

Law and Justice: A Philosophical Perspective on Legal Obligation

Stephen L. W. Nyeenenwa¹, Olorunsiwa, Olamide Precious²

Abstract— The concepts of law, justice, and legal obligation occupy a central position in philosophy because they address the fundamental question of why individuals ought to obey the law. Despite the existence of legal systems designed to regulate social behaviour and maintain public order, persistent challenges such as corruption, abuse of political power, selective enforcement of laws, human rights violations, and declining public confidence in legal institutions continue to raise concerns about the legitimacy of legal authority. These challenges are particularly evident in contemporary constitutional democracies such as Nigeria, where the gap between legal validity and substantive justice often undermines citizens' willingness to regard obedience to law as a moral responsibility. This paper therefore examines the philosophical foundations of legal obligation by exploring the relationship between law, justice, and legal obligation. It examines the contributions of Thomas Hobbes, John Locke, Jean-Jacques Rousseau, and H. L. A. Hart while drawing relevant illustrations from Nigeria's constitutional and legal experience. The study also engages major traditions, including Natural Law Theory, Legal Positivism, and Social Contract Theory, to explain the moral and legal foundations of obedience to law. The paper finds that legal obligation cannot be adequately explained by coercive political authority or legal validity alone. While Hobbes emphasises political order and security as the basis of legal obligation, Locke grounds obedience in consent and the protection of natural rights, Rousseau locates it in the General Will, and Hart explains it through institutional rules and legal validity. Collectively, these philosophical perspectives demonstrate that the legitimacy of legal obligation rests upon the harmonious interaction of lawful authority, constitutional governance, and moral justice. The paper concludes that a legal system commands genuine and enduring obedience only when it embodies justice, protects human dignity, respects constitutional rights, and promotes the common good. In the Nigerian context, strengthening legal obligation requires transparent governance, judicial independence, effective anti-corruption measures, equal application of the law, and sustained commitment to the rule of law. The study therefore argues that justice remains the indispensable moral foundation of legal obligation, and that law can fulfil its philosophical purpose only when legality is consistently aligned with fairness, accountability, and respect for human dignity.

Keywords: Law; Justice; Legal Obligation; Jurisprudence; Rule of Law.

^{1,2}Department of Philosophy Rivers State University Port Harcourt, Rivers State, Nigeria

Email: nyeenenwa.stephen@ust.edu.ng.

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INTRODUCTION

Law and justice are among the oldest and most enduring concerns in philosophy. From the ancient Greek philosophers to contemporary legal theorists, the question of why individuals ought to obey the law has remained a central issue in philosophy. While law provides a system of rules governing social conduct, justice concerns the moral principles that determine whether those rules are fair, equitable, and conducive to the common good. The relationship between these concepts gives rise to one of the most fundamental philosophical questions in jurisprudence: what makes a legal obligation genuinely binding? Is it the mere existence of a law enacted by a legitimate authority, or must the law also satisfy certain moral standards before citizens are obligated to obey it?

The concept of legal obligation refers to the duty imposed upon individuals to comply with laws enacted by a recognised political authority. However, philosophers have long disagreed about the basis of this obligation. For Natural Law theorists, such as Plato, Aristotle, and Thomas Aquinas, legal obligation derives its legitimacy from its conformity with moral principles and the demands of justice. According to this tradition, an unjust law lacks genuine moral authority and may not impose a true obligation upon citizens (Aquinas, 1948). In contrast, Legal Positivists, represented by thinkers such as John Austin and H. L. A. Hart, argue that the validity of law depends on its source rather than its moral content. For positivists, legal obligation arises from the authority of the legal system, even though moral evaluation remains a separate matter (Austin, 1995; Hart, 2012).

Throughout history, many governments have enacted laws that were legally valid but morally reprehensible, including laws supporting slavery, racial segregation, colonial domination, and authoritarian rule. Such examples raise pressing philosophical questions: should citizens obey unjust laws? Is obedience to the law always a moral duty? When is civil disobedience justified? These questions demonstrate that legal obligation cannot be understood solely through legal rules; it also requires ethical and political analysis.

