

LEGAL PERSPECTIVE OF RESEARCH IN NIGERIA

By

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Abstract

The conduct of every research is governed by a complex web of laws, regulations, policies and ethical considerations. This paper provided an appraisal on the legal perspective of research, highlighting the significance of legal perspectives in forming research methodologies and outcomes and also highlighted aspects such as intellectual property rights, data protection and privacy, research ethics, regulatory compliance, and the implication of research misconduct. It followed a doctrinal methodology using both primary and secondary sources of law. The findings underscored the importance of integrating legal considerations in analyzing legal doctrines, principles and rules. It also brought to the fore the legal and institutional framework that governs research in Nigeria such as the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Copy Right Act 2023, Nigerian Data Protection Act 2023, Cybercrimes (Prohibition, Prevention) Act 2015 (as amended), National Health Act 2014, Corrupt Practices and Other Related Offences Act 2000, The Nigerian Association of Law Teachers Uniform Citation Guidelines, Universities Policies and Guidelines and the Legal Practitioners Act amongst others. It identified key challenges and opportunities in legal research and contributed to a deeper understanding of the legal dimensions of research by providing insights for researchers, policy makers scholars and legal practitioners seeking to advance knowledge. By

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understanding these legal dimensions, researchers can ensure that their work is conducted with integrity, responsibility and in compliance with relevant laws and regulations.

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1. Introduction

The conduct of research is a critical component of advancing knowledge and innovation in various fields. However, research is not conducted in vacuum but is governed by complex web of laws¹regulations² and ethical considerations. The elaborate relationship between law and research is very significant in every knowledge driven society. The legal perspective of research has become increasingly important in recent years and research misconduct in Nigeria, particularly within academic and research institutions, is a significant concern that can undermine the integrity of every scholarly work. While there are limited case laws specifically addressing research misconduct, related legal frameworks and cases can provide guidance on how such issues can best be handled.

The legal framework governing research is multifaceted encompassing statutes, regulations and guidelines that vary across jurisdictions. Despite its great import, the legal perspective of research remains a poorly understood and often overlooked aspect of every research enterprise. Many researchers are unaware of the laws and regulations that govern their work and may inadvertently contravene them. This can have serious consequences including damage to reputation, loss of funding and even legal liability.

¹ Constitution of the Federal Republic of Nigeria 1999 (as amended 2023), Copy Rights Act 2023, Nigerian Data Protection Act 2023.

² Nigerian National Ethics Committee, National Health Research Ethics Committee.

Accordingly, the rapid advancement of technology and increasing globalization of research has created new challenges and complexities for researchers. It is therefore essential to examine the legal perspective of research and its implications for research institutions and the society in general in order to ensure compliance with legal requirements while also upholding ethical standards and promoting social responsibility. Conversely, research also informs the development of laws and policies, providing valuable insights thereby enabling researchers to gain a deeper understanding of the way in which the law is shaped by research practices.

This paper aims to provide a comprehensive overview of the legal perspective of research through analysis of relevant legal framework governing research highlighting policy challenge, more effective and responsible research practices to balance the pursuit of knowledge with the need to protect human rights and promote social justice as well as opportunities for ensuring compliance and integrity in research.

2. Legal Analyses of Research in Nigeria

Research is a structured and careful study of a subject matter with the aim of discovering new information and have a better understanding of an existing knowledge.³ Legal Research therefore is the systematic process of finding, interpreting and applying relevant legal information to address a legal problem or question.⁴ It is:

“the process of identifying and retrieving information necessary to support legal decision making. in its broadest sense, Legal Research includes each step of a course of action that begins

³ S Kabir, *Basic Guidelines for Research: An Introductory Approach for all Disciplines* (1st edn, Book Zone Publication, 2016) 4.

