

Intricacies of the addiction menace in contemporary Nigeria: the legal status

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Abstract

Background: Addiction is a behavioral tendency for dependence on, accompanied by intense crave for, as well as the compulsive use of an addictive substance and/or process. The types of addiction include chemicals such as drugs; technological like the mobile phone or internet; economic such as gambling; or even social in form of compulsive relationships. All the forms of addiction come at a huge cost to the individual, significant others and the society at large. These menaces of addiction are eating deep and fast into the social fabric of contemporary society, causing both enormous and continuous damage. Consequently, the law is looked upon to curtail the rate of spread and as well reduce the magnitude of societal destruction being experienced.

Methodology/Results: This paper delved into the legal and social aspects of addiction in Nigeria. Whereas the laws in Nigeria explicitly condemn drug addiction through the ban and restriction on the use and dealing in amphetamines and cannabis, they were permissive on alcohol addiction and even, to some extent encouraged gambling. Furthermore, the Nigerian law is yet to address issues of technological addiction such as the excessive and/or compulsive use of the internet.

Conclusion: It is recommended that there is an urgent and stringent need for the review of Nigerian laws regarding addiction, to include and regulate all forms of addiction. Also, policies should empower agencies and organisations that may be responsible for monitoring and regulating addiction indexes in our society.

Key Words: Addiction, Intricacies, Legal Status, Substances of abuse.

Introduction

As our post-modern society is witnessing a rapid increase in the rate of addiction, concern about the legal aspect of the menace also escalates by the day. Addiction affects all persons in all societies in the Globe, and the negative consequences are best measured by the heightened rates of abnormal behaviors, decreased productivity, increased crime rate, social discord, ill health and even deaths.^{1,2} The issue baffles the sane, and further provoke enquiry into the moral and legal boundaries that

may, perhaps, ship the society to better standards.

In accordance with productivity traditions, most substances and processes of addiction have some economic value, especially to the producers of such substances.² For instance, users become addicted to cigarettes even though they are socially and physiologically affected (to their detriment) by their action. On the other hand, producers, marketers and promoters of tobacco experience an economic hoist. This is applicable to other addictive

agents such as cough syrups containing codeine, alcohol, social media pages (for example WhatsApp, twitter or Facebook), sports (especially football) among others. Nevertheless, the satisfaction derived from the use of addictive elements is not commensurate with the economic loss as well as the occasional permanent damage to the person involved in particular and the society at large.

What the society actually obtain from addiction is low productivity, where addicts loose more time to their habit than their job.^{1,2} Not only do they lose time, they also use a large part of their earnings for the pursuit of short lived addictive pleasures. This leads to disagreements and social discords in homes, schools and work places, emanating from malaise, poor concentration and insincerity. This further leads to tendencies and actual acts of crime such as theft, murder or armed robbery, because an addict can stop at nothing to obtain the pleasure of getting high. In fact, some forms of addictions are prelude to criminal tendencies, for instance a drug addict can commit rape or murder under the influence of drugs or in attempt to obtain the substances.^{3,4}

Considering these negative effects of addiction on the society, the law is looked upon to provide urgent and permanent way out of these disturbing development.⁵ This paper delved

into the legal and social aspects of addiction in Nigeria.

Methodology/Results

Having delved into the Nigerian legal code, the law invariably sees it as its responsibility to both protect the citizens and not to infringe on their fundamental human rights, as well as provide an intricate solution to the menace of addiction. Explicitly, the law appeared to be addressing some aspects of addiction, promoting some aspects and neglecting (or is it being ignorant? of) some.

Therefore, for this paper the intrigues are obvious. The citizen has fundamental human right to enjoy some psychoactive substances (for instance alcohol). However, alcohol (and other substances of) addiction is harmful to the individual's health and social stability. From the perspectives of healthcare, all addiction is harmful and must be banned. On its part, the law considers all aspects and establishes a stand and in this case the law did not generalize its status. It prohibited, permitted, encouraged and neglected the different facets of addiction. The harm of addiction and the position of the law were the grounds for the intricacies in the menace of addiction in our society. This paper therefore explores the intricacies and propose necessary suggestions to the individual in particular and the government as a whole.

