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EXPLORING THE DEVELOPMENT OF TELECOMMUNICATION SERVICES AND THE SPATE OF CONSUMER EXPLOITATION IN NIGERIA

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ABSTRACT

The consuming public have been exposed to spates of sub-standard goods and services churned out by services providers into the market space. Very many sectors including the telecommunications have been affected by this development. The consequence of exposing consumers to the consumption of substandard goods and services impacts not just on the peoples' socio-economic lives but also their health. The Nigeria telecommunications sector is webbed with poor quality of services despite the unbundling of the sector. This work, "Exploring the Development of Telecommunication Services and the Spate of Consumer Exploitation in Nigeria" examined the development of telecommunication service from the colonial to the post-colonial era; from the period of government monopoly to the liberalized period, and a critical analysis of the state of its operation on the quality of services offered and the extent to which consumers' interests have been protected or otherwise exploited in the subsector. Adopting the doctrinal methodology, the work found that; (i) The protection and promotion of consumers' rights/interests is abysmally unsatisfactory, hence consumers are exploited through poor quality services, high and unwarranted charges. (ii) Most consumers of telecommunications services do not know the existence of their rights and the modalities towards seeking redress over the violation of these rights. (iii) Government and regulatory policies are primarily aimed at generating revenue and income to the government as against the promotion and protection of consumers' interests. (iv) Poor judicial attitudes towards the protection of consumers' rights, especially on violation of consumers' fundamental human right to private communication by security agencies who obtain footages of private communications of consumers from service providers without consumer's prior consent or by order of court of competent jurisdiction. The work therefore recommends: (i) Imposition of monetary compensation, primarily to the consumers and same should be paid into designated consumers' bank accounts as against call credit or data over the loss of their funds; (ii) Routine organisation of town hall meetings to create awareness on consumers' rights and the creation of "solution hub" at each coverage area to allow for ease of accessibility and speedy consideration of consumers' complaints (iii) There should be repositioning of the regulatory agencies through; (a) re-orientation and change of work habit, (b) prompt attention to consumers' complaints, (c) structural decentralization of work and personnel by the creation/establishment of institutional offices throughout all the local governments across the country for ease of accessibility, and (d) the right to sue regulatory agencies for damages in circumstance of negligent duty/responsibility. (iv) Specific provision or judicial pronouncement creating strict liability offences and consumer's right to private communications which can only be derogated upon by an order of court of competent jurisdiction or consent of the consumer involved.

1. Introduction:

The development of Nigeria's telecommunications sector has been a journey of gradual growth. The journey commenced from the colonial era in 1886 where its usage was restricted to the colonial personnel in Lagos.¹ Telecommunication service was later extended to Ilorin and Jebba in 1893.² The service was semi-liberalized for the first time in existence with the establishment of a commercial truck in 1923 between Itu and Calabar.³ In 1960 after Nigeria's independence, the use of telephone services expanded but the provision of its services to members of the public was still under the control of the federal government through the post and telecommunications divisions which operated under the Ministry of Communications.⁴ In 2000, the sector experienced a fully liberalised stage of complete unbundling and privatisation of the sector by the federal government of Nigeria.⁵

The historical trajectory of Nigeria's telecommunication sector indicates that the quality of services within the sector has always been poor, thus eliciting constant complaints from its consumers. From the era where government exercised complete control and monopoly of the sector, to the current stage of full liberalisation of the sector, poor quality of services remains a major challenge. In 1985, due to unsatisfactory services of the telecommunication division, it was merged with the Nigerian External Telecommunications (NET) Limited which gave birth to Nigerian Telecommunication Limited (NITEL), while the post division was restructured to Nigerian Postal Service (NIPOST).⁶ Yet, with the birth of NITEL; its operation and services remained substandard, undependable, overcrowded, expensive, exploitative and very hostile to consumers of the telecommunications services.⁷

After the unbundling of the sector in 2000, it has witnessed tremendous growth in the last twenty-five years. This growth has presented challenges and opportunities to the regulators, the service providers and consumers in the sector.⁸ Consumers of telecommunications services in Nigeria have over the years expressed discontent over poor quality of service and consequential exploitation. These unpleasant experiences are often experienced on issues like; network failure, drop calls, calls interjection, calls interruption, wrongful call interconnection, undue charges, undue data depletion, incorrect billings or charges, none transmission of short message service (SMS), failed mails and general network challenges. These have become the bane of enjoyment

¹ Gabriel Olalere Ajayi, Raifu Ibrahim Salawu and Teslim Raji, 'Nigeria After a Century of Telecommunications Development, What Next?' in Eli M. Noam (ed.) *Telecommunications in Africa*. (Oxford University Press, 1999) p.163.

² Ibid

³ Ibid

⁴ Jacob Otu Enyia, *Telecommunications Law and Practice in Nigeria: Perspectives on Consumer Protection*, (Malthouse Press Limited, 2018) 26<<https://dc.cbn.gov.ng/cgi/viewcontent.cgi>>accessed 9 October 2025.

⁵ Englama Abwaku and Bamidele Ademola, 'Telecommunication and Nigeria's Economic Development; Challenges, Prospects and Policy Suggestions' (2002) 40(1) EFR 25.

⁶ Before the merging of the Post and Telecommunications (P & T) divisions with the Nigerian External Communications Limited, the P & T Divisions were in-charge of internal network while NETL was in-charge of external telecommunications.

⁷ Jacob Otu Enyia (n: 1)

⁸ Kingsley Apori and Michael Ibanga, 'Regulatory Agencies in the Telecommunications Sector and the Protection of the Nigerian Consumer' (2004-2006) 7 TCLJ 162.

of telecommunications services in Nigeria.⁹

A critical analysis of these challenges have brought to fore some fundamental issues and concerns within the sector. Notably, some of such issues bother on the protection and promotion of rights of consumers of telecommunications services in Nigeria; the spate of consumers' complaints and the challenge to effective modalities for addressing these complaints; enforcement mechanism over breaches of consumers' rights; poor regulatory attitudes in exercising oversight functions and discipline within the sector; and the policy drive of government on maximization of revenue generation against the promotion and protection of consumers' interests.¹⁰ These generally expose consumers to unwarranted exploitation with its resultant effects on the economic and social lives of the consumers. Therefore, in view of the huge number of subscribers, consumers of telecommunications services constitute one of the strongest entities within the matrix of consumers. Unfortunately, due to protracted exploitation arising from poor quality of service offered to consumers, ineffective regulatory oversight, lack of effective laws, consumers have become a suppressed class of persons who tend to accept whatever sub-standard services offered with minimal avenue to ventilate their concerns and have it addressed.¹¹

The narrative of telecommunication services in Nigeria present a sector bedeviled by poor quality of services, apathetic regulatory behaviour, and consumer exploitation. The aphorism of 'consumer king' in the economic matrix becomes an antithesis when viewed from the prism of services provided by telecommunication service providers in Nigeria. The task of this work shall therefore be to explore the historical journey of telecommunications services in Nigeria, from its era of restrictive usage, semi-liberalized stage to the present stage of full unbundling of the sector. A Comparison shall be undertaken to determine the quality of service offered through these periods, or the state of consumer exploitation arising therefrom, and the degree of protection that is availed consumers of telecommunications services in Nigeria vis-à-vis services offered and make recommendations for approaches to be adopted to seek redress and earn better service delivery for the benefit of the consumers.

2. Historical Development of Telecommunication Services

The preponderance of opinions indicate that telecommunication services in Nigeria commenced in 1886.¹² According to Ariyoosu, telecommunication services in Nigeria commenced right from the pre-independence and got developed through the post-independence

⁹ Adeyemi Adeleye, 'Nigeria: The Fraud against Telecommunication Consumers' *Business Day* (Lagos, 18 February 2025) <<https://businessday.ng/opinion/article/nigeria-the-fraud-against-communication-consumers>> accessed on 18 March 2025.

¹⁰ Benedict Bakwaph Kanyip, *Consumer Protection in Nigeria-Law: Theory and Policy* (Reckon Books Limited, 2005) 152.

¹¹ Rajyalakshmi Rao, *Consumer is King* (5th edn, Lexis Nexis 2021) 46 | <<https://www.bharatilawhouse.com/product/lexis-nexiss-consumer-is-king-by-rajyalakshmi-roa-5th-edition-december-2021>> accessed 25 September 2025.

¹² Dauda Adeyemi Ariyoosu, *Nigeria Telecommunications Law and Regulation* (Stirling-Holden Publishers Ltd., 2019); Jacob Otu Enyia, *Telecommunications Law and Practice in Nigeria- Perspectives on Consumer Protection* (Malthouse Press Ltd., 2018); Abdulsalam Ajetunmobi, *Information and Communications Technology Law in Nigeria: A Comparative Reader* (Princeton and Associates Publishing Co. Ltd., 2017)

era and beyond.¹³ He further posited that the telecommunication subsector actually began in 1855 through the request of the officers of the colonist who worked for the Crown within the sub-sahara countries.¹⁴ To establish ease of communication or communication link with the Crown, the need to develop telecommunication services linking the two political regions together arose. The telecommunication line through a sub-marine cable linked Lagos to Ghana, Sierra-Leone and Gambia which were British colonial territories in West Africa, and then Britain.¹⁵

Basically, for communication convenience between the colonial officers serving within Nigeria and her parent-government, telecommunication services was introduced. Notably, this restrictive purpose inhibited the growth of the services. The ordinary consequence of this was the slow growth of protection of its consumers when the services later took a commercial dimension. The development of cable communication was first established in Lagos and the colonial office in London in 1886. In 1893 government offices in Lagos were wired with telecommunication service which was later extended to Ilorin and Jebba.¹⁶ In 1929 at the completion of Lagos-Ibadan telephone trunk, a telephone exchange was installed at Abeokuta, Aba, Port Harcourt and Bukuru.¹⁷ This telecommunication services was basically used by senior government personnel for official work. Despite its restrictive use, its services then, even as at now, was poor in quality, and there was no agitation from any quarter for its improvement.¹⁸ Therefore, ab initio, since it was not made for commercial purpose, there couldn't have been need for the protection of consumers (government) who were at the helm of affairs of the machineries for such protection.

Beyond the main essence for which telecommunications services was brought into Nigeria, the need for the provision and enhancement of the socio-economic development of the colonial territory necessitated the establishment of some commercial lines within the region. The first commercial telecommunication service was established between Itu and Calabar in 1923.¹⁹ One would think that this would have been the beginning of an efficacious effort at protecting consumers of this service as was obtainable in its country of origin. However, it was never to be, even up till this moment. The quality of service continues poor, unreliable, congested, substandard, expensive, and consumer unfriendly.²⁰

A further chronicle of telecommunications services in Nigeria brings to light the

¹³ Dauda Adeyemi Ariyoosu, *Nigeria Telecommunications Law and Regulation* (Stirling-Holden Publishers Ltd., 2019) 126.

¹⁴ The entity now formally known as Nigeria never existed until 1914 when Lord Ferdrik Lurgard as the Governor-General amalgamated the Northern and the Southern protectorates.

¹⁵ Abdulsalam Ajetunmobi, *Information and Communications Technology Law in Nigeria: A Comparative Reader* (Princeton and Associates Publishing Co. Ltd., 2017) 76.

¹⁶ Jacob Otu Enyia (n:1) 26.

¹⁷ Ibid

¹⁸ Both Ariyoosu and Enyia in their respective work maintained that at that period, telephone penetration remained poor and the quality of service was largely unsatisfactory. See; Dauda Adeyemi Ariyoosu, *Nigeria Telecommunications Law and Regulation* (Stirling-Holden Publishers Ltd., 2019) 7; Jacob Otu Enyia, *Telecommunications Law and Practice in Nigeria- Perspectives on Consumer Protection* (Malthouse Press Ltd., 2018) 26.

¹⁹ Jacob Otu Enyia (n: 1) 26.