⁴ P A Akhiero, *Legal Research in Digital Age*, (Being a paper presented at the 2009 Law Week of the Nigerian Bar Association, Benin on 24th June, 2009) 2.

with an analysis of the facts of a problem and concludes with the application and communication of the results investigated.”⁵

Legal Research is the cornerstone of the legal profession. It is a process by which an issue is investigated in-depth within a legal framework and a process of finding laws that govern an activity and materials that assists to analyze the law.⁶ It includes identifying legal problems, discovering information about the problem and developing arguments about the problem⁷

For Faruque⁸ legal research is a systematic investigation whose aim is achieving comprehensive understanding of complexities and underlying issues within legal framework and practices.⁹ It is a process and means to find legal rules, legal principles and legal doctrines in order to answer the legal issues at hand. Its function is to seek legal truth regarding a legal problem.¹⁰ It is the systematic process of identifying and retrieving information to support or make legal decision. It involves finding primary sources of law such as statutes, case laws, regulations and treaties as well as secondary sources like law reviews, legal encyclopedias and also includes finding non legal sources for factual information.¹¹ Gasiokwu¹² emphasizes the importance of a systematic approach to legal research including identifying research questions, developing a research plan and using

⁵ M Jacobstein and R Mersky, *Fundamentals in Legal Research*, (8th edn, Foundation Press, 2002) 1.

⁶ Ibid.

⁷ Ibid.

⁸ A A I Faruque, *Essentials of Legal Research* (2nd edn, Palal Prokashoni, 2009).

⁹ Ibid.

¹⁰ N Duncan, ‘Defining and Describing what we do: Doctrinal Legal Research’ [2012] 17 (1) *Deakin Law Review* 83.

¹¹ B A Garner, *Black’s Law Dictionary* (12th edn, Thomas Reuters, 2024) 1044.

¹² M O U Gasiokwu, *Legal Research Methodology* (Chenglo Limited, Enugu, 2004) 4.

appropriate research methods¹³ Legal Research also involves tracing the evolution of legal facts, rules or institutions, or examining the development of a specific area of law. It can be either doctrinal or empirical.

Nigerian Legal System is multifaceted having being influenced by colonialism that is to say, that the Nigerian legal system influenced by English Common Law relies heavily on legal research for effective legal practice. Research in this area, involves analyzing the sources of law, legal doctrines and judicial decisions. Nigerian Law draws from various sources including case laws, statues and international laws. These sources must be well understood by every legal researcher for the conduct of an effective research. Legal Perspective of Research is the examination of research, practices, methods and findings through the lens of the law. It involves regulation and ethical standards used in research.

On the whole, legal research in Nigeria is a dynamic field that requires understanding of the unique legal landscape. It is not haphazard but follows a defined methodology to ensure thoroughness and accuracy and engaging with various stakeholders to promote justice and human rights.

2.1. Importance of Legal Perspective of Research

The legal perspective of research is crucial for several reasons amongst others:

- i. Protection of human subject's by ensuring that research involving them are conducted ethically and lawfully with informed consent and respect for autonomy.
- ii. Protecting researchers' intellectual property rights such as patents, copy rights and trademarks to encourage innovation and creativity.

¹³ P M Marzuki. 'The Essence of Legal Research is to resolve Legal Problems' [2022] 37 (1) *Yuridika* 37-58.

- iii. It aids in preventing research misconduct such as fabrication, falsification and plagiarism by establishing clear policies and procedures.
- iv. It helps in protecting research institutions from liability and reputational damage.
- v. It promotes a culture of research integrity and accountability which is essential in advancing knowledge and driving innovation.

3. Legal and Institutional Framework Governing Research

There exists plethora of legislation covering entire range of laws, concerned with research in Nigeria. This aspect will take a cursory at look the various laws both national and international and legal institutions that relates to research and ethical considerations.

3.1. National Legal Framework

The National Legal Framework is a broad system of rules that governs and regulates decision making, agreements, laws in conducting research in Nigeria. It provides a better understanding of what Nigerian laws are on the subject matter of this study. The following laws hereunder are relevant to this study.

3.1.1. Constitution of the Federal Republic of Nigeria 1999 (As Amended 2023)

The Constitution of the Federal Republic of Nigeria 1999 (as amended) [CFRN 1999] contains 309 *sections* and 7 *schedules*. The CFRN 1999¹⁴ as the legal framework for the Federal Republic of Nigeria plays a crucial role in regulating and guiding research in Nigeria. Although, it did not explicitly mention the word ‘research’ but it does provide a framework that allows for and also encourages it particularly through the fundamental objectives and directive

¹⁴ CFRN 1999.

principles of state policy.¹⁵ The fundamental objectives and directive principles of state policy is provided in chapter two of the Constitution and it outlines various areas where the state is encouraged to promote activities that benefit research, including scientific and technological advancements.¹⁶ Accordingly, researchers have the right to express their opinions and findings, subject to restrictions in the interest of public order, morality or security.¹⁷