Definition of Terms and Concepts

Intricacies

Intricacies are the details of a perplexing subject.⁶ Intricacies as used in this article are referring to the complex nature of addiction in our society. This is because people become addicted not only to drugs but to other things such as behaviors, ideas, processes and activities. Although all addiction is harmful to health and social stability, human nature and economic gain makes it difficult for the law to have a unified legal status. The stand of the law on addiction is as intricate as the complexity of its social nature.

Legal Status

Legal status is the orientation of someone to the law.⁶ Thus, the legal status of addiction implies the position or standing or state of affairs of addiction and its relatedness in the eyes of the law. Addiction has become a threat in contemporary society. Cries all over the world indicated that all societies are disturbed about the increasing rate of addiction (especially drug addiction). The law is the most important tool for regulating human behavior, hence a giant interest of all concerned for the stand of the law on addiction in general and addiction prevention/treatment in particular.

Addiction

Addiction is associated with devotion, inclination and dedication.⁶ It means a habit or practice that damages or jeopardizes one's life and when ceased causes trauma.⁵ Persons may be termed addicted when survival becomes difficult or impossible without using the substance of addiction.

Addictive Substance/Process

Addictive substance/process is any object, item, idea, procedure, habit or behavior that is liable for addiction. Substances were basically drugs and chemicals, but in addiction phenomena, processes are included giving a much wider dimension. Hence, people may be addicted to sports (such as football), or to the internet (like chatting on the social media). This paper term all these as addictive substances/processes.

Brief History of Addiction in Nigeria

The drug problem is as old as man. No society is insulated from the negative consequences of illicit drugs. Addiction is the principal cause of unproductivity, social vices, crimes, deceases, upheavals, suicide and political rascality in most part of the world.¹⁻³ In Nigeria however, the problem of drugs began to assume very worrisome dimensions at the end of the Second World War following the return of some Nigerian soldiers from mainly Burma, India, where they had fought. Some of them returned home with the seeds of cannabis sativa which

they experimented and discovered could do well in some parts of the country. With time, the cultivation of cannabis sativa began to grow and so was the trafficking and abuse of the plant.⁷

Classification of Addiction

Conventionally, addiction is concerned with only chemicals and other substances. However, according to the opinion of this paper, addiction can be classified as follows:

- a. Substance addiction.
- b. Behavioral addiction.
- c. Technological addiction.

Substance addiction

Substance addiction or dependence is a situation when recurrent use of psychoactive substance (drugs and alcohol) causes clinical and functional impairment or disability which leads to failure to meet major responsibilities.¹⁻

³ In other words substance addiction is a chronic, relapsing disorder that is characterized by a craving for substance, compulsive substance use, loss of control in limiting intake and emergence of an aversive state when substance is not accessed.⁸

Behavioral Addiction

Behavioral Addiction is the loss of control over the ability to resist performing an act that is harmful to the person and others.⁹⁻¹¹ This type

of addiction shares all the features of substance addiction. Example include gambling, maladaptive playing of games/sports, or engagement with such activities, pornography ect.

Technological addiction

Technological addiction is also known as Internet Addiction Disorder (IAD).¹¹ It is closely related to behavioral addiction and also shares most of the features of physical addiction. Technological addiction is a new phenomenon but already taking a new dimension in health practice. How many of us here are free from IAD?

Legal status of addiction in Nigeria and the government efforts at curbing it

Substance addiction

Generally, Nigerian law frowns at addiction especially substance related. The major concern has been on control of narcotics, with the criminalization of cannabis consumption. Nigeria flagged off its narcotics control efforts in 1935 when the Dangerous Drugs Ordinance was enacted to control drug trafficking and abuse. In 1984 another landmark effort was made by promulgation of the **Special Tribunal Decree No. 20**, to frontally confront drugs trafficking within the Nigerian shores. **Section 3 (2) (k) of the Decree provided that** “any person who without lawful authority deals in,

sell, smoke or inhale the drugs known as cocaine or other similar drugs shall be guilty under Section 6 (3) (k) of an offence and liable on conviction to suffer death sentence by firing squad.¹²

It can be seen how harsh and serious the government was in tackling substance abuse. However, Decree No. 20 has since been abrogated and replaced with more “friendly” laws. One fairly old law that was intended to controlled addiction was the Dangerous Drugs Act 1950. It is now Cap 91 LFN 2004. The law defined Dangerous Drugs to include ‘Raw Opium’ ‘Cocoa Leaves’ and ‘Indian Hemp’.¹³

