

EDITORIAL

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Customary Court and General Issues in Drafting legal framework utilizing digital legal approach for effective political legislation; Nigerian 1999 constitution in perspectives

The Constitution of the Federal Republic of Nigeria 1999 provided for anti-party defection clauses through sections 68 (1) (g) and 109 (1) (g) as effective checks on National Assembly and State Houses of Assembly members respectively. The same Constitution conferred on the presiding officers of these legislative houses, the power to enforce these crucial provisions before their members, based on “satisfactory evidence” vide sections 68 (2) and 109 (2). It conferred the Jurisdiction for this subject matter on the Federal High Court by the provisions of sections 251 (4) and 272 (3) respectively, in the aftermath of the 2010 Alteration Act. But in apparent deviation from the above-ordained constitutional provisions, political parties and other persons have instituted actions in Federal High Court without the input of the presiding officers of the legislative assemblies as required by the Constitution. In short, the innovation introduced by the 1999 Constitution to curb the lacuna inherent in its predecessor – the 1979 Constitution, has not been imbibed by all cadres of Nigerian courts of record.

Aside from this, given the present-day e-reality[such as e-governance, e-commerce, e-learning, use of generative Artificial Intelligence (AI), and Augmented Reality (AR) Internet or cyberspace] which have become the new ways of doing business and carrying on government activities globally, it is the greatest disruptions of the 4IR; hence Nigeria cannot lag. The advent of a single market is the main consequence of globalization and e-commerce which has destroyed the trade barriers in the digital space thus necessitating the need to regulate such commercial activities within the digital space with the aim of subjecting them to tax thereby increasing the tax revenue yield of government as well block tax leakages on the digital space. Taxes are created by by-laws, subsidiary legislations, or regulations; hence regulation is key which can only be done either through multi-lateral and or unilateral initiatives particularly vide legislation, regulations, and or policies. This remained a thorny issue but recent fintech are beginning to give in to regulations against their earlier position of self-regulation.

Furthermore, with the new administrative dawn in Nigeria, there is no doubt that law-making is a critical factor in the success of any democracy and the Executive and Parliamentary Draftspersons are at the centre of ensuring the drafting of appropriate and implementable legislation that drives democracy. Legislative drafting goes beyond the drafting of the law. Policies further require the approval of relevant Government authorities at different levels of

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governance, particularly the Federal Executive Council, where it will be exposed to authorities operating the different sectors to analyse it from different angles including the National Development Plan. Legislation is subsequently developed along the policy considerations. Draftspersons take cognizance of all these in their preparatory research on the subject matter of a bill which is aimed at ensuring that any bill drafted is Constitutional, fit-for-purpose, unambiguous, does not impose a huge financial burden on the populace, and avoids all the pitfalls that result in the decline of assent by the President.

People everywhere should be free of fear from all forms of violence and feel safe as they go about their businesses regardless of their sex, ethnicity, or faith hence the need for the SDGs which consist of seventeen (17) goals. It is therefore noteworthy that these goals are universally applicable to all. The SDG number 16 seeks to promote just, peaceful, and inclusive societies, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels. It is noted that high levels of armed violence and insecurity have a destructive impact on a country's development. Sustainable Development Goals in outlook appear only to be international but not municipal due to the beneficial advocacy it enjoys from international, continental, and regional organisations like the United Nations (UN), African Union (AU), and the Economic Community of West African States (ECOWAS). These organisations amongst others are at the forefront of making sure the SDGs especially SDG 16 is implemented by member states.