



## Impact of the Commercial Law on E-Commerce Practices and Business Sustainability in Nigeria

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With the advent of global market interdependence and interaction, coupled with the consistent spread of the internet facilities across geographical boundaries, businesses engage in e-commerce practices either to augment existing on-ground businesses or as independent outfits. This study focused on the law on e-commerce practice and business sustainability in Nigeria. The study applied a conceptual review focusing on the trends of development of e-commerce practice and the supportive effects of the legal system in facilitating business sustainability in Nigeria. The study relied on extant literature sourced from various outlets, relevant to the topic of this study. The key findings highlighted and discussed factors for improved e-commerce practices in Nigeria. These included access to legal services, effective government policy and institutional support, time and fair interpretation of the law governing e-commerce, continuous evaluation of the e-commerce processes in Nigeria, increased awareness and familiarity with e-commerce facilities, and the adoption of suitable technology. The study provides valuable insight into the support of the Nigerian commercial sector on e-commerce practices. The adoption of systems theory enhances the promotion of fairness across the entire ambience of e-commerce practice and the support of the law. This implied focusing on the continuous evaluation of legal support and a flexible process of developing the needed approaches to address emerging changes in e-commerce that can enhance business sustainability in Nigeria.

*Keywords:* Business sustainability, flexible process, government policy, legal system support, Nigerian economy

*JEL:* K39, M38

The practice of electronic commerce activities widely known as 'e-commerce' (EC) has gained much popularity among business organizations and practitioners across various sectors of the Nigerian economy. This became a conspicuous reality, especially in the recent critical socioeconomic periods such as the aftermath of the COVID-19 pandemic in recent past which has provided the apparatus for the pursuit of business sustainability and provision of extant values to the customers and stakeholders who depend on facilities for business transactions (Meyer, 2022; Osabuohien *et al.*, 2022a; Radcliffe, 2022). Arguably, e-commerce practice

has remained a facilitating force for information dissemination and digitalization (Abdulquadri *et al.*, 2021). It also assumed the important role of enhancing the production, distribution, marketing, sales, and delivery of goods and services by electronic means (Acharya, 2021). Recently, the United Nations report indicates that since the pandemic, there has been a surge in e-commerce which is being driven by accelerated digital transformation, with digital solutions developed and used to facilitate economic and social activities from a distance (United Nations Conference on Trade and Development [UNCTAD], 2022; Liébana-Cabanillas *et al.*, 2017). E-commerce, therefore, provides a platform for continuous economic development and poverty reduction, especially in the context of developing economies such as Nigeria, which is the focus of this study (Osabuohien *et al.*, 2022b).

The effective practice and adoption of e-commerce in any economy depend on the potency of the extant commercial law (Commercial law is a legal regime that regulates business activities between two or more parties (Pihlajamäki, 2018; Ufua *et al.*, 2020)) and rules for its engagement among participants and stakeholders. These provide the platforms and boundaries for the engagement of e-commerce facilities. The law also projects a means for protection and accountability in the processes of engagement with e-commerce businesses (Afolayan, 2021). The current study is focused on the e-commerce practices among stakeholders in various sectors of the Nigerian economy. The focus on the Nigerian economy is based on the overwhelming embrace of the use of e-commerce facilities and the contributions to the nation's GDP, especially from the informal sector, it enhances speedy business transactions, and mobility, especially among small and medium scale business operators (Ufua *et al.*, 2020). However, the practice of e-commerce has resulted in challenges among business stakeholders, leading to critical issues such as breach of contract, defaults, and outright distrust among practitioners and users of e-commerce facilities in Nigeria (Okolie and Ojomo, 2020; Tom and Jasper, 2022). This creates a significant gap that calls for further investigation, and the drive for the development of working approaches to address these challenges and project smooth operations of e-commerce and activities that can enhance the confidence of users of e-commerce facilities in Nigeria.

Consequently, the motivation for engaging in this study, is to explore the relevance of commercial laws

and the entire legal system in supporting the operations of e-commerce operations in Nigeria. The study puts a premium on developing learning on the effects of the Nigerian legal system on e-commerce and the commitment to its practice by stakeholders. This study raises this key question: How does the commercial and legal system support to the broad practices of e-commerce in Nigeria?

