary Law' *African Journal of Law, Ethics and Education [AJLEE]* (2024) Vol. 7(2) <https://www.scribd.com/document/902917558/ETHICAL-AND-CULTURAL-CONSIDERATIONS-AI>. Accessed 30th June, 2026.

³⁶ Ibid

trust of the community.³⁷ This approach carries important parallels in today's digital ecosystem since many online platforms, professional networks, and technical communities depends heavily on reputation and trust as mechanisms of accountability. Trust ratings, professional standing, peer review processes, and community-based sanctions often influences behaviour more quickly and effectively than formal legal proceedings. These mechanisms operates continuously and transcends national borders, and can respond to real time misconduct in ways that traditional legal systems cannot.³⁸

The implication of this in digital governance is significant. Instead of creating entirely new systems of accountability, policymakers should rather recognise the many trust-based enforcement mechanisms which are already functioning within digital communities. The challenge is to strengthen these mechanisms, make them more transparent and fair, and deliberately integrate them into the broader frameworks for governing artificial intelligence, cybersecurity, and digital platforms.

Repositioning the Three Pillars through the Trust Mechanism.

With this trust mechanism established, the three substantive pillars of this paper artificial intelligence governance, cyber defence, and digital trust itself can be reframed not as three separate problems requiring three separate solutions, but as three domains in which the same customary-law trust mechanism operates at different scales and through different species of custom.

i. Artificial intelligence governance

The central challenge of artificial intelligence is not simply whether AI complies with the law, but whether people can trust it. People affected by AI-driven decisions need more than laws prohibiting discrimination or requiring transparency; they need confidence that those who design, develop, and deploy AI systems consistently act in accordance with these standards in practice. This confidence cannot be created by legislation alone, particularly where access to legal remedies may be limited or unrealistic.³⁹ Trust however, is built through repeated and observable behaviour that demonstrates a genuine commitment to fairness, accountability, and transparency. When responsible practices become widely accepted and consistently followed across an industry, profession, or community, they develop into shared norms that people can rely upon. When these norms are supported by mechanisms such as professional reputation, peer accountability, and public confidence, they help create the trust that effective AI governance ultimately depends upon.

ii. Cyber Defence

Cyber defence operates on two interconnected levels. At the international level, it relies on customary international law, which develops through consistent state

³⁷ Chioma Chidera Ugwu, 'Online Dispute Resolution (ODR) and the Future of Digital Commercial Arbitration and Mediation in Nigeria' *Ekte - International Journal of Advanced Research*, (2025) Vol. 3(5) <<https://journals.journalsplace.org/index.php/EKETE>> Accessed 30th June, 2026

³⁸ Martín-Peña, et al, 'Digital platforms and Business Ecosystems: A Multidisciplinary Approach for New and Sustainable Business Models. *Rev Manag Sci* (2024), Vol. 18, 2465–2482. <<https://doi.org/10.1007/s11846-024-00772-y>> Accessed 30th June, 2026.

³⁹ Daniel Oliveira Cajueiro & Victor Rafael Rezende Celestino, 'A Comprehensive Review of Artificial Intelligence Regulation: Weighing Ethical Principles and Innovation', *Journal of Economy and Technology*, (2026) Vol. 4, 77-91. <https://doi.org/10.1016/j.ject.2025.07.001>. Or <https://www.sciencedirect.com/science/article/pii/S2949948825000241>. Accessed 30th June, 2026.

practice and a shared belief among states that certain conduct is legally required. This is the traditional form of custom familiar to international lawyers and provides the framework for analysing issues such as the use of force in cyberspace, due diligence obligations, and lawful countermeasures.⁴⁰

However, effective cyber defence also depends on a second layer of customary practice that exists within the technical community itself. Security researchers, network operators, and cybersecurity professionals have developed widely accepted norms governing responsible vulnerability disclosure, incident reporting, information sharing, and professional conduct. These practices are not always mandated by formal law, yet they are consistently observed because they are regarded as the proper way to operate within the cybersecurity community.⁴¹

