

Law As An Instrument Of Mental, Social And Economic Emancipation

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Abstract

There is a fundamental problem in Nigeria and most African countries, the problem of underdevelopment. Despite abundant human and natural material resources, Africa still groans under the burden of poverty, backwardness and underdevelopment. The question then is, how does Africa get out of the problem. Can law play a role in dragging Africa out of its pitiable socio-economic conditions? This paper asserts that law can and should be an instrument of mental, social and economic emancipation. It is law that orders society. The development of societies across the world has been largely the product of progressive laws which in turn has unlocked the potentials in human beings. Ideas rule the world. There is hardly anything which the human mind can conceive that it cannot achieve. Therefore, our laws should be geared towards the social, mental and economic emancipation of the people rather than their emasculation. In pursuing this thought, the paper adopts a maximalist conceptualization of law which views law not only as stark words of enacted laws but also includes policies as expressed in every instrument of government.

Keywords: Law, mental emancipation, social emancipation, economic emancipation, social engineering.

1. INTRODUCTION

There is hardly any generally acceptable definition of law as a rule of human conduct or an instrument for the regulation of human conduct. Depending on the background or perspective of an individual, law may be defined from a natural law, positivist, sociological, realist, economic or other viewpoints. What however, runs through most ideas of law is the element of obligatoriness among the people or society to which the law relates, that is, the binding element. Law may therefore be defined as a rule of human conduct or for the regulation of human conduct seen as obligatory by members of the society or community in which it operates, whether it is backed by sanction or not. Thus, Asein (1998, 9) asserts that law is a rule of human conduct tacitly or formally accepted by a people as binding and backed up by some mechanism for the sustenance of its binding nature.

Law is usually an expression of policy. Any law worth its salt is an expression of policy. So, law in the sense in which it is used here includes all policy decisions meant or geared towards the achievement of specific objectives. Law is one factor that governs the life of a human being from birth to death and even after death. Therefore, law can and is usually directed towards the achievement of particular purposes. In this wise, a reflection on the role, purpose or functions of law in society would be helpful.

Law facilitates social interaction. It regulates conflicts and disputes, attempts to restore equilibrium in the social system where it becomes unbalanced, gives some degree of predictability and certainty to voluntary transactions and arrangements, guides social actions by rationality and efficiency, teaches people what is right and wrong according to the prevailing normative standards, and helps to maintain historical continuity (Berman & Greimer, 1966: 16-37; Meagher & Silverstein, 1988: 5). From the above exposition, the functions or role of law in a society can be said to include the following:

- Facilitative –promotes cooperative living and helps in settlement of disputes.
- Preservative – preserves relationships and status
- Prescriptive – constitutes the organs of government and stipulates the rights, duties and obligations of state organs and citizens.
- Protective – protects lives and property.
- Restorative – ensures justice in society through distributive and corrective justice.
- Regulatory – defines relationships and roles so as to avoid friction.
- Maintains social order.
- Communicates and reinforces social values and order.

Africa is afflicted with a hydra-headed monster called underdevelopment. It is a fundamental problem in Nigeria and most African countries. Despite the abundance of human and material natural resources, Africa still groans under the burden of poverty, backwardness and underdevelopment. The question is how does Africa get out of this quagmire? Can law play a role in dragging Africa out of its pitiable socio-economic malaise? Can law influence the development of society in particular directions more especially in the socio-economic, scientific and technological spheres of life? This paper asserts that law has the capability or capacity of influencing social, economic, scientific and technological development of the country and mental emancipation of the citizenry for the greater good of the country. The paper is therefore located in the theory of law as instrument of social engineering. A common experience is that once people acquire economic power, the tendency to go after political power becomes higher and the motive or impetus to go after political power is largely to also hold the reins of legal power in the society. This is because a single stroke of the law or policy can destroy the economic base and all acquisitions of a citizen made over several decades.

The role of law in communicating and reinforcing social values and order can go a long way in dictating social and economic development of a society. The law can be an instrument of altering social behavior and also influencing the patterns of thought of the people. The system of education we pursue is the product of law and policy. If the law and policy of our educational system is redirected towards emancipation of the intellectual faculty of the citizenry, and economic independence through scientific and technological independence, then, the likelihood of technological breakthroughs, of independence of thought that is Afrocentric and not Eurocentric nor Americocentric, becomes greater.