Similarly, legal researchers have the right to access information subject to the limitations of national security, public order or individual privacy¹⁸. The CFRN 1999 also emphasizes the importance of protecting the environment and promoting sustainable development which informs research ethics and governance¹⁹. It also requires the state to direct its policy towards ensuring that all citizens without discrimination have access to education and health facilities, guiding health research²⁰ It also protects intellectual property rights including patent, trademark, and copy rights which is crucial for research innovation and commercialization²¹

The CFRN 1999 is the foundation for legal research in Nigeria that establishes the framework for governance including the legislative,²² executive²³ and judiciary²⁴ and the protection of citizen's rights. Thus, understanding these aforementioned provisions is essential for researchers, institutions and policymakers in Nigeria.

¹⁵CFRN 1999, chapter 2.

¹⁶Ibid, s 18(2).

¹⁷Ibid, s.39.

¹⁸Ibid,s.22; Aarhus Convention 1998.

¹⁹Ibid,s.20.

²⁰Ibid, s 17(2), (d).

²¹Ibid, s 44(1).

²²Ibid, s 4.

²³Ibid, s 5.

²⁴Ibid, s 6.

3.1.2. Copy Rights Act 2023

The Copy Rights Act 2023 has 109 sections and twelve parts. It governs copyright protection in Nigeria and protects intellectual property rights in research. The Act for the first time made provisions related to online content and addresses copyright infringement issues in the digital realm.²⁵ It outlines six categories of works eligible for copyright protection and they are: literary, musical, artistic, audiovisual, sound recordings, and broadcasts. For a work to qualify as copyright, it must display originality and be fixed in a medium for perception, reproduction, or communication - expression. This eligibility applies regardless of the work's quality or intended purpose.²⁶ That is to say every researchable work is entitled to a copyright protection.

Section 9 enumerates the exclusive rights of copyright holders for literary and musical works. Copyright owners have the sole right to reproduce, publish, perform, translate, adapt, and undertake various acts related to their works.²⁷ The Copy Rights Act does not only make provision for legal rights, but it also equally makes provisions for moral rights of the author. Section 14 establishes the moral rights of authors. Authors have the right to claim authorship and object to any distortion, mutilation, or derogatory action in relation to their work that could harm their honour or reputation.²⁸ This further extends to a right to object to a work being falsely attributed to him as the author.²⁹ Section 17 grants authors of artistic works, manuscripts, and musical compositions an inalienable right to a share in the proceeds of subsequent sales of their works through public auctions or dealers after the first transfer. This right applies to original works and is subject to conditions determined by the

²⁵Copyright Act 2023, s 60.

²⁶Ibid, s 2.

²⁷Ibid, s 9.

²⁷Ibid, s 14.

²⁸Ibid, s 14 (2).

²⁹Ibid, s 14(3).(4).

Commission.³⁰ These rights are inalienable during an author's lifetime and can be transmitted through testamentary disposition or operation of law after their death.³¹ By virtue of *section* 18 of the Act, copyright begins at the creation or making of the work. This is, however, subject to the provisions of certain sections of the Act.³² The duration of copyright protection varies based on the type of work. Literary, musical, and artistic works have protection lasting 70 years after the author's death. Different periods are specified for works derived from other works, audiovisual works, photographs, sound recordings, and broadcasts. Joint authorship works follow the duration of the last surviving author.³³ Sections 21 to 23 address educational exceptions. Educational institutions and instructors can copy works for instructional purposes without infringing copyright.³⁴ These provisions allow for the copying of passages from literary or musical works, sound recordings, audiovisual works, broadcasts, and cable programs however, the author must be acknowledged or cited. Similarly, distributing copyrighted works for commercial purposes, such as rental, lease, hire, loan, or similar arrangements, without the owner's consent, is also an offence and the offenders can face fines or imprisonment for at least three years.³⁵ In the case of *Chinonso Ugochukwu v Nigerian Copy Rights Commission*,³⁶ the Respondent received a petition from the Bible Society of Nigeria alleging copyright infringement of its literary works which included revised standard bibles in Uyo and its environs. Based on the Petition, the Respondent carried on surveillance in the shops of the appellant and confirmed that the appellant was dealing on pirated works other than for private and domestic use. It planned and executed an enforcement action and the

³⁰Copyright Act 2023, s 17.