The importance of these technical customs cannot be overstated. They create the trust and cooperation necessary for cyber defenders to share information, respond to threats, and coordinate their efforts across organizational and national boundaries. In this sense, collective cyber defence depends not only on legal rules between states but also on the customary norms and professional practices that have evolved within the global cybersecurity community.

iii. Digital trust

Digital trust is not simply something that needs to be protected; it is something that must be actively built and sustained. This is where customary law offers a unique contribution. Unlike statutes or treaties, which seek to create trust through formal rules and enforcement mechanisms, customary law builds trust through consistent behaviour, shared expectations, and collective acceptance over time.⁴²

The central argument of this paper is that digital trust cannot be created by legislation alone, no matter how detailed or comprehensive the legal framework may be. People come to trust systems, institutions, and technologies when they repeatedly observe responsible, transparent, and accountable conduct in practice. Trust develops when these behaviours become accepted norms within communities and are reinforced by reputation, professional standards, and social expectations.

In this sense, digital trust is built through the gradual development of customary norms across multiple levels of society which include states, professional communities, religious and cultural groups, technology industries, and technical networks. It emerges not merely from rules that people are required to obey, but from practices that communities come to regard as legitimate, appropriate, and worthy of confidence. Ultimately, lasting digital trust is more likely to be achieved

⁴⁰ Kasim Balarabe, 'Digital Borders and Beyond: Establishing Normative Grounds for Cybersecurity and Sovereignty in International Law', *Computer Law & Security Review*, (2025) Vol. 58. <https://doi.org/10.1016/j.clsr.2025.106180>.

<<https://www.sciencedirect.com/science/article/pii/S2212473X25000537>> Accessed 30th June, 2026

⁴¹ Kristel M. de Nobrega, Anne-F. Rutkowski & Carol Saunders, 'The Whole of Cyber Defense: Syncing Practice and Theory', *The Journal of Strategic Information Systems*, (2024) Vol. 33(4). <https://doi.org/10.1016/j.jsis.2024.101861>.

<<https://www.sciencedirect.com/science/article/pii/S096386872400043X>> Accessed 30th June, 2026

⁴² Jennifer Glenn, 'The Foundation for Digital Freedom', IDC, <https://www.digicert.com/content/dam/digicert/pdfs/whitepaper/idc-digital-trust-the-foundation-for-digital-freedom-whitepaper-en.pdf>. Accessed 30th June, 2026.

through the steady cultivation of shared norms and responsible conduct than through legal regulation alone.

Indigenous, Religious, and Global South Customary Law as Substantive Sources, Not Corrective Appendices

This paper posits that the customary frameworks of the Global South are not treated here as a corrective afterthought appended to a doctrinally Western analysis, but as substantive, independent sources of the very customary norms this paper has been constructing throughout. Each framework examined below is, on this paper's account, not merely a regional perspective on a universal customary law otherwise defined elsewhere; but is itself a site of customary law formation, generating norms through exactly the internalisation-predictability-legitimacy-reputation mechanism within the communities that hold it.

i. Ubuntu and the Customary Law of African Digital Solidarity

The Southern African philosophy of Ubuntu, often expressed in the maxim “a person is a person through other persons” (*umuntu ngumuntu ngabantu*), can be understood as a form of customary ethical order within the communities where it is practiced. It reflects a long-standing and consistently observed belief in mutual dependence, shared responsibility, and communal support. In practical terms, it shapes expectations around cooperation, resource-sharing, and social obligation, and it is upheld not through formal courts alone, but through reputation, social approval, and community recognition.⁴³

In contemporary discussions on artificial intelligence governance, Ubuntu has gained renewed relevance, particularly in the African Union's Continental AI Strategy and in emerging African scholarship on digital ethics. However, this is not merely a borrowed philosophical analogy. Rather, it can be understood as an extension of an already existing customary norm into the digital domain. From this perspective, AI systems trained on African data and deployed within African societies carry an inherent expectation of contributing to collective well-being and shared benefit. This expectation arises from Ubuntu itself, independently of any statutory data protection or regulatory framework, and reflects the idea that technological systems should reinforce, rather than undermine, communal responsibility and human dignity.⁴⁴

ii. Maslaha, La Darar, and Amanah as Islamic Customary-Legal Contributions

Within Islamic jurisprudence, several well-established principles like Maslaha which implies public interest as a basis of legal reasoning in many Islamic legal schools and La Darar wa La Dirar meaning the prohibition of harm and reciprocal harm, and Amanah which refers to the concept of trust and stewardship functions as deeply rooted normative guides within communities and legal systems that recognise them. These principles derive their authority from long-standing juristic tradition and social acceptance, and they operate independently of modern

