The Imperatives for Regulating Artificial Intelligence in Nigeria: Legal and Ethical Issues

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Abstract

This article appraises the imperative for regulating artificial intelligence in Nigeria x-raying the legal and ethical issues involved in the application of artificial intelligence. The potentials, prospects and problems inherent in the application of artificial intelligence have constrained many nations to design regulatory framework for its development, deployment and dealings. The sources of this paper are both primary and secondary. The article will make findings on the imperative for regulating artificial intelligence in Nigeria while discussing the legal and ethical issues involved in the application of artificial intelligence. The article will conclude that although there are some policy directives on the application of artificial intelligence in Nigeria, there is no specific comprehensive statute or law governing the application of artificial intelligence in Nigeria. The article will further conclude that it is imperative for Nigeria to have a specific comprehensive legal regulation for artificial intelligence. The article will further calls on the Nigerian government through its legislative arm to specifically and comprehensively legislate on the use of artificial intelligence in Nigeria.

Keywords: Artificial Intelligence, Legal, Ethical, Transparency, Accountability, Regulation

1. Introduction

Artificial intelligence (AI) is now advancement in technology that has captured the attention of the whole world[1]. Artificial Intelligence involves creating computer systems that can perform tasks that require human intelligence, such as visual perception, speech recognition, decision-making, and language translation. Its importance in Nigeria cannot be overemphasized[2]. Artificial intelligence system is a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decision that can influence physical or virtual environments[3]. Different AI systems vary in their levels of autonomy and adaptiveness after deployment. Nigeria was a signatory to the Bletchley

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[1] D. M. West & J. R. Allen, "How Artificial Intelligence is Transforming the World" <https://www.brookings.edu/articles/how-artificial-intelligence-is-transforming-the-world/>Accessed 26 October,2025

[2] Reagan N. Robinson, 'Artificial Intelligence: Its Importance, Challenges and Applications in Nigeria', Direct Res. J. Eng. Inform. Tech, (2018) Vol.5:5, 36-41 <http://directresearchpublisher.org/journal/drjeit/ > Accessed 14 January, 2025.

[3] <https://oecd.ai/en/wonk/ai-system-definition-update> Accessed 18 January, 2025

Declaration on AI with other 28 nations which include France and UK. Nigeria is also one of the 18 countries that adopted US-led coalition on AI[4].

The upsurge in the application of Artificial Intelligence in Nigeria cut across various sectors such as Healthcare where AI is being used in the field of medicine to improve medical diagnosis, personalized medicine and predictive analytics[5]. In Finance, AI is enhancing risk management, fraud detection, and algorithmic trading. Furthermore, in Education[6], AI is enabling personalized learning, adaptive learning platforms, and automated grading. In the same vein, in Environmental Conservation, AI is being used to monitor and analyze ecosystems, track wildlife populations, and predict climate patterns. In situations of Armed Conflicts[7], AI is being used in the conduct of hostilities and rendering humanitarian services[8].

Potential to drive economic growth, improve efficiency, and enhance decision-making processes are some of the importance of AI to Nigeria. As a result of the evolution and revolution brought about by AI, its application in Nigeria is expected to grow, leading to increased adoption across various industries and sectors[9].

In the development and deployment of AI, it is imperative to consider the legal and ethical issues that are now raging in the application of artificial intelligence. Countries all over the world are now regulating the use of AI in their countries[10]. Regulating AI in Nigeria will circumvent or circumscribe these legal and ethical issues and thereby enhance the achievement of the benefits of AI while minimizing its risks and negative consequences. By effectively regulating AI and address the legal and ethical concerns inherent in the use of artificial intelligence, Nigeria can create a regulatory environment that promotes the responsible development and deployment of AI, while also driving innovation, economic growth, and social prosperity.

[4]< https://ncair.nitda.gov.ng/wp-content/uploads/2024/08/National-AI-Strategy_01082024-copy.pdf> Accessed and downloaded 16 January,2025

[5] Meenakshi Nadimpalli, 'Artificial Intelligence Risks and Benefits', IJIRSSET, 2017, Vol.6 (6). 1-5. Available at: <https://www.researchgate.net/publication/319321806> Accessed and downloaded 14-01-2025.