³¹Ibid, s3.4.5.6 and 7.

³³Copyright Act 2023, s 19.

³⁴ Ibid, s 22.

³⁵ Ibid, s 44 (4).

³⁶ [2022] JELR (CA).

court held that the appellant was liable and he was convicted accordingly.

This case highlights the enforcement of intellectual property laws and the rights of copy right holders. *Section 60* has now empowered copyright owners to request a court order to compel service providers to disclose information and reveal the identity of alleged infringers. The Copy Right Act is a veritable act in research innovation as it promotes every idea of a researcher being put in a tangible form. In the case of *Donoghue v Allied Newspaper Ltd*³⁷ Lord Farewell opined thus:

There is no copyright in an idea or ideas. A person may have a brilliant idea for a story or for a picture or for a play and one which appears to him to be original; but if he communicates that idea to an author or an artist or playwright, the production which is the result of the communication of the ideas to the author or the artist or playwright is the copyright of the person who has clothed the idea in form whether by means of a picture, a play or a book and the owner of the idea has no right in that production

In sum therefore, the Copy Right Act is very important for research and innovation by providing legal protection for every intellectual property thereby promoting and encouraging creativity amongst researchers and also enhance collaboration and build upon each other's work with confidence.

3.1.3. Cybercrimes (Prohibition, Prevention) Act 2015 (as amended)

The Cybercrimes (Prohibition, Prevention) Act 2015 (as amended) is divided into eight parts and fifty-nine sections. The Act with its

³⁷ [1937] 3 ALL ER 503 (CH).

amendment in 2024 supports research in the field of cybercrime and cybersecurity. Its objectives of the Act amongst others promote cyber security and the protection of computer systems and networks, electronic communications, data and computer programs, intellectual property and privacy rights.³⁸

The Act establishes a legal, regulatory and institutional framework for the investigation and prosecution of cybercrimes,³⁹ which can be used by researchers to analyze legal and enforcement practices in relation to cybercrime. *Section 258* of the Evidence Act, 2011 (as amended 2023) defines computer as any device for storing and processing information, including mobile phones and any reference to information derived from it by calculation, comparison, or any other process.⁴⁰ Also, *section 58* of the Cybercrimes Act defines computer as:

an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic, or storage functions and includes any data storage facility and all communication devices that can directly interface with a computer through communication protocols but excludes portable hand-held calculator, typewriters and typesetters or other similar devices.⁴¹

Section 6 (1) of the Act makes it an offence for any person without authorization to intentionally access in whole or in part, a computer system or network for fraudulent purposes and obtain data that are vital to national security. It is also an offence to intentionally obtain computer data, secure access to any program, commercial or industrial secrets or classified information. The Act does not explicitly exempt research from its protections but it offers some

³⁸ Cybercrimes (Prohibition and Prevention) Act 2015, s 1(c).

³⁹Ibid, s 1(a).

⁴⁰ Evidence Act 2011 (As Amended 2023), s 258.

⁴¹Ibid (n 39), s. 58.

flexibility that allows for legitimate research activities while adhering strictly to the law.

3.1.4. Nigerian Data Protection Act (NDPA) 2023

The Nigerian Data Protection Act (NDPA) 2023 is divided into twelve parts and 109 *sections*. It provides a legal framework for research activity and safeguards the privacy right of Individuals - Data Subjects, Researchers conducting studies in Nigeria must comply with the provisions of the Act. They must obtain informed consent from research participants before collecting personal data clearly outline the purpose of the research, how data will be used and any potential risk involved.⁴² Researchers should only collect minimum amount/number of data to meet their research objectives.

On the whole, the NDPA 2023 impacts research by requiring researchers to comply with data protection principles. Researchers especially those involving human subjects or collecting/using personal data must ensure compliance with the Act including obtaining consent, informing data subjects about data processing and implementing security measures thereby protecting their rights and interest.

3.1.5. National Health Act 2014

The National Health Act 2014 is structured into seven part and 108 sections. It regulates health research and establishes a framework for health research through the National Council on Health and the National Health Research Ethics Committee.⁴³ It provides a framework for regulating health research in Nigeria. It specifies also that researchers should obtain informed consent from participants before conducting research and ensuring confidentiality.⁴⁴ The Act plays a crucial role in guiding research priorities and ensuring that

⁴²Nigerian Data Protection Act 2023, s 27.

