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The Law as a Currency of Trust in the Emerging Global Order: Legitimizing Legal Justice

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ABSTRACT

The world is tilting towards a global community, an arrangement that defies geographical borders in commerce and justice delivery. Globalisation has crystallised in the 21st century as a force, commanding the fluidity of human actions as well as institutions. Adopting the doctrinal research approach, this paper focuses on the role of law as a superstructure within the context of globalisation. It sets out with Nigeria in mind but leverages on the transnational nature of the concept to draw references from across the globe. It contends that Nigeria must re-engineer its legal system to build trust and keep pace with the inevitable concept through a standard justice delivery infrastructure that would meet universal parameters in terms of quality and speed. The paper concludes with the suggestion that law has a prominent role to play if globalisation must acquire legitimacy in the municipal and transnational, highlighting the need for lawyers to collaborate with the judiciary to make it happen.

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INTRODUCTION

The contemporary world has become so closely knitted and punctuated with flourishing international trade and transactions. Nigeria and indeed Africa is not exempted. The world hitherto known for its divergence has shown a proclivity of fusion towards common goal for sustainable development. The development which brought with it some level of scintillating wealth for nations has been made possible by justice infrastructure which cuts across national territorial boarders. The transnational justice architecture has experienced radical and fundamental transformation in the past two decades. As needful as the bonding of nations into a global community may be, the developments and emerging challenges in the new world order have questioned the critical assumption that underpins the argument of global oneness as a fundamental requirement for the common good of man, be it in the aspect of security, commerce, technology and so on. This article focuses on the continued relevance of the connectedness and linkages that tend towards global governance with bias on the implications of the developments on law generally and Nigerian legal system in particular.

Globalisation as a concept is capable of diverse definitions. The term has been used to implicate the central idea of evolving interdependence and synergy across several areas of life such as economic, political and socio-cultural domains of nations as well as between private and corporate businesses, individuals and communities (Nayef, 2006). Held conceives globalisation to mean that mankind now lives in a world of over-lapping communities of fate (Held, 1997). The COVID-19 pandemic which recently took the world by storm points to the fact that mankind is more interconnected in this age than in any other in history. The pandemic has revealed that a person's action in the remotest part of the world can have colossal impacts on communities and individuals, millions of miles away. This article sets out to examine the nexus between globalisation and law with emphasis on the symbiotic transformative impact shared by both as trade and commerce continues to evolve.

The relevance of law in its relationship with globalisation cannot be over-emphasised. The law, like a centrifugal force, has been the mechanism holding critical factors together for the sustenance of globalisation. It has emerged as the basis for the confidence which parties require to boldly engage in business transactions. It has played the important role of galvanising structure, order and trust to an ever-evolving landscape of intimacy and agreements between persons, societies and states, particularly, in international transactions. Conversely, globalisation has radically tinkered with the law and its 'traditional' operations. It has significantly transformed the pattern, intensity and nature of transactions and economic relationships in a manner that compels law to indulge global innovations in order to better serve the interest of mankind. This includes the redesigning of critical legal architecture.

This article is developed under four broad sections, the first being the foregoing introduction which lays the foundation for the discourse. The second section dwells on the research method and how the materials used in the article are analysed. This is followed by the results and discussion section which is the crux of the paper. The section engages the concept of globalisation with a view to rationalising arguments for and against the continued sustenance of the concept, expressing hope of its survival as an inevitable idea that has come to stay. The fourth and final section draws conclusion with recommendations.

RESEARCH METHODS

This paper is an original research work. It adopts the doctrinal method of research to critically review relevant primary source materials which include legislations and treaties and conventions as well as secondary materials such as opinions of experts and authors in speeches, papers, published materials, law reports and online sources. The materials are assembled, sifted, and analysed one after another based on their relevance to the subject matter (Ehirim, 2026a).

RESULTS AND DISCUSSION

Future of Globalisation

In the light of normative disagreements that have polarised the acceptability of globalisation as a world order, the continued relevance of the discourse requires an interrogation of the future of the concept within the matrix of Nigerian legal system, transnational commercial law and the wealth of nations. The various signs of political intimidation of rising powers by the super powers, economic disparity among nations and persons, prevailing distrusts for governments and public institutions and the collapsing state of the 'analogue' media and public enlightenment platforms which are aggravated and propelled by globalisation threaten the holistic embrace of the trend and its multi-faceted manifestations. The foregoing developments have seen the emergence of the conservatives and the beneficiaries of the mundane system resisting globalisation and challenging its modest intentions by giving it the tag of 'Westernisation'.