²⁰ Dauda Adeyemi Ariyoosu (n: 8) 32

establishment of Nigerian External Telecommunications Limited.²¹ Meanwhile, the department of Post and Telecommunications (P & T) which was in the Ministry of Communications existed side by side with the company. Whereas, the company took charge of external communications, the department of Post took charge of internal network. The inefficiency of the department of Post and Telecommunications led to the separation of Post from Telecommunications in 1985. The telecommunications division was merged with the Nigerian External Telecommunications which became Nigerian Telecommunications Limited (NITEL), while the Post division was reconstituted to become Nigerian Postal Services (NIPOST).²²

The coming into existence of NITEL²³ as a government establishment with a commercial status did not give relieve to consumers' complaints on the poor quality of telecommunication services in Nigeria. In fact, it was a clear contrast to the purpose for which it was incorporated. During the era of NITEL Nigeria had low tele-density having small number of consumers of telecommunication services, with its poor facilities and generally lacking in good quality of services. In 2000, Nigeria laid a foundation for full-scale unbundling of the telecommunications sector. It issued a policy-statement which was aimed at promoting and protecting on-line business transactions, privacy right and security.²⁴

More so, due to the failure of the limited deregulation embarked by the federal military government which gave birth to NITEL and the establishment of the Nigerian Communications Commission (NCC) to regulate the telecommunications sector, the ground was set for a complete deregulation of the sector. The federal government granted licences to private entities for the operation of telecommunications services in the country.²⁵ By 2001 telecommunication technology gained significant momentum and the rapid development in the sector posed serious and countless challenges in various unforeseen ways.

It would be expected that in the spate of these challenges, the providers of goods and services and the regulators within this sector would respectively live to the expectation of providing or improving the quality of services, and adequately regulate players in the sector but it turned out the opposite. Obadan and Eikhenomian in their work succinctly put this disheartening position thus;

Poor quality of telecommunication services observed in

²¹ Adeleke Adegbelemile, 'Development in Telecommunications in Nigeria and its Impact on National Development: Experiences from around the World' (2007)(6)884 AJIT<<https://medwelljournals.com>>accessed on 12 September 2023.

²² Dauda Adeyemi Ariyoosu (n: 8) 15

²³ NITEL officially commenced business as a commercial entity on 1st January, 1985. The Company was commercialized and renamed NITEL PLC in 1992, although no public shareholding other than government was known to exist.

²⁴ Nigeria released a policy document called "Nigerian National Policy for Information Technology". This was borne out of the experience and discoveries of the Nigerian Delegation in the first African Development Forum on the Challenge to African Globalisation in the Information Age.

²⁵ Bernard Oluwafemi Jemilohun, 'Legislating for Data Protection in Nigeria: Lessons from UK, CANADA and INDIA' (2021)1ALJ 5. In January 2001 the NCC held an open auction of global system of mobile communication (GSM) licences which were issued to MTEL (which operated as M-TEL), MTN(a South African Telecommunication Company) and a consortium led by Zimbabweans called ECONET Wireless. See; Ademola Olukotun, Olusegun James and Olorunfemi Kehinde, 'The Introduction of GSM Services in Anyigba Community and its Impact on Students Expenditure Pattern'(2013) 13 (8) GJMRF 1.

Nigeria manifest as; call interference, loss audio, high rates of call attempts, recurrent downtimes, long delay and non-delivery of SMS, and multiple deliveries of a single SMS. Furthermore, subscribers frequently have charges deducted from their account balance for unsubscribed services such as internet browsing plans and caller tunes or ring tones. Other problems include unsuccessful call attempts and difficulties with or inability to recharge phones.²⁶

The historical development of telecommunication services in Nigeria shares the broad global pattern of progression, from the antiquated form of communication to a digital mode. There is no doubting the fact that there exists differentiation in time, technological development and the rate of speed in progression. But clearly, while the communication industry appeared to have solved technological problems associated with producing print publications, the traditional press now finds itself overtaken by new media through telecommunication service. Again, this too is confronted by an entirely new wave of practice and technological challenges.²⁷

3. The Journey of Consumer Protection in Nigeria

In Nigeria, before the advent of colonialism and its attendant legal importation, there existed some forms of customary or traditional protection of consumers of goods and services offered to members of the public by producers and sellers of these products. These forms of traditional protection existed in form of customary values and norms of the different indigenous communities. Albeit, there was no recognisable written formal legal code that existed within such communities.²⁸ With the intrusion of colonialism, came its attendant colonial laws which operated within the colony and later extended to the whole country. Those laws were basically for the control and protection of public health and environment with tangential bearing on consumer protection.²⁹

Consumer protection in Nigeria was hitherto subsumed under the concept of protection of public health. As late as the 18th and 19th centuries, business concerns were still preoccupied with the desire to produce goods and services for the maximization of profit without recourse to the protection of consumers' interests, particularly, as it related to consumer satisfaction in the quality of goods and services produced. Up to the 20th century, consumer protection which is intrinsically linked to right to health had very minimal government attention in terms of policies

²⁶ OL Obadan and O Eikhenomian, 'Balancing Market Growth and Quality of Service: A Critique on Consumerism in the Nigerian Telecommunication Administration' (2019) 1 BIULJ 5

²⁷ Brian Braithwaite, *THE PRESS BOOK: Adventures and Misadventures in the Print Media* (Peter Owen Publishers 2009) 157.

²⁸ Victor Benno Meyer-Rochow, 'Food Taboos: Their Origins and Purpose' (2009) 5(18) JEE <<http://doi.org/10.1186/1746-4269-5-18>> accessed 6 September 2023.

²⁹ Sale of Drugs Act (1891); Drugs and Poisons Act 1915, Food Adulteration Act 1903, Adulteration of Produce Act 1958, etc. There were also some States Laws aimed at protecting consumers of goods and services offered for the public's consumption, which included, the Sale of Food Law 1917 (Northern Nigeria), the Sale of Food Law 1917 (Eastern Nigeria), the Sale of Food Law (Western Nigeria). The Criminal Code of 1916.

and/or legislation.³⁰

A shift in paradigm from the hitherto government's nonchalant attitude towards public to arose due to the discovery of hazardous waste which was deposited in Nigeria's sea birthed an intentional effort of government toward protecting public health and environment.³¹ This also has a tangential bearing to the decision that led to the need for the protection of consumers of goods and services in Nigeria.³² Such goods and services in various sectors like telecommunications, hospitalities, aviation, healthcare, food, pharmaceuticals, and others, became death traps for millions of Nigerians due to poor quality in standard of such goods and services.

In Nigeria, the poor growth of industrialisation and the intense urge to maximise profit result to the churning out of goods and services which fall below human consumable standards. Substandard goods and services flood the market space.³³ The rate of poverty and economic inequality make it difficult for most consumers to take extra steps to examine the quality of goods and services offered. Provided price of goods and services fall within the purchasing power of a consumer, then it would be gotten, despite the quality. This has exposed consumers not only to economic hardship but also to severe health challenges.³⁴ Advertisement as a tool for market penetration have been strongly deployed to the advantage of producers of goods and service, yet to the disadvantage of the consuming public. Notably, telecommunications service providers in Nigeria and most African countries are culpable of the production of substandard goods and services and are as well tools through which advertisement of some of these unwholesome the goods and services are made.³⁵

4. Genesis of Consumer Protection in Nigeria Telecommunications Industry

Prior to the unbundling of the telecommunication sector, no specific legal instrument existed for the protection and promotion of the interests of its consumers. First, at the advent of telecommunication service in Nigeria, its usage was restricted to the colonial personnel and government workers. Second, the subsequent pseudo-liberalization through the establishment of Post & Telecommunications department in the Ministry of Communication and

³⁰ The earliest legislation in Nigeria which operated to protect the public from the vagaries of producers which objectives were not necessarily on consumer protection but on public health, included; the Sale of Drugs Act 1891, the Drugs and Poisons Act 1915, the Food Adulteration Act 1903 and the Adulteration of Produce Act 1958.

³¹ Margaret Okorodudu-Fubara, "Statutory Schemes for Environmental Protection in the Nigerian Context: Some Reflections of Legal Significance for the Energy Sector", in: *Nigeria Current Law Review*, 1996, pp35-36.

³² Jacob Otu Enyia, 'Evolving a Turn-around Strategy for Effective Consumer Protection in Nigeria' (2017) 10 (5) *IJHSS* <<http://www.internationaljournalcorner.com/index.phd/theijhss/article/view>>accessed on 6 September, 2023.

³³ Chigozie Ezeanochi and Godwin Onu, 'Standard Organization of Nigeria's Fight Against Substandard Goods Impacted on the Nigerian Economy' (2024) 13 *IJALBS* 193 <<https://www.ijalbs.gojamss.net/index.php/IJALBS/article>>accessed 28 September, 2025.

³⁴ Adekunle Alaye and Olundare Ogunbanwo, 'Poverty and Inequality: Contemporary Issues in Nigerian Fourth Republic, (2024) 20(3) *AUDJ* 146 <<https://www.dj.univ-danubius.or/index.php.AUDJ/article>>accessed on 28 September, 2025.

³⁵ Russell Southwood, *Assessing Consumer Activity in the Telecoms and Internet Sectors in Africa*, (International Telecommunication Union, 2025) <https://www.itu.int/ITU-D/treg/publications/russell_consumerdftv2.pdf>accessed 28 September, 2025.

the later incorporation of NITEL through the merging of Nigeria External Communication (NET) with the post and telecommunication divisions - the tele-density was still low. Although with NITEL the services was open to public consumption, the awareness and demand for the protection of consumers' interests was also very low despite the poor quality of services. Notably, the federal military government was more concerned with the regulation and control of telecommunications frequencies and what is transmitted, entities licensed to operate in the sector, when and how such transmission is done.

However, with the full liberalization of the sector, telecommunications technology gained significant momentum and the rapid development. Nigeria's tele-density increased with the number of subscribers 171.6 million being 79.14% as at August, 2025.³⁶ The unbundling of the sector allowed several investors to apply and obtain licences for the operation of telecommunication services. The sector experienced both expansive penetrations with attendant challenges. Amidst these challenges, it is expected that the providers of the goods and services and the regulators in the sector should live to the expectation of providing quality services and adequately regulate players in the sector.

Despite the unbundling of the sector, consumers of telecommunications services still face poor quality of services. This often manifests in call interference, loss audio, poor network connection, wrongful call interconnect, recurrent downtimes, inappropriate data depletion, inaccurate call charges, unwarranted Short Message Service (SMS), long delay and non-delivery of SMS, and multiple deliveries of a single sms, and others. Furthermore, subscribers frequently have charges deducted from their account balance for unsubscribed services such as internet browsing plans and caller tunes or ring tones. Other problems include unsuccessful call attempts and difficulties with or inability to recharge call credit or data voucher.³⁷ On the 19th of September, 2003, consumers of telecommunications services voiced out their frustrations over poor quality of services. The per minute billing, the drops calls, poor network, misdirected calls, inability to subscribe credit vouchers, exorbitant tariffs and general exploitative contract terms, and others led to a boycott of telecommunications services by its consumers. The unprecedented boycott through subscribers switching off their phones in protest against the exploitation of the service providers and the nonchalant attitude of the regulators over the exploitative activities of the operators and the wellbeing of the consumers.³⁸

Again, on 12 September 2013, ten years after the first boycott, subscribers through the National Association of Telecommunications Subscribers threatened a further boycott. The subscribers again decried continuous exploitation and poor quality of services. The subscribers demanded a compensation of five thousand naira worth of credit to be paid to each subscriber across Nigeria for the years of such exploitation. They fixed the 13 of September, 2013 to embark on another round of boycott of telecommunication usage if the service providers

³⁶ Royal Ibeh, 'Nigeria's Telecom Sector Thrives with 171.6m Subscribers in August, 2025' (Lagos, BUSINESSDAY, 26 September 2025.) <<https://businessday.ng/technology/article/nigerias-telecom-sector-thrives-with-171-6m-subscribers-in-august-2025/>>accessed 28 September 2025.