⁴³ National Health Act 2014, s 27.

⁴⁴ Ibid, s 26.

research is aligned with national health goals. It influences the ethical conduct of research involving human subjects, as it sets out standards for the provision of health care.⁴⁵The case of *Medical and Dental Practitioner Disciplinary Tribunal v Okonkwo*⁴⁶ solidify the principle that a patient's consent is paramount and the patient's choice in refusing treatment or participation in research must be respected. Researchers have a duty to obtain informed consent.

3.1.6. Corrupt Practices and Other Related Offences Act 2000

Corrupt Practices and Other Related Offences Act 2000 is made up of seventy-one sections and it is relevant as it addresses corrupt practices, which can include research misconduct if it involves fraudulent activities. It supports research particularly through its mandate for system study and review. Section 6 (b-d) specifically allows the Independent Corrupt Practices and Other Related Offences Commission to study practices, systems and procedures that aid or facilitate fraud or corruption and to direct and supervise their review.⁴⁷ Section 6(a) requires the ICPC to receive and investigate complaints of corrupt practices which can generate data for research.⁴⁸Section 52 of the Act outlines the procedures needed for investigating allegations of corruption, which can be applicable to cases of research misconduct involving financial impropriety.⁴⁹

The Independent Corrupt Practices and Other Related Offences Commission is required to educate the public on the issue of corruption, which can lead to research on the public's understanding and attitudes towards corruption.⁵⁰

⁴⁵ National Health Act 2014, s 27.

⁴⁶[2001] JELR 33516 (SC).

⁴⁷Corrupt Practices and Other Related Offences Act 2000, s 6(b-d).

⁴⁸Ibid, s 6(a).

⁴⁹Ibid, s 52.

⁵⁰Ibid, s 6(e).

3.1.7. Freedom of Information Act 2011

The Freedom of Information Act 2011 is divided into 32 sections and grants citizens the right to access records and information held by public institutions⁵¹ including those in which the government has a controlling interest, and certain private entities. The act enables researchers to conduct more thorough and impactful investigations which can lead to higher quality research, more informed policy recommendations and a deeper understanding of complex issues. It seeks to protect personal privacy. Section 14 thereof provides that a public institution is obliged to deny an application for the information that contains personal information unless the individual involved consents to the disclosure, or where such information is publicly available.⁵² Summarily, it provides a valuable tool for researchers seeking to access public information,

3.1.8. Nigerian Data Protection Regulation 2019

The Nigerian Data Protection Regulation 2019 (NDPR 2019) provides legal safeguards for the processing of personal data. Under the NDPR 2019, personal data must be processed in accordance with a specific, legitimate and lawful purpose disclosed to data subjects. Thus, in conducting a research work, data subjects must be duly informed of the entire process and purpose to enable them give out information freely. This regulation is defined by citizenship and physical presence.

3.1.9. Nigerian Data Protection Regulation: Implementation Framework 2020

The Nigerian Data Protection Regulation: Implementation Framework 2020 builds on the Nigerian Data Protection Regulation to ensure a tailored implementation of the data protection regime in

⁵¹Freedom of Information Act 2011, s 1, 2.

⁵² Freedom of Information Act 2011, s 14.

Nigeria. It serves as a guide to data controller and administrators/processors to understand the standard required for compliance within their organizations. The framework is to be read in conjunction with the Nigerian Data Protection Regulation and does not supersede it.

3.2. International Legal Framework

The international legal framework does not in any way substitute national law, although it instructs self-governing states on globally, acknowledged rules of practice, and essentially these sovereign states are expected to apply these norms domestically.⁵³ International law comes into force when state sovereignty is abused. For the purpose of the Legal Perspective of Research, the following international laws hereunder are relevant.

3.2.1. Universal Declaration of Human Rights (UDHR) 1948

The Universal Declaration of Human Rights (UDHR) 1948 as the foundation of every human rights law supports and recognizes the value of scientific advancements with its attendant benefits to humanity. Article 27 of the Act states that everyone has the right to freely participate in cultural life, which includes scientific endeavours. Thus, individuals have the opportunity to engage in research without undue restrictions, Accordingly, every research should be conducted in a manner that respects human dignity and promotes equitable access to outcomes.⁵⁴

3.2.2. Convention on Human Rights and Biomedicine 1997

The Convention on Human Rights and Biomedicine is also known as the Oviedo Convention which applies to the protection of human rights and dignity of human being with regard to the application of

⁵³J. Dugard, *Human Rights and the South African Legal Order* (Princeton University Press, 2015), 37.

