

Social Work, Human Right and Policy Advocacy in a Quasi-Entropic Nigerian Legal System

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ABSTRACT

Background and Purpose: The legal system of any country remains the bastion for the defense of the rights of all its citizens and policy advocacy has time and again proven to be a veritable tool in the actualization of policies that defend the rights of citizens, common and elites alike. This generally holds sway in a negentropic legal system where clear-cut rules and strong institutions exist, resulting in minimal tendencies towards corruption and in public trust. Most African legal systems including Nigerian Legal System, are criticized for legal shenanigans, which has not only resulted in the lack of public trust in the system, but also created a problem of ineffective defense of human rights and policy advocacy in the country. This work propositions social work and Counselling as a solution to this problem. The objectives of the study are to: identify the causes of entropy in Nigerian Legal system, ascertain how entropy in Nigerian legal system affects the defense of human rights and policy advocacy; and to ascertain how Counselling and social work can be used to negate entropies in the Nigerian legal system. The research questions are: What causes entropy in Nigerian Legal system? How does entropy in Nigerian legal system affect the defense of human rights and policy advocacy in the country? How can Counselling and social work be used to negate entropies in the Nigerian legal system.

Keywords: Social Work, Human Right, Policy advocacy, Quasi-entropic, Nigerian Legal System.

INTRODUCTION

A nation's legal system may not be central to its survival, but it is pivotal to its internal cohesion. A lot on personal, corporate and public life interactions rest on the effectiveness and efficiency of a given nation's legal system. The extent to which people intentionally and offhandedly trample on others rights, renege on agreement, engage in corruption and practices that are repugnant to natural justice is dependent on the strengths and weaknesses of a nation's legal system (Blake-Amarante, 2013; Madumere, 2018; Koncewicz, 2019). Generally, the legal system of any country should be the bastion for the defense of the rights of all its citizens. It should be the sinew of public advocacy for development and justice and fair play. Some scholars like Minds and Own (2021) and Mili (2024) are of the opinion that, the strongest of legal systems should defend the weak members of society against the strong members of the society. They base their arguments on the fact that, any legal system can defend the strong as posited by the positivist school of thought on law.

Democracy as a system of governance encourages a legal system that protects both the rich and the poor on personal, group and corporate levels. Nigeria practices the democratic system of governance and its legal system is patterned after the realities and tenets of democracy. For the sixty-four years Nigeria has existed as an independent nation, about thirty of these sixty-four years, the nation has had democracy and a Judicial/legal system that commits to justice, equity and fair play (Emelonye, 2014; Ogunode, 2015). As a 64-year old adult, the Nigerian legal system which is headed by a Chief Justice, has had good and bad experiences. At some point it has lived up to its expectations and has at some time been under intense criticism for failing to live up to its expectations. The following are five key cases where the Nigerian legal system lived up to the expectations of the people. The n ... ()

The Nigerian legal system has equally been criticized for delayed justice, for per incuriam, for favouring the strong over the weak, for perceived unfair political judgments and for Quasi-entropy in the system (Ogunode, 2015; Kekere, 2020). Entropy, simply put, means disorderliness and uncertainty in a system. Quasi-entropy will mean seaming disorderliness or uncertainty in a legal system (Sichelman, 2021). Quasi-entropy in Nigeria's legal system which manifest in various forms including languages of legal documents judges may recourse to in the course of administering justice and the existence of conflicting legal documents, has posed serious threats to the defense of human right and to policy advocacy. This reality has necessitated the need for alternative measures for the defense of human rights and for policy advocacy.

One of the reliable alternative measures to tackling quasi-entropy in the Nigerian legal system could be Counselling and social work. The basic tenets of Counselling and social work, what it concerns itself with and its various tool and mechanism of achieving its goals are promising to all round human development (Dean, 2015; Carter, 2017). Perhaps if properly applied to human right defense and public advocacy in Nigeria, it may be efficient in negating perceived quasi-entropy in the Nigerian legal system. Ascertaining if social work can improve human right defense and public advocacy by circumventing or out rightly negating quasi-entropy in the Nigerian legal system is the focus of this study which seeks to qualitatively examine the relationship between social work, human right and policy advocacy in Nigeria's quasi-entropic legal system.

