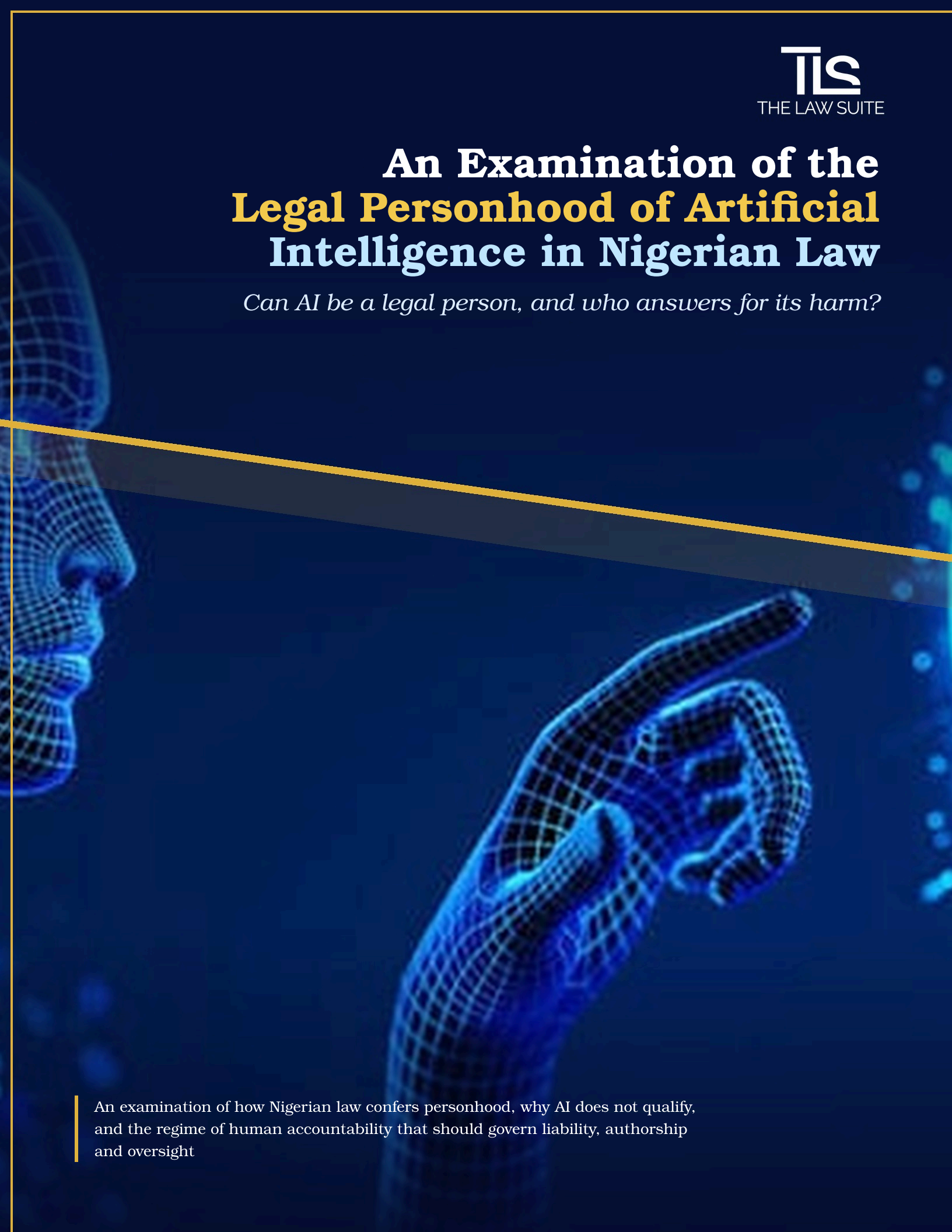
THE LAW SUITE

An Examination of the Legal Personhood of Artificial Intelligence in Nigerian Law

Can AI be a legal person, and who answers for its harm?



An examination of how Nigerian law confers personhood, why AI does not qualify, and the regime of human accountability that should govern liability, authorship and oversight

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01. Introduction

ABSTRACT

Artificial intelligence (AI) now drafts documents, scores loan applicants, steers vehicles and assists in the diagnosis of disease, and it does so with a degree of autonomy that earlier tools never had. That autonomy has prompted a serious question: should the law treat an AI system as a legal person? This article examines that question under Nigerian law as it stands in November 2026. It traces the concept of legal personhood, explains how Nigerian law confers it on human beings and on artificial persons such as companies, and then tests AI against that framework using *Salomon v Salomon & Co Ltd*, *Fawehinmi v Nigerian Bar Association (No 2)* and the statutes now governing data, consumers and intellectual property. The article argues that AI does not qualify for personhood, and that conferring it would create more problems than it solves, chiefly by allowing the humans behind a system to avoid responsibility. It concludes that Nigeria should continue to treat AI as property and as a tool, and should build a clear regime of human accountability covering liability, authorship and oversight.