The relationship between law and justice is particularly significant in democratic societies where the rule of law is regarded as a cornerstone of good governance. Justice requires that laws be impartial, protect fundamental rights, promote equality before the law, and serve the common good. Without justice, law risks becoming an instrument of oppression rather than a mechanism for social order. Consequently, philosophers such as John Rawls maintain that the legitimacy of legal obligation depends not only on legal authority but also on fairness, respect for individual rights, and the moral integrity of legal institutions (Rawls, 1999).

The Nigerian experience further illustrates the complexity of legal obligation. The Constitution establishes the rule of law as a guiding principle of governance, yet

challenges such as corruption, abuse of political power, selective enforcement of laws, judicial delays, electoral malpractice, and insecurity have often undermined public confidence in legal institutions (Achebe, 1983; Human Rights Watch, 2021). These realities provoke important philosophical questions about the legitimacy of legal authority. When laws are applied inconsistently or public officials disregard constitutional principles, citizens may question whether they remain morally bound to obey such a legal system. The tension between legality and justice therefore remains a pressing issue in Nigeria's democratic development.

THE CONCEPT OF LAW

The concept of law has been interpreted differently across philosophical traditions. At its most basic level, law may be understood as a body of rules established and enforced by a recognised political authority to regulate social conduct and maintain public order. However, philosophers disagree on whether law derives its authority solely from political institutions or from moral principles.

For Aristotle, law is the embodiment of reason directed toward the common good. In *Politics*, he argues that "the rule of law is preferable to the rule of any individual because law represents reason free from passion" (Aristotle, 1998, p. 1287a). Aristotle therefore views law not merely as commands backed by force but as an instrument for cultivating virtue and ensuring justice within the polis. Similarly, Thomas Aquinas defines law as an ordinance of reason for the common good, made by one who has care of the community and promulgated (Aquinas, 1948). Aquinas's definition demonstrates the Natural Law conviction that law must conform to reason and morality. A law that contradicts moral reason ceases to possess genuine legal authority because it departs from the purpose for which law exists.

In contrast, John Austin, representing the Legal Positivist tradition, defines law as the command of a sovereign backed by sanctions (Austin, 1995). According to Austin, the validity of law depends upon its source rather than its moral content. Whether a law is just or unjust does not affect its status as law so long as it is enacted by a legitimate authority. H. L. A. Hart refined Austin's theory by arguing that legal systems consist not only of commands but also of primary rules regulating conduct and secondary rules governing the creation, interpretation, and application of laws (Hart, 2012). Hart's "Rule of Recognition" explains how legal officials determine what counts as valid law within a legal system. Thus, law is not merely a system of enacted rules but an interpretative practice aimed at achieving justice. These perspectives reveal that law is both a legal and philosophical concept. While positivists emphasise legal validity and institutional authority, natural law theorists insist that law cannot be separated entirely from morality and justice (Finnis, 2011).

THE CONCEPT OF JUSTICE

Justice is one of philosophy's most contested concepts. It concerns fairness, equality, rights, and the proper distribution of benefits and burdens within society. Since antiquity, philosophers have sought to determine what constitutes a just society and how justice ought to be reflected in legal institutions.

Plato, in *The Republic*, conceives justice as harmony within both the individual soul and the political community (Plato, 1992). Justice exists when every person performs the role suited to his or her nature without interfering with the roles of others. For Plato, justice is fundamentally an ethical virtue rather than merely a legal principle.

In the modern period, John Rawls defines justice as fairness. He argues that the principles governing society should be chosen behind a hypothetical "veil of ignorance," where individuals are unaware of their future social positions (Rawls, 1999). This ensures impartiality and equal respect for all citizens. Rawls's theory has become one of the most influential philosophical accounts of justice in contemporary political philosophy. Robert Nozick criticises redistributive theories of justice by emphasising individual liberty and property rights. He argues that justice depends upon legitimate acquisition and voluntary exchange rather than equal distribution (Nozick, 1974). These diverse conceptions demonstrate that justice cannot be reduced to legal compliance alone. Rather, it embodies moral ideals that evaluate whether legal institutions truly promote human flourishing.

The Concept of Legal Obligation

Legal obligation refers to the duty imposed upon individuals to obey laws enacted by legitimate political authorities. Philosophically, however, the existence of legal obligation raises difficult questions concerning the grounds upon which citizens ought to obey the law.

Thomas Hobbes contends that legal obligation arises because individuals consent, either explicitly or implicitly, to surrender certain freedoms to a sovereign who guarantees peace and security. Without such obedience, society would return to the anarchic "state of nature" (Hobbes, 1996).