³⁷ OL Obadan and Eikhenomian Ojieifo, 'Balancing Market Growth and Quality of Service: A Critique on Consumerism in the Nigerian Telecommunication Administration' [2019] (5) BIULJ 56

³⁸ Ebenezer Obadere, 'Playing Politics with the Mobile Phone in Nigeria: Civil Society, Big Business & the State' (2006) 33(107) RAPE 93 <<https://www.scienceopen.com/hosted-document>>accessed 28 September, 2025.

fail to yield to their demand.³⁹ The above issues and many more gave rise to a wave of consumerism in the telecommunications sector. Although most of the laws regulating telecommunications in Nigeria still remain obsolete, this wave of demand for the protection of consumers generally, though not necessarily in specific relation to the telecommunications industry, gave rise to the enactment of the Federal Competition and Consumer Protection Act of 2019. Unfortunately, the legislation has also not adequately protect the interest of consumers of telecommunications services in Nigeria.

5. The Antithesis of “Consumer King” in Telecommunication Industry in Nigeria

At international economic order, consumers of goods and services are still accorded the status of “kings” in the matrix of production and supply of goods and services.⁴⁰ The phrase, “consumer king” is an old marketing standard which showed the important place consumers occupy in the interplay of production and consumption in the market place, or in the course of supply of goods and services. The consumers’ “kingship” status leaves much to be desired in reality, whether: consumers are really kings in the dynamics of availability/provisions of goods and services to the consuming public? The pursuit of profits which has led to the exploitation of consumers in a capitalist economy have in reality displaced the “consumer king” status.⁴¹ The enormous latitude given to producers of goods and services as efforts geared towards the protection, expansion and sustenance of economic interests’ of nations of the world have whittled down the promotion and protection of consumers’ interests in the consumption of goods and services. Therefore, when there is contending interests of not just an individual producer or provider of goods and services, but also of the overall macro-economic interest of a nation, and such interest is weighed with the interest of consumers, in most cases, the national economic interest is balanced against that of the consumers. In such circumstance, consumers become the “serf” and not the “king.”⁴²

It is quite doubtful whether there exist the possibility of availability or production of goods and services without a corresponding, prior or perceived existence of consumers of such goods and services. Without consumers’ or buyers’ patronage, there cannot be economic growth;

³⁹ Segune Adeowale, ‘Subscribers Threaten Boycott of Telecom Services September 13’ (Lagos, The Eagle, 11 September 2013)<<https://www.theeagleonline.com.ng/subscribers-threaten-boycott-of-telecom-services-september-13/>>accessed 28 September 2025.

⁴⁰ Thierry de Montbrial, ‘For a New World Economic Order’ (1975)54 (1) FA 61<<https://www.jstor.org/stable/20039555>>accessed on 17 September 2023. See also; Uri Dadush and Bennett, ‘The World Order in 2050’ (Carnegie Endowment for International Peace: Policy Outlook, 2010)<https://carnegieendowment.org/files/world_order_in_2050>accessed on 17 September 2023. Hiroshi Kitamura, ‘Rational and Relevance of the New International Economic Order’ (Institute of Developing Economies, 2010)<<https://www.ide.go.jp/library/english/publish/periodicals>>accessed on 17 September, 2023.

⁴¹ Anglyn Hays, ‘Why is it that People say that consumer is the King in Today’s Marketing Conditions?’<<http://www.quora.com>>accessed on the 20 September 2025.

⁴² Robert Schooler and Robert Schooler, ‘The Consumer’s Interests – The Superordinate and the Subordinate, (1982)16 (1) TJCA, 166<<https://www.jstor.org/stable/23859093>>accessed on 17 September 2024. See also, Sara Douglas, ‘Conceptualizing the Consumer Interest in Trade Policy’ in Joseph A. Cote and Siew Meng Leong, Povo, UT (eds), AP-Asia Pacific Advances in Consumer Research (Association for Consumer Research, 1994) 196, 202<<https://www.acrwebsite.org/volumes/11209/volumes/ap01/>>accessed on 17 September 2025. Bruse Scott, ‘The Concept of National Economic Strategy’ in International Friction and Cooperation in High-Technology Development and Trade: Papers and Proceedings (National Academy of Press, 1997) 239<<https://www.nap.edu/read/5902/chapter/>>accessed on 17 September 2023.

whether at the micro or macro economy. If one should go by the above postulation: in hospitality industry, real estate, health care, media, science and technology- especially, in areas of telecommunications, where there exist daunting competitors for consumers' attention in no little measure, it is supposed that the interest, welfare, and concerns of the consumers should be paramount, placing her in an inviable position as "kings". Unfortunately, Nigeria's telecommunication sector, the reverse is the case. The importance of consumers in the scheme of things, as it relates to provision of services in technology, media and telecommunications industry, and the need for consumers' satisfaction generally cannot be overemphasised. The importance of consumer in the matrix of production of goods and services was stated thus;

Against the background of consumer-choice overload, it's increasingly difficult to win and hold their attention. Since the most effective way for media companies to grow is by reaching and delighting audiences, the central mission of media companies must be to place consumers at the center of all strategic decisions. And the best way to win-and maintain-consumer engagement does not necessarily lie in content quantity but in quality and relevance.⁴³

The cliché, "Consumer is king, what consumers want, businesses produce" was the hallmark of the importance of consumers in market place. Consumers' influence expanded to determine and shape the type of goods and services, methods and standards of production, and even promotions and advertisements of manufacturers' products and services all in the interest of the buyer. Consumer showed their kingship through exercising sovereignty over the course of production of goods and services. The belief on the satisfaction of consumers' needs and wants reflected the ultimate economic goal, to the extent that the economy is fundamentally ruled by consumer desires, which is the consumer's sovereignty. This sovereignty suggests that all economic production is ultimately determined by the preferences of consumer.⁴⁴ It is in this light maintained that, "consumption is the sole end and purpose of all production and the welfare of the producer ought to be attended to, only so far as it may be necessary for promoting that of the consumer."⁴⁵

The reality of economic realities have actually destroyed consumer's kingship. With the growth of technical and sophisticated economic activities, the not-too enlightened consuming public are exposed to many hazardous - physical, emotional, environmental and economic exploitation due to unfair trade practices. Hypersonic advertisement of products laced with lies as to the standard, quality and even the quantity of such products have become endemic. In the early years, government was not so much interested in business activities. The business of government was governance while business transactions were left in the hands of private

⁴³ Adam Bird, Ryan Durham, Sarah Holcomb and Shamal Thakar, 'When the Content Consumer is King: Adapting to the Media and Marketing Power Shift' (McKinsey and Company, 2019) 128.

⁴⁴ Brian Roach, Neva Goodwin and Julie Nelson, *Consumption and the Consumer Society* (Global Development and Environment Institute Tufts University, 2019) <https://www.bu.edu/eci/files/2019/10/consumption_and_consumer_society>accessed on 17 September, 2025. See also, European Environment Agency, 2022 'Enabling Consumer Choices for a Secular Economy' <<https://www.eea.europa.eu/highlights/consumers-can-play-key-role>>accessed on 25 September 2025.

⁴⁵ Adams Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Methuen Publishers, 1930).

individuals. This is one of the reasons the maxim, *caveat emptor* effectively held sway.⁴⁶ With this free nature of economy and market,⁴⁷ producers of goods and service explored and exploited the market environment to their benefit. The consumers were no longer allowed to be the sole determinant of creation of demand – of what to produce, when to produce, how to produce. Producers destroyed the original theory behind demand and supply, and with sophistication in the production of good and services, the adoption of scientific marketing strategies through advertisements, they created demands for their goods and services among the consumers. They use various methods to create demand or to increase the demands for their products and services.⁴⁸

The concentration in making profit which occasioned neglect in social and economic responsibilities – to maintain fair price, sustain quality and standard of goods and services, ensure commensurate quantity of goods and services for the price gave rise to the agitations by consumers for better standard of these goods and services. It is first the duty of a consumer to identify and demand her right. Consumers became conscious of these rights even before they were coded. The agitations for the protection of these rights became alarming. Government became interested in the affairs of economic cum health protection of her citizens. The conducts and activities of the producers and services providers became influenced and shaped by these agitations. Consumers' movements for the protection of their rights and interests against the vagaries of exploitative producers arose in a stronger dimension. Hence, consumerism originated as a movement for this purpose.⁴⁹

In Nigeria, cases of poor quality of goods and services cut across the different sectors of the country's economy. The attitude of the political cum government regulatory and enforcement institutions, including the judiciary exacerbate the situation instead of abating it. This challenge is worsen by both internal and external negative influences.⁵⁰ The lack of political will-power on

⁴⁶ The latin maxim is translated to mean “buyer beware.” See, Hamilton, Walton H., ‘The Ancient Maxim Caveat Emptor’ (The Yale Law Journal Company, 1931) p. 1133<<https://www.jstor.org/stable/791116>>accessed 17 September 2023. What hitherto was an absolute legal principle at common law, to the effect that a buyer intended to buy the goods she or he purchased, the being his or her judgment. This law had been abolished, thus placing liability in some instances on the seller. See also, Nigam Shalu. From Caveat Emptor to Caveat Venditor: The Consumer Protection Act, 2019 and the Consumer Rights (2020) (34:3) LNV 2<<https://papers.ssrn.com/sol3/delivery.cfm/>>accessed on 17 September, 2025.

⁴⁷ Whether in the capitalist or socialist market economy, the consumer had a functional determinant place. Williams Kelly aptly puts it thus; “The consumer is visualized as being a king...He is considered as being at the apex of the marketing system. He calls for supplies of goods when he wants to do so, and inhibits the production of others that he does not want by means of expenditures in the market. He is king whom all enterprisers must please...” See, William Thomas Kelly, *New Consumerism: Selected Readings*. (Grid Inc., Columbus: 1973) 87.

⁴⁸ The vulnerability of consumers are most often exploited and this is agreeable to most theorists on the vulnerable status of consumers which need protection within the market space. See, Kennedy, Ann-Marie and Laczniak, Gene, ‘Conceptualizations of the Consumer in Marketing Thought.’(2016) MFRP291<https://epublications.marquette.edu/market_fac/291>accessed 17 September 2025.

⁴⁹ Ayozie Daniel Ogechukwu, ‘Consumerism, the Fame of Marketing in Nigeria: Challenges to Corporate Practices’ (2014) (1:1) BJMESBR 12-34.

⁵⁰ The internal factors are the manipulations of the service providers to maximize profit. It relates to lack of installation of standard and quality facilities and equipment, neglect in effecting necessary repairs of failed facilities, effective and periodic maintenance, operational efficiency of personnel, etc. While external factors are the elements which are outside the immediate or direct control and management of the services providers

the part of government to exert its might, power or authority in making appropriate rules, policies and laws and back it up with the necessary enforcements and sanctions is always evidenced in the lackadaisical attitude it shows in controlling the exploitative activities of business concerns operating within Nigeria - in areas of quality, standard and quantum of goods and services provided.

