

An Appraisal of Economic Justice in Nigeria

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ABSTRACT

Economic justice is the broadest form of justice that is applicable to the whole society. Economic justice considers the rules, principles and laws for which the economic infrastructures and finances are developed around the world, to ensure that there is equal opportunity for every individual in the society. It is a foundation to ensure that market participants are treated fairly and equally. The government is to ensure that economic gain is distributed equally among the citizens. The rule of law is to promote economic growth and justice. Effective Judicial systems are the platform on which economic justice can be actualized. This article addressed the issues of economic justice, social justice, income inequality, gender injustice, legal frame work and judicial structure.

Keywords: Economic injustice, income inequality and gender injustice, social justice, legal frame work and judicial structure.

INTRODUCTION

The concept of economic justice is found in the idea that the economy is more successful if all market participations are treated equally and fairly. Justice is the act of giving every one his or her own due; it is a universal principle that guide a just society. A just society is one where individual and groups receive fair treatment and share of benefits of the society. Economic justice is an aspect of social justice. The interplay between economic, social and cultural rights and achievement of economic justice provides a ground, which protect the social structure of a society from income inequality and other forms of economically limiting factors. The extent of economic justice that is available within a state institutional structure shows the commitment to the realization of social and economic rights¹. Economic justice encompasses the functions of individual rights and the implementation

of inclusive economic policies which cannot bedisassociated from legal concerns. In the sense of it, economic justice, just as it is of economic interest, poses also very much as a legal concern. There are ways in which an economy could be affected by legal concerns. One of those ways is the extent to which the right to property is expressed and secured by the law of the land².

Unfortunately, one of the adverse concerns of the judicial structure of developing African states is the inability to express and secure the rights to property. It is also common practice in bottom billion states for government officials to hide behind the law to extort multinational corporations or such transitional businesses that are domiciled in their country³. Stronger judicial systems

1. Lalude O. M and Fatehinse A. (2020) "Economic justice and judicial structure: Realizing economic growth in Nigeria society and sustainability",2(1)25-34. Doi:

<https://doi.org/10.38157/societysustainability.v2i1.53>

2. Greenspan A. (2007) "in the age of turbulence: Adventures in a new world (1st edition) penguin press.

3. Meschi. P (2009) "Government corruption and foreign stakes in international joint ventures in emerging economics" Asia pacific journal of management,26(2). <https://doi.org/10.1007/s10490-007-9067-y>

4. Dam. K (2006), "Judiciary and economic development's, Electronic journal,10(1)

5. Lalude O.M and fatehinse, A (2020). "Economic justice and judicial structure: Realizing economic growth in Nigeria society and sustainability",2(1).25-

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are a making of developed politics and vibrant economies⁴. This paper examined economic justice as the aspect of social justice, judicial structure, inequality and gender injustice and legal frameworks.

34. Doi: https://doi.org/10.38157/society_sustainability.v2ii.53

Social justice

Economic justice is a social justice that describe human behavior in relation to the disposal of scarce resources. It shows the economic tendencies of a society. Some of the economic laws includes: law of demand and diminishing returns etc. Legally, social justice works towards realization that all members of a society have equal access to their community wealth and resources regardless of the

circumstances behind their birth and background. This is enshrined in section 42 of the 1999 constitution of the federal republic of Nigeria as amended. The goal of social justice is to create an environment with equal opportunity for each individual and to establish a material foundation of which people can achieve a creative, dignified and productive life.

Judicial structure

Effective judicial systems are the platform on which economic justice can be actualized. Judicial structure refers to the institution of courts and whole judicial system⁵.Judicial structure is a political institution. It is a tripartite system of governmental organization in democracies that involves the legislative and executive.it is the third layer of a check and balance system. Judicial structure goes beyond the judiciary. It incorporates the whole working parts of the judicial system which includes judicial administrative and enforcement mechanisms⁶.Economic justice can be realized by a solid judicial structure. How the demand for economic justice affects economic growth in Nigeria, is to look at the consequences of its absence. In the Niger Delta region where insurgency started and created a security issue, it started with a discovery of the infrastructural development disparities between the deep southern region and the northern region of Nigeria. Judicial corruption for instance in Nigeria has many times been a concern in the public discourse and has led to a high level of distrust in the country's justice system. Judicial structure has a role to play in the moderation of the interaction of economic forces.The role is even more emphasized as good judicial structure bolster trust in a contractual system. Where contractual disputes are efficiently resolved, this is good for economic growth. But it is very difficult to get an objectivity from a judiciary flush with bribes, corruption

and inordinate gifts. This is because it halts the development of the rule of law.