⁴³ Felix, 'Ubuntu: The Philosophy of Shared Humanity' *The Pan African*, (Sept. 23, 2024) <https://thepanfrica.com/ubuntu-the-philosophy-of-shared-humanity/> Accessed 20th June, 2026.

⁴⁴ K. Yilma, 'Ethics of AI in Africa: Interrogating the Role of Ubuntu and AI Governance Initiatives' *Ethics and Information Technology*, (2025) Vol. 27. <https://doi.org/10.1007/s10676-025-09834-5>. Accessed 20th June, 2026.

international frameworks, including emerging instruments on artificial intelligence governance.⁴⁵

Their significance to this paper lies in their alignment with broader questions of digital and technological responsibility. A norm against AI-induced harm that draws simultaneously on secular international doctrines of due diligence and on Islamic legal principles such as the prohibition of harm would command a much stronger degree of shared acceptance across diverse global populations than either tradition could achieve on its own. This illustrates the broader argument that the strength of customary norms in the digital age is best understood through the convergence of multiple normative traditions, each reinforcing the others to produce deeper and more widely internalised standards of conduct.

iii. **The CARE Principles as customary indigenous data law**

These Principles for Indigenous Data Governance borders on Collective Benefit, Authority to Control, Responsibility, and Ethics developed by the Global Indigenous Data Alliance, which represent a growing and intentional effort to express, in terms compatible with global data governance discourse, longstanding customary norms of data stewardship practiced within Indigenous communities for generations.⁴⁶ These norms are grounded in Indigenous customary law systems and, in the Nigerian context, resonate with established customary land and resource governance traditions among Yoruba, Igbo, Benin, and other ethnic legal orders recognised under the Evidence Act 2011.

Importantly, the CARE Principles are positioned alongside, rather than as a substitute for, the FAIR principles of data management (Findable, Accessible, Interoperable, Reusable). Thus, Indigenous customary approaches to data governance should not be viewed as competing with technical standards, but as an additional and necessary layer of customary normativity. They address a dimension of digital trust that purely technical frameworks cannot fully capture namely, questions of collective authority, communal benefit, and ethical stewardship over data.

iv. **The ASEAN Way as Customary Procedural Law**

The Association of Southeast Asian Nations (ASEAN) has long operated through a distinctive set of customary norms often described as the “ASEAN Way,” grounded in principles of non-interference, consultation, and consensus-based decision-making.⁴⁷ This represents an important contribution from Global South regional practice: a procedural form of customary norm that governs not the content of digital or security obligations, but the manner in which collective decisions and commitments are reached and maintained.

⁴⁵ E. Elmahjub, ‘Artificial Intelligence (AI) in Islamic Ethics: Towards Pluralist Ethical Benchmarking for AI’ *Philosophy & Technology*, (2023) Vol. 36. <https://doi.org/10.1007/s13347-023-00668-x>

⁴⁶ Carroll, SR, et al. ‘The CARE Principles for Indigenous Data Governance’ *Data Science Journal*, (2020) Vol. 19, Art. 43, 1–12. DOI: <https://doi.org/10.5334/dsj-2020-043> or <https://storage.googleapis.com/jnl-up-j-dsj-files/journals/1/articles/1158/submission/proof/1158-1-8528-2-10-20201104.pdf>. Accessed 20th June, 2026.

⁴⁷ Janya Kathuria, ‘The ASEAN Way in Practice: Achievements and Challenges in Maintaining Regional Cooperation and Stability’ *IOSR Journal Of Humanities and Social Science (IOSR-JHSS)* (2025) Vol. 30(9), 28-33. <<https://www.iosrjournals.org/iosr-jhss/papers/Vol.30-Issue9/Ser-3/E3009032833.pdf>>www.iosrjournals.org.> Accessed 26th June, 2026.