John Locke, although also a social contract theorist, argues that legal obligation depends upon governmental protection of natural rights (Locke, 1988). When governments violate life, liberty, or property, citizens are justified in resisting unjust authority. Thus, legal obligation is conditional rather than absolute. H. L. A. Hart distinguishes between being obliged through coercion and having an obligation grounded in accepted social rules. Citizens possess legal obligations because legal institutions establish normative expectations recognised by society (Hart, 2012).

Ronald Dworkin contends that legal obligation cannot be explained solely through legal rules. Judges and citizens possess obligations arising from principles of fairness, equality, and individual rights embedded within constitutional traditions

(Dworkin, 1986). Consequently, legal obligation remains both a legal and moral concept. It involves questions concerning political legitimacy, consent, authority, justice, and individual conscience.

The Philosophical Foundations of Legal Obligation

The question of legal obligation occupies a central position in jurisprudence and philosophy. While legal systems generally assume that citizens have a duty to obey the law, philosophers have long disagreed about the basis of that duty. Is legal obligation grounded in morality, political authority, social agreement, or judicial practice? The answer to this question has produced several influential schools of thought, notably Natural Law Theory, Legal Positivism, and Social Contract Theory. Each offers a distinct account of the relationship between law, justice, and legal obligation.

Natural Law Theory

Natural Law Theory is one of the oldest and most influential traditions in legal philosophy. It maintains that law derives its legitimacy from universal moral principles rooted in reason and human nature. According to this theory, a legal rule becomes genuinely binding only when it conforms to the requirements of justice and the common good. Consequently, an unjust law may possess legal force but lacks true moral authority.

The origins of Natural Law may be traced to Plato and Aristotle, who viewed law as an instrument for promoting virtue and justice within society. Plato argued that the ideal state is governed by wisdom and justice rather than by arbitrary political power (Plato, 1992). Aristotle similarly maintained that law should embody rational principles directed toward the flourishing (*eudaimonia*) of the political community (Aristotle, 1998).

Natural Law reached its classical formulation in the writings of Thomas Aquinas, who synthesised Aristotelian philosophy with Christian theology. Aquinas distinguished four forms of law: Eternal Law, Natural Law, Human Law, and Divine Law. Human laws derive their authority from Natural Law, which is accessible through human reason and directs persons toward the common good. According to Aquinas, "every human law has just so much of the nature of law as it is derived from the law of nature. But if in any point it deflects from the law of nature, it is no longer a law but a perversion of law" (Aquinas, 1948, Q. 95, Art. 2). This principle establishes one of the defining claims of Natural Law jurisprudence: an unjust law is not a true law (*lex iniusta non est lex*).

Natural Law has significantly influenced modern constitutionalism and international human rights. The concepts of human dignity, equality before the law, and inalienable rights found in contemporary constitutional democracies reflect Natural Law assumptions that certain moral rights exist independently of governmental enactment (Finnis, 2011). Nevertheless, critics argue that Natural Law often assumes

universal moral principles where societies exhibit profound ethical disagreement. H. L. A. Hart contends that legal validity should not depend upon contested moral judgments because doing so introduces uncertainty into legal systems (Hart, 2012). Despite such criticisms, Natural Law remains influential because it provides a moral standard for evaluating unjust legal systems.

Legal Positivism

Legal Positivism emerged largely in response to Natural Law. It argues that the existence and validity of law depend upon social facts rather than moral values. In other words, whether a law is legally valid depends upon its source, not whether it is morally good.

The earliest systematic exposition of Legal Positivism was developed by John Austin, who defined law as "the command of the sovereign backed by sanctions" (Austin, 1995, pp. 18–24). According to Austin, citizens obey laws because they are issued by a politically superior authority capable of enforcing compliance. Questions concerning justice or morality belong to ethics rather than jurisprudence. Austin's command theory, however, proved inadequate for explaining constitutional democracies, customary law, and judicial decision-making. Consequently, H. L. A. Hart reformulated Legal Positivism by distinguishing primary rules, which regulate conduct, from secondary rules, which determine how laws are created, amended, and interpreted (Hart, 2012). Hart's most significant contribution is the concept of the Rule of Recognition, a social rule accepted by legal officials for identifying valid legal norms within a legal system. Under this theory, legal obligation arises because citizens participate in a legal order whose institutions are recognised as authoritative (Raz, 2009).