Globalisation aims at liberalising transnational trade in such a manner that no one 'trader' may claim monopoly by determining access to commodities and services. But the free trade economy which is the main feature of globalisation was embraced at some quarters with suspicion. Consequently, the flip side of the justification for the idea of globalisation has informed high level of national consciousness among some nations while others like Nigeria display less commitment towards the ideology. The Indonesian legal system has evolved a unique notion of national consciousness in reaction to the centripetal pool of globalisation. This is encapsulated in the concept of Pancasila which is anchored on the 1945 Constitution of Indonesia (Firdaus et al, 2023, p. 28). It is therefore safe to conceive that the renaissance which globalisation has birthed and which has been sustained by industrial and technological revolution would not fade anytime soon. It would rather metamorphose into a more defined and structured future with the law taking its proper place as the driver of innovations, for as long as no one nation is capable of self-sufficiency within the global economic index.

Twin Triumphs of Globalisation and Law

The extant trend of globalisation evolved from the experiences of the World War II when the United States of America launched global economic recovery described as the second and third wave of globalisation (Vanham, 2019). It opened up cross-border business transactions, the first after many years of warfare and nationalism that characterised the global hostilities at the time. This campaign of economic recovery flourished unabated into the 1990s which heralded the era of European Community single market model birthed to place Europe in a fair competition footing with the rest of the world

(Bauer et al, 2024). This era also witnessed the emergence of India, China and other Asian Minors as major competitors in the global market.

Undoubtedly, globalisation has made remarkable in-roads into the advancement of wealth of nations marked by free market economy which entails moving capital and resources to end-user destinations. It has also influenced the emergence and liberalisation of digital technologies which has further closed up the gap between persons, communities and countries in a large scale. The result is that cross-border trade has grown in leaps and bounds (The Economist, 2019). Globalisation has also been instrumental in alleviating the plight of the poorest and most economically vulnerable around the globe with the number of persons living below poverty level in third world nations showing a tremendous decline. Goodman posits that by 1990, China has posted an unprecedented record of lifting 750 million people out of poverty (Huang, 2021). China's record was improved upon and made better by the economic statistics of 2012 and 2016 respectively (World bank, 2022). The period also marked positive shifts in other human development index such as child mortality and literacy rates.

The Role of law

The gains of globalisation notwithstanding, it is unthinkable that law has not played a pivotal role in sustaining the ideals in these years of glory. Indeed, law has been instrumental in the ordering and strengthening of the relationships that globalisation birthed. It has engendered trust in transactional relationships. It has maintained a symbiotic relationship with globalisation to the extent that it became clear the economic activities must be well spelt out in legal terms less they end in fiasco. Menon (2022) conceives law in this respect as a globalised currency of trust. The law has perfectly regulated the globalised market despite the proliferation of counterparties, strange and unfamiliar and characterised with primordial mistrust. The law creates an 'arms-length', yet fluid relationship guaranteeing familiarity among persons who may never have seen one another face to face. This is made possible by the evolution of dependable regulatory framework defining and protecting the interest of parties and streamlining the rules of engagement on all sides.

Globalisation has pushed commerce beyond a mere handshake or official memos. In the circumstances, Shapiro argues that legal contracts have replaced exchange of memos as basic means of economic command and control (Shapiro, 1993, p. 37). The United Nations Convention on Contracts for the International Sale of Goods and the World Trade Organisation's (WTO) General Agreement on Tariffs and Trade are standard templates for regulation of transnational trade between countries. The law therefore creates economic rights beyond borders. But the law does not operate in a vacuum. It runs on the wheels of legal practice which drives the legal system, particularly lawyers and judges of the jurisprudence.

The globalisation of legal practice in the twenty-first century has given impetus to the evolution of global law firms (Wald, 2012, pp. 2867-69). These firms, have developed to colonise the world of global legal practice to such extent that no global transaction may be engineered without them (Flood, 2007, p. 38). Consequently, the efficacy of law as a currency of trust may only be realised within a well-structured legal system. According to Menon (2022, 29), the legal frameworks within the legal system have become the notional 'bank' in which legal rights can be safeguarded and eventually realised.

Globalisation has emerged as the superstructure upon which the multiple feet of access to justice may rest to ensure no escape routes for infringements of standard contracts voluntarily entered into by parties. This is manifest, among other instances, in the models for resolution of international commercial disputes in the past thirty years (FRN v. PIDL 2023, 2638; Mozambique v. PSH, 2023, p. 32). Thus, arbitral proceedings have afforded parties the opportunity to leverage on the certainty of transnational enforceability, procedural flexibility and neutrality as a prominent and dependable avenue of international commercial dispute resolution. The world-wide acceptability of Arbitration as a model of dispute resolution identifies a justice delivery system that has defied jurisdictional traditions (Hadrian, 2019, p. 151). This is imperative as dispute resolution by arbitral proceedings is tilting towards regional integration (Pardede, 2022, p. 337). The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards has evolved as one of the very successful transnational treaties that has patterned the process of pursuit and enforcement of international commercial disputes. It posted an unprecedented acceptability by 168 state-parties (Arbitration Academy, n.d.).