⁵⁴ UDHR 1948, art 27.

biology and medicine. This convention is the only legally binding instrument on the protection of human rights in the field of medicine with the sole aim of defining and safe guarding fundamental rights in biomedical research and in particular, those participating in research.

3.2.3. Helsinki Declaration 2013 (Revised in 2024)

The Helsinki Declaration 2013 that is revised in 2024 was developed by the World Medical Association and it sets out ethical principles guiding medical research involving human participants. This declaration is not legally binding but it sets out the ethical conduct of research, it acknowledges the autonomy of individuals and the importance of informed consent.⁵⁵ It promotes researchers' roles and responsibilities when it comes to protecting human subjects. A key principle is the need for informed consent. It sets ethical standards for medical research requires researchers to obtain informed consent and that participants are not subjected to unnecessary risk.⁵⁶

3.3. Institutional Framework

The institutional framework in research exits as part of proactive measures by government to ensure governance and compliance in research following ethical principles. The following hereunder are a list of research institutions.

3.3.1. Nigerian Data Protection Commission

The Nigerian Data Protection Commission is the regulatory body established under the Nigerian Data Protection Act 2023.⁵⁷ Its objective is to oversee and enforce data protection laws and

⁵⁵ Helsinki Declaration 2013, art 25.

⁵⁶Ibid, s 5, 9, 13.

⁵⁷Nigerian Data Protection Act 2023, preamble, s 4.

protection standards in Nigeria and to ensure compliance with the Act.⁵⁸ The functions of the Commission amongst others are to:⁵⁹

- i. Receive complaints relating to violations of this Act or subsidiary legislation made under this act⁶⁰
- ii. Collaborate with any relevant Ministry, department, agency, body, company, firm or person for the attainment of the objectives of this Act.⁶¹
- iii. Carry out other legal actions as are necessary for the performance of the functions of the Commission.⁶²

Nigerian Data Protection Commission plays a crucial role in safeguarding the privacy rights of individuals and promoting a secure and trustworthy digital environment in Nigeria by ensuring that data is handled responsibly and in accordance with the law while being independent in the performance of its functions under the Act.⁶³

3.3.2. Institutional Review Boards

Institutional Review Boards is an administrative committee that reviews and approves research involving human participants to ensure ethical conduct and protect their rights. It ensures that research involving human subjects adheres to ethical principles, legal regulations and institutional policy. It reviews research in various fields including biomedical research, behavioural research and educational research.

⁵⁸Nigerian Data Protection Act 2023, preamble, s 2.

⁵⁹Ibid, s 5 (a-o).

⁶⁰Ibid, s 5 (g).

⁶¹Ibid, s 5 (h).

⁶²Ibid, s 5 (o).

⁶³Ibid, s 7.

3.3.3. National Association of Law Teachers (NALT)

National Association of Law Teachers is a professional body that represents the interest of Law Teachers in Nigeria.⁶⁴ It was established in 1961 to promote excellence in legal education and research. It advocates for government policies and practices related to legal education and research. Its key roles involve improving the quality of legal research, law reform and curriculum advancement to meet present realities and modern-day technology.⁶⁵

3.3.4. Nigeria Copyright Commission

Nigeria Copyright Commission is a landmark innovation of the Copyright Act of 2023.⁶⁶ It is the establishment of an autonomous regulatory body for the administration of the law which was not provided for in neither the Nigerian Copyright law under the 1988 Decree nor the Copyright Act of 1970. More so, the then Nigerian Copyright Council was not imbued with such powers. As observed by Asein thus:

... Individual right owners were left to sort things out themselves. This omission in the law alienated right owners from the statutes and hindered this implementation of those government policies which were intended for the promotion of copyright. Government was also denied the benefit of broad-based expert advice on matters relating to copyright.⁶⁷

⁶⁴ E Ojukwu, *The Challenge of NALT'S Reimage* (Being a lead paper at the 54th Conference of the Nigerian Association of Law Teachers, at Abia State University, Umuahia Campus, 12th July, 2023) 1.

⁶⁵ Ibid.

⁶⁶ Copyright Act 2023, s 77.