While this consensus-based approach can make rapid coordination in areas such as collective cyber defence more difficult, it should not be understood simply as an obstacle to effective governance. Instead, it functions as a trust-producing mechanism within the ASEAN community itself. Because consensus and non-interference have been consistently observed over time, they have become embedded expectations that member states rely on as a predictable and legitimate framework for regional cooperation, including in emerging areas such as digital governance.

Any attempt to design global digital governance structures that ignores this procedural custom in favour of purely majoritarian or great-power-led decision-making risks undermining the very legitimacy on which durable cooperation depends. Greater efficiency may be achieved in the short term, but at the expense of the communal trust and acceptance that make governance frameworks sustainable over time.

v. Akugbe Ahu and the Esan Customary Philosophy of Collective Strength

Among the Esan people of Edo State, Nigeria, the maxim "*akugbe ahu*" which means "strong together" or "unity is strength" is not just a way of greeting but functions as a customary normative principle among the Esan community. It is usually invoked at communal gatherings as a reminder that legitimacy, security, and developmental capacity reside not in the individual or the isolated household, but in the collective.⁴⁸ Like Ubuntu, *akugbe ahu* derives its authority from long and consistent practice rather than legislative enactment which is reinforced socially each time it is invoked. It binds members of Esan communities everywhere through reputation and shared expectation rather than formal sanction.⁴⁹

The relevance of *akugbe ahu* to the present inquiry lies in what it reveals about the *production* of customary norms, rather than merely their content. Whereas Ubuntu provides a substantive ethic of communal well-being, *akugbe ahu* provides a procedural logic of collective action implying that dispersed and individually limited actors achieve binding normative force only by acting in concert.⁵⁰ When applied to the digital domain, this suggests that cyber defence and AI governance frameworks gain customary legitimacy not when imposed on fragmented community of professional from above, but when those communities are mobilised to construct and enforce shared digital norms together. *Akugbe ahu* therefore reinforces, from within the author's own Esan community in Edo State, the broader claim that customary law's capacity to secure the digital future rests on its distinctly collective mode of normative formation.

Conclusion

⁴⁸ M. A. Izibili, 'African Traditional Approach to the Problems of Evil in the World' *Studies of Tribes and Tribals*, (2009), Vol. 7(1), 11–15 <https://www.chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://krepublishers.com/02-Journals/T%20&%20T/T%20&%20T-07-0-000-09-Web/T%20&%20T-07-1-000-09-Abst-PDF/T&T-07-1-011-09-156-Izibili-M-A/T&T-07-1-011-09-156-Izibili-M-A-Tt.pdf>

⁴⁹ Ibid

⁵⁰ Matthew A. Izibili, 'Functional Democracy in Nigeria: A Philosophical Evaluation of Democratic Ethics' *LWATI: A Journal of Contemporary Research*, (2009) Vol 6 (1)

The foregoing analysis has shown that customary law is far more than a relic of pre-modern systems of governance. It remains a living, dynamic, and adaptable source of normative guidance, capable of addressing the several governance challenges presented by artificial intelligence and cybersecurity. The different species of customary law – customary international law, indigenous and ethnic customary law, religious customary law, mercantile and commercial custom, and professional and technical custom are not separate or competing normative systems, but interconnected expressions of a common underlying principle. This principle which borders on custodial accountability, relational obligation, communal risk distribution, and earned legitimacy is what global governance of AI and cyber defence has struggled to institutionalise.

Although the different forms of customary law evolved from different communities and operate in different contexts, they are however united by a common normative foundation. Each shows that trust is derived through consistent practice, shared responsibility, accountability, and standards of conduct that communities themselves regard as legitimate and not simply by legal rules or external coercion. These norms over time fosters cooperation, and encourage the sharing of risks and responsibilities, securing compliance through reputation, mutual expectations, and internalized obligations rather than coercion alone.