Another law on substance addiction control was the Narcotics/Psychotropic Substances and Controlled Chemicals Decree No 19 of 1993, now CAP F 33 LFN 2004. Equally Decree No. 48 of 1990 which is now Cap N 30 LFN 2004 created the National Drug Law Enforcement Agency (NDLEA). The key mandates of this Agency are:

- i. Eradication of illicit drugs.
- ii. Protect and maintain the image of Nigeria.
- iii. Make arrest and handover to police any drugs abuser.
- iv. Recover ill-gotten wealth from hard drugs.¹⁴

Again, Decree No 15 of 1993 which is now CAP N 1 LFN 2004 established the National Agency for Food and Drug Administration and Control (NAFDAC). The mandate of the Agency includes: To regulate and control the manufacture, importation, exportation, distribution, advertisement, sale and use of food, drugs, cosmetics, chemical devices and packaged water. The law also requires the Agency to ensure that the use of narcotics and psychotropic substances are limited to medical and scientific purpose only.¹⁴

Behavioral Addiction

The examples of behavioral addiction given were gambling and other games of chance. This paper could not find any law that prohibits gambling or other addictive games including football. In fact, Nigerian law encourages gambling and other games of chance. This is portrayed by the creation of National Lottery Commission by the National Lottery Act 2005. The mandates of the commission are:

- i. To issue licenses and permits for lottery business.
- ii. To set standards, guidelines, rules and promote transparency, integrity in the operation of business of lottery in Nigeria.
- iii. To ensure accurate monitoring and assessment of proceeds

accruing to operators to determine the value of the 50% prize money and ensure 20% contribution to the National Lottery Trust Fund.¹⁵

Technological addiction

Technological addiction blossomed under the Nigerian Law unabated until the Cybercrime Prevention Act was passed in 2015. The Act provides for about 60 offences, like child pornography, identity theft and impersonation, cyber terrorism, fraudulent issuance of e-instruction....., The Act provides for 3-7 years imprisonment or ₦ 2,000,000.00 fine or both.¹⁵ But this paper could not find anything prohibiting e-addiction except an advertisement that certain items should be watched under parental guide which will not stop addiction in any way.

Unabated Addictions in Nigeria

Alcohol addiction

Even though it is part of substance addiction but Nigerian Law permits the licensing of breweries and beer parlors. The only warning they give is “Drink responsibly” or “Do not drink and drive”.

Technological addiction

Technology is what made the world now a global village. The internet has no restrictions

to anyone at any time and the social media has left no one person or nation an island. We are all connected for the good and the bad (to obtain knowledge, to get information and to interact). However, the Nigerian Law is yet to begin to regulate internet access, especially as regards the duration somebody stays online, or a particular site a child will not visit etc.

Gambling and other game of chance

The Nigerian Law is not discouraging gambling but rather encouraging it. That can be seen in the establishment of Nigerian Lottery Commission. Perhaps this was as a result of the economic inclination (to individuals) and the principle of revenue derive for the state.

Tobacco addiction

The Nigerian Law does not frontally address tobacco addiction. Even though companies are asked by government policy to advertise that smoking kills or the failed attempt that no one should smoke in public gatherings. The statements are too charitable. A force of law through prosecution is required.

Recommendations

- a. The existing Nigerian Laws fighting addiction should be amended to cover all forms of addiction.
- b. Law making in Nigeria is slow and in some cases irrelevant. The process of

law making should be the only business of all legislatures and timely and relevant laws should be debated and passed.

- c. The citizens, the organized private sector and religious and community organisations should fully participate in law making to ensure all laws confirm to the needs, aspiration and local circumstances of the populace.
- d. The campaign on addiction prevention should be taken down to all strata of the society especially schools where the leaders of tomorrow are being hatched.
- e. Government Agencies entrusted with mandate to fight addiction should live up to their responsibilities and ensure they recruit the right people for the right job.

Conclusion

Invariably, addiction is becoming one of the major causes of social problems in our contemporary society. It means that the future is not very encouraging if the trend is not checked. Consequently, the law has a leading role in curtailing the menace. Even as the medical, psychiatric and social interventions remain essential, the law will also play a giant, significant role in preventing addiction,

especially if reviewed to reflect the changing, intricate demands of the phenomena.

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