Consider three ordinary Nigerian scenarios. A digital lender's credit scoring system rejects an application on grounds that nobody at the company can fully explain. A bank's customer service chatbot gives a customer wrong information about a transfer, and the customer acts on it. A lawyer files a brief that cites a Supreme Court decision which turns out never to have existed, because an AI tool invented it. In each case the person affected will want to know one thing: who answers for this? The question looks simple, but the answer depends on how the law classifies the system that produced the result.

The impact of AI on society is both profound and pervasive.[1]

1. Bernard Marr, 'What Is The Impact Of Artificial Intelligence (AI) On Society?' (Bernard Marr, 12 July 2021) https://bernardmarr.com/what-is-the-impact-of-artificial-intelligence-ai-on-society/ accessed 1 October 2025.



From self driving cars and personalised recommendation algorithms to predictive analytics in healthcare and automation in manufacturing, AI systems have become part of numerous sectors.[2] They are changing business models, improving efficiency and making possible things that were unimaginable a decade ago. Yet the same technology raises pressing concerns, among them job displacement, threats to privacy,[3] algorithmic bias and the digital divide. Beneath all of these sits a deeper problem of responsibility, because a system that learns and acts on its own does not fit comfortably into rules written for human actors.

One proposed answer is to grant AI systems a legal personality of their own.[4] In legal terms, a legal person is any individual or entity that the law recognises as capable of owning property, entering contracts, suing and being sued, and bearing rights and obligations. This article asks whether Nigerian law can, or should, extend that status to AI. It begins with the concept of legal personhood, examines how Nigerian law confers it, tests AI against that framework, weighs the arguments for and against, considers the practical questions of liability, contracts, authorship, data and legal practice, and closes with recommendations for reform and for businesses and lawyers who use AI today.

02. Understanding Legal Personhood

Legal personhood is a foundational concept in modern law. At its core, it is the status that allows an entity to hold rights, bear duties and take part in legal relationships. Two points follow from this. First, personhood is a legal status and not a biological or moral fact. The law confers it where doing so serves a purpose. Second, the status is not confined to human beings.

2. SoftProdigy, 'AI and Society: A Case Study on Positive Social Change' (techUK, 25 February 2024) https://www.techuk.org/resource/ai-and-society-a-case-study-on-positive-social-change.html accessed 1 October 2025.

3. 'The growing data privacy concerns with AI: What you need to know' (DataGuard, 9 January 2025) https://www.dataguard.com/blog/growing-data-privacy-concerns-ai/ accessed 1 October 2025.

4. Amika Olisa, 'Can AI Be Considered a Legal Entity? Examining AI Personhood Under Nigerian Law' (CandelP, 17 June 2025) https://www.candelp.com/post/can-ai-be-considered-a-legal-entity-examining-ai-personhood-under-nigerian-law accessed 1 October 2025.



Corporations, governments, ships in admiralty proceedings and, in a few jurisdictions, natural features such as rivers have all been treated as holders of legal rights or as parties to legal proceedings.[5] New Zealand, for example, enacted in 2017 that the Whanganui River, Te Awa Tupua, is a legal person.[6] A court in Uttarakhand, India, made a similar declaration for the Ganges and Yamuna rivers in the same year.[7] The Supreme Court of India stayed that declaration on 7 July 2017 after the State asked, among other things, who would answer if flood victims sued the rivers' guardians.[8] That episode is a useful warning: personhood brings liabilities as well as rights, and somebody must be able to meet them.

The idea that a group or institution can be a person apart from its members is commonly traced to Roman law and was developed by medieval jurists, who spoke of the corporation as a fictional person. Over time two broad views emerged. On the fiction view, the State creates the artificial person and can define its powers. On the realist view, a group has a real collective existence that the law merely acknowledges. Both views matter to the AI debate, because supporters of AI personhood tend to argue by analogy with the corporation, while opponents point out that every corporation is ultimately a vehicle for human interests.[9]

The law also distinguishes natural persons, who are individual human beings, from juristic or artificial persons, such as companies and statutory bodies, which exist because the law says so.[10]

5. Visa AJ Kurki and Tomasz Pietrzykowski (eds), *Legal Personhood: Animals, Artificial Intelligence and the Unborn* (Springer 2017) https://link.springer.com/book/10.1007/978-3-319-53462-6; Visa AJ Kurki, *A Theory of Legal Personhood* (OUP 2019) https://academic.oup.com/book/35026.

6. Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (NZ), s 14 https://www.legislation.govt.nz/act/public/2017/0007/latest/DLM6831461.html.

7. *Mohd Salim v State of Uttarakhand* (Uttarakhand HC, 20 March 2017) https://fore.yale.edu/files/ganga_and_yamuna_judgment.pdf.