Similarly, the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration (1985), and the International Centre for Settlement of Investment Disputes (ICSID) Convention, Regulation and Rules for Investor-State Arbitration (2021)

are instruments of wide acceptability which have helped to build trust in the global marketplace. Commercial courts of international status have in recent times risen to the occasion to complement arbitration and to afford reliable alternative in the dispute resolution enterprise. The international nature of the awards and judgments emanating from these dispute resolution panels confers them with a much more respectable status than municipal decrees. The United Kingdom (UK) and United States of America (US) have shown willingness to hold defaulting parties accountable for transactions concluded and executed well beyond and outside their territorial jurisdictions, in certain cases, thereby demonstrating the capacity of globalisation to build trust and define justice as a universal currency, stronger than the weak dispute resolution structures of developing nations. The reliance on best practices as well as ease of doing business phrases in commercial transactions owe patronage to globalisation. In Vedanta Resources Plc v Lungowe (2019, 20; Kiobel v. Royal Dutch, 2010), a case which originated from Zambia, the UK Supreme Court assumed jurisdiction in a case brought by Zambian (foreign) citizens against Konkola Copper Mines Plc, a UK foreign company, over the violation of best practices by its subsidiary in Zambia resulting in human rights violations. The court in assuming (extra-territorial) jurisdiction considered factors such as competence, capacity and integrity of Zambia's judicial system and the hard evidence that Zambian claimants would most certainly be denied access to justice in the circumstances of the case by Zambian courts.

Similarly, in Re-Tanzania, some Tanzanians sued Barrack Gold Mine (now Acasia Mining) and North Mara Gold Mine Limited alleging that brute force was deployed against the host community in the course of the company's operations resulting in twelve deaths. In April 2022, the High Court of England and Wales ordered the defendant-company to disclose documents on police shootings in North Mara Mine in Tanzania. The case of Bodo Community and Others v SPDC Nigeria Limited (2002, 537), originated from Nigeria. The Bodo Community of Ogoniland sued the defendants in 2015 over the failure of the defendant to adopt industry's best practices which culminated in oil spills in 2008 and 2009. The London High Court entertained the suit and gave judgment for plaintiff, a feat that could only be imagined under the prevailing Nigerian legal system. Thus, under the regime of globalisation, it does no longer suffice to be shielded by territorial jurisdiction for infringements of contractual obligations. Sanctity of contracts has become a pre-eminently shared value of transnational commercial or industrial activities.

Vacarelu (2017, 58) argues that the desire to manage risks and reduce cost of regulatory compliance and arbitration arising from disputes has informed players in the global commercial market to consciously tilt towards some shared principles that guarantee legal predictability, no matter the country involved. Hence, the evolution of transactional or standard clauses, trades' best practices and model contracts into a set of international norms and values is seen as a welcome development. This is evident in the operations of capital markets around the world which operate a uniform procedure, with jurisdictional variations informed by law. The abundance of standard forms used by both professionals and sundry tradesmen which includes the Institution of Civil Engineers (ICE) Conditions of Contract, the International Principles on Conduct for the Legal Profession adopted by the IBA on 28 May 2011 demonstrate the role of law in midwifing global parameters for cross-border commercial engagements. The emergence of UNCITRAL (Molineaux, 2000, p. 127), the Asian Business Law Institute, Asian-African Legal Consultative Organisation (AALCO) (Sucharitkul, 2007, p. 12), European Law Institute, the Session on Business Law of the Nigerian Bar Association (NBA-SBL) all of which are powered by legal professionals are great influences on the legal system for the development of models that guarantee ease of doing business to obviate hurdles to free and legitimate trade. Ukas (2020, 34) argues that the special development of legal scholars to guarantee stability, fairness, education and predictability in commercial transactions are fundamental for economic advancement of any country. Plessis (2008, 21) accordingly conceives that it is expected of legal professionals to maintain certain standards of professional competence and ethical dispositions given the critical role of lawyers in the world of globalisation. To this end, globalisation has not isolated the judicial landscape in its impacts.