The instrumentality of law has always served to protect the freedom of all members of the human family and as wedge against the unavoidable natural tendencies of men; from the enactment of the Code of Hammurabi in ancient Mesopotamia down to our various laws in Nigeria today. According to World Bank Report on the Role of the Law, (2017) “In modern states, law serves three critical governance roles. First, it is through law and legal institutions that states seek to order the behavior of individuals and organizations so economic and social policies are converted into outcomes. Second, law defines the structure of government by ordering power—that is, establishing and distributing authority and power among government actors and between the state and citizens. And third, law also serves to order contestation by providing the substantive and procedural tools needed to promote accountability, resolve disputes peacefully, and change the rules. It has long been established that the rule of law— which at its core requires that government officials and citizens be bound by and act consistently with the law—is the very basis of the good governance needed to realize full social and economic potential.

By its nature, law is a device that provides a particular language, structure, and formality for ordering things, and this characteristic gives it the potential to become a force independent of the initial powers and intentions behind it, even beyond the existence of independent and effective legal

institutions. Law is thus simultaneously a product of social and power relations and a tool for challenging and reshaping those relations. Law can change incentives by establishing different payoffs; it can serve as a focal point for coordinating preferences and beliefs; and it can establish procedures and norms that increase the contestability of the policy arena (World Bank, 2017).

2. Law as instrument of social emancipation: the case of U.S and South Africa

Instances of the United States and South Africa offer great example of the role of law as instrument of social emancipation from adverse and reprehensive policies, through well organized Civil Rights Movements, recourse to the Courts of law, and sustained pressures both internally and externally.

In the United States, in what would become the most famous case in black history, known as *Brown v. Board of Education of Topeka(1954)* Oliver Brown filed a class-action suit against the Board of Education of Topeka, Kansas, in 1951, after his daughter, Linda Brown, was denied entrance to Topeka’s all-white elementary schools. In his lawsuit, Brown claimed that schools for black children were not equal to the white schools, and that segregation violated the so-called “equal protection clause” of the 14th Amendment, which holds that no state can “deny to any person within its jurisdiction the equal protection of the laws.”

The case went before the U.S. District Court in Kansas, which agreed that public school segregation had a “detrimental effect upon the colored children” and contributed to “a sense of inferiority,” but still

upheld the “separate but equal” doctrine. When Brown’s case and four other cases related to school segregation first came before the Supreme Court in 1952, the Court combined them into a single case under the name *Brown v. Board of Education of Topeka*. In the decision, issued on May 17, 1954, the Chief Justice of the United State wrote that “in the field of public education the doctrine of ‘separate but equal’ has no place,” as segregated schools are “inherently unequal.” As a result, the Court ruled that the plaintiffs were being “deprived of the equal protection of the laws guaranteed by the 14th Amendment.” In May 1955, the Court issued a second opinion in the case (known as *Brown v. Board of Education II*), which remanded future desegregation cases to lower federal courts and directed district courts and school boards to proceed with desegregation “with all deliberate speed.”

Prior to this landmark judgment of 1954, most states across the United States generally dwelled under legally sanctioned oppressive society marked by violence and segregation against blacks fueled by the *Jim Crow laws* above- a collection of state and local statutes that legalized racial segregation and targeted marginalization of African Americans by denying them the right to vote, hold jobs, get an education or other opportunities (Little, 2015). *Black codes* existed across most states in the United States that detailed when, where and how formerly enslaved people could work, and for how much compensation. The codes appeared throughout the South as a legal way to put Black citizens into indentured servitude, to take voting rights away, to control where they lived and how they traveled and to seize children for labor purposes.

These codes worked in conjunction with labor camps for the incarcerated, where prisoners were treated as enslaved people. Black

offenders typically received longer sentences than their white equals, and because of the grueling work, often did not live out their entire sentence. Laws forbade African Americans from living in white neighborhoods. Segregation was enforced for public pools, phone booths, hospitals, asylums, jails and residential homes for the elderly and handicapped. Some states required separate textbooks for Black and white students.

In Atlanta, African Americans in court were given a different Bible from white people to swear on. Marriage and cohabitation between white and Black people was strictly forbidden in most Southern states. It was not uncommon to see signs posted at town and city limits warning African Americans that they were not welcome there. The North however was not fully immune to Jim Crow-like laws. Some states required Black people to own property before they could vote, schools and neighborhoods were segregated, and businesses displayed “Whites Only” signs.