8. 'SC stays Uttarakhand HC order declaring Ganga, Yamuna living entities' (Down To Earth, July 2017) https://www.downtoearth.org.in/water/sc-stays-uk-hc-order-declaring-ganga-yamuna-living-entities-58245.

9. Roman Dremliuga, Pavel Kuznetcov and Alexey Mamychev, 'Criteria for Recognition of AI as a Legal Person' (2019) 12(3) Journal of Politics and Law 105 https://doi.org/10.5539/jpl.v12n3p105.

10. Chijioke Ugochukwu, 'A Brief Overview of Non-Juristic Entities in Nigeria' (Quest Journals) https://www.questjournals.org/jrhss/papers/vol12-issue2/1202153156.pdf accessed 1 October 2025.

That distinction supports accountability and orderly governance, particularly in commercial and regulatory settings. It is also important to notice what personhood is not. Courts in many countries have affirmed that animals deserve humane treatment, but that is different from giving animals the capacity to own property or to be sued. Personhood is therefore not an all or nothing label. It is a bundle of capacities that the law assigns to suit a purpose, and each capacity must be justified separately.

03. Legal Personhood in Nigerian Law

Legal personhood in Nigeria reflects both indigenous tradition and colonial legal history. Before colonisation, customary systems recognised individuals, families and communities as holders of rights and duties, most visibly in relation to family and communal land. What those systems did not develop was a formal doctrine of the corporation as an artificial person. That doctrine arrived with English law, and in particular with company legislation modelled on the English Companies Acts, beginning with the Companies Ordinance of 1912.

The central authority is *Salomon v Salomon & Co Ltd*, in which the House of Lords held that a company, once validly incorporated, is a separate legal entity distinct from its members.[11] That principle was retained after independence and is now found in section 42 of the Companies and Allied Matters Act (CAMA) 2020, under which a company, from the date of incorporation, becomes a body corporate with perpetual succession, able to own property, enter contracts, sue and be sued in its own name.[12] The Interpretation Act also gives a wide meaning to 'person', which 'includes any body of persons corporate or unincorporate'.[13] That definition is inclusive and not exhaustive, but it describes groups of people, and it would not naturally stretch to a software system.

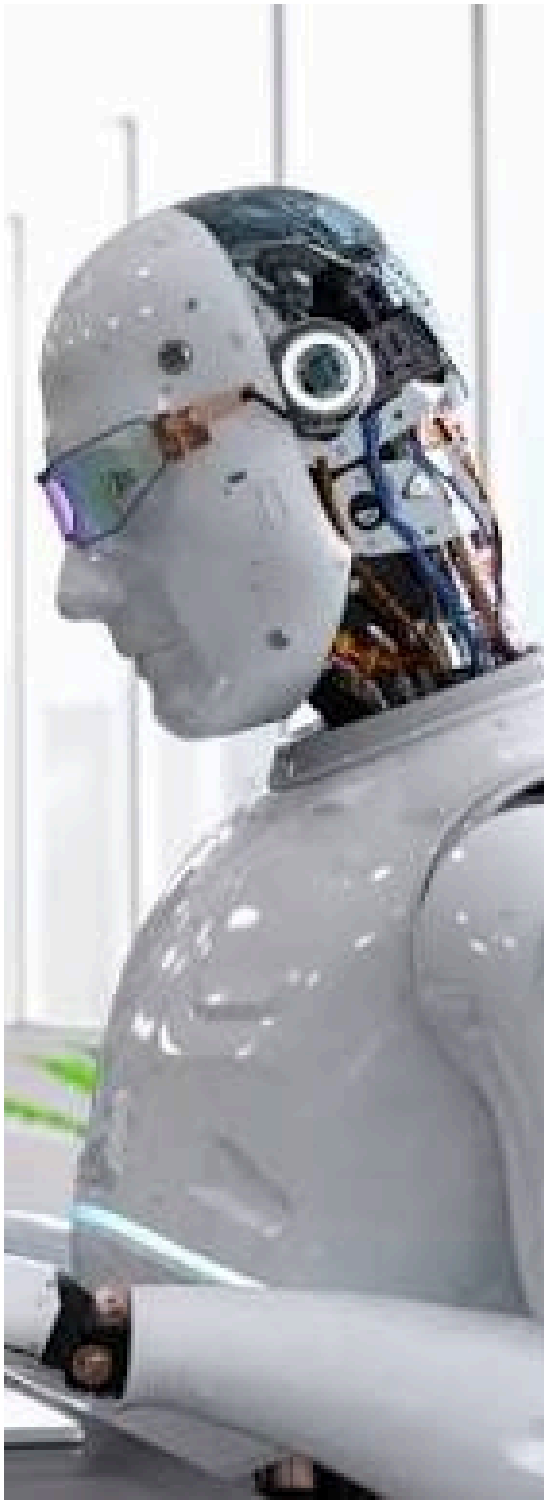


11. *Salomon v A Salomon & Co Ltd* [1897] AC 22 (HL).