This study is expected to be significant in providing a deeper understanding of the potency of commercial laws and the Nigerian legal system in support of e-commerce activities in the economy. It is aimed to suggest a conceptual model for improvement on the existing practice of e-commerce in Nigeria. It is, therefore, interested in developing a critical understanding of the current practices, those who are involved or affected by the uses of e-commerce, and as well develop a suggested model for improvement on its current practices in Nigeria. This study relies on extant literature and research findings from scholars and practitioners, on the trends of development and practices of the legal system and e-commerce in Nigeria (see Uddin *et al.*, 2020).

### **Conceptual Background to E-Commerce**

The Nigerian digital landscape is flourishing and has one of the biggest internet economies in the continent, driven by its 200 million-plus population. Similarly, current statistics show that Nigeria is among the African countries with the largest number of online marketplaces, with Jumia being the largest online marketplace in Africa (Sasu, 2021). Nigeria's fast-growing youth population brings huge opportunities in expanding consumer power, and increased smartphone penetration; this leaves the government with the responsibility of being an 'umpire' stakeholder to engage in a collaborative process with other key participants in e-commerce to provide leadership and extant rules of engagement, through the provisions of relevant commercial laws to guide and regulate the entire ambience of e-commerce in Nigeria (Onuora et al., 2019).

Besides its commercial value, it is being deemed to be one of the engines of post-pandemic recovery, especially for developing economies like Nigeria. It has been projected that, as the world opens up for business and digitalization increases, countries that harness the potential of e-commerce will be better placed to benefit

from global market opportunities, revitalize their economies, and recover the momentum toward achieving the Sustainable Development Goals (SDGs) (Nationen, 2021; Osabohien *et al.*, 2022).

Despite the advantages of e-commerce, there is a need to address the barriers to e-commerce growth in Nigeria, so that the benefits can be maximized. Nigeria recorded 58 online marketplaces in 2020, far below South Africa, Morocco, Tunisia, Egypt, and some other African countries, with just 5.9% of males and 2.2% of females engaging in online transactions. Given its huge population and economy, this performance is somewhat abnormal. Some studies have highlighted poor electricity supply, poor financial support, poor broadband access, and cybersecurity risks to be some of the limiting factors (Faloye, 2014; United Nations Conference on Trade and Development [UNCTAD], 2021).

However, unless there are adequate safeguards for sellers and buyers online, and for technology providers to enable convenient and secure transactions, the challenges, especially to vulnerable segments, are likely to outweigh the benefits. In this regard, there seem to be few studies focused on the important role of enabling commercial laws for e-commerce to thrive in the country. According to Akomolede and Afolayan (2020), the legal framework for e-commerce transactions in Nigeria has not evolved sufficiently beyond provisions for traditional face-to-face commercial transactions. This paper aims to enrich the understanding of e-commerce practice in Nigeria from a legal perspective as a supporting input for reforms of the legal frameworks to have a positive impact on e-commerce practices and to promote business sustainability in Nigeria.

### **Overview of E-Commerce and Legal Provisions**

E-commerce is known as electronic commerce. It is a business platform that is concerned with trading goods and services online via the internet. It has been described as the core technology of the knowledge economy due to its market facilitation opportunities which happen across local and global spheres (Kurmude *et al.*, 2019; Laudon and Traver, 2013). While e-commerce adoption is lower in developing countries, its potential for a seamless shopping experience anywhere is not in doubt (Har *et al.*, 2022). This will, however, be subject to the availability of requisite conditions for e-commerce success which includes; technology, power, security,

bandwidth, purchasing power, logistics, and regulation. The premise of this paper is that a strong legal framework and a fair operational environment will help to unlock the huge potential for e-commerce in Nigeria. Thus, this paper extends the extant research on the regulatory environment for e-commerce in Nigeria.

Essentially, e-commerce may be regarded as the digitalization of retail trade. It assumes various descriptions such as Industry 4.0 technologies, which are innovative digital technologies integrating physical objects with people through the internet. Technologies such as Artificial Intelligence, Cloud Computing, Big Data Analytics, and Augmented Reality have dramatically transformed product search and selection, order taking, fulfillment, and settlement in ways that have transformed buying and selling behaviors of people and organizations (Alcedo *et al.*, 2022). These transformations now provide matchless opportunities for big or small companies to spread out worldwide, raise market share, and reduce costs. Industry 4.0 now enables the physical and online blending of e-commerce transactions through technologies like RFID, Intelligent Vending Machines, and driverless deliveries. In the services area, GPS and payment processing technologies have revolutionized the sharing economy and birthed e-commerce businesses in logistics, transportation, and agriculture among others. Many of the e-commerce businesses doing well in the current retail landscape have been helped by the adoption of new technologies that are yielding distinct customer advantages or experiences (Meyer, 2022).