The judgment of the Supreme Court in *Brown v. Board of Education of Topeka* accordingly changed to this state of affairs. Other successes that followed included passage of the of the **Civil Rights Act of 1964** by President Lyndon B. Johnson , that legally ended the segregation which had been institutionalized by Jim Crow laws, backed by enforcement by the Justice Department, beginning the process of desegregation in earnest. This landmark piece of civil rights legislation was followed by the **Voting Rights Act of 1965** which halted efforts to keep minorities from voting and the **Fair Housing Act of 1968**, which ended discrimination in renting and selling homes; and another landmark supreme court decision in *Runyon v. McCrary delivered in*

1976, ruling that even private, nonsectarian schools that denied admission to students on the basis of race violated federal civil rights laws.

In South Africa also through sustained resistance to the regime which heightened in 1976 with series of multiple pressures internally and externally including The United Nations General Assembly open condemnation of apartheid in 1973, and imposition of mandatory embargo on the sale of arms to South Africa by the UN Security Council in 1976; with multiple economic sanctions in 1985 by the United Kingdom and United States on the country; saw the end of the most reprehensible regimes in human history.

Under apartheid, non-white South Africans (a majority of the population) would be forced to live in separate areas from whites and use separate public facilities. Contact between the two groups would be limited. Despite strong and consistent opposition to apartheid within and outside of South Africa, its laws remained in effect for the better part of 50 years in what began from the controversial 1913 Land Act, passed three years after South Africa gained its independence, marking the beginning of territorial segregation by forcing black Africans to live in reserves and making it illegal for them to work as sharecroppers. Opponents of the Land Act formed the South African National Native Congress, which would become the African National Congress (ANC). By 1950, the government had banned marriages between whites and people of other races, and prohibited sexual relations between black and white South Africans. The Population Registration Act of 1950 provided the basic framework for apartheid by classifying all South Africans by race, including Bantu (black Africans), Coloured (mixed race) and white. A fourth category, Asian (meaning Indian and Pakistani) was later added. In some cases, the legislation split families; parents could be classified as white, while their children were classified as colored.

In one of the most devastating aspects of apartheid, the government forcibly removed black South Africans from rural areas designated as “white” to the homelands and sold their land at low prices to white farmers. From 1961 to 1994, more than 3.5 million people were forcibly removed from their homes and deposited in the Bantustans, where they were plunged into poverty and hopelessness.

Under intense pressure from the international community therefore, the National Party government of Pieter Botha sought to institute some reforms, including abolition of the pass laws and the ban on interracial sex and marriage. The reforms fell short of any substantive change, however, and by 1989 Botha was pressured to step aside in favor of F.W. de Klerk. De Klerk’s government subsequently repealed the Population Registration Act, as well as most of the other legislation that formed the legal basis for apartheid. De Klerk [freed Nelson Mandela](#) on February 11, 1990. A new constitution, which enfranchised blacks and other racial groups, took effect in 1994, and elections that year led to a coalition government with a nonwhite majority, marking the official end of the apartheid system.

3. Law as an Instrument of Social Emancipation in Nigeria

The progress and status of Nigeria today as independent democratic nation can best be described as a progressive search for social freedoms. The social engineering towards the achievement of social equality can traced back to the independence constitution, the Republican constitution, the 1979 and 1999 constitutions of Nigeria, all of which laid the foundation for fundamental human rights and equality of status under the law. One of the cardinal precepts of the rule of law enunciated by A. V. Dicey is equality before the law. This has been entrenched in Nigeria’s various constitutions and other statutory and subsidiary

instruments. During early colonial rule, not all men had right to vote. Progressively, every human being, man and woman of voting age can vote today. This was achieved by law. Similarly, at some point, women could not own real property. In fact, they were looked upon as articles of ownership themselves. Today, every woman can own property, real and personal, like every other man on the street. This is the handiwork of law. The progress of our society has been the progressive realization of civil and political rights as enshrined in various international instruments and charters and these have been achieved through our laws.

However, notwithstanding these, the implementation of laws and policies in the state is far from approximating theories to realities. Social inequalities still exist especially as it relates to gender affairs and roles and social relationships. For instance, the Osu caste system was abolished in Igbo land about 1956 but the practice still persists till date. Corruption and nepotism still play significant roles in access to state facilities, jobs, and largesse.