The ease with which a national judicial panel can refer and be persuaded with decisions from other countries has been made much easier with abundance of legal-tech search engines. This has, no doubt, engendered fluidity in approaches and attitudes of municipal courts to commercial disputes as evidenced in transnational commercial arbitration and cross-border insolvency (Eggleston, 2001). This trend which tends towards unification of commercial practices propelled by law would provide common framework with which any individual, irrespective of the country of origin, may reasonably engage in

cross-border transactions with some level of confidence. The assurances embrace the critical areas of enforcement of judgment and arbitral awards. Nigeria is presently in the eye of the storm as it battles to ward off a desperate Chinese judgment creditor who has followed Nigerian Government's properties across the globe with some level of optimism (Odoh, 2024). The beauty of a near uniform approach has increased the call for more predictable principles that would ensure certainty of outcomes. The voices of Nigerians have been loudest in this area, particularly given the most recent political decisions rendered by the Nigerian Supreme Court. Noah advocates for a formidable database and search tool that would avail the Nigerian Supreme Court the benefit of its previous decisions as well as those of other jurisdictions for ease of discharge of its duties as a policy making court of the Nigerian federation (Izuokumor, 2024, p. 94).

The law has additionally developed a network of rules and rights which limit the risks of business failure by building entrepreneurial and innovative confidences. Consequently, it has recognised a broad spectrum of property rights ranging from intellectual property rights to crypto assets (van der Linden & Shirazi, 2023, p. 5), antitrust and competition law concepts which guarantee market liberalisation as well as the corporate principle of legal personality. Crypto currencies have defied purchasing powers and regulations within defined territories in such a manner that the global markets are playing a catch-up in order to keep pace with the new talisman (Victor & Kingdom 2021, 120, Ehirim, 2026a). Crypto and other e-commerce templates naturally create online disputes which demand expeditious end-to-end resolution, using the same online mechanism (Tan, 2019, p. 104). The UK has initiated a broad-band legislation on crypto-assets aimed at commanding the heights of the global crypto market (Hallak & Salem, 2023, pp. 1-3). A conscious effort of the law in rising to the occasion of taming the expansive influence of crypto assets in order to insulate the process from hijack by terrorism financiers (Hughes, 2017, pp. 1-5) demonstrates that the law is playing its proper role according to Lord Bingham (2001), as the handmaid of commerce. The law's eventual success in this direction is an expected victory of the rule of law which is inseparable with the current waves of globalisation. In the words of Menon (2023, 12-15), the more efficient utilisation of money, materials and labour created in the symbiotic relationship between globalisation and law owes its successes to the law which has created the traffic rules, roadmarkers and crash barriers – organising and regulating the flows, illuminating the cracks and curbing its more corrosive tendencies.

Globalisation on the Rocks

Notwithstanding the recorded milestone achievements posted by globalisation, the present-day approach to commerce brought about by a litany of global and regional developments in recent years have made great impression on international trade generally. These events include the collapse of the subprime mortgage market in the US which snowballed into colossal global financial crises and economic melt-down (Harrell, 2020, p. 12). The development plunged most nations into debts from which they are yet to recover (McCauley, 2018)

Another economic shock was unleashed on the globe by a threat to global security and peace in 2001 when some terrorists struck the US. The attack was conceived as a flip side of globalisation with its attendant free trade and movement of persons across borders. The attack, which took the world by storm, was hatched and executed by members of Al Qaeda global terrorist movement one of whom was born in Egypt, trained in Florida as a pilot and recruited and radicalised in Hamburg (Goldin, 2014). The world of commerce was transformed thereby as energies become channeled to war on terror around the globe. The global war on terror has appeared intractable till date and has festered with the wave of globalisation (Tadesse, 2023, p. 350), defying geographical boundaries and pushing beyond traditional Western targets up to Kabul (Gardner, 2021).

The COVID-19 pandemic spread through the globe like fresh air leaving the world economies comatose in its wake. It brought the entire global healthcare infrastructure to its knees revealing the vulnerability of all humans irrespective of colour, race and country. The Ebola Virus Decease (EVD) (Akintayo, 2017, p. 194) brought Africans together with the same zeal to find workable solutions as the COVID-19 global experience, for the survival of the human race (Aboh & Aloamaka, 2022, p. 116). The impact of the pandemic has raised an unprecedented global awareness to the impending realities of global warming. The foregoing existential crises which befell the world expose the weakness in the argument for continued globalisation. It has increased agitation for States to take back control of their domestic affairs as globalisation is viewed as a steep slope towards common fragility, over-dependency resulting in loss of self-determination even by stronger nations like the US. The table now turns towards

de-globalisation and national consciousness. Some of these movements, such as the Brexit (Gee et al, 2016, p. 55), tending towards national perfect control predate the pandemic but found their voices louder at the wake of the pandemic. The campaign has been in favour of national inward-looking. The escalating trade tensions between China and the US with every competing country striving to keep jobs and dominate the marketspace for its citizens and boost its indigenous economy diminishes the argument for continued globalisation (Siripurapu & Berman, 2024). Unfortunately, anti-globalisation rhetoric today is no longer the preserve of a vocal minority, but has manifested in ways that are much more concerning.