6. ibid

Inequality and Gender injustice

Economic justice is the remedy in societies where income inequality is the deal. The test for lack of economic justice is the extent of income inequality in any system. In Africa, income inequality is a roaring problem that is a conflagrative status (UNDP,2017)⁷. Income inequality is evident in many societies across Africa. The starker manifestation of income inequality is far more expressed in the difference between developed and developing nations. Under the Igbo customary law system. The position of women was dependence oriented, hence a common address to women as “oriaku”, the consumer of wealth. This is to say that women do not play a significant role in the production of wealth in the family. There are discriminatory land ownership rules under our different customary law system. The women economic activities are under valued and under paid in most cases, this has pushed the women in poverty line. The important role and contribution of women in the process of development was not recognized and consequently nothing was done to harness the potential of the women folk in the Nigerian quest for economic development⁸. Nigerian women have been long excluded from the practice of politics on the ground that they were seen as unable to cope with the political stress in Nigeria political system. This opinion is gradually changing as women are advocating for equal participatory right in politics. The immediate past president of Nigeria, GoodluckEbele Jonathan gave considerable response to their plight by giving them appointments and allowing them to contest for political positions and some were emerged winners. Obviously, in our contemporary era, it is becoming clearer that the discrimination most

Nigerians and Africans had against women has contributed to keeping them in the dark all these years from manifesting their talents and leadership qualities. Under article 22 of eliminations of all forms of discrimination against women, 1979 convention. Their reports annually go to the united nation general assembly. They make suggestions and the general recommendation as part of their reports. Recommendation No. 5 called upon states parties to make more use of temporary special measures such as positive action, preferential treatment or quota system to advance women's integration in to education, economy, politics unemployment and measures to track socio-economic gender inequalities should be encouraged and implemented

7. UNDP(2017) "Income inequality trends in sub-Saharan Africa, divergence, determinants, and consequences, United Nations Development program.

8. Clifford Meesua Sibani,
<https://dx.doi.org/10.4314/ujah.v18i2.25>

Legal frameworks

Economic justice is one of the principles of sustainable development. Section 42 the 1999 constitution of the Federal Republic of Nigeria, as amended, there is no doubt that the constitution of federal republic of Nigeria states that all human beings are equal. The right to freedom from discrimination. The discrimination relates to particular community, ethnic groups, place of origin, sex, religion or political system. United Nations (UN) has fostered several declarations and conventions aimed at ending all forms of political and economic discrimination among women. Among such documents that prohibit women discrimination are:

1. Universal Declaration of Human Right (UDHR)

2. International Convention on Civil and Political Right (ICCPR)

3. Convention on Elimination of all forms of discrimination against women. (CEDAW)

Economic and Financial Crime Commission (EFCC) Act was borne out of the determination of the federal government to root out corruption and sanitize the Nigerian economic environment by enforcing all economic and financial crimes laws.

The provision of adequate security is a pre-condition for other rule of law reforms to take root. The provision of security constitutes the most fundamental conception of rule, principle of equal treatment and procedural fairness.

CONCLUSION

Economic justice demands the constitution to provide goal which will improve social welfare for every citizen in Nigeria, such as:

1. To support the realization of continuance economic growth
2. To regulate issues regarding economy (especially business and industry)
3. To provide firmness regarding the status of individuals and objects in society.
4. To regulate issues regarding economy (especially business and industry)
5. To create certainty in investment and
6. To protect human rights.

The rule of law is very important in economic life in the ability to influence equality, fairness, certainty level between human in society. Codification goals and intention of the country should be geared towards establishing the equilibrium of economic stability. The second generation of human rights considered social, economic and cultural rights. The rule of law is necessary for promoting economic justice. The budget of the country and allocation should be pro-poor based and tailored towards improving the welfare of

the large population. The implementation of the economic justice policies will contribute to increase the level of the economy. Since various facilities/convenience have been promised by law of direct investment. Equality policies should be ensured. The relationship between law and economic injustice should be the critical issues that future works on law and justice must attempt to address. To improve the welfare of the large population, employment opportunities and payment of unemployment benefits to the unemployed would also contribute in reducing economic injustice in Nigeria. Sustainable policies and program that seek to address the cause of economic injustice would go a long way in reducing poverty and gender differences in Nigeria. Agriculture and local manufacturing should be encouraged to create job opportunities. The judicial system and other institution must be strengthened to realize economic justice in Nigeria. The goal of economic justice is to create an environment with equal opportunity for each individual and to establish a material foundation of which people can achieve a creative, dignified and productive life.