4. The role of law as instrument for economic emancipation in Nigeria

Law has a critical role to play in the economic fortunes of a country. Whether a country's economic policy is described as capitalist, socialist, market-driven, regulated or deregulated or protectionist are all functions of law and each has great economic implications for the people. The Indigenization policies of the mid-1970s and the liberalization policies of the 1990s as could be seen in the FEMAMP Act and NIPC Act are all instruments geared towards economic emancipation of the people. Whether the laws achieved the goal of economic emancipation is a totally different question but it cannot be argued that the laws were all well-intentioned by their fashioners for the good of the people essentially geared towards economic emancipation of the people. Recently, we have witnessed a new avalanche of new laws in the economic sector of the

country. These include the new **Finance Act**¹; **the Companies and Allied Matters Act 2020**; and **the National Minimum Wage Act 2019**; as well as other policies made to boast the ease of doing business in Nigeria and creating more favorable environment for all citizens.

The Finance Act which was enacted to amend, repeal or consolidate some provisions of extant tax laws including the, The Companies Income Tax Act, Cap. C21², Value Added Tax Act, Cap VI³; Customs and Excise Tariffs (Consolidation Act) Cap. C49⁴; Personal Income Tax Act, Cap P8⁵; Capital Gains Tax Act, Cap. C1⁶; Stamp Duties Act, Cap. S8⁷; Petroleum Income Tax Act, Cap. P13⁸; The Companies Income Tax Act (CITA) is geared inter alia towards reviewing the tax provisions, making them more responsive to prevailing economic circumstances, creating better incentives to sustain small businesses across the nation through tax concession⁹ and easing the rigors of doing business. Citizens who start new business therefore benefit immensely especially those related to primary agricultural production who would be entitled to an initial tax free period of five years which may be subject to satisfactory performance of agricultural production, be renewed for an additional maximum period of three years.¹⁰

Other relevant reforms included amendment of Part III, section 21 of the Customs and Excise Tariffs Etc (Consolidation Act) by substituting subsection (1) with a new subsection (1) which creates exception for payment of duties for (a) goods that are not locally produced in Nigeria; and (b) raw materials that are not locally available in Nigeria.¹¹ Granting of tax exception by the new Act for the sell or transfer of businesses for the purpose of better organization or management to the extent that one company has control over the other or both are controlled by some person or are members of a recognized group of companies, and must have been so for a consecutive period of at least 365 days prior to the date of reorganization¹² and introduction of tax incentives for investment in infrastructure across Nigeria and capital markets.

The National Minimum Wage Act, 2019 which prescribes the national minimum wage, also provides the legal skeleton for the review of the national wage of every worker employed throughout the Federal Republic of Nigeria.

Section 2 of the Act provides for the sum of N30, 000.00 Per Month as national minimum wage to be paid by every employer to the minimum paid worker/employee under his establishment; except under the following circumstances provided under the Act:

- a) Establishments in which workers are employed on part-time basis.
- b) Establishments in which workers are paid on commission or on piece-rate;
- c) Establishments employing less than 25 persons;
- d) Workers in seasonal employment such as agriculture;
- e) Any person employed in a vessel or aircraft to which the laws regulating merchant shipping or civil aviation applies.

Section 9 of the Act went further by prescribing punishment for any employer who fails to comply with the provisions of the Act as being liable

(i) Pay a fine not more than 5% of the offenders' monthly wage, (ii) pay outstanding arrears of the workers' wages and (iii) pay an additional penalty at the prevailing Central Bank of Nigeria's lending rates on the wages owed for each month of continuing violation.

Pursuant to **Section 10 of the Act**, an employer is required to keep the records of wages or conditions of employment to evidence compliance with provisions of the Act and to retain such records for a minimum of three years. Failure to keep the mandatory records amounts to a crime and is punishable on conviction by a fine not exceeding N75,000.00 and an additional sum of N10,000.00 for each day the offence continues.

The Act vests the duty to monitor the implementation of the provisions of the Act on the Federal Ministry of Labour and Employment together with the National Salaries, Incomes and Wages Commission who are expected to join forces in line

with the Labour Act and the National Salaries, Incomes and Wages Commission Act. The Minister upon receipt of a report of non-compliance from an authorized officer is required to activate the machinery for enforcing compliance within 30 working days.

