



# The use of data by administrators within the law-making process

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## Abstract

This study is aimed at finding out information resource availability and utilization in the lawmaking process by lawmakers in Edo State. A survey research design was used in the study with questionnaire as instrument for data collection. The result revealed that not all lawmakers use the library because it is not automated and lacks relevant and recent information materials that can meet the information needs of lawmakers. Also, the management lukewarm attitude towards the provision of relevant information resources in the library to meet legislators' information needs constitute problems faced by lawmakers in accessing relevant information. Recommendations made based on the findings were that management should stock the library with relevant and recent legislative information materials that could facilitate the legislative process of lawmakers in Edo state. The lawmakers are also advised to visit other parliamentary libraries outside their state and countries so they could appreciate the parliamentary library and its usefulness to the legislative process.

**Keywords:** Bill, information, administrators/legislators, legislative process.

## INTRODUCTION

Without the providence of information and its effective utilization in the legislative process by legislators, reliable laws in any society cannot be ascertained. Information is a very vital resource to individuals and organizations in the upgrade of knowledge about events and issues around them. It is a collection of data and facts in a well organised manner to gain knowledge. It is also knowledge derived from study, experience or instruction. Information allows communities to work in concepts with public officials and elected representatives (Kirkwood, 2004). It is a vital resource for the development of any community, state or country. The need for availability and utilization of information by lawmakers in the legislative process cannot be overemphasized. Lawmakers are also known as legislators are members of a legislative body who make laws within a given jurisdiction. They are in charge of law making and ensure that those laws are executed in the society. Just like every other body or organisation, the lawmakers utilize available information in the legislative process as they act as the eye, ear and voice of the people, which they represent. They adopt policies and make laws through the process of deliberation based on some broad set of principles

contained in written or unwritten constitutions. They use their resources and expertise to filter information from many sources and resolve conflicting ideological positions in other to move the state or nation forward. They perform dual roles; on the one hand, lawmakers make laws that affect the entire nation or state, which are presumably intended for the good of the nation as a whole while on the other hand they have a duty to represent the interest of their individual constituencies

The standard of living or quality of life of the people in a state or nation depends on the quality of laws governing that society. Therefore, examining the Edo State legislature, with a view to finding out how legislators make use of available information resources in the legislative process will go a long way in bettering the state and bringing government/the dividends of democracy closer to the people. The Edo state house of assembly (EDHA) was established with the creation of Edo State from the defunct Bendel State on August 27, 1991. Before now it was known as the mid-west house of assembly since 1960s and Bendel state house of assembly in 1976 following the creation of a new state (Bendel) and was located at the Kings' Square Benin

City. There are 18 local government areas and each have legislators representing their constituencies in the state house of assembly. There are 8 supportive departments, namely department of legislative matters, public department, finance and supplies, information and protocol, budgeting and planning, personnel and warfare, legal matters and library, research and archives.

The Department of Library, Research and Archives, which is the focus of this study, maintains information for the law makers and other assembly staffs. The primary function is to assist and support the law makers to carry out their pyramid functions of making decisions for the betterment of the society through the provision of information resources. It will be good to note that the library is a local means through which lawmakers meet their information needs, but it seem that legislators do not use the library, possibly due to the perceived inadequate information resources to facilitate the formulation of policies and decision making. The law making process is a technical and challenging venture that requires adequate, relevant and reliable information at the disposal of legislators in order to make informed decisions and laws. Hence, this study is to examine the use of information by law makers in the law-making process.

## LITERATURE REVIEW

There is no gain saying that the primary function of the legislature is that of lawmaking within its area of competence as defined by the constitution setting it up (Egbadon, 1998). The legislature may also have the responsibility to determine issues or make decisions by way of resolutions as prescribed in the constitution. Beyond this, the legislature may participate in the executive process by its constitutional right to confirm certain appointments as well as quasi-judicial functions such as impeachment of erring officers as prescribed in the constitution. It is therefore true to say that the legislature occupies a place of paramount importance in modern government because it provides the necessary input for government actions, in that almost every activity of government requires the authority of some enabling laws. They are also forced to make policy decisions on thousands of questions at each legislative session. Osaghae (2003) posit that the powers and functions of the executive government continue to expand rapidly and effective legislature can and must act as the constituents and by extension, the public's watchdog of the executive arm. In performing the above responsibilities they are guided usually by their general education, their common sense, their instincts, their biases, the information resources available and advice brought to them by their constituency spokesmen. Ubhenin (2004) listed two qualities of the legislature/legislators:

(1) Legislatures must be true representatives of all sections of people. To attain this level of representation there must be free election, proper electoral poll, proper constituencies and periodic election.