### **E-commerce Business Relationship and Legal Regulations**

The Organization for Economic Cooperation and Development (OECD) describes e-commerce as the sale or purchase of goods or services, conducted over computer networks by methods specifically designed for the purpose of receiving or placing orders (Nationen, 2021). It is commonly practiced among businesses, individuals, government agencies, and households. Various models are adopted by e-commerce business relationships. These include businesses-to-business transactions (B2B), business-to-individual consumers (B2C), government-to-citizens (G2C), government to businesses (G2B), and consumer-to-consumers (C2C) (Archer and Yuan, 2000). Amazon and Alibaba are perfect instances of B2C, the Nigeria equivalent, being

Jumia (Peprah *et al.*, 2022; Kurmudeet *et al.*, 2019; Nationen, 2021). However, some e-commerce businesses are becoming combinations of different types. For example, Jumia and many others in Nigeria allow individuals to trade on their platforms for a fee. Electronics consumer goods, fashion, and beauty products are the main sectors of e-commerce in Nigeria. Besides, e-commerce companies like Jumia have created their own electronic wallets for payment facilitation and other online business activities (Agu and Nwankwo, 2016; Toyin and Damilola, 2012).

### **E-Commerce and Customer Behaviour**

The transformation of e-commerce and the digital economy has also fostered modification in every part of humanity and society, changing the ways people interact in society, business, education, and government (Haji, 2021). Changing customer behavior and expectations go hand in hand. Besides the convenience of online shopping, customers now expect their online vendors to deliver much more than the consummation of a purchase. They now also expect vendors to provide lifestyle advice, personalized shopping experiences, discounts, returns policy, and also, the ability to have them while in the comfort of personal privacy and almost anywhere (Meyer, 2022).

The widespread e-commerce practice has provided the opportunity to study factors that influence customer behavior online. Among them are, generational preferences bothering on demographic features such as age, gender, occupation, and income (Alkan *et al.*, 2022). Studies showed that younger persons, women, higher income earners, and professionals shopped more frequently during the pandemic. Other factors that may be considered are, the convenience enjoyed by shopping remotely from the comfort of a choice location (e.g., home, office, or on the move), the availability of brand varieties in multi-vendor online markets like Jumia, and not having to contend with traffic congestion in cities like Lagos (Altunan *et al.*, 2018; Hernandez *et al.*, 2009). On the other hand, online shopping by definition is a remotely initiated and contracted activity. Such remoteness introduces an element of anonymity in the engagement, warranting that both buyers and sellers have reasons to be wary of the sincerity of intent. For the buyer, the safety of personal data and assurance of

the quality of the product or service may be a concern that aborts a transaction midway. Similarly, the seller needs the assurance of the genuineness of the buyer's identity and the payment information being supplied; where this cannot be ascertained, the transaction may also be aborted by the seller. Sometimes, the national fraud perception may cause a seller to place a blanket ban on all transactions from certain countries. In Nigeria, while payment on delivery is a popular practice among online shoppers to prevent fraud, there are still instances of fake payment alerts on the side of buyers, and fake products on the part of the sellers (Adeyeye, 2008; Ayo *et al.*, 2011; Bailey, 2019). Similarly, the International Trade Administration of the United States Department of Commerce reported that, despite efforts by the Nigerian government to protect e-business transactions in Nigeria, challenges still exist, and internet fraud is still highly prevalent (Nigeria e-commerce, 2021).

Business trust among users of e-commerce is a determinant of its popularity and preference across sectors in the Nigerian economy. The trust factor is, therefore, very germane not only with respect to online customer behavior but also for e-commerce adoption, especially in developing countries with weak regulatory institutions. Invariably the digital economy is driven by the flow of data about people's needs, decisions, and experiences. Therefore, the trust perception of such data is important to sustaining the digital economy in general and online shopping in particular (Bailey, 2019; Marsh *et al.*, 2020; Ufua *et al.*, 2022). It is noted that trust defines the risk levels in the use of e-commerce facilities such as point-of-sale machines, mobile fund transfers, and online purchases of goods and services. The trust factor is also likely to influence online customer loyalty, and such loyalty provides a major competitive advantage for online businesses (Chiejina and Olamide, 2014; Nissen and Gier, 2021). Therefore, countries that provide a strong regulatory framework for e-commerce must ultimately be contributing to the success of their business enterprises. Given that small businesses contribute the major proportion of developing economies' GDP, having effective commercial law for e-commerce not only helps companies but also, the country's economy. Furthermore, with continuing advances in digital innovations, and increasing competition from EC growth, customers are likely to expect more from retailers in areas like personalization that still includes convenience and efficiency; discounts that