This trust-building model offers an important lesson for the governance of artificial intelligence and cyberspace. While current regulatory framework which centres on legislation and institutional oversight remains indispensable, they are however insufficient on their own to produce the confidence, legitimacy, and voluntary cooperation that effective digital governance requires. An enduring digital trust will more likely evolve when responsible behaviour becomes an accepted and consistently observed norm across states, industries, technical communities, and society at large, instead of being merely a legal obligation imposed from above.

It is therefore the position of this paper that the digital future cannot be adequately secured by technical solutions alone, nor by Western regulatory frameworks transplanted without cultural adaptation. Sustainable AI governance and cyber defence require normative foundations that communities recognise as legitimate, and this is what customary law in all its species offers. The task now before international and domestic legal systems is not to romanticise custom, but to harvest its trust-generative wisdom with critical rigour and institutional creativity.

Recommendations

i. Recognition of Customary Law Norms in International AI Governance Frameworks

It is recommended that International bodies, including the United Nations, the African Union, and the ITU, should undertake a systematic normative auditing of existing AI governance instruments. This is with a view to formally integrate indigenous customary principles like Ubuntu ethics, Islamic jurisprudential standards, and technical-professional custom as substantive governance standards. This should be done in partnership with African customary law scholars, traditional councils, and indigenous community representatives, with the aim of producing a binding or quasi-binding instruments that recognise customary norms as operative sources of AI governance authority.

ii. Domestication of Legislation on the Custodial Data Ownership Model

Existing data protection statutes such as Nigeria's NDPA 2023 and South Africa's POPIA should be enriched with a custodial data ownership framework modelled on the *ukusisa* principle. Under this principle, data subjects should be recognised as the ultimate beneficial owners of their personal data, and AI operators and data processors are characterised as

custodians bearing enforceable stewardship obligations. With the application of this principle, AI-generated derivative data should be subjected to apportionment rules that preserve the data subject's continuing ownership interest. With this, regulatory authorities should be empowered to treat breaches of custodial duty as violations of a communal trust obligation, instead of a merely technical regulatory infractions.

iii. Establish Community-Based Cyber Defence Councils.

It is recommended that African states should establish Community Cyber Defence Councils (CCDCs) at the local government and traditional council levels, to be made up of government representatives, traditional rulers, religious authorities, and civil society representatives. The body is to be formally linked to national CERTs. CCDCs are mandated to coordinate digital literacy education, cyber threat reporting, incident response, and victim support at the community level. With this, like the *ukusisa* ideology, the risk management in the architecture of cyber defence is distributed among the members of the community.

iv. Negotiation of an African Customary Cyber Ethics Instrument.

The African Union, in conjunction with regional bodies, national governments, academic institutions, traditional institutions, faith-based organisations, civil society, and the private sector, should develop an African Customary Framework for AI and Cyber Ethics. Instead of relying solely on conventional regulatory approaches, this framework should draw upon Africa's rich customary and ethical traditions alongside contemporary legal frameworks and technological standards. This framework is to incorporate the five species of customary law reflecting the Ubuntu and Akugbe-ahu principles of human dignity, unity/ solidarity, and shared responsibility, the Islamic public interest, prohibition of harm and trusteeship, etc. For the purpose of implementation, a Continental Advisory Council on AI, Cyber Ethics, and Customary Law, comprising legal scholars, AI experts, cybersecurity professionals, traditional leaders, religious scholars, and representatives of Indigenous communities should be established. This would position Africa not as just a mere recipient of an imposed global AI regulation but a contributor to the development of principles for trustworthy, ethical, and inclusive digital governance accepted internationally.

v. Integration of Customary Law into African AI and Cybersecurity Legal Education

Law faculties and other legal education institutions across Africa should update their curricula to reflect the growing importance of artificial intelligence, cybersecurity, and digital governance and integrate customary law perspectives into their teaching. This is intended to build and develop in the future legal practitioners the understanding of both formal legal frameworks and the trust-building role of customary norms in AI and cybersecurity.

It is also recommended that in addition to the above, universities should establish specialised postgraduate programmes and research centres with a focus on Digital Law and AI Governance from customary law perspectives. Besides, continuous judicial education programmes should be put in place to equip judges with the requisite knowledge and analytical tools needed to apply customary law principles when resolving disputes involving AI, cybersecurity, data governance, and emerging technologies. Conclusively, tertiary institutions and research funding bodies should give priority attention to interdisciplinary research that brings together law, computer science, cybersecurity, ethics, and the social sciences for the purpose of developing innovative governance models that are based on Africa's legal traditions while addressing contemporary digital challenges.