[6] Reagan N. Robinson, 'Artificial Intelligence: Its Importance, Challenges and Applications in Nigeria', Direct Res. J. Eng. Inform. Tech, (2018) Vol.5:5, 36-41. <http://directresearchpublisher.org/journal/drjeit/> Accessed 14 January, 2025.

[7] <https://coingeek.com/us-partners-with-nigeria-for-responsible-ai-use-in-military/> Accessed 14 January, 2025

[8] Artificial Intelligence Machine Learning in Armed Conflict: A human-Centred Approach, IRRC, (2020), 102 (913), 463-479. <https://international-review.icrc.org/sites/default/files/reviews-pdf/2021-03/ai-and-machine-learning-in-armed-conflict-a-human-centred-approach-913.pdf> Accessed 14 January, 2025.

[9] Reagan N. Robinson, Artificial Intelligence: Its Importance, Challenges and Applications in Nigeria, Direct Res. J. Eng. Inform. Tech, (2018) Vol.5:5, 36-41. <http://directresearchpublisher.org/journal/drjeit/> accessed 14 January, 2025.

[10]Global AI Law and Policy Tracker. <https://iapp.org/media/pdf/resource_center/global_ai_legislation_tracker.pdf?disableGlobalInfoCollect=false> Accessed 18th January, 2025.

Despite the growing application of artificial intelligence (AI) in Nigeria, there is a significant gap in the regulatory framework governing AI development and deployment[11]. There are challenges and opportunities presented by AI which the existing laws and regulations in Nigeria do not adequately address. Consequently, there is a need for a comprehensive study that examines the current state of AI regulation in Nigeria, identifies the key challenges and opportunities, and provides recommendations for a specific and comprehensive regulatory framework.

The objectives of this article are, *inter alia*, to examine the current state of AI regulation in Nigeria, identify the key challenges and opportunities in regulating AI in Nigeria, to develop a framework for regulating AI in Nigeria, to evaluate the effectiveness of the proposed regulatory framework, to provide recommendations for policymakers, regulators, and other stakeholders.

2. Legal and Ethical Issues in Application of Artificial Intelligence

The application of artificial intelligence has raised certain legal and ethical issues that are of global concerns[12]. These are issues inherent in the use of the AI that attract the attention of the globe and raise debate on the implication of the application AI. Artificial intelligence governance should be inclined towards ethical use of artificial intelligence systems. Some of the legal and ethical issues are discussed below.

i. Informed Consent

Application of AI system may have impacts on the physical body of a person the application which ordinarily might have been resisted had the eventualities been made known earlier. For example, the application of AI system for an invasive medical operation or medical decision will require the informed consent of patient. Informed consent is a cardinal bioethical principle for medical treatment. Informed Consent is based on bioethics principle of autonomy or respect to person.

This presupposes that patient must be well informed of the medical processes to be administered including the risk and benefits inherent therein. Patient must therefore understand these processes of application of AI system on his or her body throughout the lifecycle of AI system and give informed consent. The user of AI will be in dilemma in explaining the whole process of application of AI system since the system itself lacks universal understanding of the manner of application, which is referred to as "black box"[13].

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[11] Anamoji Gospower Sam, ' Ethical and Regulatory Framework of Artificial Intelligence (A.I) in Nigeria: The Dilemma of Global Adaptation for Sustainable Growth', International Journal of Innovative Social Sciences & Humanities Research, 2024, Vol. 12 (3), 55-65. <www.seahipaj.org> Accessed and downloaded 18th January, 2024.

[12]Such concerns include, data access problems, biases in data and algorithms, legal liability, transparency and so on. <https://www.brookings.edu/articles/how-artificial-intelligence-is-transforming-the-world/ > Accessed 26 January, 2025

[13]Cohen IG, et al, 'Artificial Intelligence, and the Law', *Harv. Law Today,* 2018, 727 <https://today.law.harvard.edu/petrie-flom-center-launches-project-precision-medicine-artificial-intelligence-law-pmail> Accessed 29 May, 2023S

In the fields of health, law enforcement and others where human lives are involved, it is fundamental that informed consent be sought and obtained. When a decision is going to be made by AI systems on issues that bear on safety or human rights, people should have the right to be fully informed. People should have the rights to request for explanation from the AI actors[14].

ii. Safety and Security

The use of AI has raised issue of safety and security. The system is vulnerable to attack. AI systems are prone to risk of malfunction and eventual harm to person. It is expected that AI systems should be used developed and deployed in a manner that ensure safety and security of lives and properties.