Unlike Austin, Hart acknowledged that morality often influences legislation. Nevertheless, he insisted that legal validity remains conceptually separate from moral evaluation. Thus, a law may be legally valid even if it is morally unjust. Legal Positivism offers several advantages. It promotes legal certainty, protects judicial neutrality, and prevents judges from substituting personal moral preferences for enacted law. However, critics argue that excessive separation of law and morality can legitimate oppressive legal systems. The legality of apartheid legislation in South Africa and discriminatory colonial laws in Africa illustrates the danger of recognising legal validity without sufficient regard for justice (Dyzenhaus, 1991).

Social Contract Theory

Social Contract Theory explains legal obligation as arising from an agreement between citizens and political authority. Individuals surrender certain freedoms in exchange for security, social order, and protection of their rights.

Thomas Hobbes argues that before government existed, humanity lived in a "state of nature" characterised by insecurity, fear, and violent conflict. To escape this

condition, rational individuals collectively authorise an absolute sovereign whose laws must be obeyed to preserve peace (Hobbes, 1996). Legal obligation therefore rests upon political necessity rather than moral virtue.

John Locke presents a more liberal account. Although government originates through consent, political authority exists primarily to protect natural rights, particularly life, liberty, and property. When governments violate these rights, citizens are justified in withdrawing their consent and resisting tyranny. Legal obligation is therefore conditional upon governmental legitimacy (Locke, 1988).

Jean-Jacques Rousseau further develops Social Contract Theory by arguing that citizens obey laws because they participate in forming the General Will (Rousseau, 1968). Laws express collective self-government rather than external domination. Consequently, obedience to law becomes obedience to one's own rational will as a member of the political community. Social Contract Theory remains influential because it explains democratic legitimacy through consent, constitutional government, and popular sovereignty. Modern constitutions, representative government, and democratic elections embody many of its principles. Most people are born into existing political systems rather than voluntarily joining them. Nevertheless, Social Contract Theory continues to provide an important normative justification for constitutional democracy (Rawls, 1999).

Classical Philosophical Perspectives on Legal Obligation

The classical social contract tradition provides one of the most influential philosophical explanations of legal obligation. Unlike Natural Law theorists, who ground legal obligation primarily in morality, social contract philosophers explain it through political agreement, consent, and the establishment of civil society. Among the most significant contributors to this tradition are Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Although each philosopher begins from the hypothetical "state of nature," they reach different conclusions regarding political authority, justice, individual rights, and the extent of citizens' obligation to obey the law.

Thomas Hobbes: Legal Obligation as Absolute Obedience to Sovereign Authority

Thomas Hobbes developed one of the earliest systematic accounts of legal obligation in his masterpiece, *Leviathan*. Writing during the political instability of the English Civil War, Hobbes sought to explain why peace and political order require an absolute sovereign whose laws command obedience.

The State of Nature

Hobbes begins by imagining humanity before the establishment of government. In this state of nature, all individuals possess equal freedom and equal vulnerability. Since there is no common authority capable of enforcing rules, every person competes for survival, resources, and security. This condition inevitably results in conflict, which

Hobbes famously describes as a state in which life is "solitary, poor, nasty, brutish, and short" (Hobbes, 1996, p. 13). Without law, there can be neither justice nor injustice because there is no authority to determine rights and duties. Justice becomes possible only after political society has been established.

The Social Contract and the Origin of Legal Obligation

To escape perpetual insecurity, rational individuals collectively agree to surrender most of their natural liberties to a sovereign who possesses absolute political authority. This agreement constitutes the social contract. According to Hobbes, legal obligation arises because individuals have authorised the sovereign to make and enforce laws on their behalf. Consequently, obedience to the law becomes essential for preserving peace and preventing society from collapsing into violence. Unlike later liberal philosophers, Hobbes does not believe citizens retain a general right to resist government. Since the sovereign guarantees security, disobedience threatens the very foundation of civil society. Thus, legal obligation is nearly absolute, except where obedience directly endangers one's own life.