Producers bribe their way to have their products and services into the markets. Regulatory bodies who either through bribe and or sheer neglect, in their omission and/or commission turn the producers to 'kings' while the consumers become the 'subjects.'. Manufacturers/service providers produce and offer what product and services they want to sell, and sell what goods and services they desire. The problem is in tripod: the insufficient legal framework (e.g. no specific sector antitrust laws regulating the telecommunication sector), the ineffectiveness of the existing ones, and the ineffectiveness of regulatory agencies. Furthermore, the vulnerability of consumers reflects the truism that producers are controllers of the means of production. As controllers, it places them on a superior position in the market place and plunges consumers into a position of vulnerability. The sophistication and complexity in their production and marketing chain, in most cases, is far beyond the comprehension of the consumers - this again deepens the already bad situation. Despite this, consumers' interests remain the availability of quality goods and services offered at the fairest price. This demand and yearning of consumers for goods and services of the producers, or service providers, with a corresponding provision of such goods and services to their satisfactions make them "king". Without doubt, there is a correlation between service quality and customer satisfaction. However, the bane of quality services, or rather, the threat to the 'kingship' of consumers in Nigeria, among others, are; inefficient legal framework, ineffective institutional framework, and the inordinate drive to make exploitative and exorbitant profit margin by producers against the general interests of the consuming public.⁵¹

6. The Concept of Consumer Expectation and Satisfaction

Consumer expectation plays a fundamental role in any marketing strategy for the overall success of a business concern. In fact, there exist an inextricable link between expectation and satisfaction. While expectation appears to be an 'input' inherently attachable to every consumer, the satisfaction functions as an 'output' in the consumer-producer market chain relationship.⁵² Expectation is the perceived value or benefit a consumer seeks when purchasing goods or available services. It often shapes and influences the quality, standard and brand of a particular good and service. It has a significant influence in decision making processes – of choice to make amongst the available options. It is the unseen contribution of the consumers to the shaping of what is produced in the production line. It is a feeling, needs, and ideas a consumer has towards certain products or services.⁵³ This is what a consumer wants in the product or services paid for.

but may be influenced by the service providers through subtle means. For instance, economic interests and policies of government, political and legal mechanisms, connived/manipulated monopoly, etc.

⁵¹ Jacob Odion (n: 48)

⁵² Olson Jerry and Philip Dower, 'Disconfirmation of Consumer Expectation through Product Trial' (1979) (64) 4 JAP 179.

⁵³ Anastasia Belyh, "*Customer Expectations*" < <http://www.cleverism.com/lexicon/customer-expectations/>>access on 21 September 2025.

Consumer expectation is closely related to perceived quality of the product. It is the pre-consumption beliefs about a product or service.⁵⁴ It is the consumer's perception of the overall quality or superiority of a product or service in terms of its intended purpose relative to the alternative. Perceived quality is often both the result of the expected quality and the experienced quality.⁵⁵ The concept is clearly demonstrated in the "multiple type spectacle" which states that consumers' expectations are predictive and normative.⁵⁶ Predictive expectation is consumer belief about the level of service that a specific service firm would likely offer, while, normative expectations are frequently used as standards of service against which satisfaction judgment are made. It is a feeling of pleasure or disappointment after consumption, which a consumer derives from comparing a product's/service's perceived performance in relation to the expectation.⁵⁷

The above position gives a guide on how satisfaction may be determined rather than defining or saying what it is. But the above position will not be apposite where there exist no other product or services to compare the consumed product. When a product is good or meets standard (whether fixed or not), satisfaction- which is the inherent-inward but abstract appreciation of the 'good' of such goods or services, is attained. Suffice it to say that the centrality of determinant of consumer satisfaction is in the blend of expectation, antecedent and measurement.⁵⁸ Therefore, consumer satisfaction possesses the perceptual evaluative and the psychological components. The combination of these elements generate satisfaction.

Naturally, every human, is inherently imbued with the inner consciousness to inwardly appreciate the 'good' or dislike the 'unworthiness' of any goods or services consumed - whether such goods or services is consumed by such a one for the first time or not. This state of appreciation, or 'pleasurable feelings' is consumer satisfaction. It need not be achieved or cannot only be gotten when comparison is made with other goods or when expectations are formed. The innate expectations of the 'good' of goods and services is always constantly at a stance to bring up satisfaction, and where there is no 'good' in the product or services, dissatisfaction or dislike naturally sets it.

The degree of satisfaction is entirely a different issue touching on the state, nature or dimension of satisfaction. For instance, a community without any telecommunications services does not need to have such services offered within its area compared to what is offered in another community to be able to gain satisfaction in the services offered by the service providers working within its community. Satisfaction will be achieved or gotten where the main essence of the services is achieved. To this end, where ease of communication is made possible without unwarranted challenges, then satisfaction is achieved. Another issue would be to the extent of such satisfaction.

Howbeit, where standard is set, satisfaction will be based on such standard. Effective

⁵⁴ Olson Jerry and Philip Dower (n: 52) p.172 .

⁵⁵ Petr Suchanek and Maria Kralova, *Customer Satisfaction, Loyalty, Knowledge and Competiveness in the Food Industry in 'Economic Research-Ekonomskalstrazivanjs'* (Taylor and Francis Group, 2019)<<http://www.tandfonline.com/loi/rero20>>access 21 September 2025.

⁵⁶ Samaan Al-msalam,2014,"The Effects of Customer Expectation and Perceived Service Quality on Customer Satisfaction" *International Journal of Business and Management Invention*. Available at <http://www.ijbmi.org>.

⁵⁷ Kotler, P. *Managing Service Businesses and Product Support Services*. (Prentice Hall, 1997)

⁵⁸ Youjae Yi, *A Critical Review of Consumer Satisfaction* (University of Michigan, Ann Arbor, 1989) 2.

comparison would be made by the consumer between the actual performance of the goods and services with the standard set, and if it meets the standard, then satisfaction is derived. However, where poor standards are set within a clime, and there is an opportunity to compare what is gotten from other jurisdictions within the same sector where better goods and services are offered, it is very doubtful whether satisfaction can be attained. In this circumstance, standard may be met within the clime but satisfaction cannot be gotten. Again, consumers' expectations, whether predictive or normativewould be a function of both external and internal evaluative process.⁵⁹ Therefore, the issue of consumer expectations and satisfaction does not hinge only on external standards set but on the supposedly 'inherent good' of any good or service offered to the consumers

In Nigeria, consumers' expectation is permanently on the increase while provisions of the needed quality goods and services is not just epileptic but on a decline, hence, consumers' satisfaction remains at its barest.⁶⁰ This cuts across very many economic sectors, if not all. One of the reasons advanced by Nigerians for developing the culture of patronizing and consuming foreign made products, is the poor quality of goods and services offered in Nigeria by producers of goods and services.⁶¹ The situation becomes appalling in the telecommunication industry.⁶² Unfortunately, consumers of telecommunication services in Nigeria can easily purchase foreign communication gadgets but cannot purchase foreign network services while still resident in Nigeria. Such services are domiciled within a particular territory where the service providers are licensed to operate and provide their services. Notably, in the telecommunications sector, consumers' expectation is nothing more than quality services at affordable price. Inextricably linked thereto is the satisfaction expressed in the value attachable to money (price), time and other resources spent, and the general accomplishments derived from the use of these services.

7. Rights of Consumers of Telecommunications Service

Where value is given over goods or services offered, there exists a corresponding obligation that such goods or service must be of quality to justify the purpose for which it was meant, and must be available at the time and place it was meant. Consequently, a legal obligation arises for the discharge of the responsibility and a corresponding legal right adjures such responsibility for the enjoyment of such goods or services. The rights of consumers of telecommunications services in Nigeria can be gleaned from relevant statutory provisions, both domestic and international legal framework.⁶³ Consumers of telecommunications services have

⁵⁹ G A Churchill and Surprenant C. "An Investigation into the Determinant of Customer Satisfaction" (1982) (19) 4 JoM 491-504.

⁶⁰ Zakariyya Adaramola, Nigeria Customer Service Index Still Poor – Report (Lagos, 11 March 2025, Daily Trust)<<https://www.dailytrust.com/nigeria-customer-service-index-still-poor-report/>.accessed 9 October 2025. 'Nigeria Customer Service Index Still Poor – Report' (Trust Radio, 25 March 2025)<<https://www.trustradio.com.org/>>accessed 9 October, 2025.

⁶¹ Linus Effiong, ' why Nigerians Don't Patronise Locally Made Products' (Lagos, 25 January 2018, Daily Trust.)<<https://www.dailytrust.com/why-nigerians-dont-patronise-locally-made-products/>>accessed 9 October 2025.

⁶² Ibid.

⁶³ 1999 Constitution of the Federal Republic of Nigeria (as amended); Nigerian Communications Act, 2010; Federal Competition and Consumer Protection Act, 2019; Utilities Charges Commission Act – Cap. U17, LFN 2004; Consumer Code of Practice Regulations; S.I. No. 32, 2024; Nigerian Communications Commission Dispute Resolution Guidelines, 2024; Quality of Service Regulation, 2024; Standard Organization Act, 2004;

both statutory and contractual rights accruable to them.⁶⁴ These rights include the following;

(a) Right to Quality Service

Consumers of telecommunications services are entitled to enjoy good standard of services in the quality of: network availability and connection, ease of call connection, seamless browsing, none call interruption, accurate tariff and call charges, easy loading or subscription of credit vouchers and data, and others. Pursuant to the Nigerian Communications Commission Act, the Commission is empowered to make regulations on minimum quality and standards of telecommunications services to be offered by telecommunications service providers in Nigeria.⁶⁵ In the light of this provision, the Commission made the Quality of Service Regulations, 2024. Specifically, regulations 2 and 3 stipulate the objectives of the Regulations and the minimum quality and standards of services associated in measurements, reporting and record keeping to ensure the protection and promotion of interests of consumers against unfair practices as it relate to networks/interconnected networks availability and quality of communication services, tariffs and charges, consumer complaint and care services, standard facilities and equipment and others.

However, the notable challenges to the provisions of these regulations are; weak phrases with which these regulations are couched which make it susceptible to the manipulations of the services providers to suit their interests against the overall interests of their consumers.⁶⁶ Again, the penalty provisions inherently give an escape route to prospective violators in permitting service providers to plead lack of intention in their failure to provide quality and standard services.⁶⁷ Finally, the wide discretionary power given to the Commission in determining appropriate time, circumstance and measure of punishment.

(b) Right to Fair Charges and Accurate Billing

Rules 21 - 27 of Consumer Code of Practice Regulations provide for a billing and information system which a service provider is bound to furnish to its consumers.⁶⁸ Service providers are enjoined at all times to ensure adequate billing, and that such billing information is timely and verifiable. Notably, information relating to its billings, charges and credit practices are obligations which must mandatorily be discharged to consumers by their services providers.

Howbeit, it must be noted that the challenge of consumers of telecommunications services in Nigeria is not in the provision of such information but on transparency of the adequacy of such billing. There have been complaints by consumers of unwarranted depletion of

National Information Technology Development Agency Act, 2007; Wireless Telegraphy Act, 2004.

⁶⁴ *Hon Justice Patrick I. Amaizu v. MTN Nigeria Communications Ltd.* (2017) LPELR – 43947 (CA). *Andrew v. MTN Nig. Ltd* (2016) LPELR – 41181 (CA).

⁶⁵ Cap N97 LFN, 2010, s. 105

⁶⁶ Under Regulation 4(1)(c) The phrase, “...appropriate to the Federal Republic of Nigeria” employed regarding the “...quality of service standards...” in this Regulations leaves much to be desired: whether in the light of the obvious lack of institutional independence in Nigeria; the incessant lackadaisical supervisory oversight attitude of regulatory bodies; and even more, the spate of corruption in Nigeria, if this subjective phrase would not be open to abuse by both the licensees and even the regulatory agencies.

⁶⁷ Quality of Service Regulations, 2024, Rs 13 – 15.

⁶⁸ The Commission revised the Code in 2024.

data and call credit which does not reflect the reality of its consumption.⁶⁹ Unfortunately, consumers do not have the facilities to determine the adequacy of the billing as furnished by a service provider. Consequently, services providers deplete consumers' credit units and data which clearly do not commensurate with its usage. Therefore, despite the automated electronic information as to the data and credit usage, such billing system could be far from being accurate. Another issue relating to the billing system is the exploitative credit practice of not allowing roll-over of consumer's unused data merely because the expiry date of its usage had fallen due. The Consumer Code of Practice has failed to address this issue. The regulatory institution has also shown grave laxity in the performance of its oversight function in this regard.