Statement of the Problem

The Nigerian legal system has in recent times been under severe criticism over practices that in some climes may tantamount to ineffective defense of human right and may stifle public advocacy. These practices like the increasing instances of delayed justice administration, the passing of judgment on extremely complicated legal interpretations that reek of attempt at confusing and avoiding the truth, the presence of per incuriam in certain legal moves in the country's legal system, the passing of conflicting judgments and making of rulings that do not defend the security interest of the population on matters bordering on politics, have resulted not just in the public losing its trust on the legal system of the country, but on the need to find alternative measures to human right defense and public advocacy.

Consequently arbitration, mediation and negotiation have been encouraged over adjudication. Social work as an area of human discipline has proven to be very effective in the execution of development related concerns that involve facilitation, negotiation and mediation. How well it can be applied to tackle perceived quasi-entropy in the Nigeria's legal system is the problem of concern to this Study.

Aim and Objectives

The aim of the study is to qualitatively examine the relationship between social work, human right and policy advocacy in Nigeria's quasi-entropic legal system. The objectives of the study are to:

1. identify the causes of entropy in Nigerian Legal system;
2. discuss how entropy in Nigerian legal system affects the defense of human rights and policy advocacy; and
3. explain how social work can be used to negate entropies in the Nigerian legal system.

Research Questions

1. What causes entropy in Nigerian Legal system?
2. How does entropy in Nigerian legal system affect the defense of human rights and policy advocacy in the country?
3. How can social work be used to negate entropies in the Nigerian legal system?

CONCEPTUAL REVIEW

Social Work

Social work is a multi-faceted discipline, this is why it is often described as complex. Social work touch on every aspect of human-to-human as well as human-to-environment interactions and it aims to among other things ensure people live out their potentials effectively and efficiently. The introductory page of The National Association of Social Workers (NASW) holds that the core of social work as a profession is the enhancement of well-being by helping people, especially the vulnerable and weak, meet their basic human needs. These are always done through different modalities including Counselling. Social work focus on individual well-being in a social context and the well-being of society (Germain, 2015; Healy & Thomas, 2021). People who engage in social work stimulate and encourage social justice and social change. They make conscious efforts at curtailing every form of discrimination, poverty and the manifestations of social injustice. Some of the tools employed by social work in the pursuit of its mission include, community organizing, education, research, assessment, policy advocacy and development; consultations, negotiations, facilitation and administration (Nayak, 2023).

As an interrelated system of values, theories and practice, social work is seen as a change agent and as a development catalyst. To this end, social work is rooted in the following core values: integrity, service, competence, dignity, human relationships and social justice (Dean, 2015). Owing to the reality that social work cuts across all fields, the profession cannot be said to have developed in isolation. The profession taps knowledge, philosophies and ideas from various and but related disciplines. From this fact, social work often have people with some other professional orientations, like law, counselling, education, medicine, communication, economic etc on a social work project (Samson, 2018; Canda et al, 2019).

The International Federation of Social Workers (IFSW, 2000) defined social work as “a profession that promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance wellbeing. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environment. Principles of human rights and social justice are fundamental to social work”. From this definition, it can be deduced that, the primary goal of social work is to help individuals, families, social groups and communities tackle temporarily or permanently personal and social problems (Jones, 2016).

Social work is eclectic in nature because it is diverse, dynamic, multifaceted and holistic. Social work is diverse because of the issues it concerns itself with and the disciplines it borrows ideas and knowledge from. Social work is dynamic since it is susceptible to change over time and according to situation and unique realities of the project at hand. Social work is multifaceted because it employs various techniques and methods to achieve its objectives. And finally, social work is holistic because it is widespread, universal and global though the priorities of its practice differ according to country (Alexandrova, 2017; Ncube, 2019).