References

1. Roland Abi Najm, 'Media disinformation, AI-driven forgery, and violations of international humanitarian law in the digital age' *National Human Rights Law Commission*, (16th April, 2026) <https://nhrcib.org/en/archives/6627>. Accessed 16th June, 2026
2. Calum Inverarity, 'The world's internet infrastructure is under threat – who is going to protect it?' *Chatham House*, 15th June, 2026, <https://www.chathamhouse.org/publications/the-world-today/2026-06/worlds-internet-infrastructure-under-threat-who-going-protect>. Accessed 16th June, 2026
3. Gavin Wright & Jeffery Ritter, 'What is digital trust?' *TechTarget*, (October 30th 2025) <https://www.techtarget.com/whatis/definition/digital-trust>
4. MCROBLINK, 'Digital Trust' <https://microblink.com/resources/glossary/digital-trust/>
5. Daniel Chidike NWUZOR & Chidebe Matthew NWANKWO, 'Customary Law: The Forgotten Source of Law In Nigerian Jurisprudence?' *Law and Social Justice Review*, (2025) Vol. 6(2)
6. *Kharie Zaiden v Fatima Khalil Mohssen* (1973) ANLR 740
7. *Oyewumi v Ogunesan* (1990) 3 NWLR (Pt. 137), 182 at 207
8. Ibid
9. Tobie Bassey, 'Customary Law In Nigeria: Evolution, Legitimacy and Reform Within A Plural Legal Order' *African Journal of Law, Ethics and Education [AJLEE]*, (2026) Vol. 9(2). <<https://ajleejournal.com>>. Accessed 24th June, 2026.
10. Manvendra Rajpurohit, 'The Interface between Traditional Customary Law and Modern Legal Systems in India' *International Journal of Advanced Research and Development*, (2025), Vol. 10(2), 24-27 <www.multistudiesjournal.com> Accessed 24th June, 2026.
11. *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)*, Judgment, I.C.J. Reports 1969, p. 3
12. Gerald J. Postema, 'Custom in International Law: A Normative Practice Account' *Duke Law Journal*, (2012) Vol. 62, 707 DOI: [10.1017/CBO9780511493744.013](https://doi.org/10.1017/CBO9780511493744.013). accessed 24th June, 2026
13. Alfred P. Minei & Sam O. Kaipu. 'Indigenous Customary Law in Context' *US-China Law Review*, (2022), Vol. 19(1), 1-23. doi:10.17265/1548-6605/2022.01.001. Also available at: <https://www.researchgate.net/publication/359283797_Indigenous_Customary_Law_in_Context>. Accessed 26, June, 2026
14. Ibid
15. Section 211 South African Bill of Rights, Constitution of the Federal Republic of Nigeria, CFRN sections 315(3) and (4)(b), and Evidence Act 2011 sections 16 & 17
16. Francis J. Powers, 'Religion and the Law' *Catholic University Law Review*, Vol. 1(3), 115. Available at: <https://scholarship.law.edu/lawreview/vol1/iss3/2>
17. Ibid
18. Cyril Asuquo Etim, 'Is "Customary Law" Law?' *International Journal of Development Research (IJDR)*, (2013) Vol. 3(11), 184-190. <<https://www.journalijdr.com/%E2%80%9Ccustomary-law%E2%80%9D-law>> Accessed 30, June, 2026.
19. Hui-Chol Pak, et al, 'Analysis on the Legal Definition of *Jus Cogens* Provided in Article 53 of the Vienna Convention on the Law of Treaties' *Sage Journals*, (2022), Vol. 59(4) <<https://doi.org/10.1177/00208817221136375>> accessed 30th June, 2026