12. Companies and Allied Matters Act 2020, s 42; see generally 'Corporate Personality and Liability in Nigeria: Emerging Dynamics in Corporate Law' (Mondaq) https://www.mondaq.com/nigeria/corporate-governance/1697470/corporate-personality-and-liability-in-nigeria-emerging-dynamics-in-corporate-law.

13. Interpretation Act, Cap I23, Laws of the Federation of Nigeria 2004, s 18(1) https://lawsofnigeria.placng.org/print.php?sn=218.

Nigerian courts have also made clear that personhood must have a legal source. In *Fawehinmi v Nigerian Bar Association (No 2)*, the Supreme Court held that the Nigerian Bar Association, as an unincorporated association, was not a juristic person and could not sue or be sued in its own name, and the court explained that an artificial person owes its status to the law that creates it.[14] The Supreme Court applied the same reasoning again in 2019.[15] The lesson for present purposes is direct. In Nigeria, an entity that wishes to appear in court as a person needs a legal source for that status, whether a statute, a registration or an established legal rule. Nothing in current Nigerian law supplies such a source for AI, and in practice the National Assembly would have to create one.



04. Where Does AI Fit?

AI differs from both humans and companies in ways that matter to the law. Human beings have moral agency: they can form intentions, reason about right and wrong and answer for their choices. AI systems operate on algorithms, data and statistical learning. They can act autonomously and sometimes unpredictably, but there is no accepted evidence that they have self awareness or moral understanding, and they have no interests of their own that the law could protect or punish.[16] A system cannot feel the sting of a fine, cannot be deterred by the threat of imprisonment and cannot appreciate that it has done wrong.

The corporate analogy, which is the strongest argument for AI personhood, breaks down on closer inspection. A company is a legal fiction, but it is a fiction attached to real people.

14. *Fawehinmi v Nigerian Bar Association (No 2)* (1989) 2 NWLR (Pt 105) 558 (SC); summary at https://www.hbriefs.com/sc/chief-gani-fawehinmi-v-nigerian-bar-association-and-4-ors-no-2-1989/.

15. *Moses v Nigerian Bar Association* (2019) LPELR-46918(SC) https://lawcarenigeria.com/wome-moses-esq-v-nigerian-bar-association/.

16. Olisa, 'Can AI Be Considered a Legal Entity?' (n 4).

It acts through directors and officers whose knowledge and decisions are attributed to it, the principle known as the 'directing mind and will',[17] and it has members who invested capital, assets that can satisfy a judgment and a registered office where documents can be served. An AI system has none of these features. It has no members, no assets of its own and no organ whose mind can be attributed to it. Granting it personality would not add a new accountable party. It would add a name to the pleadings and nothing more.

It is more accurate to see AI as a product or tool, and as the subject matter of rights rather than the holder of them. Software is owned or licensed by developers, businesses and users, and the law of property, contract, tort and intellectual property already knows how to deal with such things.[18] Treating AI as a product preserves legal clarity because it keeps rights and liabilities with the humans and organisations that can actually bear them.

For human beings, personhood is inherent and automatic. For companies, it is granted on incorporation under CAMA 2020, and it comes with duties of registration, disclosure and accountability that keep the human interests behind the company visible. AI fits neither model. Although it can complete tasks without supervision, it cannot independently own property, hold a bank account, give instructions to counsel or assume obligations in a way a court could enforce. Even if a legal wrapper were created to give it those capacities, the wrapper would in practice be controlled by the very people whose responsibility the law wishes to preserve.

05. The Case For and Against AI Personhood

The argument for personhood deserves a fair hearing. Its main point is that highly autonomous and opaque systems create a responsibility gap. When a self learning system causes harm in a way that no developer could have foreseen, traditional tests of fault and causation may leave the victim without a remedy. Some scholars add that personhood has always depended on capacities rather than on species, and that the law should not rule out in principle that a sufficiently advanced system might one day qualify.[19] The question is also being argued in Nigeria.

> *It is more accurate to see AI as a product or tool, and as the subject matter of rights rather than the holder of them.*

17. *Lennard's Carrying Co Ltd v Asiatic Petroleum Co Ltd* [1915] AC 705 (HL).

18. Olaniwun Ajayi LP, 'AI Generated Works and Copyright Law' (June 2025) https://www.olaniwunajayi.net/blog/wp-content/uploads/2025/06/AI-Generated-Works-and-Copyright-Law-Defining-Ownership-OALP-June-2025-Newsletter.pdf accessed 1 October 2025.

19. Lawrence B Solum, 'Legal Personhood for Artificial Intelligences' (1992) 70 North Carolina Law Review 1231 https://scholarship.law.unc.edu/nclr/vol70/iss4/4/.