(2) Legislators must be able to discuss with complete frankness and the executive arm must give them the freedom to decide as they choose.

To achieve this, there must be parliamentary privileges, adequate information and freedom from government interference.

The legislative process begins with a concept, idea or action proposed by a legislator or group of legislators, presented in the form of a bill or resolution on the floor of the legislative house. A bill is a document containing proposal(s) by which the legislature seeks to effect some changes in statutory laws or enact a new law or repeal an existing one. A bill could be private or public. Private bills are bills conferring particular powers on any person or body of persons including individuals, local authorities, statutory companies or private corporations in excess of or in conflict with the general (public) laws, while public bills deal with the public and general issues. The introduction of the proposed legislation (bill) by one or more sponsors appears in the congressional record. A resolution is reached and the proposed house resolution is assigned a number and sent to a house committee for further consideration, hearing and reported back for consideration/debate by the full house.

Information needs of lawmakers are continuous and diverse. The essence however is that the information must be cogent, relevant and valid to the point that leads legislators to sound decision making and in analysing similar laws operating in different societies. Legislators need information to articulate the accepted principles, sentiments, beliefs and public opinions of the communities within a particular time, to sharpen their discretion and increase their initiative in the process of law making. Anigilage (2006) discussed three information needs of lawmakers and they are;

(i) They need information to keep them abreast of the law they enact and the society they control with those laws. Hence, lawmakers are tasked to keep up to date with the law, as they are in charge of lawmaking in the society.

(ii) Lawmakers also need information to make them always look up the law to know when they are being averted by fellow lawmakers or the members of the society. They need information to always remind them of existing laws and to effect new laws to replace outdated ones as well as outlaw others.

(iii) Lawmakers need information to know how to apply the laws that are been made, and also how to acquire the knowledge on applying the laws made on the social system of their constituencies. According to Ogunshye (1999), "in order to identify the information needs of lawmakers we have to understand the responsibilities

and powers conferred on them by the constitution.” Some of the information needs identified by Ogunsheye (1999) are functional information needs, personal, social and recreational needs and external global relation needs. For a law to be effective it must be relevant and pleasant to the generality of the right-thinking people in the society. However, for it to be effective and alive it must meet the needs of its constituencies. Lawmakers at all levels need to be educated and informed for the development and future operational goals of the nation or state.

Considering the way laws and counter laws are made in Nigeria, were the law makers seem to be the law breakers, or failure of law makers to implement some aspect of the laws they made calls for a serious rethink. Hence, one wonders if relevant and adequate information about the issue, community, state, nation and the world at large is employed in the cause of law making in the legislative process. Do lawmakers or legislators in Edo state have access to and utilise adequate information resources in the legislative process?

### **Purpose of the study**

The primary aim of this study is to highlight the importance of information availability and utilization by lawmakers in the legislative process. It will examine the legislative process on the use of relevant and adequate information resources available, how law makers obtain information they require for the legislative process, the kind of information legislators seek and how legislators make use of the available information resources in Edo state.

### **METHODOLOGY**

The study adopts the survey research design. The survey method gives the present conditions, uses, etc., particularly the state of information utilization in the law making process by the lawmakers in Edo state house of assembly. The population of the study comprises of all the 620 members of staff in the various departments in the Edo State House of Assembly, Benin City. However, only the lawmakers were sampled and used for the study. There are 24 legislators in the assembly and the purposive and total enumeration sampling techniques were used in selecting the sample. It is purposive because the researcher chose the legislators only, among all the staff in the assembly complex and total enumeration because all the available lawmakers in the Edo State House of Assembly were used for the study.

The instrument used for data collection was the questionnaire. The questionnaire was carefully designed for the legislators of the Edo State House of Assembly. It was divided into two (2) sections. Section ‘A’ is on personal information about the respondents, while section ‘B’ is on the availability and utilization of information resources in the legislative process by lawmakers. There were open and closed ended questions. After the questionnaires have been collected from the various respondents, they were subjected to

statistical analysis based on percentage.