Justice and Law

For Hobbes, an action is just because it conforms to laws established by the sovereign. Justice therefore derives from political authority rather than from independent moral principles. This position differs sharply from Natural Law theory. Whereas Aquinas argues that unjust laws cease to be genuine laws, Hobbes maintains that legal validity depends upon sovereign authority, not moral evaluation. Hobbes's theory remains significant because it demonstrates the indispensable role of law in maintaining political stability. His emphasis on security continues to influence modern constitutional theory, emergency powers, and national security legislation (Schmitt, 2005).

However, critics argue that Hobbes grants excessive power to government. By making obedience almost unconditional, his theory provides limited protection against authoritarianism, abuse of power, and violations of fundamental rights. Contemporary democratic societies generally reject Hobbes's defence of absolute sovereignty in favour of constitutional limitations and judicial review.

John Locke: Legal Obligation Founded upon Consent and Natural Rights

John Locke offers a markedly different understanding of legal obligation. While accepting the social contract framework, Locke argues that government exists not to exercise unlimited authority but to protect the natural rights of citizens.

The State of Nature

Unlike Hobbes, Locke views the state of nature as a condition governed by Natural Law. Human beings possess natural rights to life, liberty, and property, and reason teaches that these rights should be respected. Although generally peaceful, the state of nature lacks impartial institutions capable of resolving disputes and enforcing

justice consistently. Individuals therefore establish government to remedy these inconveniences rather than to escape perpetual warfare (Locke, 1988).

Consent and Political Authority

Locke maintains that legitimate political authority depends upon the consent of the governed. Governments derive their authority from citizens, not from divine right or military force. Legal obligation therefore arises because individuals voluntarily establish political institutions to secure their rights more effectively than they could in the state of nature. Unlike Hobbes, however, Locke insists that governmental authority is limited. Laws are binding only when they protect the public good and respect the natural rights of citizens.

The Right to Resist Unjust Government

One of Locke's most influential contributions is his doctrine of the right of resistance. When governments violate natural rights or govern arbitrarily, they breach the social contract and forfeit their legitimacy. Consequently, citizens may lawfully resist or replace oppressive governments. Locke writes, "Whenever the legislators endeavour to take away and destroy the property of the people . . . they put themselves into a state of war with the people" (Locke, 1988, p. 222). Legal obligation is therefore conditional rather than absolute. Citizens owe obedience only to governments that remain faithful to the purposes for which political authority was originally established.

Justice and Constitutional Government

Locke's conception of justice emphasises limited government, equality before the law, private property, and constitutional accountability. His philosophy profoundly influenced modern liberal democracy, constitutionalism, the American Declaration of Independence, and contemporary human rights discourse (Waldron, 2002).

Jean-Jacques Rousseau: Legal Obligation and the General Will

Jean-Jacques Rousseau transforms Social Contract Theory by arguing that genuine freedom is achieved through participation in collective self-government rather than merely through protection of individual rights.

The State of Nature

Rousseau rejects Hobbes's pessimistic description of humanity. He argues that human beings in the state of nature are naturally peaceful, compassionate, and independent. Social inequality and political domination emerge only after the development of private property and social institutions (Rousseau, 1992). Thus, the central challenge is not merely creating government but establishing political institutions capable of preserving both freedom and equality.

The Social Contract and the General Will

Rousseau argues that individuals enter into a social contract by uniting themselves under the General Will (*volonté générale*), which represents the common good rather than the private interests of individuals or groups. Unlike Hobbes, citizens

do not surrender their freedom to a ruler. Instead, they collectively become both authors and subjects of the law. Accordingly, legal obligation arises because individuals obey laws that they have collectively prescribed for themselves. Rousseau famously declares, "Obedience to a law which we prescribe to ourselves is liberty" (Rousseau, 1968, p. 8). It therefore follows that legal obligation merely expresses political freedom rather than political subordination.

Justice, Equality, and Civic Responsibility

Rousseau maintains that justice requires laws reflecting the common good rather than the interests of political elites. Citizens possess both rights and civic responsibilities, and public participation becomes essential for preserving legitimate government. His theory rejects authoritarianism while also criticising excessive individualism. Justice requires balancing personal freedom with collective welfare (Cohen, 2010).

Law and Justice in the Nigerian Context

The philosophical discussion of law and justice acquires greater significance when examined within the Nigerian context. Nigeria's legal system is founded on constitutional democracy, the rule of law, and the protection of fundamental human rights. The Constitution of the Federal Republic of Nigeria 1999 (as amended) proclaims the Constitution as the supreme law of the land and establishes institutions responsible for ensuring justice, accountability, and the protection of citizens' rights (Constitution of the Federal Republic of Nigeria, 1999).