One Nigerian study has recommended conferring legal personality on AI entities, even if only as a legal fiction, on the strength of their autonomy and by analogy with corporations,[20] and a recent journal article argues that robot lawyers would need the status of a person before they could practise in Nigeria.[21] Abroad, the European Parliament in 2017 invited the European Commission to consider a specific 'electronic personality' for the most sophisticated autonomous robots, coupled with compulsory insurance.[22] In the same year Saudi Arabia announced citizenship for a humanoid robot named Sophia, although this was widely regarded as a publicity measure with no demonstrated legal effect.

The case against is stronger, for four reasons. First, personhood would create a moral hazard. If a manufacturer could point to an AI system as the responsible party, responsibility would shift from a party with assets and the ability to take precautions to an entity that has neither. Scholars have warned that synthetic persons could become the legal equivalent of empty shell companies.[23] Second, a judgment against an AI system is worthless unless the system is funded, and if it is funded, the funder is the true defendant. Third, 156 experts in AI, law and ethics signed an open letter in 2018 rejecting the European proposal, and the proposal was never adopted.[24] Fourth, existing law already offers tools that do not require personhood, including negligence, product liability, vicarious liability, strict liability and compulsory insurance. Even some Nigerian commentators who favour reform argue that existing provisions are enough to proceed against people who deliberately create and spread harmful AI generated content.[25]

Courts abroad have shown the same reluctance. The United Kingdom Supreme Court held that an inventor under the Patents Act 1977 must be a natural person, which defeated an attempt to name an AI system as inventor.[26]

20. K Ogunnoiki and IKE Oraegbunam, 'A Response to Some Random Thoughts on Legal Personality and Subjectness of Artificial Intelligence Entities' (Nigerian Journals Online) https://mail.nigerianjournalsonline.com/index.php/IRLJ/article/view/3346.

21. 'Legal Aspects of Granting Subjectivity to Artificial Intelligence: Prospects of Using Robots in Legal Practice in Nigeria' (2024) 2(4) Journal of Digital Technologies and Law 835 https://doi.org/10.21202/jdtl.2024.41.

22. European Parliament, Resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)), P8_TA(2017)0051, para 59(f) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017IP0051.

23. Joanna J Bryson, Mihailis E Diamantis and Thomas D Grant, 'Of, for, and by the people: the legal lacuna of synthetic persons' (2017) 25(3) Artificial Intelligence and Law 273 https://doi.org/10.1007/s10506-017-9214-9.

24. Open Letter to the European Commission on Artificial Intelligence and Robotics (April 2018) https://robotics-openletter.eu/.

25. 'Existing laws enough to prosecute AI deepfake abusers, says Yadudu' *BusinessDay* https://businessday.ng/?p=1039386.

26. *Thaler v Comptroller General of Patents, Designs and Trade Marks* [2023] UKSC 49 https://www.bailii.org/uk/cases/UKSC/2023/49.html.

The United States Court of Appeals for the District of Columbia Circuit held in 2025 that a work created autonomously by AI cannot be protected by copyright because the statute requires a human author, and the United States Supreme Court declined to review that decision on 2 March 2026.[27] Neither court needed to decide whether AI deserves personhood. Both simply applied laws that assume a human actor, which is the assumption Nigerian law also makes.



06. Practical Consequences Under Nigerian Law

Civil liability: Where an AI system causes harm, a Nigerian court would look first to the law of negligence, asking who owed a duty of care, whether it was breached and whether the breach caused the damage.[28] The developer who designs a defective system, the business that deploys it without adequate testing and the operator who ignores warnings are all candidates for liability. Consumer protection law may also apply. The Federal Competition and Consumer Protection Act 2018 makes the supplier of defective goods or services liable for resulting damage and does not allow that liability to be excluded by contract, so a business that supplies an AI enabled product or service cannot assume that a disclaimer in its terms will shield it.[29] The real difficulty is evidential. Victims may find it hard to prove fault inside a system they cannot inspect, and the law may need rules that shift the burden of explanation to those who deploy the system.

Criminal liability: Crime generally requires both a guilty act and a guilty mind. An AI system cannot form intent, and punishment such as imprisonment or a fine has no meaning for it.

27. *Thaler v Perlmutter* 130 F 4th 1039 (DC Cir 2025), cert denied (US Sup Ct, 2 March 2026, No 25 449) https://www.finnegan.com/en/insights/ip-updates/supreme-court-declines-to-hear-thaler-v-perlmutter-leaving-human-authorship-requirement-intact.html.

28. *Donoghue v Stevenson* [1932] AC 562 (HL).

29. Federal Competition and Consumer Protection Act 2018, s 136 and following; Federal Competition and Consumer Protection Commission https://fccpc.gov.ng/.