Section 13 of the Act provides great opportunity for an aggrieved worker by himself directly, through Trade Unions or the Minister of Labour and Employment to enforce the National Minimum Wage as a right. An aggrieved worker may take out an action at the National Industrial Court or file a formal complaint with the Minister or with associated Trade Unions who shall make demand for compliance with the Act on behalf of their members provided that they shall upon receipt of the workers' complaint take the claim to the National Industrial Court not later than 30 days of receiving such complaint. Such demand can be made by an authorized officer to the employer on behalf of an aggrieved worker within 30 days of reception of complaint; where the employer fails in whole or in part, the matter shall then be referred to the National Industrial Court on behalf of the aggrieved worker.¹³

Furthermore, **The Companies and Allied Matters Act, 2020 ("CAMA 2020")**, which repealed and replaced the Companies and Allied Matters Act, 1990 is intended to provide a better legal framework for reforming cumbersome legal, regulatory and administrative bottlenecks which have made doing business in Nigeria extremely difficult especially for Micro, Small and Medium Enterprises (MSMEs)), by introducing some groundbreaking reforms some of which included:

- a) **Minimum Directors:** Section 271 of CAMA 2020 excludes small companies from the requirement of having a minimum of two (2) directors. To this end, a small company is permitted to have one (1) director.

- b) **Exemption from audit requirement:** Section 402 of CAMA 2020 **exempts small companies and companies that have not carried out business since incorporation** (other than an insurance company or a bank or any other company as may be prescribed by the CAC) from the requirements of the law relating to the audit of accounts in respect of a financial year.
- c) **Appointment of Company Secretary:** Under the Repealed Act, every company was mandatorily required to have a secretary. However, by virtue of Section 330 of CAMA 2020, the appointment of a company secretary is not mandatory but optional for small companies. Whilst helps to reduce cost and boost the ease of doing business in Nigeria.
- d) **Register of Secretaries:** Whilst the Repealed Act required all companies to have a register of secretaries, CAMA 2020 in Section 336 requires **only public companies** to maintain a register of secretaries and Sections 337 & 338 provides for the required particulars. This is expected to reduce the operational requirements for private companies in furtherance of the ease of doing business.
- e) **Common Seal:** By virtue of Section 98 of CAMA 2020, it is no longer mandatory for a company to have a company seal and companies now have the sole discretion to choose whether or not to have one.
- f) **Authentication via Electronic Signature:** In compliance with modern technological capabilities and developments, as well as the provisions of the Evidence Act, 2011, CAMA 2020 now provides that **an electronic signature is deemed to satisfy the requirement for signing and** that the register of transfers shall include electronic registers. Additionally, a document or proceeding requiring authentication by a company may be

signed by a director, secretary, or other authorised officer of the company, and *need not be signed as a deed* unless otherwise specifically required by CAMA 2020.

- g) **Validity of Improperly Issued Shares:** Section 148 of CAMA 2020 unlike the repealed Act now authorizes the company itself and not the court to validate the issuance/allotment of shares not properly issued or allotted by way of a special resolution. Only in circumstances where the company refuses to do the above, will the affected party need to apply to court.

Note must be taken however that the new CAMA has come under severe criticism especially from religious circles that it is intended to be used as an instrument of social domination of other religions by the Muslim North through bureaucratic forces. The allegations are well founded and must be properly addressed if the Act is not to become counter-productive.

The Nigerian Constitution as the supreme and grundmorm of all laws defines the structure and powers of government in Nigeria, by establishing the different components of government as wells as regulating the relationship between citizens and the government. Once the powers, rights and limitations under the constitution are identified as created, their existence cannot be disputed by any authority or person. However, the extent and implications may be sought to be interpreted and explained by the courts.

Moreover, the Constitution 1999 (sections 14 and 24) made ample provisions for the socio-economic and personal rights of all its citizens; including the powers, duties, and fundamental rights of every citizen; covering the Rights to life, Dignity of the human person, Personal liberty; Fair hearing; Private and family life; Freedom of thoughts, Conscience and Religion; Freedom of expression and the press; Peaceful Assembly and Association; Freedom of movement; Freedom

from discrimination; and to acquire and own immovable property. The Constitution went further by placing exceptional grounds under the law upon which these fundamental rights can be derogated (sections 33 – 44).

