

The Nigerian Constitution And 21st century Realities

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Abstract

The paper focused on the Nigerian Constitution and 21st Century Realities. It aimed at taking an overview on the relevance of the Nigerian constitution in the 21st century with many emerging concepts in focus. The paper highlighted some notable issues the Nigerian constitution has found difficult to address in this era and how this can be rectified through the recommendations it proffered. Source of data for the paper were basically secondary in form of books, journals and the Internet. The paper recommended that constitutional review should be at least four years interval in order to address pressing issues and present day realities as they arise.

Introduction

Ideally, whenever the word-constitution is mentioned, what comes to mind is government and law. However, the constitution being a background for legal rulings does not just revolve round the law but governance as a holistic concept.

Defining constitution, George (1990) defines it as a collection of essential principles or established guide by which a state or other organization is administered. These regulations put together make up, or better put, constitute, what the body is. When penned down in a single document or set of legal documents, those documents are termed a written constitution; when not penned down in a single document, it can be said to be a codified constitution or unwritten constitution.

Constitutions are regularly reviewed at intervals to ensure that it meets present day realities. This helps to make governance easier at all levels and protect the citizens

against issues such as new age crimes. An example of a new age crime in Nigeria is cybercrime. This is unconnected with the proliferation of information technology in the country. This explosion of computer technology has also come with its challenge one of which is internet fraud amongst others. Henry (2004)

However, the Nigerian constitution amendment is always an issue of national discourse that keeps dragging over long periods. The Nigerian constitution, for example, was last reviewed in 1999 which as at today stands at 16 years. This is a long time when compared to issues arising that the constitution does not cover. Such issues amongst others include social media misuse, internet fraud, death of candidate in the course of an election, etc.

This paper takes an overview on the Nigerian constitution and 21st century realities. It centres on the reliability of the constitution to tackle issues emanating in this era. It also examines how the challenges uncovered can be tackled.

Nigerian Constitution: Challenges Of 21st Century Realities

From the inception of Nigeria's independence, the nation has been confronted with the test of crafting a constitutional understanding that has the support of a significant majority of Nigerians. This challenge did not start in our generation as in the 1940s and 1950s; our founding fathers also encountered the same challenge. However, they finally concluded with the principle of federalism as a basic structure for our nation. But federalism has encountered rigid issues for years from those who want a unitary form of government, and from those who want a confederal arrangement. In fact, in the words of Adedoyin (2007), "the worst enemies of Nigerian federalism are those who speak of federalism, but act in a unitary fashion by brushing aside all the divisions of powers between different levels of our federation".

In relation to the challenge of federalism in our constitution is the question of fiscal federalism. Questions begging for answers include: What is the suitable basis for revenue sharing? Is the federal government obliged to deduct monies due to states without their (states) permission? Should state governments continually oversee local government allotments? These are all basic principles that have no clear consensus constitutionally and have dragged into the 21st century with agitations from all sections of the country.

Other challenges include:

i. Nature of Democracy: 21st century reality Nigeria is yet to meet up with is the nature of our democracy. Though most citizens maintain that the fundamentals of democracy which includes the forming of government which is founded on the determination of the majority, respect for the rule of law, and respect for basic freedoms of citizens, the fact remains that practically, the nation tends to have either military rule or flawed civilian governments. Considering in terms of respect for the rule of law, accountability, or the conducting of elections, our conduct in the recent past has been far from democratic. This goes beyond the fact that our constitution does not just cover key issues but is also weak and silent.

ii. Social Media and Cybercrime: Social media control and cybercrime is one 21st century issue the Nigerian constitution has failed to have a grip on. The challenge is actually a challenge borne out of the proliferation of internet technology and might easier be addressed by a constitutional review. Attempts to enact bills to address the issue might spark up protest from the citizens who see the social media as the only medium of airing their views freely.

iii. Electoral Laws: the constitutional backing of politics in the Nigerian constitution is not strong enough or not all encompassing as it were. For example, the constitution does not make provision for what happens if a candidate of a political party dies in the course of an election as was the case in Kogi state governorship elections. This lapse further show that the Nigerian constitution does not meet present day challenges and a quick review is imperative.

Recommendations

From the finding of the study, it is noteworthy that constitution plays a vital role in the wheel of progress of any nation hence its importance. In fact, without a good constitution, a nation remains torpid.

Based on the above, the researcher strongly recommends that constitution review should be carried out at least four years interval to abolish and enact new laws that meets the need of the moment.

The rule of law which is the tenet on which a constitution is built should be upheld at every point in time without fear or favour.

Conclusion

In conclusion, the constitution in Nigeria has long overstretched its effectiveness. Though most of the laws are still relevant but a large chunk also has to be abolished. For example, the getting of police approval before an accident victim is treated has led to the loss of a lot of lives. Also, the non-inclusion of cyber-related laws has made many scammers get away with various financial-wrecking crimes.

In a nutshell, the Nigerian constitution needs to be reviewed promptly and the judiciary should ensure that they interpret and force the law enforcement agencies to act when due.

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