It is conceivable that AI may malfunction which makes it prone to attack or harm. This tendency will raise the AI regime of torts of deterrence or compensation. Safety risks which are unwarranted harms and propensities to attack which also are security risks are to be avoided and should be addressed throughout the lifecycle of AI systems. AI systems will not function effectively if it is attacked. Human, environmental and ecosystem safety and security should always be ensured throughout the lifecycle of AI system[15].

Safety and security of AI system may be prejudiced upon the dataset. Safety and security of AI system can be made possible by the development of data frameworks with qualitative training and validation of AI model while using qualitative data[16]. Data training and validation are therefore fundamental in ensuring safety and security of AI system.

iii. **Fairness and Non-Discrimination**

AI systems will be effective, fair and unbiased to the extent of the data that it is trained with. AI bears risk for biases and discrimination[17]. This discrimination may result from the set of data used for training which does not capture the data of some group of persons thereby leading to bias or discrimination in operation. The resultant discriminatory operation of AI raises legal issues. The penchant for unfairness and discrimination inherent in AI system are rooted in the data used for programming or training of the particular AI system. AI systems are trained with data which may perpetuate discrimination. AI developers and users are to mitigate the risk of unfairness and discrimination throughout the lifecycle of AI systems.

The tendencies of unfairness and discrimination or bias in AI systems have also raised issue of social justice. AI actors are therefore expected to promote social justice and

[14]Article 38 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[15] Article 27 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[16]Article 27 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[17]Sharkey N. "The impact of gender and race bias in AI." Humanitarian Law Policy, <https://blogs.icrc.org/law-and-policy/2018/08/28/impact-gender-race-bias-ai;2018>

safeguard fairness and non-discrimination of any kind to in compliance with law[18]. The benefits of AI systems should be for everyone without any form of discrimination. Inclusive access to AI is expected to be guaranteed by the government through its legal frameworks.

It is the responsibility of the government to provide effective remedy against discrimination and bias while the AI actors make effort to minimize biased applications and outcomes throughout the lifecycle of AI systems[19].

iv. **Data Privacy and Protection**

AI systems make use of large data for its effective functioning. Some of the data use by AI system may be the personally identifiable information. Data are needed for AI operation but how the data are collected, collated and stored are largely unknown. It follows therefore that collation and collection of data are central to the operation of the AI systems. It is a possibility that data forming part of privacy of citizens may be collated and collected by AI system without authorization and thereby infringe their privacy rights. Also, these data infiltrated into without authorization are susceptible to misuse and abuse leading to more infringement of privacy rights. These have therefore raised serious legal and ethical concerns.

Right to privacy is a fundamental right guaranteed by the Constitution[20]. Privacy right is central to the protection of human dignity and autonomy which must be respected throughout the lifecycle of AI systems[21].

It is therefore necessary that the data for AI be collected, collated and shared in a manner that is consonant with international law and relevant national legal framework for regulation of AI systems[22]. AI actors are to be made accountable for the design and implementation of AI system in such a way to ensure that personal information is protected throughout the lifecycle of AI systems[23].

De-identification, anonymisation, pseudonymisation and encryption of data may obviate the disclosure of personal information[24]. However, in a lawsuit[25], the plaintiffs alleged that the defendants shared medical records with Google containing enough

[18]Article 28 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[19]Article 29 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[20] Section 37 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

[21]Article 32 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[22]Articles 32, 71-77 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[23]Article 34 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[24] Section 39 of Nigeria Data Protection Act, 2023

[25] Dinerstein v. Google , No. 1:19-cv-04311; 2019

information that enabled Google to potentially re-identify patients given all of the plaintiffs' other data at hand.