### **DATA ANALYSIS AND DISCUSSION OF FINDINGS**

The vivid analysis of the findings from the data collected is given here. A total number of 24 questionnaires were administered on the lawmakers of the Edo State of Assembly. From the result, it was discovered that as at 2009 when this study was conducted, all 24 legislators were married males. They fall within the age range of 30 and above 41 years. The result shows that 18 (75%) legislators were between 31 to 40 years while 6 (25%) were 41 years and above. Their educational qualifications reveal that they possess NCE/OND (3, 13%), B.SC (18, 75%) and Masters (3, 13%) degrees.

All the lawmakers hold different positions each in discharging their legislative functions. It ranges from Honourable Speaker, Deputy Speaker, Majority Leader, Minority Leader, Chief Whip, Minority Whip, Chairman, Agriculture and Natural Resources Committee, Chairman, House Services Committee, Chairman Works and Transport, Chairman, Public Accounts Committee, Chairman House committee on Gas Commission, Chairman Land, Survey and Mineral Resources Commission, Chairman Health Committee, Chairman Environment and Solid Mineral committee, Chairman Local Government and Chieftaincy Affairs committee, Chairman Art, Culture and Tourism Committee, Chairman Youths, Sport and Information Committee, Chairman Appropriation, Finance, Commerce and Industry Committee, Chairman Security, Ethnic and privileges Committees, Chairman Education and four ordinary Members.

The result shows that lawmakers do not have adequate and relevant legislative information sources. However, they obtain relevant information from all the options available to them, which they employ in the legislative process. Details revealed that 12 (50%) legislators obtain relevant information from the library, 4 (36%) legislators through television and radio, 1 (4%) by browsing the internet and through newspapers respectively and 6 (25%) legislators by other options such as seminars, public hearings, memorandum and community spokesmen. This is shown in Table I. Of the 12 legislators that use the library, 4 (17%) legislators use it on a daily basis while 8 (33%) legislators use it once in a week. Others do not use the library, 9 (38%) legislators claimed that it is because of the poor library organisation and inadequate current information resources in the library. This has implications as it will have a negative impact on the laws made. Menhennet (1981) stated that over 70 to 80 members of House of common in England uses the parliamentary library on daily basis and this shows how important the library is in the legislative process. There is the need therefore, for legislators to

**Table 1.** Legislator's sources of obtaining relevant information.

Option	Response	Percentage
Library	12	50
Television and radio	4	17
Newspaper	1	4
internet	1	4
Options (seminar, public hearing, constituency spokesman memorandum)	6	25
Total	24	100

**Table 2.** Sources of Information consulted by Legislators.

Option	Response	Percentage
Newspapers	1	4
Books	1	4
Law reports	7	29
Magazines	-	-
Television and radio	1	4
All of the above	14	58
Total	24	100

acquaint themselves with relevant information resources that would assist them in the legislative process.

In the same vein, the legislators seek for different kinds of information to assist them and enhance their legislative skills. As such, 19 (79%) legislators seek for information about their constituencies and on legislative matters, 2 (8%) legislators seek for information on constituency matters only and 3 (13%) legislators seek for information about legislative matters only. This information sought about their constituencies is from people within the community, which could be elders and community spokesmen among others and also from media houses. The result further showed that 7 (29%) legislators get information about their constituency from people within and from elders, and media house respectively and 10 (42%) get information from their constituency spokesmen only. According to them these information meet their social, recreational, global and functional information needs to carry out their parliamentary functions. They are opportune to access all available sources of information. As seen from the result, all lawmakers (100%) have access to available information and they use it for different reasons such as amendment of laws, settling dispute between communities, carrying out oversight functions, making relevant laws, to raise motions that are beneficial to their constituencies during sittings and making references during debates on the floor of the house. Legislators need to have access to available information that is of wide coverage or global in other to balance their legislative process through the knowledge they have on other states or countries outside their own.

Moreso, access to the internet could be of benefit to legislators. If the parliamentary library is automated, it will facilitate internet connectivity and access to the world's information. On this note, the use of library and the need for computer literacy training becomes vital for legislators as they source for and make research, probably through the internet in order to access available information to meet their legislative challenges.

As shown in the results, there are available information sources. 14 (58%) legislators consult all the options available to them, which include newspapers, books, law reports, magazines and television/radio. However, 7 (29%) legislators consult only law reports, while 1 (4%) consult newspapers, television/radio and books respectively as shown in Table 2.