include free or fast shipping; and brands that resonate with their lifestyles while remaining affordable (Ibam *et al.*, 2018; Meyer, 2022). Thus, to protect investment and patronage of online market general e-commerce practice in Nigeria, the role of commercial law should be recognized, understood, and prioritized, which is the thrust of this paper. Therefore, it shows that the level of business trust to a large extent can be due to how commercial law can protect business interests and relationships among users of e-commerce facilities in Nigeria (Adelola *et al.*, 2014; Akomolede, 2008).

### **Theoretical Underpinnings**

This study is anchored on resource-based view to explore the topic. The effectiveness of e-commerce with the support of the law is largely dependent on extant resources such as technology, energy, human resource, and business relationships for effective functioning. Researchers note that the focus of resource-based view is to create a firm resource heterogeneous platform for flexibility and reliability of its practice among stakeholders (David-West *et al.*, 2018). It, therefore, suggests that the drive for e-commerce and the legal system support is anchored by the availability of supportive resources that facilitate the functioning of e-commerce practices in Nigeria. Resource-based view of management focuses on striving for a distinctive operational flow of business activities such as e-commerce and legal systems support, focused in this study (Achua *et al.*, 2022). However, while the resource-based view anchors on resources with which the functioning of business activities is built, it tends to be disadvantaged in its potency to address other fundamental support to business activity in an environment such as stakeholder input. The current study also embraces systems theory which allows for the recognition of various stakeholders' interest in the in-e-commerce business practices and legal system focused in this study (Laszlo, 2021; Ufua *et al.*, 2020). Systems theory also provides fairness in business relationship management and addresses elements of marginalization in business relationships. Systems theory, therefore, focuses on connectivity, of interest and the purpose (Ufua *et al.*, 2018). This study is focused on combining the resource-based theory with the systems theory to explore the topic under study in this research.



This study assumes the following structure. The next section is dedicated to the methodology adopted in this study. The next is the presentation of the suggested model and further discussion. The final section is the conclusion and recommendations.

## METHODOLOGY

This study adopts a conceptual approach to explore the practice of e-commerce and the legal system in Nigeria. The research relies on extant literature to provide a narrative view of the developmental trend of e-commerce practice and the support of commercial law in Nigeria. The study aims to develop a suggested conceptual model for the improvement of the current practices of e-commerce in Nigeria, through suitable support of the law in Nigeria. While authors such as Ayo *et al.*, (2011) adopted a quantitative approach, using a survey to explore risk and trust in the Nigerian e-commerce sector, the focus on extant literature is aimed to develop an exhaustive understanding of the trend of development and practice of e-commerce and the support of the legal system in Nigeria. The current study is focused on identifying and learning from critical issues that affect the practice of e-commerce in Nigeria. These include the extant commercial law and its implementation on the impact of protection and guidance on the entire ambience of e-commerce in Nigeria (Nuruddeen *et al.*, 2016; Olujobi, 2021).

### **Article Search and Selection Strategy**

The search and selection of literature are based on their relevance to the topic of this study and in particular, the Nigerian context. The search for extant literature is focused on various search engines such as Google scholar, Scopus, peer reviewed journals websites, Textbooks, Authors' personal and institutional libraries and other tertiary sources such as Newspapers reports, and online reports. All literature selected was duly referenced and documented to avoid the issue of plagiarism (Jiang *et al.*, 2020; Ufua *et al.*, 2022). This study seeks to contribute to existing knowledge by engaging an extensive review of relevant literature with the aim to develop an understanding of the current knowledge on the practice of e-commerce and the legal system

support and suggest a conceptual model for improvement (see Jaakkola, 2020). Among the criteria for the selection of literature included the focus of the abstract and the main argument in relation to e-commerce focused in this study. Similarly, the Authors ensured that all selected literature are already published either in print form or accessible online, Other consideration was based on the recency of selected literature, with majoring not older than ten years of publication, to keep the relevance of argument projected in this study as suggested by Jiang *et al.* (2020) and Khan *et al.* (2021).