Some writers have proposed models of direct criminal liability for AI,[30] but no legal system has adopted them, and a Nigerian study of AI and criminal responsibility likewise concludes that existing principles are constrained in extending responsibility to AI.[31] Under Nigerian law, criminal responsibility would fall on the humans who design, deploy or direct a system with the necessary intent, recklessness or negligence. This is also the practical answer to harmful synthetic media such as deepfakes. The Cybercrimes (Prohibition, Prevention, etc) Act 2015, as amended in 2024, and the Nigeria Data Protection Act 2023 can reach the people who create or circulate such material, even though Nigeria has no statute dealing with deepfakes by name.[32]

Contracts: Many commercial transactions are now concluded by automated systems. This does not require AI to be a legal person. The system acts as an instrument of the person who deploys it, and the resulting contract binds that person, much as a vending machine binds its owner. For a Nigerian fintech or bank using a chatbot, the practical consequence is that the institution, not the chatbot, answers for what the chatbot promises. Businesses should therefore allocate risk in their terms and conditions and in their contracts with AI vendors, and should supervise the systems they use.

Authorship and inventorship: Ownership of AI generated output is where the personhood question is most often tested in practice. The Copyright Act 2022 protects eligible works that are original, and it contains no express provision on works generated by AI. Its provisions on eligibility, first ownership and the meaning of 'author' are commonly read as pointing to a human or corporate author.[33] On that reading, a work generated autonomously by AI may have no author and may fall outside protection, whereas a work in which a human makes a real creative contribution, such as directing, selecting and arranging the output, can qualify, with the human as the first owner. To the best of the author's knowledge, no Nigerian court has yet decided the point. The Patents and Designs Act, which grants the right to a patent to the person who first files, and entitles the true inventor to be named, similarly assumes a human inventor.[34] These gaps call for clarification, and they illustrate the central theme of this article: the law needs rules about who owns and answers for AI output, and that does not require AI to be an owner or a defendant.

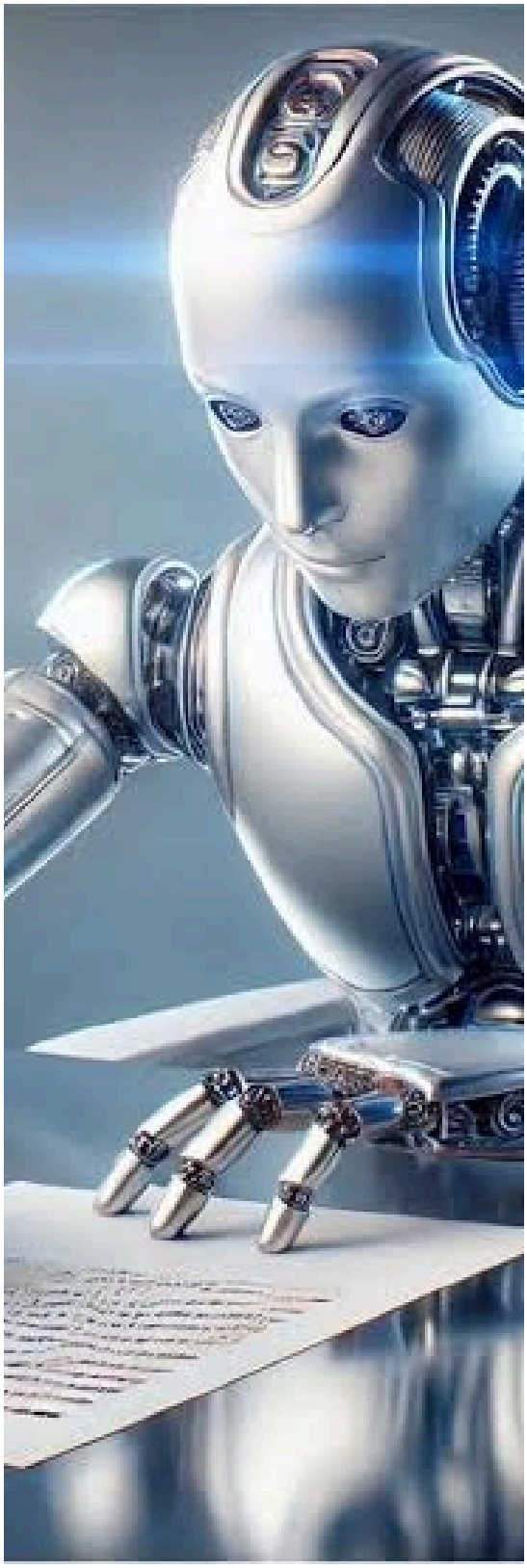
30. Gabriel Hallevy, *When Robots Kill: Artificial Intelligence Under Criminal Law* (Northeastern University Press 2013).

31. IKE Oraegbunam and Umezinwa, 'Artificial Intelligence Entities, Criminal Responsibility and Nigerian Legal Justice System' (2020) 1 International Journal of Law and Clinical Legal Education 7 https://nigerianjournalsonline.com/index.php/IJOLACLE/article/download/2159/2108.

32. Cybercrimes (Prohibition, Prevention, etc) Act 2015, as amended by the Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act 2024 https://www.wipo.int/wipolex/en/legislation/details/22699.