The Fall of Globalisation

The seeming disintegrating waves blowing the concept of globalisation has been attributed to the inability of the major players in the international political economy to find a common ground on the fundamental goals and utilities as well as the limits of globalisation. Global interconnectedness was first seen as possible when the colonial masters of ancient Europe agreed to colonise and plunder the rest of the world, particularly Africa (Chamberlain, 2010). The colonial authorities saw the resources of the colonised as theirs for the taking and enacted Ordinances to divest indigenous people of their natural resources for the exclusive economic benefit of Europe (Apata, 2022).

In the present milieu, the universal concept of sustainable development has made even the colonised critical players in the determination of the exploitation of their resources. The selfishness disguised under the wave of globalisation has fueled the inability of the global economic powers to develop models to address the growing global economic inequity (Goulard, 2020, p. 56). The inequality index has seen a meteoric rise between 1980 and 2016 pointing to the fact that globalisation has failed to evolve a distributive legal principle that should properly define economic engagements in the 20th century (Ricupero, 2019, pp. 17-23). Where globalisation has lost acceptability, the law has lost efficacy. Legal rights as currencies of trust have suffered unequal access and distribution like monetary currencies (Aisbett, 2007, p. 41). Consequently, access to justice which translates into inadequate or unequal access, has become a challenge to grapple with if globalisation must survive.

The Organisation for Economic Co-operation and Development (OECD) in its 2016 report on inclusive growth declared that the inability to access the courts for the resolution of disputes diminishes access to economic opportunity and undermines human potential, inclusive of growth. Regretfully, Nigeria and other third world countries lack greater access to justice because of high poverty index (Menon, 2019, p. 6). Promotion of the rule of law should be geared towards the provision of access to justice for the most vulnerable even in super economies like the US (Stinson & Cutler, 2021). Failure of the legal system to guarantee unfettered access to justice to all has aggravated the global agitation for the collapse of globalisation.

The Case for Hope for Globalisation

The strength of globalisation under a critical lens of reason could earn the concept another chance and advance it to be man's best hope of survival. The truth is that the most pressing, and life-threatening challenges plaguing mankind in this millennium require synergy which can only be achieved by open global and interconnected relationship that would respects humanity's vulnerabilities. The threats of pandemics, terrorism and global warming pushes humanity towards a common corner for safety and preservation. Europe has presented a common front against climate change because the menace cannot be confronted in isolation (Radecka, 2024, pp. 185-190). Emerging challenges in transnational commercial activities involving data regulation (Aloamaka, 2023, p. 281), demilitarisation of the outer space (Wakji, 2024), administration of the seas and ocean resources are incapable of being surmounted by the sole effort of one country, no matter how powerful. Ripley and Heindler contend that a stand-alone solution to address all issues arising across various fields of law in connection with e-commerce does not seem feasible, particularly in the area of crypto assets and block chain (Ripley & Heindler, 2023, p. 259). Issues which are within the global commons require the world to stand together under no concept better than globalisation. It may, in practice, be impracticable to bring all players under one agreement but the majority of countries suffices to pull resources together for man's common survival. The Kyoto Protocol and the Paris Agreement to reduce greenhouse effect which have served to slow down global warming benefitted the entire humanity including the countries who withheld their support by abstaining.

Secondly, the approach adopted by the world to contain COVID-19 demonstrated that synergy is more beneficial than solitude (Owolabi, 2023, p. 31). The spread of the virus was magnified by physical

travels and patch-work lockdowns engaged by countries in the exercise of their rights of sovereignty. Nigeria, shut its borders with Benin Republic, Togo and Niger Republic and the first time in recent history, flights from Nigeria to Heathrow Airport, one of the world's busiest routes were put on hold. Within months, millions of persons were reported dead across the globe including Abba Kyari, Nigeria's ever most influential Chief of Staff to the President. It was possible to mitigate the grave consequences of the spread into pockets of deaths if the world had stood together and shut all borders at once, in one agreement. The response across the globe resulting in cross-border charities showed that globalisation could salvage humanity at critical times. Jacobs argues that the COVID-19 pandemic presented the world with an opportunity to address the immediate impact of the pandemic along with long term issues of environmental protection and climate change (Jacobs, 2024, p. 131).

Kant posits that the entire humanity is unavoidably side by side with one another, being inextricably tied. It has been held out as the most visible fulfilment of the Kantian postulation of the broadening of the possibilities of individual's imagination (Corvino, 2019, p. 477). Abandoning globalisation tantamount to stepping away from engagement and integration in which case we would be giving up control over our future - futures that are and will remain inextricably tied to one another.