(c) Right to Privacy and Protection of Personal Information

Right to privacy of consumers' communications via telecommunications services in Nigeria is a constitutional right. Section 37 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees this right and affirms its protection. Also, Regulations 34 – 37 Consumer Code of Practice Regulations, 2024 make provisions for the protection of consumer's personal data.⁷⁰ Other legislation that protect the consumers' rights to privacy of their personal data shared in the course of engaging the services of a telecommunications service providers include of Information Act, 2011, National Identity Management Commission Act, 2007, Central Bank of Nigeria's Consumer Protection Framework, the Cybercrimes (Prohibition, Prevention, Etc.) Act, 2015, etcetera. However, the major concern of consumers of telecommunications services is the incessant bugging of consumers' private communication by some security agencies in Nigeria. Security operatives in Nigeria most often obtain footages of consumers' private communications without first obtaining consumer's consent or authorisation from the court. Although the Nigeria's constitution guarantees citizens' private communications from interference, this provision is often violated. Again, there exists no real protection of consumers' data detail as same is most often open to cyber scammers who exploit these details to dupe unsuspected citizens using the various services of telecommunications service providers.⁷¹

(d) Right to Information and Education

Consumers are entitled to detailed and complete information on the nature, form, operation and the financial implications of all of the services offered by a services provider. Beyond merely giving information, consumers are entitled to be educated or enlightened as to the operation and functionality of the services offered to them. This is to put consumers in a vantage position to take informed decision over the several choices of services made available by service providers. Service providers are obligated to furnish consumers by way of enlightenment with basic information about the products or services they intend to purchase.

Ancillary to the right to information is the promptness with which such information is

⁶⁹ Justice Okamgba, 'NCC Directs Mobile Operators to Address Data Depletion Concerns.' (Lagos, Punch31st May, 2024.)<<https://punchng.com/ncc-directs-mobile-operators-to-address-data-depletion-concerns/>>accessed 30 September 2025.

⁷⁰ Consumer Code of Practice Regulations, 2024.

⁷¹ Adeyemi Adepetun, 'Combating Telecoms-related Electronic Frauds in Nigeria' (Lagos, 28 June 2023)<<https://guardian.ng/technology/combating-telecoms-related-electronic-frauds-in-nigeria/>>accessed 9 October, 2025.

made available, especially when requested by consumers. Regulation 6(1) of Consumers Code of Practice Regulations, 2024 enjoins services providers to furnish consumers with complete, accurate and current information about their services in a simple and clear language. This right has been technically derogated upon through the several forms with which services providers pass such information. The true nature and form of a service provider's products or services is most often embellished in the hypersonic advertisement made on products and services. In reality, those products or services do not contain the quality and standard of what it professed. Another challenge is the nature of media through which the information is communicated. Where the information is communicated through print medium, the choice of the font and sizes of the alphabets used is often very tiny thus, makes it incapable to be easily read. This simply deters consumers from going through the pamphlets where such information is printed.

(e) Right to Complaint and Have Redress

Corollary to the right to information and quality of services is the right to make complaints and have such issue addressed within reasonable time. Consumers are entitled to be informed of the avenues available to them to lay their complaints and have it addressed. Consumers are entitled to be informed of the existence of their rights, approaches to be adopted where such rights are breached and actually have these breaches or complaints addressed. Regulations 39 – 49 of Consumers Code of Practice Regulations, 2024 provide for complaints handling process by service providers.

However, one of the major concerns of consumers of telecommunications services in Nigeria is the complaint handling mechanism by service providers. The complaint handling pattern by telecommunications services providers have been described to be abysmally low and generally unsatisfactory.⁷² Notably, the telecommunication service providers most often breach the principles for effective complaint handling system. Service providers are not consumer focused, rather are profit minded. It is expected that complaint handling process and management should be prompt and solution based with the aim of having consumer satisfaction. However, telecommunications service providers suffer the challenge of not being responsive to consumers' complaints by allowing ease of visibility, accessibility, promptness and effective remedy.⁷³

(f) Right of Choice of Services

This is a right which inheres in a consumer to make an intentional choice from several offers made, of a particular service, within a particular time, and for an agreeable price. Correlative to consumers' right to information and privacy is consumers' right to choice. Notably, consumers are deprived the freedom to choose from the variety of services made available - the one they actually require. Also, information deprivation as to what charges they are billed and at what occasion or time such services were engaged or offered and the charges made. This is most often experienced through unsolicited SMS, unwarranted charges or over charges, upgrade and migration terms. Availability of clear and complete information on the terms and conditions of telecommunications services agreements enures to consumers as of right.

⁷² Philips Olatunde Ogunode and Seun Oyebola Adejimi, 'Customer Satisfaction and Complaints Management in the Nigerian Telecommunication Industry' (2022) 5(1) BJMMST 122.

⁷³ Ibid.

Such terms amongst other things must disclose the price for such goods and services.⁷⁴ A consumer must affirmatively accept all terms and conditions before being charged for such services. The protection of the right to be informed and educated about terms and conditions of service enables the consumers to make an informed decision according to need of the consumer.⁷⁵

Suffice to state here that the right to choice deals directly on inherent right of every consumer as a human being to make a choice of what to consume. That is, the right to choose from the various services made available by a particular service provider. The right to choice considered from another perspective is the right against monopolistic practices or tendency of any particular telecommunication company.⁷⁶ Neither of these categories of rights to choice derogates against each other, rather, each exists to strengthen the other.

(g) Right to Safety and a Healthy Environment

Service providers are obligated to deliver their services in such a way that it does not endanger consumers' health or the wellbeing of the society. Consumers are entitled to healthy products and services. Notably, consumer protection as of right, fundamentally, extends to the protection of the health of consumers of goods and services offered for consumption to members of the public. In the telecommunication sector, there have been agitations from some members of the public as to the health effect of the different telecommunication masts sited for operations by telecommunications companies.⁷⁷ Therefore, consumer expectations, satisfaction and protection extends to the ambit of health concerns of the consumers as it pertain to the proper handling and siting of the telecommunications facilities.⁷⁸

Unfortunately, due to lack or very low enlightenment of the consumers and the general populace on the hazards associated with the siting of the telecommunications mast close to human residence, much complaint have not been registered in this regard, yet the deleterious effects are enormous. The National Environmental Standards and Regulations Enforcement Agency (NESREA) and Nigerian Communications Commission (NCC) are agencies saddled with the task of protecting the environment from deleterious activities. Specifically, they are to regulate the siting of telecommunications masts. Telecommunications service providers are bound by law to operate using clean technologies that do not render the environment deleterious.⁷⁹ Suffice it to say here that the health of consumers is as well paramount. There have been concerns over health hazards connected to the electromagnetic rays emitted from

⁷⁴ Dauda Adeyemi Ariyoosu (n: 8) 73.

⁷⁵ See, Code 6(1) General Consumer Code of Practice, 2024. See generally, the General Consumer Code of Practice made pursuant to Code of Practice Regulation 2024.

⁷⁶ The anti-trust laws in the telecommunications industry is yet to effectively address in reality the monopolistic practices within the industry by the four major telecommunications companies and even the Federal Competition and Consumer Protection Act, 2019 has not effectively curb this menace of monopoly.

⁷⁷ Tolulope Ogboru, 'NESREA and NCC Regulations on Telecommunication Masts: Implementing the Precautionary Principle' (2015) (5:1) ABUJSDLP 55<<http://www.telecommunication%20masts%20health%20law>>accessed on 14 September 2025.

⁷⁸ Ibid. There is said to be vast scientific, epidemiological and medical evidence that confirms that exposure to the Radio-active Frequency emitted from cell towers, even at low levels can have adverse effects on biological systems.

⁷⁹ Nigeria Communication Commission Act, 2010, s. 136

transmissions from the masts. Against this backdrop, strict adherence to the stipulated parameter for the siting of any telecommunication mast must be enforced by the agency charged with the protection of the environment. Service providers still breach the regulation on siting of mast and pay very little penalties or even escape punishment.⁸⁰

8. Consumer Exploitation and Mirage of Protection in Telecommunication Industry

Cases of consumer exploitation in the telecommunication services have become very alarming and on a geometric increase each day. The exploitative activities of service providers go unabated even with the existence of regulatory agencies saddled with the responsibility, amongst others, to ensure that consumers of these services are not exploited. The observation of Festus Akanbi mirrors in part, the state consumer exploitation in the telecommunication sector still. Akanbi observed that;

It is indeed easy to get worked up over the quality of services telecommunication operators provide in Nigeria today. The stark reality is that quality across the industry is generally below expectations. Calls get truncated before users are ready to disconnect, it takes unduly long time to connect calls even when in the same room, billing imperfections or network glitches sometimes wipe off consumer credit and it takes an uphill task getting assistance from operators' customer support centers. These are some of the issues telecoms users contend with on a daily basis.⁸¹

Also, Adepetun while acknowledging the poor quality of services offered by telecommunication operators in Nigeria lightened their negative competitiveness, when he observed that; “the telecommunication industry in Nigeria has developed to be very competitive, as different telecom companies jostle for the attention of subscriber. However, one of the key challenges confronting these companies is how they manage their service quality, which means a great deal to customer satisfaction.”⁸² The operators of telecommunication companies develop in the line of competitiveness, but such competition is obviously not for the good of the subscribers but for the financial gains and wellbeing of the service providers.

First, this is evidenced in the poor quality of services offered, occasioned by the deployment of substandard telecommunication facilities. Second, the competitive development is not liberal but very ‘restrictive’ in nature, to the extent that the four major telecommunication operators does not allow real competition through the several interconnecting services, like; easy inter-calls connectivity, porting, inter-bank withdrawals, sms interchange, data sharing, and others.⁸³ Few service providers monopolise the operation of the sector for their financial gains.

⁸⁰ Tolulope Ogboru (n; 77).

⁸¹ Festus Akanbi, ‘Telecoms- Stimulating Economics Activities in Other Sectors’ (Lagos, THISDAY 3 March 2013.)

⁸² Adeyemi Adepetun, ‘How Telecom Battles Service Downtime’ (Lagos, The Guardian, 4 March 2020.)

⁸³ Chukwudiebube Bede Oputa, on the problem of inter-connective services said; “Even after an interconnection agreement was reached by the parties, seamless interconnection proved difficult to attain. After several attempts to resolve interconnection issues ranging from interconnection rate determination, publication of interconnection regulation and publication of a technical standards pertaining to interconnection, one would have expected that seamless interconnectionought to have been long achieved in Nigeria.” See;

Third, the residual social corporate responsibility (RSCR) of the service providers tells much about the poor attitude towards consumers/customers welfare. For instance, while other corporate entities have reduce their tariff in the diverse goods and services offered to the public, like the banking sector, power sector-Port Harcourt Electricity Distribution (PHED), in an attempt to reduce financial pressures from its consumers at a critical time of global lockdown caused by the COVID-19 pandemic⁸⁴ which affected the economy of most nations, the telecommunication companies neither reduced its tariff nor enhance quality operations for enjoyment of its services.

Generally, the exploitation of consumers of telecommunications service are specifically evident in the following circumstances;

1. Poor Quality of Service, Inaccurate Billing and High Tariff :

Poor network service has become the bane of consumer's enjoyment of telecommunication services. Consumers experience poor quality of service which occasion dropped calls, call congestion, network congestion, call interruption, call misdirection, difficulty in data subscription, inability to credit voucher, poor audio connection, poor visual connection, wrongful call transfer, non-delivery and multiple delivery of SMS. These have occasioned loss of money without a corresponding value for the money spent. Despite the provisions of R. 18 which has set the minimum standard of quality of service which must be available within a coverage area, the service providers have always go below this standard.⁸⁵

Many consumers have been exploited through accurate billing and excessive charges by service providers. Charges for call and data usage do not reflect the duration of calls made. Despite the fact that service providers, pursuant to the Code, give automatic billing system and call readings, yet there is the incessant complaint by consumers that the calls made do not reflect the value of the credit voucher.⁸⁶ Consumers also complain of data depletion without commensurate value or usage of such subscribed data. Most often, such depletion arises as a result of poor network or faulty telecommunication equipment of facilities. Beyond the prevalence of poor network, service providers have been accused of intentionally manipulating the system.