20. Abubakar Mohammed Bokani, 'Analysis of Trust in the Administration of Land in Nigeria' *The Nigerian Juridical Review*, (2025) Vol. 19, 59-71. <<https://doi.org/10.56284/0bghd35>>. Accessed 19th June, 2026.
21. Modupe Nancy Wiwoloku, 'The Role of Customary Law in the Nigerian Judicial System' *The Obafemi University Law Journal*, (2024) Vol. 5(2), <<https://oaulj.oauife.edu.ng/index.php/oaulj/article/view/13>> Accessed 30th June, 2026
22. Ashraf Ahmed, 'A THEORY OF CONSTITUTIONAL NORMS' *Michigan Law Review* [2022] Vol. 120, 1361-1418. Also available at <<https://michiganlawreview.org/journal/a-theory-of-constitutional-norms/>>. Accessed 19th July, 2026.
23. Stephen D. Crocker, 'How the Internet Got Its Rules' *New York Times*, (April 7, 2009), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://cs.brown.edu/courses/cs180/static/files/lectures/readings/lecture3/How%20the%20Internet%20Got%20Its%20Rules.pdf
24. Ibid
25. Alexander R. Mueller & Christopher S. Yoo, 'TAKING STANDARDS SERIOUSLY: THE CASE FOR A PRIVATE STANDARDS-BASED APPROACH TO AI GOVERNANCE' *Berkeley Technology Law Journal (BTLJ)*, (2026) Vol. 40(4). Also available at <https://btlj.org/wp-content/uploads/2026/04/40.4_Mueller.pdf>. Accessed 19th June, 2026.
26. Ibid
27. Adnan Masood, 'Establishing Trust in AI Agents — I: Monitoring, Control, Reliability, and Accuracy' *Medium*, <<https://medium.com/@adnanmasood/establishing-trust-in-ai-agents-i-monitoring-control-reliability-and-accuracy-f440664df5fd>>. Accessed 19th June, 2026.
28. Hilal Ahmad Khan, 'The AI Ethics Vacuum: How the Speed of Innovation is Outpacing Regulation' *Medium*, (August, 29, 2025) <<https://medium.com/@azha.khan.6/the-ai-ethics-vacuum-how-the-speed-of-innovation-is-outpacing-regulation-cc8023b1cbb3>>. Accessed 19th June, 2026.
29. Ruige Ma, 'The Gap between Law and Its Expected Social Effects: Reasons and Countermeasures' *Transactions on Social Science, Education and Humanities Research LHPPR*, (2025) Vol. 14. DOI: 10.62051/q12fec08. Also available at: <https://www.researchgate.net/publication/394866500_The_Gap_between_Law_and_Its_Expected_Social_Effects_Reasons_and_Countermeasures> Accessed 30th June, 2026.
30. Giles Lindsay, 'The Intersection of Ethics and Technology – The Moral Maze' *Medium*, (16, November 2023) <https://agiledelta.medium.com/the-intersection-of-ethics-and-technology-the-moral-maze-801899a371f2>. Accessed 30th June, 2026.
31. Ayesha Bhatti, 'EU Digital Rules Act as Regulatory Imperialism in Global South, New Report Concludes' *Centre for Data Innovation*, (January 26, 2026) <https://datainnovation.org/2026/01/eu-digital-rules-act-as-regulatory-imperialism-in-global-south-new-report-concludes/>. Accessed 30th June, 2026
32. Josephat Ubanyionwu, 'Ethical and Cultural Considerations in Artificial Intelligence (AI) Application to Customary Law' *African Journal of Law, Ethics and Education [AJLEE]* (2024) Vol. 7(2) <https://www.scribd.com/document/902917558/ETHICAL-AND-CULTURAL-CONSIDERATIONS-AI>. Accessed 30th June, 2026.
33. Ibid