One of the things social work concerns itself with is solving social and personal problems. One area that generates social problem is social justice and the greater part of social justice lies in within the legal system of any given nation. Nigeria’s legal system is bedevil with certain problems that have cause a quasi-entropy in the system which has seriously impugned on human right defense and policy advocacy in the country (Germain, 2015; Jones, 2016; Healy & Thomas, 2021). This reality should hold serious prospect for social work.

Human Rights and Policy advocacy

Human rights are sets of principles or entitlements humans are expected to enjoy by virtue of their being human. These rights are to be protected by every responsive government via its constituted mechanism. Human rights as a concept assume different meaning according to the professional prism it is looked at from. A political scientist, sociologist, philosopher and a legal luminary may discourse human right from different

perspective (O'Byrne, 2014; Supiot, 2017). Human rights are premised on social contract theories and they are firmly established in natural rights. Follert (2015) conceptualize human rights as condition in which person's proprietorship rights to their body and authentic property rights are not eroded or breeched by person, group of persons, or government.

Generally, the concept of human rights seeks to safeguard individuals against arbitrary show of power as wielders and as victims. It regulates interaction between human and human, human to government, human to environment and human to corporate entities. The concept of human rights aims to secure the wellbeing of individuals and corporate entities, their freedom and their autonomy through the protection of their interest within the general picture of the government of the country they exist in (Martensson, 2021). The most pronounced and common human rights are the Fundamental Human Rights which are recognised international following the United Nations Universal Declaration of Human Rights of 1949.

The Nigeria's constitution recognises fundamental human rights. These rights are captured in chapter four of the Nigerian constitution and there include the following rights which are Right to: Life, dignity to human person, fair hearing, private and family Life, freedom of thought, conscience and religion, freedom to expression and the press, peaceful assemble and association, freedom of movement, freedom from discrimination, acquire and own immoveable properties anywhere in Nigeria. when any of these rights are breeched or trampled upon by individual, group or corporate citizens and in some cases by government, legal redress is often sought (Winter, 2021). However, in quasi-entropic legal systems like Nigeria's, justice is sometimes not forth coming, delayed, denied or frustrated (Hart, 2017). This reality necessitates the need for alternative measures to circumvent and negate quasi-entropy in Nigeria's legal system.

Public advocacy is a way by which citizens of some countries realize certain development policies. According to Bairds et al (2024), public advocacy is coordinated actions geared at birthing or enforcing public policies that touch on the lives of the marginalized. Public advocacy is different from people-centred advocacy. While the benefactors of public advocacy are the sideline members of the society, the benefactors of group advocacy are member of the groups carrying out the advocacy (Jimenez et al., 2014). Advocacy generally always seeks public support for something. Public advocacy can be applied to education, as was the case in Chile during the second term of President Sabastian Pinera. Advocacy can be applied to agriculture, as was the case against the proposed Ruga policy of the President Buhari of Nigeria's administration; and advocacy can be applied to economic or fiscal policies as was the case against Presidents Tinubu and Ruto of Nigeria and Kenya respectively (Dyrstad & Butcher, 2019; Equere, 2024; Ross & Paravicini, 2024). Some public advocacies have been highly diplomatic while others have been extremely violent. The success of public advocacies to an extent is dependent on how it is carried out and their success influence the extent to which the human rights are defended in a given legal system (Jimenez et al., 2014; Bairds et al, 2024).

