BASSEY SAVIOUR

16/ENG05/015

ENGINEERING LAW

SHORT TEST

Q2. Explain issues of the Nigerian legal system and its effects on engineering industries

**Judicial Corruption**

The fact that Nigeria has a number of corrupt judges is common knowledge in the country. Over the years, there have been various allegations of corruption in the judiciary. In 2013, two High Court judges were suspended and recommended for retirement by the National Judicial Council for misconduct bordering on corruption. Judicial corruption reduces public confidence in the country’s justice system.

This means that suspected incidents of directors’ misconducts are less likely to be reported given the prevailing belief that justice is unlikely to be served. Similarly, it can affect the attitude of investigators and prosecutors who might have less incentive to investigate and prosecute cases diligently.

**Delays in the justice system**

One of the main problems in the bank executive cases has been endless delays in the judicial process. The trials’ time line tells the story. Criminal proceedings started in 2009. About six years later, in 2015, the Court of Appeal struck down the case against two of the executives on the basis of lack of jurisdiction of the trial court. A declaration of lack of jurisdiction means that the court lacks the power to try the particular case. In itself this isn’t a bad development. After all, compliance with relevant rules on jurisdiction is essential to ensuring justice is done. But the fact that it took six years for this decision to be reached highlights severe delays in Nigeria’s court system.

This delay has been attributed to several factors. Initially, the trials suffered from several unwarranted adjournments at the request of the defence lawyers. Another weak spot has been the prosecuting authority. The unit responsible for prosecuting these kinds of cases, The Economic and Financial Crimes Commission, has been severely criticised for its inefficiencies.

**Potential inequality**

Another question to consider is whether the failure to successfully prosecute the directors is a reflection of the difference in the treatment of high-profile offenders versus ordinary Nigerians.

Cecilia Ibru, the only bank executive who was convicted, was sentenced to just six months in prison and required to forfeit shares and other assets worth over USD$1.2 billion. Compare this with the case of David Olugboyega, an armed thief, who was sentenced to death after being found guilty of a £50 robbery. Granted that armed robbery carries the death penalty,however, it seems that carting away millions of money should attract a stiffer penalty.

In addition, rich offenders can afford well skilled lawyers who can devise different strategies to delay, or prevent, successful prosecution. Poor offenders don’t have this benefit.

Effects on engineering industries

Legal environment plays a very important role in determining the success of any businesses around the globe. The government taxes that are being imposed among other regulatory measures help to promote economic growth and to protect consumers from exploitation and other illegal factors. Prior to establishing or when in the process of running a business, accordingly, it is imperative to understand the role of regional tax measures, legal **factors affecting business** and regulatory measures in the determination of how your business is affected.  Another measure to help your business adapt to legal issues in its environment is the understanding of regulatory measures and to account for all your regional economic analysis.

**Business Legal Environment Definition**

In the legal environment of a business, we are looking the key areas, particularly where law changes and how legal aspects affect businesses. All these legal factors are contained in the legal environment of a business.

**Legal Factors Affecting Business Environment**

**Organizational Law**

The organizational law is the first type of business law that we will talk about here. Any business that is organized as a legal entity is subject to the state law that governs its operation and conduct. There are different types of business entities. For example, corporations, limited partnerships, partnerships, limited liability partnerships, limited liability limited partnerships and limited liability companies all of which have different legal status and issues.

**Securities Law**

If a business is seeking to obtain financing through different types of investors, it may be subject to legal issues such as security law. For instance, a decision to offer promissory notes, a type of loan to your investors, will subject the legal factor affecting business to state and federal regulations and security laws.

Every company issue securities and a growing body of law suggests that non-manager interest in a limited liability company is also considered to be securities legal factors. As it is, most small businesses should not worry about business legal factors like federal and state security laws affecting them negatively. But if such a business has plans to raise capital through platforms such as public offerings or online funding.

**Contract Law**

If the intention is to enter an agreement with another person or entity, then contract law is binding. This also has a special area that is involved directly with factors affecting business, for example, government contracts, which is also known as government procurement laws.

**Consumer Protection Laws**

Some businesses act unfairly towards their consumers. For this reason, most countries have consumer protection laws that are aimed at ensuring that consumers are protected. Here are examples;

* **Weight and Measures Act:** These laws ensure that the goods sold are weighed on Standard weighting equipment.
* **Trade Description Act:** This law ensures that it is illegal to deliberately give misleading impression about products.
* **Consumer Credit Act:**According to this Act, consumers should be given information of the credit agreement and should be made aware of the interest rates, length of loan while taking a loan.
* **Sale of Goods Act:**This Act declares that It is illegal to sell products with flaws or problems and that any goods sold conforms to standards.

**Employees Protection laws**

Different governments have passed laws to protect the interest of employees. These laws protect them against unfair discrimination at work and when applying for jobs. It ensures that no one is discriminated against based on such things as race, religion, sex, age, or colour.

**Laws regarding health and safety at workplaces**

Below are a few laws regarding employees’ working conditions

* Employees receive protection from dangerous machines.
* At the workplace, employees should be given clothing and equipment that meet the highest safety standards.
* Employees should have a reasonable temperature at their workplaces.
* The highest hygienic standards at the workplace and washing facilities should be met for the sake of employees.
* Employees to have enough breaking periods while working.

**Security against haphazard termination of employees**

It is illegal now for businesses to dismiss the employees for joining trade unions or for expecting a baby unless you choose to ignore the new legal factors in business which will have repercussions on your business. Before dismissal of any worker, there must be warning with proper reasons, otherwise, the case may be treated as an unfair dismissal.

**Immigration Laws**

After a pestle analysis research, economists concluded on findings that aspects of immigration positively contribute to a society. For instance, lately, American societies have shifted to a more educated, high tech lifestyle.  Therefore, only a few of these well-educated citizens are willing to work at low paying jobs such as janitors and farm workers .