The above is to properly enthrone law ensuring that the law serves as reliable instrument of emancipation and recourse for all citizens and that equal protection is accorded to all. Private Citizens as well as public entities accordingly have the full liberty of seeking redress against repressive and unlawful conducts against their person for in class actions on behalf of group of affected persons through appropriate means authorized or constituted by law. A demonstration of this is the case of *Director of State Security Service & Anor v. Olisa Agbakoba (1995)*, wherein the Respondent upon the forceful seizure of his passport at the Murtala Mohammed Airport brought an application pursuant to the provisions of Order 1 rule 2(3) of the Fundamental Rights (Enforcement Procedure) Rules, Cap. 62 seeking the following reliefs:

1. A declaration that the forceful seizure of the applicant's passport No. A654141 by agents of the State Security Services (sic) (1st respondent herein) on April 21, 1992 is a gross violation of the applicant's right to personal liberty, freedom of thought, freedom of expression and freedom of movement respectively guaranteed under **Sections 32, 35, 36 and 38 of the Constitution of the Federal Republic of Nigeria, 1979 (as amended)** and is accordingly unconstitutional and illegal.
2. An order of mandatory injunction directing the respondents to release applicant's passport No. A 654141 to him forthwith.
3. An order of perpetual injunction restraining the respondents from seizing the applicant's passport without cause, or in any other way violating the applicant's rights to personal liberty, freedom of thought, expression and freedom of movement as guaranteed by the provisions of the 1979 Constitution aforementioned.

The Supreme Court in upholding the ruling of the Court of Appeal found that no legal right in the officials of the State Security Service was established to justify their seizure of the respondent's passport at the Murtala Muhammed Airport, Lagos on the 21st day of April, 1992. The court also found that the powers conferred on the State Security Service under the National Security Agencies Act, Cap. 278, Laws of the Federation of Nigeria do not include the seizure or withdrawal of passports. Similarly, they do not cover the impounding of passports by officials of the SSS without due authorization by the appropriate Minister as prescribed by law. The action of the SSS was therefore found unlawful and an order of N10, 000.00 awarded in favor of the respondent as costs. Similarly In *Olisa Agbakoba vs. FG, the NJC & National Assembly (2013)*: the applicant as a concerned citizen brought an action challenging the present appropriation practice of the Defendants, whereby the Judicial Arm of Government is dependent on the 1st Defendant for judicial estimates and funding which as a matter of fact violate Sections 81 and 84 of the Constitution of Federal Republic of Nigeria 1999 and therefore unconstitutional; based on the underlying concept of the doctrine of separation of powers is to ensure the independence of each branch of government and in relation to the judicial arm of government, an independent judiciary is crucial to upholding the rule of law in a democratic society. The rationale for an independent Judiciary is to enable the Courts to freely decide cases without external influence and to provide enough funds to maintain and sustain judicial business. In line with **Section 81(2) and Section 84(i), (2), (3), (4), and (7) CFRN 1999** by virtue of which the remuneration, salaries and allowances of judicial officers and the recurrent expenditures of the Judiciary should be charged on the Consolidated Revenue Fund of the Federation and paid directly to the 2nd Defendant. Rather than implement these Constitutional provisions that guarantee judicial independence, the Defendants are in joint continuing breach of same. As a result of this, the

judiciary is continually dependent on the 1st Defendant for its Budgeting and Funds.

The above act of the applicant demonstrates the fact that private citizens have the freedom to demand that due process of the law is followed by those in authority and that government is held accountable for its activities in line with the provisions of the law.

Furthermore, outside the inherent judicial powers vested on the courts by the Constitution, other regulatory and public agencies also perform quasi-adjudicatory functions through their respective remedial mechanisms. The Central Bank of Nigeria, for instance, performs this role through their Consumer Protection Office;¹⁴ other public platforms include the Nigerian Police Force Public Complaint Rapid Response Unit (2016); Public Complaint Commission/Ombudsman; the National Human Rights Commission, and through various Committees of the Legislative Houses in the exercise of their oversight functions under the Constitution, the National Salaries, Income and Wages Commission, and the Federal Competition and Consumer Protection Commission. By Section 105 of the Federal Competition and Consumer Protection ("FCCP") Act of 2018, Federal Competition and Consumer Protection Commission ("FCCPC") takes precedence over and above such relevant government agency in matters of mergers/business combination. In addition to this, any regulation by the CAC on mergers will also be subject to Guidelines jointly issued by the FCCPC and the Securities and Exchange Commission ("SEC") on the subject.