The next section presents the suggested model for improvement on the current practice of e-commerce and the legal support in Nigeria based on the findings from literature.

### **Suggested Model for Improved E-Commerce Practices and the Legal System Support**

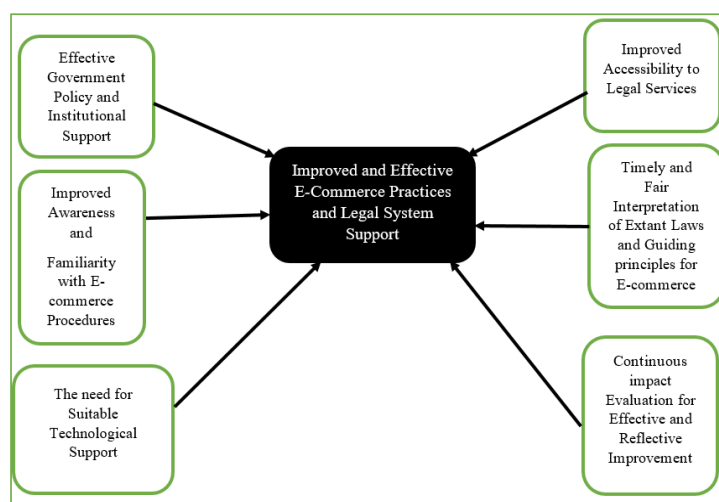
While the search for extant literature was based on the focus of this study, the key findings from selected literature provide a lens for discussion in the themes presented in Figure 1. These include: effective government policy and institutional support are fundamental through an improved mass awareness and familiarity with e-commerce procedures. Improved accessibility to legal services in the event of a breach of e-commerce transactions or contracts. The need for suitable and up-to-date technological support with continuous monitoring of its impact or evaluation to guarantee effective and reflective improvement to address emerging changes in e-commerce that can enhance business sustainability in Nigeria (see Olujobi *et al.*, 2022).

## **DISCUSSION**

This section provides a further discussion of the suggested model presented in Figure 1. The discussion is based on findings from extant literature consulted in this study. The focus of discussion is on evidence from literature and the focus on providing improvement approaches to e-commerce practices in the Nigerian context. The various themes captioned in Figure 1 are discussed in the following subsections.

### **Effective Government Policy and Institutional Support**

There are several regulatory bodies in Nigeria regulating business practices and operations such as the Corporate Affairs Commission (CAC) which is the primary regulator of companies' registration, incorporation, formation, management, investigation, and winding up of companies under the Companies and Allied Matters Act 2020. These are saddled with the responsibility to develop policies for engagement among users of e-



Source: Authors' presentation

**Figure 1. Suggested Model for Improved and Effective E-commerce Practice in Nigeria**

commerce facilities in Nigeria.

Similarly, the Securities and Exchange Commission (SEC), under the Investment and Securities Act 2007, is another agency that regulates the Nigerian Capital Market. The financial market deals with activities such as selling and buying of shares, bonds, and equity. The Commission regulates the investment and securities of businesses in Nigeria. It registers and regulates securities exchanges, capital trade points, options, derivative exchanges, and commodity exchanges. It registers the securities of companies to be offered for subscription or sale to the public with guidelines and it disseminates vital information regarding securities exchanges and capital trade points. It registers and regulates corporate and individual capital market operators (Ufua et al., 2020).

Also, the Federal Competition and Consumer Protection Act 2019 provides general standards for the

marketing of goods and services. It prohibits certain actions such as causing fraud or deception, confusion, and false representation that is misleading in respect of goods or services. However, the section does not specifically penalize contravention of the provision. This has affected the efficacy of the legislation since no fine or term of imprisonment is imposed for breach of this provision. A consumer or a buyer who feels that his right has been breached can enforce this provision by seeking damages or compensation in the courts. The roles of the Act include formulation of rules and regulations to govern competition and consumer protection matters, elimination of anti-competitive agreements, misleading, unfair, deceptive, or unconscionable marketing and trading business practices, resolving disputes or complaints, issuance of directives, and application of sanctions. The Federal Competition and Consumer Protection Commission should be empowered to investigate the existing restrictive agreement and monopolies to ensure the aim of the Act is achieved (Olujobi *et al.*, 2022). This would encourage more participation among e-commerce practitioners and promote the reliance on e-commerce facilities in Nigeria.