⁶⁷ J K Bielu, 'A Legal Appraisal of Nigerian Copyright Law and the Author' *Nnamdi Azikiwe University Journals* [2019] <<https://journals.unizik.edu.ng>> accessed 22nd April, 2025.

The Copy Rights Act 2023, provides that there shall be established a body to be known as the Nigerian Copyright Commission.⁶⁸ The Commission is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.⁶⁹ The primary functions of the Commission under the Act⁷⁰ includes:

- a. Responsibility for all matters affecting copyright in Nigeria.⁷¹
- b. Monitor and supervise Nigerian's position in relation to international convention and to advice Government.⁷²
- c. Advising and regulating conditions for sealing of bilateral and multi-lateral agreements between Nigerian and any other country.
- d. Enlightening and informing the public on matters relating to copyright.⁷³
- e. Maintenance of an effective data bank on authors and their works.⁷⁴

4. Best Practices and opportunities for Ensuring Compliance in Research

There are concerns that can undermine the integrity of scholarly work. While there is limited case law specifically addressing research misconduct, related cases can provide guidance on how such issues are handled. One relevant case is *Nnamdi Azikiwe University & Ors v Nwafor*⁷⁵ which dealt with examination malpractice, as a form of academic misconduct. The court

⁶⁸Ibid, (n 65) s 77 (1).

⁶⁹ Ibid, s 2(a-d).

⁷⁰ Ibid, s 78.

⁷¹ Ibid, s 78 (1), (a).

⁷² Ibid, s 78 (1), (b).

⁷³ Ibid, s 78 (1), (d).

⁷⁴Ibid, s 78 (1), (e).

⁷⁵[1998] LPELR-6453(CA).

emphasized that examination malpractice is a crime that should be tried by a court of law or tribunal. This case highlights the seriousness with which academic misconduct is treated in Nigeria. Another pertinent case is *Federal University Lokoja & Ors v Acheneje*,⁷⁶ which discussed the rights of students accused of examination misconduct and the principles that must be followed by an Examination Malpractices Committee. This case underscores the importance of due process and fair hearing in addressing academic misconduct allegations.

The Legal Practitioners Act⁷⁷ also provides a framework for addressing professional misconduct, which can be analogous to research misconduct in terms of ethical breaches. Section 13 of the Act allows the Supreme Court to take action against legal practitioners guilty of infamous conduct, which can serve as a precedent for addressing similar issues in the academic field.⁷⁸ Furthermore, Legal Practitioners are enjoined to ensure that cited cases are real and existent. Details of cases like names, dates and citations should be crosschecked so as not to potentially impact the outcome of cases. In the recent case of *Halilu v Katsina State*⁷⁹ the Supreme Court held that counsel must ensure accuracy and correctness in citations and cases relied upon in their briefs

By being diligent with citations, legal practitioners can maintain the highest standards of professionalism and contribute to the integrity of the Nigerian Legal System. For best practices one should establish a compliance office through the Directorate of research and connectivity.

5. Conclusion /Recommendations

The Legal perspective of research is a dynamic and evolving field that requires ongoing attention and engagement from researchers,

⁷⁶[2021] LPELR-55170(CA).

⁷⁷Legal Practitioners Act (As Amended 2014).

⁷⁸ Ibid, s 13.

⁷⁹ [2025] 6 NWLR (Pt .1986) 289, 323(SC).

institutions and policy-makers. While specific case law on research misconduct in Nigeria may be limited, related cases and legal frameworks provide a foundation for addressing such issues. By working together, we can ensure that research is conducted with integrity, validity and reliability ultimately advancing knowledge and innovation for the benefit of the society.

Based on the above, the following hereunder are the recommendations based on the findings of this study relevant to us, that;

1. Institutions should develop and disseminate clear policies and procedures for research including guidelines for informed consent, data protection and intellectual property.
2. Institutions should provide regular research ethics training for staff and students to ensure compliance.
3. Institutions should establish robust research governance structures including institutional review boards and research ethics committee.
4. Institutions should establish clear policies and procedures for handling research misconduct, ensuring compliance with legal standards and promote research integrity.
5. Researchers should familiarize themselves with institutional, national, international research policies and guidelines.
6. Researchers should seek training and education on research ethics.
7. Every legal research should be conducted with integrity and transparency including stating the overall, framework and rationale for research (research methodology), summary of findings and conflict of interest.