5. Law as an Instrument of Mental Emancipation

While the effect of law on social and economic relations are easily noticeable and seen, almost in a ubiquitous manner, the same cannot be said for law as an instrument of mental emancipation. This is so because the sphere of mental activity appears to be entirely subjective depending on each individual's mental capacity and predilections than upon forced activity. Mental emancipation has to do with the thought processes of the individuals who make up a society. Can law

influence these thought processes? The answer is in the affirmative though in a limited sense but even in the limited sense can still go a long way in charting the course and destiny of the society. Why is it so? It is so because even from the little experience of teaching and grooming lawyers, the nature of their education and training makes them already mentally emancipated by the time they leave law school and are admitted to practice law. They are by training trained to be independent minded and daring to be different. They are by their grooming prepared to have dissenting opinion no matter whose ox is gored. This paper believes that it is this kind of training that needed to be transplanted into Africa's scientific and technological fields to propel development.

The truth is that sometimes, people need to be saved from themselves and it may take the intervention of law to achieve. When a society has become accustomed to be dependent on the thoughts of other people, then there is a problem. No society rises above the thought-processes of its own people. African societies need to rise up and chart their course especially scientifically and technologically by encouraging research and development and self-dependence rather than dependence on the West. In this wise, a quick reference to a policy in a Nigerian University, specifically, the University of Nigeria's impact factor policy is apposite. The policy is a display of leadership totally emasculated and in mental slavery of over-dependence on the West; of a leadership that needed to be saved from itself. The curricula of all the strata of our educational tiers are the products of law and policy. The funding of education is the product of law and policy – the Appropriation Act in the first instance and then, subsidiary legislation here and there. The curricula and funding of education can be designed in such a way that the interest of children in science and technology and technological development is sustained; and that breakthroughs result in economic output for the country, well designed and well packaged for export. The curricula and funding of education can be designed and packaged in such a way that children are thought to believe in themselves, in their country and with the ability to

question anything, not taught to believe that everything western is good; and most importantly, to believe in their inventive ability.

6. Conclusion

There is no doubt that Law has a critical role to play as an effective instrument for socio-economic emancipation as can be seen from the plethora of laws and judicial precedents highlighted above. It is also correct to say that the law to some extent has been practically utilized in the socio-economic liberation of Nigeria. However much more needs to be done in the face of endemic corruption that has emasculated the social and economic development of the country Nigeria. It follows that the law should be used more aggressively in the social and economic emancipation of Nigeria. The law is certainly the answer to the current state of social and economic decay and dilapidation in Nigeria. The current situation where Nigeria is run like a canteen from which the owner does not eat because the food is bad can only be arrested by the instrumentality of the law. When the law for instance ensures that the children of those responsible for fixing our schools are enrolled in the messed up schools, the schools will be fixed in a jiffy. In the same way, once the law ensures that those responsible for the degradation of hospitals are treated in those hospitals, the hospitals will become world class in a little moment. There is also no doubt that if the instrumentality of the law is applied in seeing that those in positions of authority at all levels are compelled to depend also on the poor public utilities like water, electricity, roads etc, the story will change for the better. It is also observed that, when it comes to mental emancipation and liberating the minds and thought processes of the people so as to be truly independent of the West, Law takes on a limited role. This paper thinks that it is high time law takes on a more proactive role in guiding the people towards not only economic and social emancipation but also mental emancipation. This is best reflected in the nature of the laws guiding our educational system, substantively and procedurally.

Endnotes

1. Finance Act 2019 (Act No. 1) which came into force on 13th January, 2020.
2. Part 1, Sections 1-23 of the Act.
3. Part 4, Sections 33 to 47 of the Act
4. Part 5, Section 48 of the Act.
5. Part 3, Sections 25 to 32 of the Act.
6. Part 6, Sections 49 to 51 of the Act.
7. Part 7, Sections 52 to 56 of the Act.
8. Part 2, Sections 24 of the Act.
9. Section 9 of the Act which amends section 23 of the CITA.
10. Section 9 (c) of the Finance Act.
11. See section 48 of the Act.
12. See section 45 of the Act which substitute section 42 of the Value Added Tax Act with a new section 42.
13. Section 13 (f) of the National Minimum Wage Act.
14. Central Bank of Nigeria, Consumer Protection, available at <https://www.cbn.gov.ng/Supervision/cpdcomgt.asp> last accessed on 19 February, 2021.

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