Other institutional regulatory bodies focusing on developing policy guidelines such as the sale of goods transactions, particularly in the context of quality and standard protection, is the Standard Organization of Nigeria (SON), the National Agency for Food Drug Administration and Control (NAFDAC), and National Drug Law Enforcement Agency (NDLEA). However, the absence of robust commercial laws or regulations from the listed agencies to protect online consumers, buyers, or sellers since the advent of online transactions is a challenge. Weak enforcement has been the challenge of the law in encouraging e-commerce practices and business sustainability in Nigeria, therefore, this study advocates the imperativeness of a specific online sale of goods legislation as the protections offered by the applicable commercial law for the protection of interest of online buyers are insufficient.

The Sales of Goods Act 1893 protects the interest of the buyer in an online sale of goods contract but only guarantees the rights of a buyer to ensure he enjoys good title to the goods purchased, the seller is obliged to pass good title to the buyer since a person who has no title in the goods cannot pass a valid title to the buyer. Delivery of goods to the buyer and supply of goods at the right time in the right quantity and of the right quality

is also overseen by the said act. It is not uncommon for fraudsters to try and swindle unsuspecting buyers in an online contract or sale of goods. While these acts and policies seem extensive in covering the operations of e-commerce in Nigeria, a critical question raised in this study is to what extent they impact the development of the Nigerian e-commerce practice? The stance of this study is that the adoption of suitable procedures that reflect the interest and the developmental directions of e-commerce, as well as the level of supportive facilities such as technology, can enhance the popularity of extant policies guiding e-commerce in Nigeria (Oluyinka *et al.*, 2013). The argument of this study is the development of such policies and guidelines that should be considered to drive the successful implementation of such policies and rules of engagement among e-commerce users in Nigeria.

Furthermore, the Cybercrimes Prohibition and Prevention Act 2015 provides details of legal, regulatory, and institutional frameworks for tackling cybercrimes (Olujobi and Yebisi, 2022). It safeguards cybersecurity, but inefficient implementation has been the conundrum of the statute. The sanction is the death penalty, for those who lacerated vital state data or structures where such hacking occasions death or at least fifteen (15) years imprisonment. The Nigerian Communications Act Cap N97, Laws of the Federation of Nigeria 2004 set up the institutional structure for the Nigerian Communication sector. It establishes the Nigerian Communication Commission as an autonomous governing institution for the telecommunications sector. The act provides for licensing telecommunications firms and other associated issues. Conversely, the Act has been inadequately implemented by its agency (Olujobi *et al.*, 2022).

The Companies Incomes Tax (Amendment) Act 2007 makes the payment of income tax mandatory for each year of the assessment payable at the rate specified by the Federal Inland Revenue Services (FIRS). The Act also makes provision for exemption from income tax first N6000 of profit from tax relief in respect of commonwealth income tax and relief under double taxation. However, this exemption is not sufficient in supporting e-commerce sustainability in Nigeria more should be done to support businesses, especially small and medium scales enterprises to thrive to boost economic development in the country. In line with this, studies

recommend collaboration between public and private sectors to develop a working approach to enhance effective tax revenue drive as well as a favorable tax structure that reflects the level of extant infrastructure to enhance effective operations of e-commerce practices in Nigeria (Duke *et al.*, 2013). The Federal Inland Revenues Services (Amendment) Act 2007 set up the Federal Inland Revenues Services (FIRS) to assess, collect, and account for the taxes accruable to the Federal Government under the Companies Incomes Tax (Amendment) Act 2007 and Value Added Tax (Amendment) Act 2007. Despite these laudable legal instruments, many companies, including those practicing e-commerce, focused on this study are under insolvency proceedings and some have been wound up due to insufficient capital to run and manage their operations. Hence, the need for a review of these laws to encourage e-commerce and to embrace technologies to guarantee business sustainability in Nigeria (Olujobi, 2021).

#### **The Need for Suitable Technological Support**

The evolving technologies have pushed conventional trading and selling to the background. Trading and selling are more competitive today than ever due to the evolution of technologies, compounded with the outbreak of the COVID-19 pandemic which has changed commercial activities tremendously (Ufua *et al.*, 2021). These technological innovations have been used in developed countries with a myriad of benefits such as convenience, speed, and efficiency. Information and communication technology offers communications channels among the various stakeholders such as the buyers, sellers, service providers, and the commercial or business regulatory authorities which has also added advantage in boosting the government revenue and also, promoting growth and development in Nigeria. The use of effective technology facilitates e-commerce practices (Elia *et al.*, 2021). In the context of Nigeria, this study argues that technology, while serving as a key factor for effective e-commerce practice, can facilitate a better procedure for fraud prevention and other facilitating benefits such as faster completion of e-commerce processes among users of e-commerce in Nigeria. The adoption of suitable technology can also lead to a minimization of incidences of incomplete and undelivered e-commerce transactions. As a result, the adoption of effective technology can enhance the

dependence on e-commerce platforms among users in Nigeria (Okifo and Igbunu, 2015). The position of this study is that improvement in technology can support business sustainability among e-commerce operators and partners in Nigeria.