Nigerian Legal System and Quasi-entropic

The Nigerian legal system is described as mixed because it borrows its laws from so many sources like Sharia, English and Customary law. Other sources of laws in the Nigerian legal system are national and state legislations and Judiciary precedent. Though the Nigerian 1999 constitution as amended, remains the supreme and go to body law in the Nigeria as well as the yardstick for voiding other laws that are inconsistently applied, sometimes, the mere existence of these other laws and their applicability cause quasi-entropy in the legal system (Byang, 2017). For instance, Sharia laws are in operation in all the northern states and they are primarily, but not exclusively used to try religious offenses while customary laws are used to try members of a given ethnic group. Often conflicts between these other body of laws and the 1999 constitution do arise resulting in quasi-entropy (Alkali, 2016, Mekonnen, 2016). Quasi-entropy is state of seaming confusion or disorderliness present in a given system.

The Nigerian legal system is administered by the Judiciary of the country. The judiciary of the country has three divisions, the local, state and federal as manifested in Customary or Sharia Courts, District Courts, State courts and in Federal Courts. The structure of the Nigerian court system has the Supreme Court at the apex,

Court of Appeal, High Courts and Customary-Sharia Courts of Appeal and District Courts. These courts all adjudicate cases. This reality introduces at least the following two challenges in the Nigerian legal system, court without competent jurisdiction try cases they are not supposed to and courts with competent jurisdiction try same cases and give conflicting judgments (Diala, 2019). This is yet another cause of Quasi-entropy in the Nigerian legal System.

The nation's legal system is headed by a Chief Justice. While judges rise through the administrative ranks, appointment into the highest courts are made by the Executive and confirmed by the legislature, yet the judiciary is guaranteed by independence by Chapter 2, 17.2e of Nigeria's constitution. This process and other factors including manifest judgments give oomph to the allegation that, some Nigerian judges face the challenge of overcoming bribery (Muhammad, 2016). The availability of several Acts like the Freedom of Information Act 2011; Public Procurement Act, 2007; Federal Capital Territory Internal Revenue Service Act 2015; etc; and Legal Codes like, The Criminal Code, The Panel Code, The Code of Conduct Tribunal and the Code of Conduct Bureau. The reality that though Nigeria is signatory to several treaties and international laws, these laws only take effect when enacted into domestic law; are some factors encouraging quasi-entropy in the Nigerian legal system.

Empirical Review

In 2021, Ten Sichelman carried out a study on legal entropy. The study was titled: Quantifying legal entropy. It was aimed at formulating a qualitative definition of legal entropy and to provide an exact formula that can be applied in all or at most in various legal contexts. The researchers relied on the Claude Shannon's work where he gave an encompassing definition of entropy. Sichelman (2021) did a quantitative formalization of entropy in law as it relates to delineation, interpretation and application. The quantification offered comprehensive account of the uses and limits of modularity and legal boundaries in law. The study found out that, some legal systems have not been very effective in their efforts at tackling legal entropy rather, findings were that legal modularity is a consequent of argots in law practice. Another finding was that, legal boundaries are used to rein in information and that allows for the hiding of certain information. The authors concluded that, the application, delineation and interpretation of law should be aimed at removing entropy in the system, hence the need to embrace approaches that will help one circumvent the entropy in legal systems.

In 2020, Ngozi Nwafor and Onyeka Aduma, carried out a study on the challenges of criminal adjudication in Nigeria's legal system and the need for alternative dispute resolution in Nigeria to negate the Quasi-entropic situation in Nigeria's legal system. The study was titled: Problems of the administration of alternative dispute resolution. The aim of the study was to examine the challenges of administering criminal justice in Nigeria and to examine how effective the use of alternative dispute resolution will be in amelioration of the challenges in the adjudication of criminal justice in Nigeria's legal system. The scholars found out that, unnecessary adjournment, delays caused by excessive litigation in the docket and the reality that, the number of criminal cases for adjudication far exceeds the number of courts are some of the major challenges facing the Nigerian legal system in its administration of criminal justice. Other findings of the study were that, arbitration, conciliation and negotiation were effective alternatives and support to criminal justice adjudication in Nigeria and that, such alternatives dispute methods like plea bargain, victim-offender mediation, community dispute resolution procedures, were hindered by the planning and the design of legislative framework, compoundment and concealment, orientation, power imbalance, suspected manipulation in the ADR process, Privatization of dispute among others. Arising from the findings, the scholars concluded that, given the problems bedeviling the administration of criminal justice in Nigeria and the reality that, even the Alternative Dispute Resolution can do better with the help of some other mechanism or development catalysts.

