

LEGAL PROTECTION OF THE CONSUMER IN ELECTRONIC COMMERCE IN NIGERIA.

AKOMOLEDE, Timothy Ifedayo

**A Thesis submitted to the Department of Business Law,
Faculty of Law, Obafemi Awolowo University, Ile-Ife in
partial fulfillment of the Requirements for the Award of the
Degree of Doctor of Philosophy (Ph. D) in Law.**

2007

ABSTRACT

The study analysed the legal issues and problems involved in electronic commerce in Nigeria, examined the laws and institutions that protect consumers and assessed the remedies available to the latter. It also examined the prospects and challenges of a comprehensive consumer protection code for electronic commerce with a view to appraising the legal protection available to consumers in electronic commerce in Nigeria.

The study relied on both primary and secondary sources of information. The primary sources were International Conventions, judicial decisions, statutes and bills. These included the Sale of Goods Act (1893), the Consumer Protection Council Act (1992), the Nigerian Electronic Transactions Bill (2005), the Nigerian Information Technology Development Agency Bill (2005) and other legislation *that have direct and indirect bearing on the protection of the consumer in electronic commerce*. These legislation and bills were compared with similar legislation in the United Kingdom, United States of America, Canada, Australia and South Africa. The secondary sources included textbooks, journals, bulletins, guidelines, circulars, policy documents, newspapers/magazines and the Internet. Information gathered from these sources were subjected to content analysis.

commerce were not The results revealed that the legal protection of consumers in electronic commerce in Nigeria was riddled with some legal problems. These included lack of data protection, non-protection of the privacy of the communication of the parties, non-existence of well articulated rules for entering into Internet contracts, lack of rules and regulations for jurisdictional and choice of law issues, difficulties in proving Internet-related transactions and lack of well-articulated consumer rights and remedies. It further revealed that even though there were laws that protected consumers in general, consumers in electronic

specifically protected because the laws were not directed at that class of consumers. It also revealed that existing consumer protection institutions in Nigeria such as the Consumer Protection Council, National Agency for Food Drug Administration and Control and Standard Organization of Nigeria were not given direct responsibilities for protecting consumers in electronic commerce under the laws that established them. Although there were remedies available to the consumers generally, which included contract-based and administrative-based remedies, they were inadequate because consumers in electronic commerce were not directly in focus. There was also no comprehensive consumer Code in electronic commerce in Nigeria unlike other jurisdictions considered by the study because the legal problems associated with it were just coming up.

The study concluded that the legal and regulatory frameworks for the protection of consumers in electronic commerce were yet to take proper shape, which largely could be because it was a budding phenomenon in commercial transactions in Nigeria.