Keeping a Light on for Globalisation

From the foregoing, it is safe to posit in the first instance that globalisation has weighty arguments for and against its distributive and conceptual relevance. Most, if not all, of the weaknesses which have fortified the arguments against the concept are traceable to the failure of the law and the legal infrastructure. Again, globalisation remains the panacea to fundamental challenges of humanity in an era of sustainable development. The triumph, therefore, is not to live in self-denial but rather in the re-calibration of the foundational theories of globalisation for the purpose of repositioning the concept for a much global impact in the digital era. The law should play a pioneering role in the renaissance. This could be achieved by a three-pronged approach, namely: to synchronise the concept of globalisation with the concept of sustainable development; to create a more conducive and level-playing ground for dispassionate intellectual engagement on the discourse on globalisation; and to evolve instruments that would confer legitimacy on globalisation.

Synchronising Globalisation With Sustainable Development

This could be achieved using multi-facetted reasoning, some of which have run through the length of this paper. What has sustainable development got to do with globalisation? One way to understand this is to come to terms with the fact that globalisation has created a normative ceiling beyond which the exploitation of human and natural resources is not permissible. The capitalist invasion of human and natural resources targeted at keeping pace with the post-war economic recoveries in the 1950s plundered the world in such a manner that science has revealed unfortunate consequences ahead of humanity and generations unborn should the trend continue unabated. It has become clear to mankind that our natural capital is exhaustible if exploited without a renewable or sustainable mind-set (Faga & Uchechukwu, 2019, p. 34).

The idea of sustainable development as powered by the United Nation is a welcome development even by counties that traditionally see UN's positions on global economic governance as suspect (Uddin, 2024, p. 51). The UN's SDGs which is an amalgam of 17 interconnected universal goals evolved as blueprint for the realisation of a better and more supportive future for all mankind (Du Pisani, 2006, p. 83). The incorporation of sustainability clauses into free trade contracts is a testimony of the global acceptability of these principles (Kumar & Kumar, 2023, pp. 1-4). For the principles of sustainability to gain relevance within the social milieu, it must strive to address distributive inequity or poverty engendered by globalisation. Poverty is the dividing line between major proponents and oppositions to globalisation and needs concerted attention. Bronckers and Gruni (2021, 25) admit that the adequacy of measure taken to address the economic inequities are debatable but however argue that economic empowerment and poverty alleviation are not the sole target of globalisation because there is the need to weigh costs and policies of major drivers of the system in order to strike the balance that would serve the best interest of humanity.

A Level-Playing Ground for Intellectual Discourse on Globalisation

It is equally imperative to engage a robust and genuine international discussion about the utility and boundaries of globalisation, and the sacrifices that each player is prepared to make to harness the gains. The truth is that discussions on globalisation seem to accommodate the solitary voices of the very industrialised nations and so, lack the inclusivity necessary for global free-will acceptability. The fears

of the less-industrialised nations, particularly African nations should be allayed. When globalisation equates with universalism, it is sure to meet brick-walls in conservative Africa. One good example of the African response to universalism is the revolt against liberalisation of sexual minorities rights (Ehirim 2023, 31; Ehirim, 2025, p. 42). Many African countries have rejected same-sex marriage, a somewhat globalised phenomenon, with the same gusto they rejected colonialism. If globalisation is not sifted to make the ideals much crystal, Africa might shock the world by throwing away the child with the bath-water even at the risk of unprintable names. Parker posits that about two-and-a-half decades ago, the general attitude (in America) was that refusal to embrace globalisation is akin to rejection of the sunrise. According to him, 'only the shortsighted, the stupid, the cuddled and the unprepared would turn against it (Packer, 2016).' Events have shown that the realisation of the objectives of globalisation is not in the confidence of speech of the proponents nor in the name calling of the 'non-conformists.' Much more could be achieved by creating a dispassionate, level-playing ground, free from the echo-chambers for the cross- fertilisation of ideas that would benefit the success of globalisation. The end of globalisation is a global community and as with communities, be they ancient or modern, it is fundamental to build consensus.

It may pose a veritable challenge to provide a healthy platform for dispassionate engagement of issues bordering on globalisation. The propensity to politicise global issues and push ideas from primordial prisms is inevitable in the circumstances. The main hurdle to a constructive platform is the social media which has provided individual channels to contribute positively or otherwise to global discourse. In the era of 'truth decay,' it is disturbing to find the speedy erosion of truth and values due to the growing defeat of traditional, reliable and verifiable sources of information (the mainstream media) by a flurry of social (new) media platforms (Kavanagh & Rich, 2018). The menace of the new media is as critical as their fundamental relevance (Sani, 2023, pp. 1-3). This child of globalisation has the capacity to deconstruct the truth, produce alternative facts, generate echo chambers and magnify issues for the purpose of blurring the line between sentiment and reason in public debates. Players on these platforms, known as 'influencers' may hijack such discussions with twists to neutralise the very essence of the engagement.