The works reviewed have some similarities with this current study. All treat the challenging realities in conventional administration of justice, the need for an alternative measures that will circumvent these challenges present in conventional administration of justice and how they affect the defense of human rights and public advocacy. Another similarity between the works reviewed in this current study is that, all make use

of the same methodology. The differences between this study and the study by Sichelman (2021) are that, this current study is set in Nigeria and the work by Sichelman (2021) is set in the United States, the work by Sichelman (2021) is concerned with quantifying entropy in the legal system while this current study is concerned with negating quasi-entropy in Nigeria's legal system by the introduction of a development catalyst like social work. The difference between this current study and the study by Nwafor and Aduma (2020) is that, Nwafor and Aduma (2020) look at how the problems in the administration of criminal justice in the Nigerian legal system can be tackled with the help of Alternative Dispute Resolution whereas this current study examines how quasi-entropy in Nigeria legal systems can be circumvented with social work in the interest of enhanced human right defense and public advocacy. The works reviewed acknowledge the need for some development catalyst to be applied in to enhance legal systems, human right defense and public advocacy, however, these works did not suggest which development catalyst should be used. Their failure to do so created gap in knowledge which this current work will fill by examining how the development catalyst, social work, can be used to negate quasi-entropy in Nigeria's legal system.

METHODOLOGY

This study adopted Library Research design which saw the researcher engage in extensive review of literature including books, journals, magazine, encyclopedias, legal documents etc. Secondary data were used for the study. Data analysis was done qualitatively with the help of Yin's Explanation Building Technique.

DISCUSSION OF FINDINGS

What causes quasi-entropy in Nigerian Legal system?

Data for answering this question was provided by the review of literature on the Nigerian legal system. Data showed the following: problems with the administration of justice, challenges bordering on infrastructure and personnel, challenges bordering remuneration and orientation, challenges bordering on multiplicity of similar legal documents as some factors causing quasi-entropy in Nigerian legal system. Administration of justice in Nigeria faces two significant problems, delayed justice, and conflicting judgment (Mekonnen, 2016; Byang, 2017). Some people have been awaiting trials for over ten years at correctional centers, unnecessary adjournment and sometime adjournments with the similitude of indefiniteness are regular feature in the administration of justice in the Nigerian Legal System. This helps keep the docket full at all times and ensure go slow in the delivery of judgment in Nigeria. Judgment delivery in the country, in recent times and particularly on electoral matters, has been characterized by conflicting judgments and by judgments that do not represent the interests of the masses (Diala, 2019).

Shehu et al. (2023) report that, Nigeria does not have enough courts and legal personnel to try its cases. Some of the courts that are available are not properly maintained resulting in a situation where cases can only be tried under certain circumstances (Obarisiagbon & Aderinto, 2018; Nwozor, 2021). Nigerian legal personnels are not properly remunerated. Even though Judges have one of the best remunerations system in Nigeria, the economic realities in the country, greed and glorification of ostentation bite hard on their finances and that of other personnel in the Nigerian legal system. The consequence is that, personnel in the legal system become susceptible to bribery (Ufua et al. 2020). In the course of administering civil and criminal cases, judges and magistrates make recourse to certain legal documents and some of these documents contain conflicting provisions. The consequent is that, the outcome of a judgment maybe dependent on the provision as contain in the legal document the judge made recourse to.

How does quasi-entropy in Nigerian legal system affect the defense of human rights and policy advocacy in the country?