Despite these constitutional guarantees, Nigeria continues to face persistent challenges such as corruption, selective application of the law, executive interference, judicial delays, electoral malpractice, insecurity, and human rights violations (Human Rights Watch, 2021; Transparency International, 2023). These realities raise profound philosophical questions concerning the legitimacy of legal obligation and the relationship between law and justice. From a philosophical perspective, citizens are more likely to obey the law when legal institutions are perceived as fair, impartial, and committed to justice. Conversely, where laws are applied selectively or public officials disregard constitutional principles, the moral foundation of legal obligation becomes weakened. The Nigerian experience therefore illustrates the continuing relevance of classical and contemporary philosophical debates concerning law, justice, and political authority.

Constitutionalism and the Rule of Law

Constitutionalism refers to the principle that governmental power must be exercised according to the Constitution rather than the arbitrary will of political leaders. The Nigerian Constitution establishes a democratic system founded upon the separation of powers among the executive, legislature, and judiciary. It also guarantees fundamental rights such as the right to life, personal liberty, freedom of expression,

freedom of association, and freedom from discrimination (Constitution of the Federal Republic of Nigeria, 1999).

The principle of the rule of law, popularised by A. V. Dicey, requires that all persons, including public officials, remain subject to the law and that governmental authority be exercised according to established legal procedures (Dicey, 1915). In a constitutional democracy, no individual is above the law, and legal institutions derive legitimacy from their commitment to equality before the law. Philosophically, the rule of law reflects John Locke's argument that political authority exists to protect citizens' rights rather than to exercise arbitrary power. Government therefore remains legitimate only when it governs according to constitutional principles and respects the consent of the governed. In Nigeria, however, constitutionalism has often been challenged by executive overreach, disregard for judicial orders, and political interference in public institutions (Ojo, 2014). Such practices undermine public confidence in legal authority and weaken citizens' perception of legal obligation.

Judicial Independence and Legal Obligation

The judiciary occupies a central position in ensuring justice and maintaining public confidence in the legal system. Judicial independence requires courts to decide cases impartially without political influence, intimidation, or corruption. Independent courts ensure that citizens receive equal treatment under the law and that constitutional rights are effectively protected.

From the perspective of Ronald Dworkin, judges do more than mechanically apply statutes; they interpret legal rules in accordance with principles of justice, fairness, and individual rights (Dworkin, 1986). Judicial independence therefore strengthens the moral legitimacy of legal obligation because citizens trust that disputes will be resolved according to law rather than political interests. Nigeria has made important constitutional provisions for judicial independence through the establishment of institutions such as the National Judicial Council (NJC). Nevertheless, allegations of political interference, delayed administration of justice, inadequate judicial funding, and corruption have continued to affect public confidence in the courts (Adeyemi, 2019). Lengthy criminal trials, inconsistent judicial decisions, and prolonged detention of suspects without trial have generated criticism regarding access to justice. Where courts appear unable to protect constitutional rights effectively, citizens may question whether legal institutions truly embody justice.

Corruption and the Selective Application of the Law

Corruption remains one of the greatest obstacles to justice and legal obligation in Nigeria. Philosophically, corruption undermines the very purpose of law because legal institutions cease to promote equality and instead become instruments serving private interests.

The selective enforcement of laws violates one of Aristotle's fundamental principles of justice: that equals should be treated equally according to law. When politically connected individuals escape accountability while ordinary citizens face strict punishment, the principle of equality before the law is compromised. Similarly, John Rawls's conception of justice as fairness requires public institutions to operate impartially and fairly for all members of society (Rawls, 1999). Selective prosecution and unequal access to justice violate this principle by creating unequal treatment under the legal system. Although institutions such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) have prosecuted numerous corruption cases, public perception often reflects concerns regarding selective prosecution and political influence (Transparency International, 2023). These perceptions weaken public confidence in legal institutions and reduce citizens' willingness to regard legal authority as morally legitimate. Philosophically, legal obligation cannot flourish where corruption consistently undermines justice. Citizens are more likely to obey laws voluntarily when they perceive public institutions as impartial, transparent, and accountable.