Adequate data protection frameworks and governance mechanism are therefore expected to be established in a multi-stakeholder approach at the national level protected by judicial systems and ensured throughout the lifecycle of AI systems[26].

v. **Liability, Accountability and Responsibility**

AI systems are most times used for decision-making process[27]. The use of AI is surrounded with the risk of harm resulting from malfunction or from the inherent bias occasioned by the data algorithm. The resultant harms or negative outcomes from the use of AI raise question of who is to be held accountable; should the developer-company be held accountable and liable? Should user of the AI or AI itself be held accountable and liable? It has not been agreed upon who to be held liable for harms caused by the AI. Should the AI be accorded personality and therefore be held responsible and liable for the harms caused? These and others are legal and ethical issues begging for legal frameworks.

A regulatory framework that defines liability, accountability and responsibility issues in the application of AI is required from a nation. It is therefore necessary to establish liability frameworks to ascertain where or who to ascribe accountability or liability of the outcomes of the functioning of AI systems[28].

Since the AI has the prospects or potentials to operate with human supervision, technically called "human-on-the-loop", or without human supervision, also called "human-out- of- the loop", there is tendency to suggest or argue that an artificial person as AI is capable to be held personally liable and accountable for the outcomes of its functions.

In developing legal framework for liability, accountability and responsibility, natural or legal person should be held liable or responsible and accountable; AI should not be given legal personality warranting personal liability[29]. Legal and ethical responsibility

[26] Article 34 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[27]In finance, it is used for decision on giving loan by checking the data and creditworthiness of a customer before giving loan; in security, it is used to alert and to ascertain a former criminal; in health, it is used in medical imaging that detects lymph nodes in the human body in Computer Tomography (CT) Images; in criminal justice, it is used to analyse people who have been arrested for their risk of becoming future perpetrators. D. M. West & J. R. Allen, "How Artificial Intelligence is Transforming the World" <https://www.brookings.edu/articles/how-artificial-intelligence-is-transforming-the-world/>Accessed 26 October,2025

[28]Article 68 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

[29] This is the position and implication of Articles 35 and 36 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

at any stage of the life cycle of AI is to be attributable to natural person or existing legal entities. The principle of human oversight is expected to be the yardstick for attributing liability or accountability and responsibility in the functioning of AI[30]. The AI actors should therefore be held responsible in all the stages of functioning of AI systems[31].

AI actors as well as the government of Nigeria is obligated to respect, protect and promote human rights and fundamental freedoms, and should promote the protection of the environment and ecosystem[32].

vi. **Transparency and Explainability**

Transparency is an ethical concern in the application of AI system. It is expected that in terms of the decisions reached by the AI system be transparent enough that the developer and deployer will be able to explain its functioning. Most algorithms in fact are developed using neural networks or machine learning which are non-interpretable (or 'black box'), which implies that, end users are unable to explain why the system has reached a particular decision. The reason might be that the decision making process is too convoluted to explain, or the algorithm is proprietary and made incomprehensible for the outsiders. This opacity or "black box" models are seriously ethical issues undermining the trust and confidence in AI system[33].

The decision-making process of AI systems is not understood. It is not understood how and why AI comes to certain conclusions it reaches. The explainability of the functions of AI systems is fundamentally required especially where human lives are involved such as in health and law enforcement and armed conflicts. The issues of violation of medical ethics or bioethics principles, violation of human rights and violation of international humanitarian law are likely legal and ethical issues that will result from non-explainability of the functions of AI systems.

Lack of transparency will undermine the possibility of effectively challenging decision based on outcomes produced by AI systems. The corollary of this is that the right to a fair trial and effective legal remedy will be infringed upon[34].

[30]Articles 35 and 36 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.
[31]Articles 68 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.
[32]Articles 42 and 43 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.
[33] Article 39 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.
[34] Article 37 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.

Transparency and explicability relate closely to adequate responsibility and accountability measures, as well as to trustworthiness of AI systems[35]. If transparency and explainability are lacking in the operation of AI systems, the procedures for risk assessment and adoption of preventive measures of harms would not be guaranteed[36].