2. Unsolicited Service Deductions and Involuntary Service Subscriptions:

Consumers' complaint of deductions from their airtime balance or account over services they never subscribed. Charges on caller tunes and other content based services not subscribed by consumers have become avenues of exploitation. Deductions on Notably, service providers hide under primary service offered to float subsidiary services which goes with charges. Therefore, while a consumer attempts to make use of the primary service which was voluntarily subscribed, a subsidiary or superficial service would pop up. A click to commence the use of the main intended service ends up becoming an

Chukwudiebube Bede Oputa, 'The Curious Case of Consumer Dissatisfaction in Nigeria Telecommunications Sector.'<http://www.ssnr.com/abstract=2356804>>accessed on 22 September 2025.

⁸⁴ COVID-19 pandemic was a global viral pandemic that originated from Wuhan, China in 2019. The disease so ravaged the world killing thousands of people without immediate cure. It has affected nations of the world including developed countries and world powers.

⁸⁵ Quality of Service Regulation, 2024.

⁸⁶ Peter Timi Omimakinde, 'An Examination of the Emerging Legal Frontiers in the Protection of Consumers of Telecommunications Service in Nigeria' (2025) 21(2) ULJ 45

involuntary or intended subscription of the subsidiary service. The service providers do this intentionally as a marketing strategy to gain many “involuntary subscribers” with the attendant humongous sum that would be accruable therefrom as a result of the charges.

3. Unsolicited Calls, Message and Advertisement:

Telecommunication service provider send unsolicited text messages, put across unwarranted calls and advertisement to subscribers. Most often, these unwarranted calls and text messages have become a source of nuisance to consumers. Even more, service providers have taken to making advertisement of products to the extent that any attempt at clicking a button to put off advertisement would rather end a full blown display of such advertisement with its accompanying charges. In reality, service providers make a “click off” more difficulty to respond and most time hidden. While the “click on” button is openly displayed and made to respond faster. All of these are attempts at exploiting the vulnerabilities of consumers to the advantage of the service providers.

4. Concealed Terms and Conditions of Service:

Service providers often conceal their terms and conditions of service offered on very tiny but voluminous prints. Again, most of these terms and conditions are published on web pages. Consumers are most often referred to such web pages through several interconnecting website links. Unfortunately, most times these links become inaccessible to consumers due to poor network or outright difficulty to access due to how the service providers have programmed/designed such links.

Even more, most the Nigeria subscribers are illiterate and residents of rural areas who do not have internet facilities. These class of consumers are not informed or do not even know the terms and conditions of services they have subscribed.⁸⁷ Consequently, consumers fall into the exploitative web net of the service providers. And in reality, subscribers get subscribed to a particular network service by registration of the Subscriber Identity Module (SIM) which contains part of the terms and conditions and is always sealed. Such subscription is simultaneously unsealed in the course of registration without giving a consumer the opportunity of pre-considering such terms.

5. Unauthorised Disclosure of Communication and Data Sharing:

Service providers give out consumer’s communication footages to security agencies without the consent of such consumers. The protection of consumer’s private communication is constitutionally guaranteed. However, just by mere request of security operatives, service providers violate this right by giving to security operatives such private communication even when it has nothing to do with national security. Suffice it to say that the right to protection of one’s private correspondence and communication can only be derogated upon when national security is threatened not private security of a person. Consequently, where the private security of a person is threatened through the communication of a consumer which has become the subject of investigation, it is only upon a valid court order can such communication be released to any person or a third party, including security operatives. This too, is applicable to data sharing and even the release of telephone lines of consumers without their authorization.

The degree of consumer exploitation tends to be endless. New dimensions of such

⁸⁷ Christopher Eje Ogar, Sunday Ikhimeaku and Luqman Ayonlola Atanda, ‘Challenges and Prospects of Information Service Delivery to Rural People of Nigeria’ (2018) 2(3) RJLIS 14<<https://www.sryahwpublications.com/article>>accessed 9 October 2025.

exploitation comes up each day. One of the experience of a subscriber as he narrated his ordeal captures the state of exploitation within Nigeria's telecommunication sector. He recounted it thus;

I could not make nor receive calls. Worst still, all the text messages I sent were not delivered, but I paid for each message twice. The first deduction is made as soon as the screen of the handset displays "message sending" while another is deducted when the phone displays "message sent". If it is on net, that will translate to N10 for one message instead of N5 while, if it is off net, it will translate to N20 for one message instead of N10.⁸⁸

Also, in another development, one of the telecommunication consumers, Mr. Arinze Igboeli, decried the commonly shared experiences of consumers of poor quality of telecommunication services with its attendant economic and psychological woes on the consumers. The narration exposed the exploitation thus;

For the average Nigerian, the gory and ugly experiences of using mobile services have become a daily ordeal. Network congestion, particularly during peak hours, renders smooth communication nearly impossible in major cities. More subscribers often find themselves redialing multiple time to complete a single call, while those fortunate enough to connect must contend with poor audio quality and abrupt disconnections. In commercial hubs such as Lagos, Onitsha, Kano and others, subscribers have reportedly complained about such occurrences due to dropped calls and unreliable networks. This has led to subscribers purchasing multiple SIMs of different networks, still such measures yet fail to guarantee the subscriber the desire for reliable communication. This I have witnessed firsthand.⁸⁹

Notably, the ineffectiveness of the NCC in exercising its regulatory oversight and its lackadaisical attitude towards ensuring strict adherence to its policies have engendered the exploitation of consumers of telecommunications services in Nigeria. The failure and negligence of the NCC through systemic shortcomings, inter-sectoral bureaucracy and lack of assertiveness in policy and regulatory compliance have led to poor service quality with its attendant repercussions on the consumers and the overall economy of the country.⁹⁰ Also, NCC have failed to effectively explore and adopt contemporary technological advancements through the various tech-innovations. This failure is imminent in the Commission's slack in pushing for telecommunications infrastructural development, expanding telecommunications coverage area to hinterlands, and generally, the daunting challenge of keeping pace with global standards in quality service delivery in the sector.⁹¹ The impact of this failure culminates in the exploitation

⁸⁸ Lucas Ajanaku, 'Quality of Service Still a Mirage' (Lagos, Nation Newspapers, 7 February 2013.) <<https://thenationonlineeng.net/quality-of-service-still-a-mirage/>>accessed on 5 October, 2025.

⁸⁹ The Nation, NCC, A Tale of Regulatory Failure' (Lagos, Nation Newspapers, 21 December, 2024.)<<https://thenationonlineeng.net/ncc-a-tale-of-regulatory-failure>>accessed on 5 October, 2025.

⁹⁰ Correspondents, 'The Problem with the New NCC.' (Lagos, *INDEPENDENT*1February 2024)<<https://independent.ng/the-problem-with-the-new-ncc/>>accessed on 24 September, 2025.

⁹¹ Daniel Anazia, 'Between Nigeria's Telecom Sector, NCC, FG's Ability to Address Pressing Issues' (Lagos, *The Guardian*2 February 2024)<<https://guardian.ng/news/between-nigerias-telecom-sector-ncc-fgs-ability-to-address-pressing-issues/>>accessed on 24 September 2025.

of consumers, composite monopolies, dearth of investment in the sector and general economic setbacks.

9. Justiciability of Rights of Consumers of Telecommunication Services in Nigeria

Consumers of telecommunication services in Nigeria are imbued with rights accruable to them as consumers of telecommunications services. The jurisprudential bases for the enforcement of these rights lie in the very core of their existence as human beings. Despite this, there is always the challenge of enforcement of these rights. Under classifications of rights, it is not all rights that are enforceable.⁹² Each nation-state determines by its laws which or what class of rights can be enforceable within its jurisdiction. But there are universally acceptable rights devoid of race, gender, jurisdiction or political ideology accruable to every human by virtue of ones nature as a human. Allan in his work perfectly identified the nature of these universal rights as being in the state of nature, amplified in the political arrangements of a State. For every political power to be properly exercised, it must reflect and sustain the natural rights imbued in every human without distortion by fellow human.⁹³ This class of rights “in the state of nature” is inherent in every human, to wit; right to life, right to liberty or freedom of choice of food, shelter, clothing, expression, movement, association, and others.

In the milieu of production of goods and services the producers have the powers to produce their goods and services in the nature and manner (as per, the standard of quality, quantity, price, time, etcetera.) they choose. However, there is also corresponding rights inherent in every consumer to have and enjoy reciprocal value to the goods and services one purchases or pays for. Therefore, the power of production is circumscribed by the right to consume quality goods and services. This right even when it may not be expressly written is guided by the ‘law of nature.’ And one of the fundamental laws of nature is that one should not knowingly do evil/wrong against another.⁹⁴ This is well accommodated by law in the neighbourliness principle in the case of *Donoghue v. Steppenson*.⁹⁵ These rights, if left unchecked, would be subject to abuse. Notably, in human natural state “...men live together by no other rules but that of beasts, where the strongest carries it, and so lay a foundation for perpetual disorder and mischief, tumult, sedition, and rebellion...”⁹⁶ To avert this state of chaos, people must be subjected to an agreed form of control by an authority recognise as, government. Though human beings are born and no person should be subject to the control of another without the person’s prior consent. It is therefore upon this surrendered rights, through mutual consents that government is formed, society is ordered, obligations are placed and rights of citizens are protected. When government is formed by the consent of the people, the government becomes obligated to set rules, principles, standards and laws to regulate the conducts of its subjects and protect the rights of all

⁹² Rights are generally classified into generations, to wit; fundamental rights, political and economic rights, social and cultural rights. See; Adrian Vasile Cornescu, “The Generations of Human’s Rights” (The Conference Proceedings in *Constantin Brancusi* 2009 1(2)<https://www.law.muni.cz/sborniky/dny_prava_2009/files/prispevky/tvorba_prava/Cornescu_Adrian_Vasil_e.pdf>accessed 19 September 2025.

⁹³ Allan Gewirth, *Political Philosophy* (The Macmillan Company Limited, 1965) 47.

⁹⁴ Proverbs 3:29 – “Do not do evil against your neighbour who dwells trustingly beside you.” Matthew 6:12 – “Do to others what you want do to you.” It was also the postulation of Socrates that “No one knowingly does evil.”

⁹⁵ (1932) AC 562.

⁹⁶ Allan Gewirth (n: 86).

its citizens.