Human Rights Protection and Constitutional Obligations

The protection of fundamental human rights constitutes one of the primary objectives of constitutional government. Chapter IV of the Nigerian Constitution guarantees civil and political rights essential for human dignity and democratic participation (Constitution of the Federal Republic of Nigeria, 1999). From a Natural Law perspective, governments possess a moral responsibility to respect these rights because they derive from human dignity rather than governmental generosity (Finnis, 2011). Likewise, Locke argues that governments exist primarily to protect life, liberty, and property; failure to perform this function undermines political legitimacy (Locke, 1988).

Nigeria has recorded important judicial decisions protecting constitutional rights. Nevertheless, challenges remain regarding police brutality, unlawful detention, restrictions on freedom of expression, electoral violence, and excessive use of force by security agencies (Human Rights Watch, 2021). The nationwide #EndSARS protests of 2020 provide an important contemporary example. Citizens protested against allegations of police brutality, extrajudicial killings, and abuse of power by members of the former Special Anti-Robbery Squad (SARS). Philosophically, the protests reflected demands not merely for legal reform but also for justice, accountability, and respect for human dignity. The movement illustrates that legal obligation depends significantly upon public confidence that state institutions themselves respect constitutional principles. Governments strengthen legal authority when they protect rights consistently and hold public officials accountable for abuses of power.

Public Trust and Citizens' Obligation to Obey the Law

Public trust represents one of the strongest foundations of legal obligation. Citizens are generally willing to obey laws voluntarily when they believe legal institutions operate fairly, impartially, and in the public interest. Thomas Hobbes argues that obedience to law preserves peace and protects society from disorder (Hobbes, 1996). However, John Locke insists that obedience depends upon government's continued protection of natural rights and constitutional principles (Locke, 1988). Together, these perspectives suggest that both political stability and justice are necessary conditions for sustainable legal obligation.

In Nigeria, strengthening public trust requires more than strict law enforcement. It also requires judicial independence, transparency in governance, effective anti-corruption measures, respect for court judgments, and equal application of the law irrespective of political status or social class. When government consistently demonstrates accountability and fidelity to constitutional values, citizens are more likely to regard obedience to law not merely as a legal requirement but as a moral responsibility contributing to national development (Ojo, 2014).

Contemporary Challenges to Legal Obligation

The concept of legal obligation is continually tested by the changing realities of contemporary society. Although philosophical theories provide compelling justifications for obedience to law, modern political, economic, and technological developments have introduced new challenges that complicate the relationship between law, justice, and moral responsibility. Issues such as terrorism, insecurity, globalisation, and human rights have generated difficult questions concerning the legitimacy of legal authority and the extent of citizens' obligation to obey the law. In democratic societies, legal obligation depends not only on the existence of enforceable laws but also on the confidence that those laws are just, fairly administered, and responsive to contemporary social realities (Alexy, 2002). Where governments fail to uphold these principles, citizens may begin to question the moral legitimacy of legal authority. These contemporary challenges are particularly relevant to developing democracies such as Nigeria, where constitutional ideals often confront complex political and institutional realities.

Insecurity and Terrorism

The increasing prevalence of terrorism, insurgency, banditry, kidnapping, and communal violence presents another challenge to legal obligation. Governments possess a constitutional responsibility to protect lives and maintain public order. However, measures adopted to achieve these objectives sometimes generate tensions between national security and individual liberty.

Thomas Hobbes maintains that the primary purpose of government is the preservation of peace and security. Citizens therefore possess a strong obligation to obey laws enacted for public safety because security constitutes the foundation of civil

society (Hobbes, 1996). Nevertheless, John Locke argues that governmental power remains limited by natural rights. Even during periods of insecurity, governments must respect constitutional protections and avoid arbitrary detention, torture, or unlawful restrictions on civil liberties (Locke, 1988). Nigeria's response to terrorism and armed conflict has occasionally generated debates concerning prolonged detention of suspects, emergency regulations, and allegations of human rights violations by security agencies (Human Rights Watch, 2021). Philosophically, these debates illustrate the continuing tension between collective security and individual freedom. Legal obligation is strengthened when governments successfully balance effective security measures with constitutional guarantees of justice and human rights.