The strength of the new media is the fear of governments and those that service the old order. The law has a duty to regulate social media activities in the evolving post-truth space. Thus, the several motions on the floor of the National Assembly in Nigeria calling for the regulation of social media handles is not misplaced but for fear of highhandedness of the government which implicates that Nigeria may drift fast into democratic backsliding (Ginsburg, 2018, p. 351). In Singapore, the Protection from Online Falsehoods and Manipulation Act 2019 authorises a Minister to make a take-down or correction order against unverifiable statements or falsehoods published online in line with the requirements of the law and subject to the publisher's right of appeal to the regular courts. The statute was handy in containing the panic brewed with the internet-circulated claim that a new COVID-19 variant of Singaporean origin was spreading to other countries (Yong, 2021). It needs to be noted that what constitutes falsehood may depend on the prism through which it is viewed. In Nigeria, hate speech has become a nomenclature used by the government in power against the free speech or constructive criticisms of citizens against bad governance and low-quality service delivery such as when some citizens published that they had their eyes on the judiciary at the wake of political uncertainties that punctuated the waiting for Supreme Court judgment on the Presidential election of 2023. There is therefore a need for synergy to stem the challenge of fake news across the globe. Because the new media has blurred traditional territorial borders and defied sovereignty of nations, it requires a transnational approach within the ambit of globalisation.

Conferring Legitimacy on Globalisation: The True Test of the Law

Legitimacy is the most fundamental basis upon which any arguments in support of globalisation might anchor. It represents the willingness of individual persons to respect and accord recognition to the institutions, ideals and practices identifying with globalisation as well as the decrees and outcomes emanating from the drivers of the system and its principles, even where they have good reasons to disagree with some aspects of such 'universal' ideology (Bodansky, 2010, p. 327). Globalisation may flourish or fade depending on its ability to acquire or re-possess legitimacy in the transnational political economy. This is so because the idea of globalisation lacks coercive enforcement, not being backed by municipal legal machinery. It relies on 'moralsuasion' for the evolution of binding standards and

principles. Legitimacy would produce in the concept, the requisite compliance which snowballs into efficacy and stability necessary to influence human conduct.

The truth is that extra-legal superstructures such politics, geopolitics and economics are major hurdles towards the realisation of legitimacy for globalisation (Padoa-Schioppa, 2018). The superstructures are galvanised by law and most countries are already taking advantage of this potency of the law. In the Philippines, the Electronic Commerce Act of 2000 (ECA) was enacted to facilitate domestic and international dealings, transactions, agreements, contracts and exchanges of information and to promote the universal use of electronic transaction within public and private circles. Sections 6 – 15 of the ECA gives legal recognition to electronic transactions, thereby making virtual court hearings (VCH) a child of necessity (Singh, 2024, p. 36). Panaligan posits that following the ECA, about 1, 139, 720 VCHs had been concluded by the Philippines court cutting across diverse area of law by October 2022 (Panaligan 2022; Davies et al, 2024). Consequently, the law and the justice architecture should be re-calibrated to properly position the law as a currency of trust. The re-engineering of the justice system, according to Menon begins with efforts at broadening the understanding of the rule of law to accommodate accessible and proportionate justice (Menon, 2021). He therefore advocates for the tailoring of the complexity and structure of the legal process to fair and acceptable resolution of live issues instead of technicalities. Adherence to the rule of law makes the legal process predictable in international commercial dispute resolutions; it builds confidence and diminishes incidents of forum shopping, concurrent or multiple litigation on the same issue as well as rejection of the eventual outcome of judicial tribunals. Supremacy of the rule of law guarantees the shoring up of the normative and distributive fault-lines of globalisation, mending the crevices apparent on the face of the entire ideology. This could be illustrated with the legal mechanism designed to aid globalisation in the area of State – Investor Disagreement Settlement (SIDS). Menon, evaluating the crisis of legitimacy with SIDS, posits that the arbitration community has reasonably accepted some unique features of the arbitral proceedings such as party appointment, confidentiality, non-existent appellate opportunity and other principles that are unknown to the regular legal process because arbitration is driven by the parties themselves for the resolution of their private disputes and parties understand the need to shift grounds for other collateral benefits (Menon, 2022, pp. 11-14). Conversely, SIDS may engage matters of public law and policy in which case it would be unthinkable to subscribe to a private arrangement of dispute resolution owing to the lack of institutionalised rule of law values. The engagement of SIDS within the realm of public law in the circumstances would result in loss of legitimacy. This challenges the SIDS process to commit to the rule of law principles, particularly the rules of natural justice, transparency and mechanism for public scrutiny of its awards. This is imperative as the legitimacy question concerning the SIDS relates to its future but much more to the public assessment of the normative authority and equity of the legal infrastructure for global governance.