34. Chioma Chidera Ugwu, 'Online Dispute Resolution (ODR) and the Future of Digital Commercial Arbitration and Mediation in Nigeria' *Eketete - International Journal of Advanced Research*, (2025) Vol. 3(5)
<<https://journals.journalsplace.org/index.php/EKETETE>> Accessed 30th June, 2026
35. Martín-Peña, et al, 'Digital platforms and Business Ecosystems: A Multidisciplinary Approach for New and Sustainable Business Models. *Rev Manag Sci* (2024), Vol. 18, 2465–2482. <<https://doi.org/10.1007/s11846-024-00772-y>> Accessed 30th June, 2026.
36. Daniel Oliveira Cajueiro & Victor Rafael Rezende Celestino, 'A Comprehensive Review of Artificial Intelligence Regulation: Weighing Ethical Principles and Innovation', *Journal of Economy and Technology*, (2026) Vol. 4, 77-91.
<https://doi.org/10.1016/j.ject.2025.07.001>. Or
<https://www.sciencedirect.com/science/article/pii/S2949948825000241>. Accessed 30th June, 2026.
37. Kasim Balarabe, 'Digital Borders and Beyond: Establishing Normative Grounds for Cybersecurity and Sovereignty in International Law, *Computer Law & Security Review*, (2025) Vol. 58. <https://doi.org/10.1016/j.clsr.2025.106180>.
<<https://www.sciencedirect.com/science/article/pii/S2212473X25000537>> Accessed 30th June, 2026
38. Kristel M. de Nobrega, Anne-F. Rutkowski & Carol Saunders, 'The Whole of Cyber Defense: Syncing Practice and Theory', *The Journal of Strategic Information Systems*, (2024) Vol. 33(4). <https://doi.org/10.1016/j.jsis.2024.101861>.
<<https://www.sciencedirect.com/science/article/pii/S096386872400043X>> Accessed 30th June, 2026
39. Jennifer Glenn, 'The Foundation for Digital Freedom', *IDC*,
<https://www.digicert.com/content/dam/digicert/pdfs/whitepaper/idc-digital-trust-the-foundation-for-digital-freedom-whitepaper-en.pdf>. Accessed 30th June, 2026.
40. Felix, 'Ubuntu: The Philosophy of Shared Humanity' *The Pan African*, (Sept. 23, 2024) <https://thepan africa.com/ubuntu-the-philosophy-of-shared-humanity/> Accessed 20th June, 2026.
41. K. Yilma, 'Ethics of AI in Africa: Interrogating the Role of Ubuntu and AI Governance Initiatives' *Ethics and Information Technology*, (2025) Vol. 27.
<https://doi.org/10.1007/s10676-025-09834-5>. Accessed 20th June, 2026.
42. E. Elmahjub, 'Artificial Intelligence (AI) in Islamic Ethics: Towards Pluralist Ethical Benchmarking for AI' *Philosophy & Technology*, (2023) Vol. 36.
<https://doi.org/10.1007/s13347-023-00668-x>
43. Carroll, SR, et al. 'The CARE Principles for Indigenous Data Governance' *Data Science Journal*, (2020) Vol. 19, Art. 43, 1–12. DOI: <https://doi.org/10.5334/dsj-2020-043> or <https://storage.googleapis.com/jnl-up-j-dsj-files/journals/1/articles/1158/submission/proof/1158-1-8528-2-10-20201104.pdf>. Accessed 20th June, 2026.
44. Janya Kathuria, 'The ASEAN Way in Practice: Achievements and Challenges in Maintaining Regional Cooperation and Stability' *IOSR Journal Of Humanities and Social Science (IOSR-JHSS)* (2025) Vol. 30(9), 28-33.
<<https://www.iosrjournals.org/iosr-jhss/papers/Vol.30-Issue9/Ser-3/E3009032833.pdf>> Accessed 26th June, 2026.
45. M. A. Izibili, 'African Traditional Approach to the Problems of Evil in the World' *Studies of Tribes and Tribals*, (2009), Vol. 7(1), 11–15) <<https://www.chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/http://krepublishers.com/02-Journals/T%20&%20T/T%20&%20T-07-0-000-09-Web/T%20&%20T-07-1-000-09->

[Abst-PDF/T&T-07-1-011-09-156-Izibili-M-A/T&T-07-1-011-09-156-Izibili-M-A-Tt.pdf.>](#) Accessed June 25th 2026.

46. Matthew A. Izibili, 'Functional Democracy in Nigeria: A Philosophical Evaluation of Democratic Ethics' *LWATI: A Journal of Contemporary Research*, (2009) Vol 6 (1)