It is also suggested for operators and practitioners of e-commerce embrace the challenge of continuous learning and improvement of e-commerce business operational activities, in line with the trend of changes in technology. This will position them to discharge better e-commerce services to users across sectors in the Nigerian economy. This is because only trained personnel with the required skills can drive the approbation of suitable technological support, needed for effective e-commerce practice in Nigeria.

### **Improved Awareness and Familiarity with E-commerce Procedures and Changes**

Nigerians will benefit from e-commerce through fast and highly convenient, cost-effective, and easy access to a variety of goods, services, and suppliers. It eliminates the risk of a large amount of cash while shopping and also geographical barriers. While Ojedokun (2019) found that currently there are challenges such as fear of cybercrime exposure, illiteracy, poor access to relevant information, and skepticism/distrust in e-commerce practices in Nigeria, e-commerce serves as a means of transacting business that can be ameliorated through improved awareness and familiarity with its procedures and changes.

E-commerce has become popular in Nigeria and businesses in the country now advertise and sell products and services through the internet. Local and international businesses constantly advertise on social media sites such as Facebook, Instagram, LinkedIn, and Twitter thereby increasing awareness and patronage of e-commerce by Nigerians. Also, e-commerce has been supported through the cashless policy of the Central Bank of Nigeria which has occasioned financial institutions to embrace online banking which further gives backing to e-commerce (Ude, 2020).

While the adoption of e-commerce has continued to gain popularity among users, the argument in this study is that a lot needs to be done in the area of creating more awareness, as well as providing protection for users that can increase their confidence in the use of e-commerce facilities, especially in Nigeria. Many

consumers are not aware of the provisions of the Federal Competition and Consumer Protection Act and the rights guaranteed under it and the channels of redress that protect them in their daily e-commerce transactions (Talabi, 2021). Effective awareness drive can increase the scope of e-commerce practice in Nigeria. However, awareness needs to be backed up by substantive protection that meets the expectations of the potential users of e-commerce facilities. These include suitable technology, government support, and an effective legal system.

### **Improved Accessibility to Legal Services**

There is a need for an e-commerce-specific legal framework to regulate the rapidly growing e-commerce transactions in Nigeria to offer a statutory basis for issues relating to the formation of online contracts for the legal status and liability of non-compliance traders in e-commerce. The stance of this study is that only freer access to the legal system can facilitate time justice among stakeholders to e-commerce processes that can promote business sustainability. There is a need for the various states in Nigeria to overhaul their Sales of Goods Laws to prevent the exclusion, by agreement of the parties or course of dealings of the implied terms which imposed certain obligations on the seller for the benefit of the purchasers and recognize and make provisions for consumers' contracts regarding exclusion or limitation of liability by suppliers of goods and services in conformity with the Unfair Contract Terms Act of UK. The concept of merchantability under the Sale of Goods Act 1979 should be replaced with satisfactory quality for the buyers to have value for their money. The Cybercrimes (Prohibition, Prevention) Acts 2015 lacks an enforcement agency, the Act should be amended to establish a commission to enforce its provisions like the Economic and Financial Crime Commission (EFCC) Act. Currently, the Act is being enforced by the office of the National Security Adviser which is a drawback in promoting specialization and efficiency in its enforcement.

The Sales of Goods Law 2014 is concerned with the contractual rights and obligations of parties with little or no direct detailed provisions on consumers' rights in e-commerce transactions (Philip 2022). The position of this study is that improved access to the legal system would enhance participation in e-commerce in Nigeria.



It will create a fairer platform for free-flowing e-commerce transactions and facilitate trust among partners in e-commerce business processes in Nigeria.