The role of the major stakeholders in the legal community cannot be over-emphasised. The training of lawyers equips them to address matters of rights and obligations from all sides thereby placing them in a vintage position to exercise influence in a globalised world. Individual lawyers, judges and the entire judex can contribute to answer the legitimacy question of globalisation by building norms through the appropriate engagement of rule of law principles and particularly against the activities the elevate the flip side of the concept against the advantages such as terrorism, human trafficking, money laundering, trans-border corruption (Oyesola, 2023, p. 110), corporate tax evasion and other vices which has engendered colossal distrust for globalisation. This could be archived by synergy in the justice delivery sector.

The judiciary as the standard bearer for stability of legal rules in modern societies. The Nigerian judiciary is encouraged to lead the way by evolving rules and principles that would meet the current tide of globalisation. The world has evolved and is tilting towards the 'E-Revolution' with E-justice, E-court, E- trials, E-money, E-filings and recognition of virtual law firms to push legal practice and sundry institutions beyond borders and facilitate expeditious dispensation of justice (Sule et al, 2024, p. 52). The legal profession, court procedures and judicial processes are notoriously conservative and admit reforms at snail speed because of the complex nature of justice delivery (Mclntyre et al, 2020, p. 195). The conservative nature of law must yield to the speed of innovative commerce if law must retain its relevance (Katsh & Rabinovich-Einy, 2017, p. 31). The UK Supreme Court has deployed 'Vidyo', an electronic platform for virtual hearing of matters since 2020 (Edet & Agi, 2021, p. 73). However, the first VCH in the UK took place in 2018 at a time when Australian courts were still at the pilot stage and

no Nigerian courts ever saw the possibility beyond academic postulations (Bowcott, 2018). The UK case of National Bank of Kazakhstan v The Bank of New York Mellon & Others (2020) is a typical example of how courts can be relevant beyond borders. In that case, parties, witnesses and experts from England, the US, Belgium and Kazakhstan testified virtually from the comfort of their domains. Beyond the UK, the Council of Europe has evolved procedures for legitimate trans-border judicial proceedings by online platforms (Chronowski et al, 2024, p. 413). Saudi Arabia has advanced the technology of VCH by deploying Artificial Intelligence (AI) application to manage VCHs since 2022 (Fatima, 2022). The Saudi Arabian approach is targeted at keeping pace with the speed of transformative commerce that has become the order under globalisation. In the dispensation, justice delivery has acquired a universal status and structure. Adherence to peculiar domestic caprices has become unacceptable as emphasis shifts to the importance of a transnational system of commercial justice (Menon, 2022, p. 12). The Nigerian Supreme Court had in the case of Attorney General of Lagos v Attorney General of the Federation (2020; Davies et al, 2024), held that virtual hearing of court cases is not unconstitutional. It is now expected that the Supreme Court in the extant era of financial autonomy (Ehirim, 2026, p. 20) would vote funds to upgrade the justice delivery architecture (Olusaga & Davies 2022; Davies et al, 2024, pp. 1-6). It has, therefore, become an emergency to speedily evolve rules that would place Nigerian justice delivery system at par with the UK and ASEAN countries in terms of speed, quality and efficiency. This would afford legal practitioners the opportunity of playing the pivotal role of resolving multi-polar legal challenges, building trust within the framework of a new and more sustainable version of globalisation.

CONCLUSION

This paper has engaged the concept of globalisation with focus on its transformative impact on transnational commercial transactions and the role of law as the currency of trust. Without the trust engendered by law, the entire concept of globalisation would be one lacking in direction and legitimacy; unworthy of its appellation. There is no doubt that globalisation is a present reality despite the strong arguments to the contrary. The challenge is a call on the legal community to rise to the occasion and give direction to the concept by formulating a better version or vision of globalisation to re-position humanity to face the multi-faceted problems which require multilateral affirmative actions. This is imperative as no one country, no matter the level of technological advancement, can solve its own existential problems let alone those problems that defy borders, standing-alone. As Nigeria, like other countries of the world, continues to enjoy the gains of globalisation, she must also share in the management of the downsides. This however depends on transnational policy framework within the global law and justice delivery systems which should establish a more sustainable ground for globalisation to legitimately fester.

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