It is worthy of note that all legislators consult one source of information or the other to keep abreast of the happenings in the society and keep them informed/equipped for the legislative process. The library in the house of assembly complex has books, newspapers and magazines that they could consult on a daily basis. The most important thing is how much information they obtain from the sources and how they apply the information in their legislative process. From the result, legislators carry out the legislative process using information available for different purposes. As indicated by 12 (50%) legislators, they use the information obtained for enacting new laws, amending laws and for preparing sound reports and preparing bills. 6 (36%) legislators stated that they use information available to know the needs of their constituencies and

**Table 3.** Problems encountered by legislators in seeking information.

Option	Response	Percentage
Inadequacy of library material/lack of network facilities	7	29
Lack of time (busy schedule)	1	4
Management lukewarm attitude in the provision of relevant information	1	4
No problem at all	15	63
Total	24	100

provide solutions to various constituencies' problems and also to organise forum of enlightenment/briefing for their constituencies. Also, 6 (36%) legislators stated that they use available information during debates, discussion or resolution in passing their motions during sittings. Legislators need to have access to available information for global purposes in order to balance their legislative process through the knowledge they have of other states or country outside their own. On this note, their use of library and the need for them to be computer literates arises because they may need to make research through the internet in order to get available information for informed decision.

The research revealed further that legislators do not make use of the library provided them due to inadequacy of library materials to meet their current information needs, lack of internet facilities to help them make more research on recent development in other states or countries, lack of time due to the busy schedule of the lawmakers and also management lukewarm attitude in the provision of relevant and current information to the lawmakers by adequately equipping the assembly library and possibly automating it, as shown in Table 3.

## Conclusion

The study revealed that legislators are aware of various sources of information but due to their tasks as lawmakers they make use of law books and reports more in order to meet their legislative needs. Findings further revealed that lawmakers access information about their constituencies through media houses, elders, constituency spokesmen, the public and some use the information they get to meet the needs of their constituencies while others use information in the legislative process in making or amending laws, raising motions during sittings or organising briefing forums for the people. Also, it was discovered that lawmakers have access to relevant information that helps them in facilitating their law and decision making process.

The major function of the library is to provide users with materials that will satisfy their information needs and when the library fails to provide users with adequate information materials, a favourable environment, internet

facility, etc., users' in-return will fail to use the library. From the research this happens to be the reasons why lawmakers fail to use the library and this can make them weak and inefficient because information is power and no legislator wants to be inefficient or weak in the eyes of his people. Therefore, considering the impact of information on the work of legislators, parliamentary library should provide their clients with comprehensive in-house information packages which are current, concise, properly classified and indexed and relevant to the legislative process.

## RECOMMENDATION

Guided by the major findings that emerged from this study, the researcher suggest the following for consideration. As is often said, an uninformed society is a deformed society. This is to say that information is power therefore, lawmakers should stock the assembly library with adequate and relevant information materials to facilitate their use of the library and also get relevant information for their legislative duties, which brings about good decision making. Legislators generally in Nigeria should take out time to either visit or find out about other parliaments outside their own states and country.

## REFERENCES

- Anigilage J (2006). Nigeria current legal problem in a development. J. Lawmaking Process Nigeria, vol. 2 and 3.
- Egbadon ME (1998). The imperatives in the law making process. Being a paper presented at a seminar organised by the Student Union Government of the Auchi Polytechnic. Auchi, Edo State.
- Kirkwood FT (2004). Libraries and the public interest. Being a paper presented at the IFLAGIOPS international seminar on government information and democracy within the Crimea 2003 Conference of Libraries and Education of the former Soviet Union, in Sudak, Crimea, Ukraine.
- Menhennet D (1981). Research and Information Services. Summary of Proceeding of the Thirtieth Parliamentary Seminar in London.
- Ogunshaye F (1999). Strategies for meeting the information needs of Nigeria Policy makers. Being a paper presented at the Department of Library, Archival and Information Studies Student's Week.
- Osaghae O (2003). "Oversight and enforcement mechanism. Being next of presentation at the MCID advanced course of legislators and legislators" Benin City.
- Ubherin A (2004). The legislature. Idodo Umeh Publishers, Benin City, p. 35.