

# Understanding the Appropriateness and Implementation of Consumer Protection Laws in Nigeria

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**Abstract:** *The study assessed the appropriateness and implementation of consumer protection laws in Nigeria. The parameter of the study concentrate on the contribution to the scholarship by examining the complex issue surrounding consumer protection laws. Data were obtained using in-depth interview from selected consumers, policy makers and regulatory agencies. A total number of 40 face-to-face interviews is conducted. Data is sorted and analysed using Nvivo software and thematic analysis. The results showed that consumers suffer from consumption of adulterated, substandard and expired food items and drugs. In the total effects of these are injuries, losses and damages to the Nigerian consumer. Therefore the study recommends that agency that has been put in place by the government should efficiently work with tools and facilities to provide an enabling environment for effective consumer protection.*

**Keywords:** *Appropriateness, Consumer, Implementation, Law, & Protection*

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## Introduction

The level of consumer rights violation and exploitation in Nigeria is becoming worrisome to every Nigerian. Although a number of policy and regulatory agencies exist, protecting the consumer against such exploitations has been a big challenge to the relevant agencies. In a number of occasion, these agencies have issued threats of dealing with to affected businesses, but the threats have turned empty and have fallen on short of meeting or achieving the anticipated objectives (Okwe, 2015; Nnodim, 2014). Many studies were conducted on consumer protection-related topics exists. For instance, Anayo, et al (2017) look at consumer protection in market transactions in Nigeria and the emphasis on the complex issues of consumer protection in Nigeria with a view to understand the responsibility of the relevant actors in protecting the right of the consumer in Nigeria. Similarly, Emmernual et al (2016) consider the position of consumer protection council, right from its establishment, its responsibility and its coverage. The study also observed that the consumer protection in Nigeria like must less developed country is virtually very low, despite the rapid growth of business activities in their market place. They also observed that, the Consumer Protection Council Act provided for the rights of consumers but it does not stipulate the enforcement powers of the enforcing authority. The authors further observed that the carelessness

of consumers make them negligent of information about the product which will enable them to know and protect their rights which resulted to wider spread absence of litigation against a defective product. Oni-Ojo and Iyiola (2014) stated that a product harm cause to the consumer through defective product raise the manufacturer's liability and products liability cases are file annually in developed countries. However, the study observed that in many developing countries especially Nigeria, the situation is different, the law only define defective product but fail to accord the consumers the adequate protection it's deserved. In another vain, Bello et al (2012) opined that Nigerian consumers continue to remain victim of substandard goods and service. They attributed the position of consumer's ignorance and lack of competitive market. They are also of the view that the consumer rights under the Consumer Protection Council Act are merely implied in nature. They concluded by advocating that consumer laws should not only be in existence but it should be protective and compensatory as it applied.

### **Statement of the Problem**

It is worthy to state that consumer protection rights are aimed at protecting consumer from liable producers and service provider. The law of protection is supposed to achieved two basic goals, one is to protect the general interest of the consumers and second is to protect the private law relationship of the parties (Odion, and Okojie, 2003). However, it is evidence that the rights of Nigerian consumers are continually being undermined. Therefore, this study aimed to looks at the appropriateness of the laws and implementation of the Nigeria consumer protection laws.

### **Research aims and Objectives**

This paper aims to provide an in-depth understanding the appropriateness and the efficacy of the laws protecting consumer rights in Nigeria. In line with the recommendations of Yin (2009), a case study research approach will be employed for the purpose of providing in-depth perspectives of the stakeholders.

### **Literature Review**

Malemi (2008) sees a consumer as a person who utilized the process of production and services. The study also define the term product to include all types of eatable and non-eatable goods and what qualifies a good is not selling but rather the delivery of goods to the consumers is what matters. The liability of the manufacturer is inherent in nature subject to the product defects, liability where the proof of reasonable warning can be established by the manufacture. Ijewere (2007) opined that Nigerian consumers are ever ready to summon their efforts in order to seek for their rights and enjoyed their powers in the market. The findings encourages the manufacturers to establish consumer protection unit in their organization and these should be supported by the government through funding and ensuring that the manufacturers produce quality products.