Suffice it to say that it is not every right that is justiciable. Rights are justiciable when they are capable of being enforced. The enforceability of consumers' rights is hinged upon its special nature, as; (1) constitutional rights, (2) treaty rights (3) statutory rights, (4) contractual rights. Chapter four (iv) of the Constitution has specifically made provisions for fundamental human rights accruable to the citizens.⁹⁷ Section 46 states that a person whose rights provided under the chapter is likely to be infringed or is infringed upon may approach a High Court for redress. Such rights include; right to privacy of citizens, their homes correspondence, telephone conversations and telegraphic communications.⁹⁸ The Constitution broadly provides and preserves the fundamental rights of citizens to their privacy.⁹⁹ Consumers' rights are intrinsically linked to and provided for, both in Chapters two and four of the Constitution.¹⁰⁰

The constitutionality of consumers' rights if taken from a progressive and liberal interpretative position, is very apt. For instance, the right to life presupposes that no person should do anything unlawfully to take the life of another or terminate such right. Therefore, in the circumstance where a person supplies sub-standard products or services which become deleterious to the health of the consumer which ultimately leads to death, then, the right of such a consumer has been infringed upon. In pursuant to this liberal interpretative stance, the preamble to the Rules for enforcement of fundamental rights provides that the overriding objective of the Rules is to give an expansive and purposeful interpretation and application of the Constitution, especially Chapter IV, as well as the African Charter with the aim of advancing and realizing the rights, freedoms and afford the protections contained therein.¹⁰¹ In *Ransome Kuti & Ors v. A. G. Federation & Ors*¹⁰² the Court held that these rights as provided in the Constitution is fundamental to human existence, and cannot just be infracted upon, as the document making provisions for it enjoys a position on a pedestal over and above the ordinary laws of the land. These rights are premised on the existence of individual's freedom for one's maximum development and welfare. Consumers' rights, to wit; right to safety, to be informed, to be heard, to choose (choice), to consumer education, clean and sustainable environment, and others, are not just analogous to, but have been interpreted to be constitutional rights. Again, on constitutional right to be heard, the Court in *Nigerian Telecommunications Plc. v. Emmanuel O. Awala*¹⁰³ held that the Nigerian Communications Commission and the telecommunications companies should observe the principles of fair hearing when dealing with subscribers, consumers, customers or other corporate bodies' complaints as guaranteed by section 36(1) of the Constitution.¹⁰⁴

⁹⁷ The 1999 Constitution of the Federal Republic of Nigeria (as amended).

⁹⁸ 1999 Constitution of the Federal Republic of Nigeria(as amended), s. 37.

⁹⁹ Abdulsalam Ajetunmobi, *Information & Communications Technology Law in Nigeria*, (Princeton & Associates Publishing Co. Ltd., 2017)162

¹⁰⁰ Eze, A. G. "Consumer Rights as Constitutional Rights-A Comparative Analysis of Some Selected Jurisdiction." (2011) (2:1) UJILJ 146<<http://www.ajol.info/consumer-rights-as-constitutional-rights-a-comparative-analysis-of-some-selected-jurisdiction>>accessed on 4 October 2025.

¹⁰¹ Fundamental Rights (Enforcement Procedure) Procedure Rules, 2009.

¹⁰² (1985) 2 NWLR pt. 6, p. 211 at 246.

¹⁰³ (2001) 45 WRN 146.

¹⁰⁴ 1999 Constitution of the Federal Republic of Nigeria, (as amended).

Moreso, Nigeria is a signatory to very many international legal instruments.¹⁰⁵ The general principle of international law is *pacta sunt servanda*. The justiciability of consumers' rights have been given international recognition. Member-states are therefore obligated and enjoin to ensure the observance and sanction breaches of international laws and protocol for the purpose of giving effects to the intents of these instruments. The necessity of international regulation of trade and the protection of consumers' wellbeing became germane due to the increasing dimension of international trade with its attendant defective and hazardous goods and service leaving the shores of its national origination.¹⁰⁶ The Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and wellbeing of oneself and the family, including food, clothing, housing medical care and necessary social services.¹⁰⁷ This provision affirms development as a fundamental human rights, therefore any unjustifiable derogation on any aspect of these developments is a violation of human right.¹⁰⁸ Again, in United Nations Resolutions on 'right to development' it was resolved that development encompasses basic needs and human rights.¹⁰⁹ A communal reading and understanding given to the provisions of the above instruments is to the effect that the wellbeing of consumers of goods and services is paramount in the affairs of international communities. Therefore, every efforts and modalities must be put in place to forestall its breach, and where there exist any breach, then remedy must be provided.¹¹⁰

Also, there are Nigerian domestic legislations¹¹¹ that have imposed rights, duties and obligations on both the consumers and providers of telecommunications services. These laws provide for rights accruable to consumers and sanctions where these rights are violated.¹¹² At the fulcrum to these rights, revolves the right to seek redress for any infraction occasioned. Contingent upon all other rights, like; right to minimum standard of quality service, right to information and consumer education, right to complaints and be heard, right to safety, healthy and suitable environment, right to choice, right to privacy, right to accurate billing, and others, is the right to ventilate ones position on the existence of abuse and ask for compensation or

¹⁰⁵ African Charter on Human and Peoples' Rights, Universal Declaration of Human Rights, United Nations. Declaration of Human Rights, International Convention on Economic Social and Cultural Rights (ICESCR).

¹⁰⁶ Stephen Weatherill 'European Union Consumer Law Policy', (Chettenham, UK and Northampton: 2005) p.16

¹⁰⁷ Universal Declaration of Human Rights, 1948. Art. 22, 24, 25, 26 – "Right to Adequate Standard of Living."

¹⁰⁸ Ernst-Ulrich Petersmann, 'Justice, Human Rights & Markets' (2003) 37 LALR432.

¹⁰⁹ Universal Declaration of Human Rights, 1948. Art. 28

¹¹⁰ There are major international and regional organisations and regulatory bodies, like; the International Telecommunications Union (ITU), the African Telecommunications Union (ATU), the Commonwealth Telecommunications Organisation (CTO), the West African Telecommunications Regulators Assembly (WATRA), the Organisation for Economic Co-operation and Development (OECD) whose aims amongst others, is to regulate telecommunications industry at the regional and international levels, adopting best international practices.

¹¹¹ Nigeria Communications Act, Cap N97 LFN, 2004, Consumer Protection Act, Cap C25, LFN, 2004, Standard Organisation of Nigeria Act, Cap S9 LFN, 2004.

¹¹² Some of such rights are: right to minimum standard of quality service, right to information and consumer education, right to complaints and be heard, right to safety, healthy and suitable environment, right to choice, right to privacy, right to accurate billing, right to timely installation, restoration and repair services, right to redress and action.

remedy. In *Anyaeji Andrew v. MTN Nigeria Communications Ltd.*¹¹³ the telecommunication company blocked the plaintiff's line and assigned same to another person without her knowledge. The newly assigned subscriber impersonated the claimant, collected monies from the claimant's family members and friend. The claimant reported the matter to the company who did nothing. A further report was made to the police and the police applied to the company to furnish them with the identity of the impersonator but they failed. The trial court found for the claimant but refused to award general damages. On appeal, the Court allowed the appeal and awarded the sum of ₦ 5,000,000.00 (Five Million Nair) only, as general damages.

However, in *Dapo Davies v. MTN Nig. Communications Ltd.*¹¹⁴ a subscriber complained of illegal disconnection from his line claiming damages but it was shown that he violated the ninety days 'inactive line rule'. The court held that for keeping his line inactive for ninety days, the telecommunications company was at liberty to deactivate the line and assigned it to another person. Whereas in *Jeph C. Njiokonye Esq. v. MTN Nigeria Communications Ltd.*¹¹⁵ the plaintiff was denied access to network from 7am to 5 pm even though he had sufficient credit balance. As a result of lack of access, the plaintiff lost a number of briefs, he commenced an action against the defendant in the High Court. The defendant raised a preliminary objection to the jurisdiction of the Court and the trial Court resolved in favour of MTN but on appeal it was held that High Courts have jurisdiction to entertain suits between telecommunications companies and their customers.

It is important to mention that, apart from the courts' insistence on exhaustion of domestic remedies before any aggrieved consumer can approach the court,¹¹⁶ the attitude of courts generally, on consumers making their case, either individually linked as an aggrieved person or as a class action calls for concern if the protection of consumers' rights in the telecommunications sector must be achieved. There has been arguments whether consumers of telecommunications services are in any way into a contract relationship with the service providers? Again, whether an 'end user' not necessarily a 'subscriber' can successfully maintain an action against a service provider. A valid contractual relationship is consummated when all the elements of contracts are present, and every valid contract gives rise to a right by any of the parties, and in some case a third party, to sue when there is a breach of such contract by either of the parties to it.¹¹⁷

Consumer protection under the law of contract is concerned with the entitlements of persons who enter into a consumer transaction for their direct benefits or for third party

¹¹³ (2004) All FWLR (Pt.900) 518. Also, *GKF Investment Nigeria Ltd. v. Nigeria Telecommunications Plc* (2009)15 NWLR (Pt. 1164) 344; *Nigerian Telecommunications Plc. v. Chief S. J. Mayaki* (2007)4 NWLR (Pt. 1023)173.

¹¹⁴ (Unreported) Suit No. I/720/08 delivered on the 30th of January, 2014, Per M. F. Oladeinde, J.

¹¹⁵ (2008)9 NWLR (Pt. 1092) 339.

¹¹⁶ *Barrister Benson Ibezim v. ECONET Wireless Ltd., MTN Nigeria Communications Ltd. v. Globacom Nigeria Ltd.* (Unreported) Appeal No. CA/A/10/2005- Lead Judgment, per Mary U Peter Odili JCA. Sections 73-78, 86-88 of Nigeria Communications Commission Act, Cap. N97 LFN.

¹¹⁷ *MTN Nigeria Communications Ltd v. Barr. Achunulo Godwin Jr.* - Appeal No: CA/OW/456/2019 (Unreported) delivered on 4th July, 2025 per Ntong F. Ntong JCA. See also, *Okafor & Anor. v. CBN* (2024) LPELR – 62978 (SC), *Carlil v. Carbohc Smoke Ball Company, Donlup Pneumatic Tyre Company Ltd v. Selfridge Ltd.* (1915) AC 847, *Trendtex Trading Corporation v. Central Bank of Nigeria* (1977) JELR 55676 (CA).

benefit.¹¹⁸ Where parties enter into contract of services, it is implied that the service provider shall offer quality service. That is to say that the consumer is entitled to quality service delivery which shall be fit for purpose.¹¹⁹ Suffice it to say that, some likely inhibition to successful litigation for an action for breach of contract of service against telecommunications companies is the doctrine of privity of contract. That is to say, that an end user who did not purchase the goods or services may not have a cause of action. Ukwueze acknowledges this fact when he stated that;

In consumer protection, the implication of this principle is that if a consumer who has suffered loss, injury or damage as a result (sic) defective goods or shoddy services was not privy to the contract for the supply of the goods or services, he would not have any contractual remedy against the supplier. A right of action in contract will only avail a consumer, if he or she is the purchaser of the goods or services in respect of which loss, injury or damage was sustained. Thus, gratuitous donee or casual borrower cannot recover in contract. This rule poses a severe limitation on consumer protection.¹²⁰

By the definition of consumer, it is obvious that a third party who merely uses the services and is dissatisfied or is injured cannot sue or be compensated. The Act defines consumer as “any person who subscribes to and uses a communication service.”¹²¹ The implication of this is that a person who merely purchased rechargeable credit or data but uses same in another person’s line who subscribed to the particular network but he/she is not necessarily the owner of the line that subscribed to the network, may not have any claim in circumstance of poor quality network or inadequate billing. The operational phrase, “subscribes to and uses” clearly limits the scope/coverage of the word “consumers”. It is therefore very doubtful, where one who is injured by a telecommunication mast, but did not subscribe to the particular network that owns the mast, then such a person may not pigeon hole his/her claims as a consumer. The principle of the law of tort may then be activated in this circumstance but certainly not under the purview of consumer protection.¹²²

Although Opatá posits in his work that an end-user consumer though not a subscriber may get remedy through joinder of the actual subscriber; or be covered under the Code’s the expansive use of the word “subscriber.”¹²³ Opatá has failed to advance valid legal reasoning to justify his position. If Opatá’s position is to be adopted, it means that a subscriber can only be joined as a co-plaintiff and not as a defendant. He failed to address circumstance where the consent of the subscriber to be joined as a plaintiff is denied. Also, the usage of “subscriber”, “consumer” or “end-user” under the Code is embodied in a person and not disjoint as

¹¹⁸ Festus Okechukwu Ekwueze, ‘Legal Remedies for Consumers of Telecommunications Services in Nigeria’, (2016) 10 NJR <<https://www.researchgate.net/publication/277540714>>accessed on 6/05/2020.