Transparency and explicability of AI systems are *sine qua non* to ensure the respect, protection and promotion of human rights, fundamental freedoms and ethical principles. It is a requirement for relevant national and international liability regime[37]. Where the decision of AI systems is understood or explainable to have an irreversible impact or may involve human life and death, final human determination of the decision should apply[38].

vii. Cybersecurity

Cybersecurity is a legal issue in the use of AI systems. Artificial Intelligence is susceptible to cyber threats and hazards. For examples, sophisticated cyber actors, criminals, and nation-states can exploit vulnerabilities to steal or influence the flow of money or essential information[39]. Such actors are increasingly developing skills to threaten, harm, or disrupt the delivery of vital services of AI. Targets of cyber attacks may include servers, tools, and so on. AI devices may be infected with software viruses, Trojan horses, or worms that will precipitate malfunction of the AI systems. Moreover, corrupted data or infected algorithms can lead to incorrect and unsafe outcomes. Hostile actors could get access to sensitive data. AIs are vulnerable to manipulation[40].

viii. **Intellectual Property**

Intellectual property law is one of the legal issues that application of AI systems raises[41]. The operation of AI might use the work of other persons without permission and consequently, the copyrighted works might be infringed by AI leading to litigations[42]. The allegation of exploitation of intellectual property had ensued in lawsuits against AI companies. For examples, New York Times sued Open AI and

[35] Article 41 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.
[36] Article 25 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.
[37] Article 37 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.
[38] Articles 26, 35 and 36 of the UNESCO Recommendation on the Ethics of Artificial Intelligence (as adopted on 23rd November, 2021.
[39]Smart W. "Lessons learned review of the WannaCry Ransomware Cyber Attack,", <https://www.england.nhs.uk/wp-content/uploads/2018/02/lessons-learned-review-wannacry-ransomware-cyber-attack-cio-review.pdf> 2018 Accessed 15.01.25
[40] <https://ncair.nitda.gov.ng/wp-content/uploads/2024/08/National-AI-Strategy_01082024-copy.pdf> Accessed 16/01/2025
[41] <https://ncair.nitda.gov.ng/wp-content/uploads/2024/08/National-AI-Strategy_01082024-copy.pdf> Accessed and downloaded 16/01/2025
[42] Dinerstein v. Google, No. 1:19-cv-04311; 2019.

Microsoft for copyright infringement[43]. Also, a group of eight US newspapers sued ChatGPT-maker OpenAI and Microsoft on the allegation that the latter used their copyrighted news article to train their AI chatbots without payment or permission[44]. The tendency of the AI systems to use or "purloin" the copyrighted works or intellectual works without permission will continue to raise legal issue of intellectual property law.

3. Regulatory Framework for Artificial Intelligence in Nigeria

Artificial Intelligence (AI) regulations are still evolving globally and Nigeria is no exception. While there is no a specific comprehensive national AI law in Nigeria yet, the government has made significant strides in regulating AI through its formulation of AI Policies and reliance on existing laws. Some of the existing key regulations of AI in Nigeria are highlighted below.

Key Regulations of Artificial Intelligence in Nigeria

i. Constitution of the Federal Republic of Nigeria[45]: Chapter IV of the Constitution sets out fundamental rights of human rights[46].

ii. National Information Technology Development Agency (NITDA) Guidelines: NITDA[47] has issued guidelines for the management of personal data by public institutions in Nigeria, which has implications for AI development and deployment. National Artificial Intelligence Policy was also published by NITDA in 2022. Again, National Artificial Intelligence Strategy was published in 2024 which outlines strategic objectives for responsible use of AI. The Strategy has now considered the U.S. National Institute of Standards & Technology (NIST) Frameworks for AI Risk Management as a model for use in Nigeria[48].

iii. Nigeria Data Protection Act[49]: The law provides, among others, for regulation of the processing and protection of personal data in Nigeria. The law applies to the processing

[43]<https://www.theguardian.com/media/2023/dec/27/new-york-times-openai-microsoft-lawsuit> Accessed 1st January, 2025

[44]<https://www.google.com/amp/s/amp.theguardian.com/technology/2024/apr/30/usnewspaperopenai-lawsuit> Accessed 5th January, 2025

[45] Constitution of the Federal Republic of Nigeria,1999 (as amended)

[46] See Sections 33,34,35,37 and 42 of the Constitution which respectively provide for right to life, right to dignity of human person, right to personal liberty, right to privacy and right against discrimination. If the AI system is not responsibly used, these rights may be infringed upon during the lifecycle of AI systems. Consequent upon the lacuna in law in providing specific regulatory framework for AI the Constitutional provisions will be resorted to.