### **Timely and Fair Interpretation of Extant Laws and Guiding Principles for E-commerce**

The Sales of Goods Laws of the different states in the country, the general law of contract, and the law of tort particularly, the negligence principle play significant roles in regulating the supply of goods and services. The cybercrimes (Prohibition, Prevention) Act 2015 and the Evidence Act 2011 promote e-commerce. Regarding product standards and safety, the Standard Organization of Nigeria Act 2015 protects consumers by prescribing standards for the quality and measurement of all locally manufactured and imported goods (Ugbomah *et al.*, 2022). The Act set up the Standard Organization of Nigeria to formulate a standard for products and processes. The National Agency for Food and Drug Administration and Control Act is to combat counterfeit and fake drugs (Ukwueze, 2022). It is arguable to note that timely interpretation of extant laws can create a formidable platform to easily identify and address emerging conflicts of interest among stakeholders and partners in the Nigerian e-commerce processes, and keep the focus of e-commerce development in Nigeria (Ufua *et al.*, 2022). However, weak enforcement has been the challenge. All information and communication technology-related bills pending at the National Assembly should be given fast-tracked consideration, predominantly Electronic Transactions Bill 2013, if passed into law, will provide a robust legal framework for e-commerce practice in Nigeria.

### **Continuous Impact Evaluation for Effective and reflective Improvement**

The growth of e-commerce transactions in Nigeria has led to increasing in cybercrimes in Nigeria Olujobi (2021). Notwithstanding its copious advantages, e-commerce has been utilized by many Nigerians to cause irreparable damage (Sardar, 2018). Hence, the need for the enactment of the Cybercrime Prohibition and Prevention Act 2015. The weakness of the law is in respect of the implementation of the Act. The Sale of Goods Act should be overhauled to reflect the current economic reality in Nigeria to embrace e-commerce and safeguard the buyers, and sellers conducting e-commerce transactions (Olujobi, 2020). The stance of this

study is that the task of continuous evaluation should be embraced by all stakeholders in e-commerce practice in Nigeria. This entails a chain that has to be unbroken, from the point of interest to that of response in order to ensure proper examination of e-commerce processes to effectively identify and address emerging issues that pose risks to e-commerce practice in Nigeria (Ufua *et al.*, 2021).

## CONCLUSION

This study explored the impact of Nigerian laws on e-commerce practices in Nigeria. The study relied on extant literature to view the topic from the trend of literature on the development of e-commerce and the level of legal support in Nigeria. The study highlighted the key supportive factors as well as the challenges to extensively showcase e-commerce practices in Nigeria. While the study raised and addressed questions about the progressions of legal support and e-commerce in Nigeria, it also developed and discussed a comprehensive model for improved e-commerce practices in Nigeria.

Driven by changes in technology and globalization, e-commerce has facilitated various forms of transactions such as the purchase of household goods and payments for utilities among others. This study, therefore, emphasizes further supportive provision by the government as the umpire stakeholder to provide a fair playing ground through effective legal system support to facilitate the further spread of e-commerce practices in Nigeria. The study concludes that this can enhance the amelioration of extant risks associated with e-commerce in Nigeria. This also requires a critical focus on continuous evaluation of the legal support in e-commerce, in order to project a flexible process of developing the needed approaches to address emerging changes in line with the drive for sustainable and competent e-commerce that can enhance business sustainability in Nigeria.

## IMPLICATIONS

This study provides valuable insight into the support of the Nigerian commercial sector on e-commerce practices. While the underpinning theories highlight the resource-based view which recognizes the viability of

the use of suitable resources to facilitate e-commerce. The adoption of systems theory enhances the promotion of fairness across the entire ambience of e-commerce practice and the support of the law, for effectiveness without marginalization of any stakeholder's interest. The broad stance of this study is that the provision of suitable resources would result in stakeholders' confidence in the use of e-commerce.

### LIMITATIONS AND FUTURE DIRECTIONS

While this study adopted review as the main approach to exploring this topic, future research can consider a mixed method approach to enhance more learning and possibly a comparative finding that can result in better understand of the concepts and practice of e-commerce and the legal systems support in Nigeria. Similarly, this study could not go in-depth on fairness of the e-commerce practice in Nigeria. While the support of the law is a fundamental prerequisite for effective e-commerce as discussed in this study, the act of fairness can enhance the trust of parties in the Nigerian e-commerce business activities. Future studies can focus on engaging e-commerce practitioners and stakeholders to develop learning on the subject of fairness in e-commerce practices in Nigeria. Fairness would facilitate a significant reduction in the incidences of fraud and breaches in business relationships that can hinder the growth of e-commerce in Nigeria.

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