Kanyib (2000) slated that the Subject matter of negligence as an instrument of consumer protection which the author summarized his conclusions as follows; One liability base on negligence provide adequate protection to consumers, proof of negligence is difficult or even impossible especially if the product itself is damage from accident or made ineffective by exposure prior to laboratory analysis, the consumer is disadvantage by his lack of familiarity with the manufacturing or production process, especially if the manufacturer made an affirmation showing

a full proof production process, defect frequently occur even the absence of negligence. Lastly, negligence is therefore an impractical theory of liability for defective product. The author therefore recommended strict liability as an alternative bases of liability in product cases. Under the strict liability regime, the consumer is at the receiving end of the risk in the chain of production. Monye (2005) observed the issues involved in consumer protection in Nigeria, especially in the area of contractual liability of the seller or manufacturer, negligence in tort, the regulation mandate and enforcement powers of the regulatory bodies such as Standard organization of Nigeria(SON),National Agency for Food and Drug Administration and Control (NAFDAC), and Consumer protection council of Nigeria(CPC).And her observation of the legal position is that the Nigerian consumer is fairly protected, at least on paper. The author further postulated that there are some area whereby protection is virtually not in existence, particularly in the area relating to exemption clause, and the absence of provision for compensation order to victim of product defect. The author recommend that there should be an enhance safety consciences of the manufacturer, establishment of legal unit in various regulatory agencies to prosecute offenders of their various offence rather than refer those cases to police. It also recommend the need for significant increase in fine, to also grant award of compensation to an injured consumer in addition to criminal penalties of a manufacturer. Nyor(2004) stated that producers at all stages of production, processing and distribution must be responsible for safety of food and should establish food safety assurance programs while the government on the other hand plays the role of regulator.

### **Methodology**

The study will use both primary and secondary sources of data. The primary data is solely through structured interviews. This will be done through field and research participants. Fourty interviews will be conducted by the trained field participants. However the secondary data will be sourced from reports and documentary evidence from research organisations. The respondents will be purposively selected from 31 wards in Maiduguri town. Due to the size and population of the wards, Maisandari will have 3 respondents. Mafoni, Hausari, Gwange1, 2, 3, Maiduguri and Maimusari wards will have 2 respondents each, while the remaining wards will have one respondent each. The interviews will be sorted, coded, transcribed in the language they were done and translated to English. The analysis will be manually done by the research assistants. They will extract emerging themes from the translated interviews which will create basis for discussion. This approach will allow the researcher to observe specific instances and seeking to establish generalisations about the phenomenon being investigated (Collis and Hussey, 2013; Gilgun, 2013).

### **Results and Recommendations**

#### **Compensation challenges for consumers**

One of the fundamental factors for establishing the consumer protection act is to ensure appropriate and vivid compensation for consumers. it is an important window opened to build and fortify consumer confidence in governance. In addition, it serves a motivator for ensuring public duties and responsibilities on the side of the consumers are articulated and negotiated. Alhaji musa of bulabulin ward added that, had it been a consumer is duly compensated in the case of sudden loss or hazard, with respect to a manufacturer's product, consumers wouldn't have found an alternative

in less quality or inferior product. Mr Bulus of Dala ward also stressed that this is the major reason while consumers indulge in cutting corners over service providers for telecom and power providers, leading to continuous sabotage of installations and outage.

Alas, all the respondents have stressed candidly that they have never witnessed a case scenario where a consumer was compensated for manufacturer's errors. Enyia and Abang, (2018) posited that the Nigerian justice system is inclined more to punishing offenders than compensating complainants. The consumer protections act convict persons who aid or issue wrong advertisement about a product to a fine of N50,000.00 or serve a 5years jail term or both. The consumer is not part of the proceeding, as it is between the state and the manufacturer. This means that the consumer is not a beneficiary of the fine imposed by the statutes. Alhaji musa also stressed his scepticism over the existence of compensation of an injurious product to consumers. He made examples with a pharmaceutical company's saga over affected children whose parents fought in vain and are left to cater for paralysed and autism children. Malam Gaji Bukar and Alhaji Musa Mustapha attributed this challenge to political interference under the auspices of administrative bottlenecks, artificially created to frustrate consumers efforts and stall any legal process that will liberate consumers. Malam Usman Shettima attributed the inability of seeking redress for compensation to the fact that consumers don't know their rights. he said, consumers are not even aware that such fundamental rights vested on them ever exists. consumers view such struggle as an already lost course and futility lies ahead even if attempted. Abdullahi Jafar a local resident of Bolori ward and Wholesale petty shop owner stressed that at the mention of any issue regarding seeking redress from manufacturing moguls, fear sets in. this is because people think any issue so inclined involves the government and has links with police stations and the court. the public tend to have phobia for-and has been living in constant fear of such public institutions. he also added that if truly "police is your friend" and "the law is blind" consumers should be ever ready to seek redress anywhere, anytime and under any justified circumstance.