[47] National Information Technology Development Agency Act, 2007. Federal Republic of Nigeria Official Gazette, No. 99, Vol. 94, Lagos-5th October,2007.

[48]< https://www.dataguidance.com/news/nigeria-nitdas-ncair-publishes-draft-national-ai> Accessed 16th January, 2025.

[49] Nigeria Data Protection Act, 2023. Federal Republic of Nigeria Official Gazette, No. 119, Lagos-1st July,2023, Act No. 37, Vol. 110, Government Notice No. 82.

of personal data whether by automated means or not[50]. The law replaces the Nigeria Data Protection Regulation (NDPR) which hitherto provides a robust legal framework for the protection of personal data, similar to the European Union's General Data Protection Regulation (GDPR).

iv. Security and Exchange Commission Rules on Robo-Advisory Services[51]: It gives rules to financial institution in the application of AI systems.

v. Cybercrimes (Prohibition, Prevention, etc) (amendment) Act[52]: This Act criminalizes cybercrimes and provides a framework for the prosecution of cyber offenders. The Act also addresses cyber safety.

vi. Copyright Act[53]: This is an intellectual property law that is made applicable to the development and application of artificial intelligence systems.

vii. Patent and Design Act[54]: This is also an intellectual property that may apply to the development of artificial intelligence.

viii. Trademarks Act[55]: It is an intellectual property law that may also be resorted to for the purpose of the trademarks of artificial intelligence.

4. Global Standards and International Guidelines for Artificial Intelligence Regulation

In a bid to set up regulatory framework for artificial intelligence, unilateral and multilateral laws and guidelines have evolved[56]. The piths of those unilateral and multilateral laws and guidelines are to countervail or balance the risks and benefits that are inherent in the use of artificial intelligence. The global standards and international guidelines for regulating artificial intelligence is legislation on artificial intelligence in accordance with the principles and recommendations enunciated by international organization. Adoption of the models of laws that incorporate the principles and recommendations of international organization is also a global standard. The global standards and guidelines encapsulate the regulatory the standards and approaches such as risk-based, sector-specific, principle-based or any regulatory approach intended by the legislatures. Some of the global standards and guidelines for regulating Artificial Intelligence will now be considered.

i. **OECD AI Principles**: The Organization for Economic Co-operation and Development (OECD) has developed a set of AI principles[57]. These principles are

[50] See Section 2 (1) of the Nigeria Data Protection Act, 2023 where it is provided thus: "2.-(1) This Act shall apply to the processing of personal data, whether by automated means or not."

[51] <https://sec.gov.ng/wp-content/uploads/2023/04/Rules-on-Robo-Advisory-Services_Executed-30-August-2021.pdf> Accessed 18th January,2025.

[52] Cybercrimes (Prohibition, Prevention, etc) (amendment) Act, 2024. The Act amended the Cybercrimes (Prohibition, Prevention, etc) Act, No. 17, 2015

[53] Cap C28, Laws of the Federation of Nigeria, 2004

[54] Cap P2, Laws of the Federation of Nigeria, 2004

[55] Cap T13, Laws of the Federation of Nigeria, 2004

[56]<https://www.europarl.europa.eu/RegData/etudes/ATAG/2024/757605/EPRS_ATA(2024)757605_EN.pdf>Accessed 18th January, 2025

[57] The principles were firstly adopted in 2019 and was updated in May, 2024.

meant to guide the state parties in the formulation of laws and policies that promote responsible AI development and deployment. These principles are now well entrenched in AI legal frameworks of many countries. The European Union, the United States, the United Nations and many other jurisdictions around the globe use OECD's definition of AI system in their legislative and regulatory framework for responsible governance of AI. Accordingly, over 47 countries have demonstrates adherence to the AI principles as propounded by OECD[58].