Human Rights and State Authority

Modern constitutional democracies continually confront tensions between governmental authority and individual rights. While governments require sufficient authority to maintain order, citizens equally possess fundamental rights that cannot be arbitrarily restricted. Natural Law philosophers maintain that governments derive legitimacy from protecting human dignity rather than merely exercising political power (Finnis, 2011). Likewise, John Locke argues that political authority exists primarily to preserve life, liberty, and property (Locke, 1988).

International human rights instruments, including the Universal Declaration of Human Rights (1948) and the African Charter on Human and Peoples' Rights, reinforce the principle that governmental authority must remain subject to universal standards of justice and respect for human dignity (United Nations, 1948; Organisation of African Unity, 1981). In Nigeria, debates concerning freedom of expression, peaceful protest, media regulation, electoral rights, and police accountability illustrate the continuing tension between state authority and constitutional liberties. Therefore, legal obligation becomes stronger when citizens perceive governmental authority as protecting rather than threatening their fundamental rights.

Globalisation and International Legal Obligations

Globalisation has significantly transformed traditional understandings of legal obligation by expanding the influence of international law upon domestic legal systems. States increasingly participate in international organisations, regional institutions, and multilateral treaties addressing human rights, environmental protection, climate change, international trade, migration, and transnational crime. Consequently, governments now possess obligations extending beyond their own national constitutions (Kelsen, 1967).

International agreements require states to harmonise domestic legislation with global legal standards while respecting their constitutional traditions. Nigeria's membership in organisations such as the United Nations, the African Union, and the Economic Community of West African States (ECOWAS) illustrates this development.

These institutions impose legal commitments relating to democracy, human rights, peacekeeping, environmental sustainability, and regional cooperation.

However, globalisation also raises philosophical questions concerning sovereignty and democratic self-government. Some critics argue that excessive international influence may weaken national autonomy, while others contend that international legal obligations strengthen justice by promoting universal human rights and global accountability (Habermas, 2006). From a philosophical standpoint, globalisation demonstrates that legal obligation increasingly operates simultaneously at national, regional, and international levels.

Conclusion

The philosophical inquiry into law, justice, and legal obligation demonstrates that the obligation to obey the law is neither a simple legal requirement nor an unquestionable moral duty. Rather, it is a complex concept that lies at the intersection of jurisprudence, ethics, and political philosophy. Throughout history, philosophers have sought to answer the fundamental question: why should individuals obey the law? The various responses to this question reveal that legal obligation derives not merely from the coercive power of the state but also from the legitimacy, justice, and moral authority of legal institutions.

This paper examined the conceptual foundations of law, justice, and legal obligation, showing that while law provides the institutional framework for regulating society, justice serves as the moral standard by which the legitimacy of law is evaluated. Legal obligation, therefore, cannot be understood solely in terms of obedience to enacted rules; it also involves considerations of fairness, equality, human dignity, and the common good. This relationship explains why philosophical debates concerning law continue to influence constitutional governance, judicial interpretation, and democratic practice.

The Nigerian experience illustrates the practical relevance of these philosophical debates. Although the Constitution establishes the rule of law, constitutionalism, judicial independence, and the protection of fundamental rights, persistent challenges including corruption, selective enforcement of laws, insecurity, abuse of executive power, judicial delays, and human rights violations continue to undermine public confidence in legal institutions (Human Rights Watch, 2021; Transparency International, 2023). These realities reinforce the philosophical insight that citizens are more willing to obey the law when they perceive legal institutions as fair, impartial, transparent, and accountable. Where justice is compromised, legal obligation becomes increasingly fragile because the moral authority of the legal system is called into question.

Ultimately, this paper argues that law achieves its highest purpose only when it serves justice. A legal system that relies solely on coercion may secure temporary

compliance, but it cannot command enduring moral respect or voluntary obedience. Genuine legal obligation arises where laws are enacted through legitimate constitutional procedures, administered impartially, interpreted fairly, and directed toward the promotion of the common good. Thus, legality and justice must operate together if the law is to command both respect and obedience. Therefore, the philosophical study of legal obligation reminds us that the true strength of any legal system lies not in its power to compel obedience through sanctions, but in its capacity to inspire obedience through justice. A just legal order commands respect because it protects human dignity, safeguards individual rights, promotes equality before the law, and advances the common good. It is only when law consistently embodies these ideals that citizens can regard obedience not merely as a legal necessity but as a moral responsibility essential to the flourishing of society.

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