¹¹⁹ Apart from express terms in a contract, there exist an implied term that the contract of service shall meet the quality and purpose. See; Sales of Goods Act, 1979 and the Supply of Goods and Service Act, 1982 and by Common Law - *Lowe v. Machell Joinery Ltd.* (2011) EWCA774, *Harrison and Others v. Shepherd Homes Ltd. & Ors* (2011) EWCA Civ 809.

¹²⁰ Festus Okechukwu Ekwueze (n: 111).

¹²¹ Nigerian Communications Act, 2010, s. 157

¹²²

¹²³ Chukwudiebube Opatá, ‘Rethinking Remedies for Dissatisfied Nigerian Consumers of Telecommunications Services’ <<https://papers.ssrn.com/sol3>>accessed on 23 September 2025.

independent entities. Consequently, it would still be difficult for an end-user not subscriber to have the locus standi to sue a telecommunication service provider.

In *Donoghue v. Stephenson*¹²⁴ the principle of “duty of care” was extrapolated to protect consumers of goods and service. The Court in that case held that in certain circumstances, a manufacturer owes a duty of care to the ultimate consumer, even in the absence of privity of contract. The underlying principle is that of law of tort of negligence, which is dependent on the establishment of; existence of duty of care, breach of that duty and the damage resulting from the breach can be deployed for the protection and enforcement of consumers’ rights. The challenge in succeeding in cases of tort of negligence vis-à-vis consumers’ rights is the burden of proof of fault placed on a plaintiff, and the problem is exacerbated by the ‘fool-proof production’ rule which the courts in Nigeria have consistently applied.¹²⁵ In *MTN (Nig.) Communications Ltd. v. Aquaculture Cooperative Farmer Society Ltd* the court held that MTN was liable for the tortious acts which arose from their facilities and activities that caused injury to consumers, subscribers or even a third party.¹²⁶ The principle in tort may not necessarily be apt in very many cases in telecommunications sector which is basically involved in rendering of services than in production. Even more, the technicalities involved in the operations of telecommunications companies would place a herculean legal task to link injury to its activities for liability to lie. In *Alhaji J. A. Odutola v. Nigerian Telecommunications Plc.*¹²⁷ the Court held that a customer as a subscriber to the telecommunication company has right of action where as consumer of the services provided by the company there exist complaints of arbitrary telephone tossing and unlawful debiting of the consumers phone line as well as irregular bills and fees. The Court further held that, telecommunications companies could be held liable in damages for breach of contract or act of negligence committed against its subscribers by its employees or agents.¹²⁸ In all of these decisions, the courts have failed to give consideration to an end-user who may not be a subscriber but a third-party bye-consumer.

10. Conclusion:

Consumers of telecommunications services in Nigeria have experienced several forms of exploitation over the years. The poor quality of services is traceable to the colonial and immediate post-colonial era when Nigeria’s tele-density was very limited and the federal government exercised absolute monopoly over the sector. The congested network which reflected in the congested human traffic, who perpetually lined up to make attempt at dialing a line to get connected, have now been translated into several telephone lines in the hands of consumer/subscribers, yet the network congestion continues unabated. Despite the complete unbundling of the sector, the situation still persist. The tele-density has geometrically increased with attendant increase in revenue to both the service providers and the government. But the consumers from whom the providers and the government have considerable gain from have not

¹²⁴ (1932) AC 562.

¹²⁵ See; *Osemobor v. Niger Biscuits Company Limited* (1973) N. C. L. R. 382, *Adeosun v. Adisa* (1986) 5 NWLR (Pt. 40) 227.

¹²⁶ *MTN (Nig.) Communications Ltd. v. Aquaculture Cooperative Farmer Society Ltd.* (2016) 1 NWLR (Pt. 1493) 339.

¹²⁷ (2006) All FWLR (Pt. 335) 73.

¹²⁸ See also, *Econet Wireless Nigeria Limited v. Econet Wireless Limited & Anor.* (2014) 7 NWLR (Pt. 1405) 1

had a considerable gain by enjoying quality services. The same experience that was prevalent during the immediate post-colonial era still persists.

The need for consumer protection is a global cry. Many nations of the world have woken to its responsibility in putting appropriate measures for the protection of its consuming populace from products and services that are or would be deleterious to its citizens. Sustainable development is not only within the precincts of protecting the material elements but extends to the human elements as a major component of the environment. The concept of ‘sustainable protection’ of consumers rights should therefore evolve and be adopted in the telecommunication sector. Such protection that ensures that any person who is exposed to goods and services of any telecommunications service providers, whether directly or remotely, enjoys the best of such goods and service at all times- whether in the immediate or in the future.

Unfortunately, the development and growth of telecommunication services in Nigeria is not towards sustainable development. The Nigeria’s situation is worsen despite several calls and complaints from consumers of services of telecommunications companies in the country. The problem is deepened by the non-contemporaneous nature of our laws to reflect the reality of our clime, and the ineffectiveness of our regulatory bodies which worsened the plights of Nigeria’s consumers due to the exploitation perpetrated by operators of the industry.¹²⁹

11. Recommendation

Arising from the findings of the nature and character of exploitation of consumers of telecommunications services in Nigeria, the following recommendations are made:

1. Amendment of the Act to Impose Monetary Compensation Against Defaulting Service Providers:

The Nigeria Communication Commission Act and the Federal Competition and Consumer Protection Act should be amended to include imposition of monetary compensation made payable to consumers by defaulting service providers. Consumers loose monies, unwarranted depletion of their credit and data values arising from the poor quality of network services. Such monies lost should be restored to the consumers through a direct payment into designated bank accounts made available by consumers to the defaulting service providers. Suffice it to say that where such lose is compensated through the replacement of call credit or data, the usual experience of poor network reoccurs and makes useless of the compensated call credit or data as such service providers would programme their network to easily deplete the value of the credit or data. Whereas, payment of money would give a consumer the leverage to determine the best to use the funds, which may to plough it back to the consumption of the telecommunication services or use it in other profitable venture.

2. Enactment of Specific Sector Legislation and Imposition of Stiffer Penalties and Creation of Strict Liability Offence:

Specific sector legislation should be enacted to peculiar challenges of the sector. The law should criminalise certain acts or omission and class it under strict liability offences. Conducts

¹²⁹ Aniagolu JSC (as he then was) in *Nigeria Bottling Company v. Ngonadi* (1985)1 NWLR (Pt.4) 1739.

such as installation of substandard equipment and facilities, lowering the standard of quality of service below the minimum standard, unwarranted depletion and deductions of credit and data values, and others should be made strict liability offences. This would deter the service providers exploiting consumers through the installation of poor facilities. At all times, the burden of proof should be placed on the service providers to show that quality facilities were installed. The only exception to the operation of strict liability should be in the circumstance of force majeure.

More so, such sector specific law should impose stiffer punishments on defaulting services providers in the circumstance where they breach the provisions of the law. The current penalty regime, particularly on imposition of fines is not sufficient deterrent to the service providers. The profits they generate from the large number of subscribers allow them to pay the current imposition of fine with ease. More so,

3. Routine Awareness Creation Through Town Hall Meetings:

Regulatory agencies must be intentional in the creation of enlightenment on consumers' rights. They should embark on constant and routine creation of awareness. Both the regulatory agencies and the service providers must abandon the traditional mode of communication and adopt a more pragmatic mode of dissemination of information. The passage of information to consumers who are mostly illiterates through tiny write-ups on leaflets should be changed to a more viable and realistic means. Therefore, consumers should be informed of their rights in their local dialects or a more familiar language, like pidgin English, through jiggles and other attention captivating media. Again, establishment of 'Solution Boots' in all of the coverage areas or at least, each of the local governments in Nigeria would ease accessibility and speedy attention to consumers' complaints. Finally, where a new products is to be introduced into the market by a service provider, a awareness on the nature, price and operations and other fundamental information about such service or product must be publicized to the general public for a period of about six months before it is put into the market.

4. Change in Government Policy:

Government should refocus its policy from vigorous drive towards revenue generation to consumers' and citizens' welfare. The interest of government is often channeled towards the volume of revenue that would be accruable to its coffers per annum. Hence, fines and penalties which are payable to the government must often reflects the thrust of a particular legislation and the policy drive of government. Consequently, compensations and penalties should be imposed only but to assuage the pains of consumers than to enrich the coffers and revenue base of government. Accordingly, every fine or penalty imposed by government should be intentionally ploughed into the sector – in the purchase of the telecommunication equipment and facilities that occasioned the breach which brought about the fine or penalty. This would improve the quality of network service, hence reduced consumers' data and credit depletion. To prevent exploitation of consumers of telecommunication services in Nigeria as it is in other jurisdictions¹³⁰ it calls for

¹³⁰ Emmanuel Awosika, Technology, Media and Telecommunications Review in O. K. Obayemi (5th ed.) Nigeria Telecommunications. (Law Research, 2014); Jackson, Etti and Edu, Sectorial Regulation Via-a-Vis Competition Law in Nigeria In: The Changing Landscape: Federal Competition and Consumer Protection Act <<https://jee.africa/wp-content/2019/08/sectorial-regulation-vis-a-vis-competition-in-nigeria-the-way-forward>>19 September 2023. Ajala, O.A. 'Foreign Direct Investment (FDI) in Telecommunications Sector

the enactment of specific sector antitrust laws to checkmate the excesses and exploitative tendencies of the players in this sector.¹³¹ Also, a restructuring of the institutional framework for effective enforcement is a precursor to extermination of consumer exploitation in the country.¹³²

5. Adoption of Sustainable Consumer Interest Operations and Organisational Internal Policy Monitoring:

Service providers must adopt sustainable consumer interest policies in its operations. Hence, exploitative internal or organizational policies of service providers must be disapproved by government. Government should intentionally monitor that to ensure that exploitative internal policies of service providers are not allowed to operate. Service providers should not be allowed at all to operate such operational guide or internal policies that are not sustainable in the interest of the consumers. For instance, the placement of usage limit on data or expiration of call credit after a service provider had already paid for it which automatically becomes the property of the consumer is not only exploitative but unconscionable. Therefore, service providers must be compelled to programme an automatic roll-over of such unused or unexhausted data or call credit.

6. Re-orientation and Development of Positive Judicial Attitude Towards Consumer Protection:

Apart from effective regulatory oversight, efficient protection and promotion of consumers' interests is also hinged on positive judicial stance in adopting expansive and constructive interpretative modalities in deconstructing the provisions of the laws with the aim of protecting consumers. Violation of the constitutional right to privacy of consumer by security agencies would be curtailed if the courts rules that such right cannot be derogated upon except through the consent of the consumer or a valid order of court. Cases where securities agencies applies and gets personal communication footages of consumers under the excuse of protecting national security, whereas, the interest such security agency is protecting is personal security of an individual should be discountenanced by the court, as there is a distinction between national security and personal security.

Also, considering the technicalities deployed in the operation of the telecommunications sector, the courts should always be minded to take a favorable stand to promote the interest of consumers, except the facts and circumstance of each case dictates otherwise. Strict application of certain principles of law, to wit; principle of privity of contract, rule of vicarious liability, and others, should always be deployed in a restrictive or liberal sense to the benefit of consumers of the services who are at a disadvantage economic or negotiating position with the service providers.

and Economic Growth in Nigeria' (2019) (5:1) JAPBE 26; Gail Hillebrand, 'The Application of Antitrust Law to Telecommunications'(1981) 2 CLR 69<<https://www.jstor.org/stable/3480127>>accessed on 20 September 2025.

¹³¹ Jacob Odion, An Appraisal of the Regulatory Framework for the Protection of Consumers in the Telecommunications Sector in Nigeria (2016) 8(2) JLCR 25.

¹³² Dimgba, N. "The Need and the Challenge to the Establishment of a Competition Regime." Available at <https://www.competition-law-in-nigeria.html>. Accessed on 19 September, 2025.

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