Answers to this question was gotten from literature review on human rights, policy advocacy, Nigerian legal system and Quasi-entropy. Based on the data gathered, it was found out that, quasi-entropy in Nigerian legal

system affects the defense of human rights and policy in the country in the following ways: lack of public trust, fear and overflowing docket, corruption and perceived inefficiency (Krishnan & Ajagbe, 2017; Salihu & Gholami, 2018). Delays in justice delivery and the giving of conflicting judgments have culminated in lack of public trust for the Nigerian system. Most Nigerians know that, the judiciary system is the hope of the common man, that the legal system is the bastion for the defense of human rights and encouragement of public advocacy, but they do not trust the judiciary system of their country to deliver most times on this.

Poor remuneration of judiciary personnel and the biting economic reality in Nigeria, couple with the widening gap between the rich and the poor as well as the greed and the craze to be like the rich have made judiciary staff susceptible to corruption. The repeated practice of delayed justice and the rich often getting the judgment they want have made some Nigerians afraid and fearful of approaching Nigeria's court to seek redress. They are also fearful of engaging in public advocacy as antecedents on those who did have not been very promising. For instance, people standing trial over EndSARS protest of 2020 have still not received judgment even though they have been in incarceration for years (Dania, 2024; Popoola, 2024). These challenges that face the Nigerian legal system together make most perceive the system as being ineffective and inefficient (Shehu et al. 2017; Ufua et al. 2020).

How can social work be used to negate entropies in the Nigerian legal system?

Data that provided answers to this question were got from the review of literature on social works, Nigerian legal systems, effect of quasi-entropy in the Nigerian legal system. Based on the data gathered, it was found out that, the social work can be used to negate quasi-entropy in the Nigerian legal system, but that, there is only so much social work can do in that regards. Findings showed that, social work can negate quasi-entropy in Nigeria's legal system by applying its tools towards ensuring that, some factors that cause entropy in Nigeria's legal system are eroded. Specifically, social work can negate quasi-entropy in the Nigeria's legal system by addressing overflowing dockets, reducing corruption and addressing the perception of the Nigeria legal system as inefficient.

To address the problem of overflowing dockets in Nigeria's legal system, the responsibility of social work would be to ensure that, so many cases do not get to the court. This, social work can achieve using negotiation, orientation and counselling that orients people of the danger in choosing adjudication over negotiations; and that guides people on entering into activities that may inadvertently land them in legal tussle. Social work can equally employ negotiation to resolve differences between parties without the parties heading to court. If less issues make to the court for adjudication courtesy of the role played by social work, the problem of overflowing dockets would have been solved thus social work negating quasi-entropy in Nigeria's legal system caused by overflowing dockets.

To address the issue of corruption in Nigeria's legal system, social work can apply its tools of counseling, facilitation and education to show personnel of Nigeria's legal system other avenues of making money without indulgence in corruption. It is pertinent to stress that this will mostly apply and be effective with junior and some senior staff. When social work efficiently and effectively addresses the problem of overflowing docket and corruption in the Nigerian legal system, it will to an extent rekindle the people's trust in the system, remove the fears they have of the system and improve how efficient and effective the system is perceived to be (Germain, 2015; Alexandrova, 2017; Ncube, 2019; Healy & Thomas, 2021;).

CONCLUSION

Based on the findings of the study, it is concluded that, social work can be applied not just to improve human right defense and public advocacy in Nigeria, but to negate perceived Quasi-entropy in Nigeria's legal system. It must be stressed that, there is only so much social work can do in negating quasi-entropy in Nigeria's legal system, but that, the so much will account for a lot if the gains and mechanism of social work are applied in Nigeria's legal system.

RECOMMENDATIONS

1. Stakeholders in social work should be interested in applying social work to entropic or quasi-entropic legal concerns that border on human rights defense and public advocacy.
2. Legal and social work stakeholders should constantly investigate into what causes entropy or quasi-entropy in legal setting, devise means of tackling this entropy or quasi-entropy and evaluate the successes of the social work devised means for negating quasi-entropy in legal systems.
3. The various ways in which social work can be used to negate quasi-entropy in the Nigerian Legal System should be maintained.

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