ii. **UNESCO AI Ethics Recommendations**[59]: The United Nations Educational, Scientific and Cultural Organization (UNESCO) also developed a set of AI ethics recommendations that promote human-centered AI development. These recommendations are capable to give a unified global standard if regard is had to them by the state parties in the formulation of the regulatory frameworks for Artificial Intelligence.

iii. **EU AI Act**[60]: The European Union (EU) has set the pace for the global regulatory frameworks for AI through the enactment of AI Act just as it did in data protection[61]. The rules and principles of artificial intelligence harmonized in EU AI Act ensure that duties and rights, ethical principles and risks are comprehensively addressed. It is the world AI regulatory model. The Act incorporates the OECD AI principle. It underscores a risk-based approach that prohibits AI systems that pose unacceptable risks and set up high-risk applications set with the defined obligations for the developers and users and as well set up a governance structure at European and national level. Apart from adoption of risk-based approach, EU AI Act incorporates principles-based approach regulation which is oriented on promoting responsible AI development and deployment through principles such as transparency, explainability and fairness. It ensures the protection of fundamental human rights. The Act also inculcates general sectors-approach to AI regulation and thereby regulates AI in many sectors, *inter alia*, such as healthcare, finance, law enforcement, justice, education and transportation.

5. Conclusion and Recommendations

The application of artificial intelligence in various fields of endeavours in Nigeria, as in other nations of the world, as come to stay. Thus it can be said that the application of artificial intelligence may only be regulated in any field but it may not be outrightly banned. The legal and ethical issues inherent in the application of AI have however raise concerns for its specific

[58] <www.oecd.org> Accessed 18th January,2025
[59]< https://unesdoc.unesco.org/ark:/48223/pf0000380455> Accessed 18th January,2025.
[60] Regulation (EU) 2024/1689. The Act lays down the harmonised rules on artificial intelligence. The Act will be effective from August, 2026. <https://ai-act-law.eu/> Accessed 18th January,2025.
[61] See EU General Data Protection Regulation.

regulatory framework by different nations of the world. The nature of AI and its rapid evolution and application make its regulation imperative in Nigeria.

Although Nigeria has made progress in regulating AI through its policies and existing laws, there is still a need to have a specific comprehensive national AI law including policy and capacity building to ensure effective regulation.

It is imperative for Nigeria to have a comprehensive national AI law that regulates the development, deployment, and outcomes of AI systems. The nation should invest and focus on capacity building in AI development, deployment, and regulation that ensure that Nigeria effectively benefit from AI. Nigeria should engage in international cooperation to learn from other countries' experiences in regulating AI.

Nigeria has no specific law regulating artificial intelligence that would have circumscribed the legal and ethical issues inherent therein. It is therefore imperative to specifically regulate artificial intelligence in Nigeria to maximally benefit from it and to protect the rights of the citizens which violation might be occasioned by the use, misuse, abuse and the inherent risks in the in application of artificial intelligence. It is noteworthy that international policies formulated for the purpose of policy directive in the application of AI in Nigeria are complementary and not primary legislation. The use of artificial intelligence raises legal and ethical issues which must be considered in making specific regulatory framework for artificial intelligence in Nigeria.

Nigerian government needs to regulate artificial intelligence with a specific law like European Union Artificial Intelligence Act. Just like European Union General Data Protection Regulation (EU GDPR), EU AI Act has now become a model. It is recommended that the EU AI be adapted *mutatis mutandis* by the legislatures to ensure that the nation benefit greatly and the citizens are protected from harms and violation of their rights by the application of artificial intelligence.

It is further recommended that UNESCO Recommendations on the Ethics of AI can be adopted as a standard for regulating artificial intelligence in Nigeria. Also, regard must be had for the principles enunciated in OECD. Regulation of artificial intelligence in Nigeria must therefore be a continuous exercise. Continuous regulation of AI systems is fundamentally imperative and incumbent on the nation Nigeria, and in fact every nation of the world, to address the inherent ethical and legal issues inherent in the application of artificial intelligence.