33. Copyright Act 2022, ss 2, 28 and 108; see 'Are AI Generated Content Covered by Nigerian Copyright Law?' (The IP Press, 17 February 2024) https://www.theippress.com/2024/02/17/are-ai-generated-content-covered-by-nigerian-copyright-law/.

34. Patents and Designs Act, Cap P2, Laws of the Federation of Nigeria 2004, s 2 https://lawcarenigeria.com/patents-and-designs-act/.



Data protection: The Nigeria Data Protection Act 2023 gives individuals a right not to be subjected to decisions based solely on automated processing, including profiling, where those decisions have legal or similarly significant effects, and it gives them the right to ask for human intervention, to express their view and to contest the decision.[35] The Nigeria Data Protection Commission's General Application and Implementation Directive (GAID), which took effect on 19 September 2025, adds detail, including impact assessments for high risk processing and conditions for deploying emerging technologies such as AI.[36] The obligations fall on data controllers and processors, who are natural or juristic persons. For the digital lender in the opening example, this is where the law is most likely to bite today: a borrower refused credit by an algorithm can invoke these rights against the lender. This is another example of Nigerian law placing responsibility on humans and organisations rather than on the technology.

Legal practice: The profession has already confronted the problem. The Nigerian Bar Association and its Section on Legal Practice launched Guidelines for the Use of Artificial Intelligence in the Legal Profession in Nigeria in August 2024, which stress that a lawyer remains responsible for AI assisted work, must verify it, and must protect client confidentiality.[37] At the opening of the National Industrial Court's 2026/2027 legal year in October 2026, the Chief Justice of Nigeria was reported to have warned that AI tools can produce convincing but non existent cases, decisions and quotations, and that lawyers must verify AI output before relying on it.[38]

35. Nigeria Data Protection Act 2023, s 37 https://ndpc.gov.ng/Files/Nigeria_Data_Protection_Act_2023.pdf.

36. Nigeria Data Protection Commission, General Application and Implementation Directive 2025; see Legal 500, 'Nigeria: Compliance Made Easy, a Review of the NDPC GAID' https://www.legal500.com/intelligence/nigeria/privacy/compliance-made-easy-a-review-of-the-nigeria-data-protection-commission-ndpc-general-application-and-implementation-directive-gaid.

37. Nigerian Bar Association, 'NBA launches new technology guidelines for legal practice' (14 September 2024) https://blog.nigerianbar.org.ng/2024/09/14/nba-launches-new-technology-guidelines-for-legal-practice/; Guidelines https://nbaslp.org/wp-content/uploads/2024/08/GUIDELINES-FOR-THE-USE-OF-AI-IN-THE-NIGERIAN-LEGAL-PROFESSION-signed.pdf.

38. 'CJN raises fresh alarm as AI now generating fake court cases' (Platform Times, 7 October 2026) https://platformtimes.com.ng/cjn-raises-fresh-alarm-ai-now-generating-fake-court-cases/.



Separately, lawyers in Ibadan, including a Senior Advocate of Nigeria, were reported at the end of October 2026 as saying that citing fabricated authorities breaches the Rules of Professional Conduct and may lead to costs orders or referral to the Legal Practitioners Disciplinary Committee.[39] The author is not aware of a reported Nigerian judgment sanctioning a lawyer for such a filing. The lesson is the same as in every other area covered here: the lawyer who signs the process answers for it, and the tool does not.

07. Nigeria's Regulatory Position

As at November 2026, Nigeria has no statute dealing with AI as such. The Federal Ministry of Communications, Innovation and Digital Economy published the National Artificial Intelligence Strategy in September 2025, with the National Information Technology Development Agency (NITDA) as a key implementing body. It is a policy document and not a source of enforceable duties, and a Code of Practice for AI that was proposed alongside it was reported not to have been finalised.[40] The African Union's Continental AI Strategy, endorsed in July 2024, gives the wider regional context.[41]

Several bills are before the National Assembly. The National Artificial Intelligence Commission (Establishment) Bill 2025 (SB 731) passed first reading in the Senate in February 2025, and the Nigerian Artificial Intelligence Bill 2025 (HB 2567) had its first reading in the House of Representatives on 23 October 2025.[42] The full texts of these two bills have not been widely published, so their detail cannot yet be assessed. The most advanced proposal is the National Digital Economy and E-Governance Bill 2025.

39. 'Fake AI cases breach ethics, attract sanctions, lawyers say' (NAN, 31 October 2026) https://nannews.ng/fake-ai-cases-breach-ethics-attract-sanctions-lawyers/.

40. OECD.AI, 'National Artificial Intelligence Strategy (NAIS)' https://oecd.ai/en/dashboards/policy-initiatives/national-artificial-intelligence-strategy-nais; Tunani, 'Nigeria's National AI Strategy' (policy brief) https://tunanihq.org/publications/nigeria-national-ai-strategy/.