### **Consumer's nature of patronage**

An important element for manufacturer's protection is the establishment of wholesale or retail outlet. this is to ensure copywrites and imitations are greatly mitigated. given the nature of economic activities; being mostly informal, consumers patronise outlets that are readily accessible or available at the time of need. The manufacturer in this case cannot oversee the entire sale of his product. Alhaji Gaji Bukar stressed that seeking redress in most cases tends to be impossible because he doesn't patronise certified and recognised manufacturers outlets and franchises. Alhaji musa of Bulabulin ward said, he patronises the closest and cheapest stores for products. He even purchases products from hawkers who take advantage of traffic jams to sell. He recollected how he bought a close-up toothpaste in a traffic jam that turned out to be an imitation. He stressed also that the manufacturer cannot blame for such mistake.

As Enyia and Abang (2018) posited, consumer protection laws have remained in the lowest ebb even with the presence of administrative and regulatory frameworks. Despite this, the consumers have exacerbated the situation with the nature of purchasing manufacturers products. Mr Bulus and Abdullahi Jafar attributed such problems with seeking cheaper items and easy access. It will remain an uphill task therefore to seek redress in such a situation.

### **Consumers and consumer rights dichotomy**

#### 1. Lack of confidence in the judicial system

Today it has shown that millions of Nigerians suffer from the consumption of adulterated, substandard and defective product. Examples of these are expired food items and drugs. The basic outcome of these are injuries, losses and damages to the Nigerian consumers. The Nigerian legal system allows for private right of action as a means of seeking redress by a disadvantage consumer. Most of the consumers don't even know their right while others tend to abandon litigation and lawsuit, thinking of the very meager monetary reward and damages which is virtually inadequate and tactically imbalance with the level of injuries and losses incurred by the consumer from the product of the producers. Abdullahi Jafar stressed that he would rather fall back to his God rather than wasting a lot of energy to gain little or nothing at all. Some consumers abandoned their cases in the court because of the cumbersome nature of the Nigerian judicial system, which appears to be very lengthy and rigorous process and which in most cases don't favour injured consumers. The process comes out to discourage and diminish the trust and confidence the consumer has in the judicial system. Musa Bukar from Lamisula Jabamari ward posited that he only manages to cater for his household needs, and he needs the entire day to negotiate such issues. Therefore, the time to keep gallivanting in the name of pursuing a law suit is absolutely useless to him because he is a low income earner and he needs all time he can use. This eventually stops them from laying complaints on the court against the producers. Some consumer laws and policies have been laid down by the government with low and without effective powers on the subject matter of establishment.

#### 2. Low income earning of consumers

The financial means and the economic capacity of the consumers is the fundamental determining factor whether or not the consumer can assume their duties, responsibilities and rights as consumers. It shows that many consumers have abandoned their litigation and law suits because of lack of financial capacity to pursue any suit in the court. Mustapha Bulama of Maisandari ward said his belief is that the court and its proceedings are made for the rich and bourgeoisies alone. He wonders when and where he can be able to fit into such processes as a result of his low income earning.

#### 3. Inadequate awareness and sensitisation

Most often consumers in Nigeria find themselves saddled with services and non-performance from the producers. Unfortunately it is rare to seek redress due to number of reasons. One of such reasons is ignorance about the extent of protection accorded to them by the law. Another important reason is the low-level of awareness of the consumers which stems from the lack of formal education as well as insufficient critical information on the products and services provided by manufacturers. This is a necessary attribute for effective consumer protection in Nigeria.

### **Consumer rights and responsibilities**

Millions of Nigerian consumers suffer from consumption of adulterated, substandard and expired food items and drugs. In the total effects of these are injuries, losses and damages to the Nigerian consumer. The Nigerian legal system allows for private right of action as means of seeking redress

by disadvantaged consumers. Some may not even know their rights but thinking of the meagre monetary rewards they will get from litigation, which may force them to abandon the law suit. The penalties for some product offences are too small to have any different effect apart from the counterfeit and fake drugs and wholesome processed foods. The penalties stipulated by other statutes are too small to enhance the commitment by the government in protecting the Nigerian consumer. Thus, in addition to the various laws and agency that has been put in place by the government are not adequately working tools and facilities to provide an enabling environment for effective consumer protection.

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