41. African Union, Continental Artificial Intelligence Strategy (2024) https://au.int/en/documents/20240809/continental-artificial-intelligence-strategy.

42. Digital Policy Alert, 'Nigeria: AI governance approach' https://digitalpolicyalert.org/report/nigeria-ai-governance-approach; House of Representatives, Votes and Proceedings https://nass.gov.ng/documents/download/11215.

Its stated purposes include a regulatory framework for the development and responsible use of AI systems, it is reported to apply to 'AI agents', and it would reportedly give NITDA broad powers to classify AI systems by risk and make binding regulations.[43] It is still a bill. Assent was predicted in November 2025 and again during 2026, and the Chairman of the Senate Committee on ICT and Cybersecurity was reported on 27 October 2026 as telling the 32nd Nigerian Economic Summit in Abuja that it had reached third reading, with passage targeted before the end of the year.[44] Readers should check whether it has since been enacted.

Two points stand out. First, none of these proposals, so far as reported, suggests that AI should be given legal personality. They treat AI as something to be regulated, through its developers, deployers and operators, and not as a subject of rights and duties. Second, the practical regime for AI related harm in Nigeria today is a patchwork of data protection, consumer protection, cybercrime, intellectual property and professional rules. Comparative practice points the same way. The European Union's Artificial Intelligence Act, Regulation (EU) 2024/1689, imposes obligations on providers and deployers of AI systems according to the level of risk and does not give the systems themselves any legal status.[45]

08. Practical Recommendations

For lawmakers, the following steps would give Nigeria a regime that is protective and workable:

1. Legislation should state expressly that an AI system is not a legal person, and that responsibility for its operation rests with the developer, the deployer and the operator according to their roles.

2. Systems should be classified by risk, with stricter duties of testing, transparency, record keeping and human oversight for high risk uses such as credit, health, employment and public services.

43. 'National Digital Economy and e-Governance Act 2026 Ready in Weeks' *ThisDay* (9 July 2026) https://www.thisdaylive.com/2026/07/09/national-digital-economy-and-e-governance-act-2026-ready-in-weeks/; 'Nigeria's digital economy bill hands sweeping powers to NITDA' (TechCabal, 11 November 2025) https://techcabal.com/2025/11/11/nigerias-digital-economy-bill-hands-sweeping-powers-to-nitda/.

44. 'Digital Economy Bill Poised for Presidential Assent' (NALTF, 10 November 2025) https://naltf.gov.ng/digital-economy-bill-poised-for-presidential-assent/; 'Senate targets year end passage of digital economy bill' (NALTF, 27 October 2026) https://naltf.gov.ng/senate-targets-year-end-passage-of-digital-economy-bill/.

45. Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L 2024/1689.



3. Liability rules should address the evidential difficulty by creating rebuttable presumptions of fault where a deployer cannot produce the records needed to explain a harmful decision, and by requiring insurance for high risk systems.

4. The Copyright Act and the Patents and Designs Act should be clarified so that ownership of AI assisted works and inventions is settled, with human contribution remaining the test.

5. The regulator should have real technical capacity and should work with the Nigeria Data Protection Commission, the Federal Competition and Consumer Protection Commission, the Nigerian Communications Commission and NITDA, so that mandates do not overlap or conflict.

6. The Federal High Court, the other superior courts and the National Judicial Council should consider practice directions requiring lawyers to verify AI assisted authorities and to disclose AI use where appropriate.

7. Regulatory sandboxes and a statutory review clause should allow the framework to be tested and revisited as technology advances, so that the personhood question can be reopened if systems with genuinely new capacities ever emerge.

For businesses and lawyers who use AI now, the position is simpler. Treat every AI output as the work of your own staff, for which you are answerable. Conduct a data protection impact assessment before deploying AI that profiles or decides about individuals, and keep a human reviewer available to handle complaints.

Record how the system was configured and tested, because those records will be your evidence if a decision is challenged. Allocate liability expressly in contracts with AI vendors, including indemnities, audit rights and incident notification. Check every case and statute that an AI tool suggests against a primary source before it goes into a court process or a client advice.



09. Conclusion

The rapid advance of AI offers Nigeria real opportunities for growth, but the idea of granting AI legal personhood remains incompatible with the country's legal framework. Legal personhood has always been a tool that the law uses to serve human purposes, and Nigerian courts have been clear that it must come from a recognised legal source. AI is not shown to have the moral agency, self awareness and intentionality that justify personhood for human beings, and it lacks the human structure of members, directors and assets that makes the corporate fiction safe. Recognising AI as a legal person would therefore add ambiguity and give the humans behind it a way to escape responsibility. The better course is to keep AI within the law of property and tools, to keep humans answerable for what their systems do, and to complete a clear and balanced regulatory framework that protects the public while leaving room for innovation.

> *Recognising AI as a legal person would therefore add ambiguity and give the humans behind it a way to escape responsibility.*

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