



## Legal and Socio-economic Issues Concerning Black Marketer's Activities of Petroleum Products in Nigeria

Simon Ejokeme Imoisi and Paul Atagamen Aidonojie

imoisili.simon@edouniversity.edu.ng

Edo State University Uzairue, Nigeria

### Abstract

Petroleum is an essential commodity that is highly demanded by the populace of the world because it is the major and predominant source of energy in the world. Given that there could be an abuse of petroleum products in Nigeria, Section 4 of the Petroleum Act further prohibits the storage and sale of petroleum products by black marketers in Nigerian communities. However, it is unfortunate that due to poor implementation of the Petroleum Act, there has been a constant increase in the activities of black marketers of petroleum products in Nigeria. This study embarks on a hybrid method of studying the activities of black marketers in the Nigerian petroleum industry. In this regard, 322 questionnaires were distributed to respondents residing in Nigeria, and descriptive and analytical methods were adopted to examine the results. The study found that the incidence of black market activities is often caused by legal and socioeconomic challenges, such as poor implementation of the legal framework, petroleum scarcity, poverty, and unemployment. It was therefore concluded that to curtail the activities of black marketers in Nigeria's petroleum industry, there should be a due implementation of the Petroleum Act, provision of petroleum products, and prosecution of persons involved in black market activities in Nigeria's petroleum industry.

**Keywords:** Black Marketers; Petroleum Act; Implementation; Petroleum Products.

### Introduction

As fuel scarcity strikes harder across the nation, the black market is flourishing in various towns across Africa's largest oil producers.<sup>1</sup> The Nigerian National Petroleum Company Limited (NNPC), Nigerian Midstream and Downstream

<sup>1</sup> Oladehinde O, 'Black Market Booms As Petrol Scarcity Persists' (*Business Day*, 2022) <<https://businessday.ng/big-read/article/black-market-booms-as-petrol-scarcity-persists/>> accessed 3 January 2023.; O. Olujobi and Olusola-Olujobi, T, 'The Appraisal of Legal Framework Regulating Gas Flaring in Nigeria's Upstream Petroleum Sector: How Efficient?' (2019) 10 *International Journal of Civil Engineering and Technology*. [ 256-272].; K. Udibe, [et.,al.] 'Deregulation of The Downstream Oil Sector and Economic Development in Nigeria, 1999 - 2017: A Critical Analysis' (2018) 9 *International Journal of Business Economics and Management Research*. [36].

Petroleum Regulatory Authority (NMDPRA), and marketing firms all proposed solutions to the petrol shortage, but none of them seem to have worked. Because of these circumstances, there were more black marketers than ever before who took advantage of the situation and made the already severe gasoline shortage that is currently affecting several states and cities much worse.

Petrol scarcity appears to have defied all measures put forward by the Nigerian National Petroleum Company Limited (NNPC), Nigerian Midstream and Downstream Petroleum Regulatory Authority (NMDPRA), and marketing companies.<sup>2</sup> This situation has led to a growth in the number of black marketers springing up from every corner, taking advantage of the situation and further worsening the petrol scarcity currently rocking many states and cities.<sup>3</sup>

It suffices to state that Nigerians now depend on the black market for survival. Illegal gas sellers receive a constant supply, but there are empty gas stations.<sup>4</sup> Today, black market hawkers and retailers of fuel, kerosene, gas, and other petroleum products are found in every nook and cranny of towns in Nigeria, and their activities can cause severe environmental hazard.<sup>5</sup> They trade in jerrycans, drums, and tanks, and are steadily patronized by commercial vehicle operators popularly known as keke and okada, as well as regular taxi drivers, some private motorists, and other

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<sup>2</sup> Peter U, 'Black Market Operators Makes Brisk Business As Petrol Scarcity Lingers in Lagos Others' (*This Day Newspaper*, 2022) <<https://www.thisdaylive.com/index.php/2022/12/02/black-market-operators-make-brisk-business-as-petrol-scarcity-lingers-in-lagos-others/>> accessed 5 January 2023.

<sup>3</sup> *ibid.*

<sup>4</sup> Park V, 'Nigerians Now Depend On The Black Market To Survive' (*BBC News*, 2015) <<https://www.bbc.com/news/world-africa-32874236>> accessed 29 December 2022.

<sup>5</sup> Aidonojie P A., [*et.,al.*], 'The Legal Challenges and Effect Concerning the Environmental Security in Nigeria: A Lesson from International Perspective' (2022) 9 NAUJCP.L.[110-120].; Aidonojie P A., [*et.,al.*], 'A Facile Study Concerning the Legal Issues and Challenges of Herbal Medicine in Nigeria' (2022) 4 The Indonesian Journal of International Clinical Legal Education.; Aidonojie P A, 'Environmental Law in Nigeria: A Review on Its Antecedence, Application, Judicial Unfairness and Prospects' (2020) 1 Archive of Science & Technology.[ 211-221].; Aidonojie P A., [*et.,al.*], 'Bioenergy Revamping and Complimenting the Global Environmental Legal Framework on the Reduction of Waste Materials: A Facile Review' (2023) 9 <<https://doi.org/10.1016/j.heliyon.2023.e12860>>.; Aidonojie P A, 'Environmental Hazard: The Legal Issues Concerning Environmental Justice in Nigeria' (2022) 3 Journal of Human Rights, Culture and Legal System <<https://doi.org/10.53955/jhcls.v3i1.60>>.[17-32].

individuals who buy for household use.<sup>6</sup>

Despite the provisions of Section 4 of the Petroleum Act, which prohibits the storage, distribution, and sale of petroleum products without a license, against this backdrop, the black market dealing with petroleum products has continued to rise in recent times, especially when the product is not readily available in certain areas because of either a short supply, the absence of filling stations, or the prohibitive cost of servicing the few there as a result of bad roads and other accessibility constraints.<sup>7</sup> The question that needs to be answered is whether the provisions of Section 4 of the Petroleum Act deal with the storage and sale of petroleum products and, in light of the increase in black marketers of the product in our communities, can be said to have complied with the provisions of the law.

This study is aimed at discussing the provisions of Section 4 of the Petroleum Act by considering the persistent increase in the black market in Nigeria and assessing the level of compliance with the provisions of the Act.

This study adopted a hybrid method that consists of a doctrinal and non-doctrinal method of study to ascertain the current activities of black marketers in the Nigerian petroleum industry. In this regard, the doctrinal method utilized primary sources of authority, such as the Nigerian constitution, the Nigerian Petroleum Industry Act, and case law emanating from the Nigerian court, as it relates to the activities of black marketers in the Nigerian petroleum industry. Furthermore, several pieces of literature such as textbooks, journal articles, and Internet articles were reviewed.

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<sup>6</sup> OG Chukkol, 'Selling Fuel or Any Other Petroleum Product Without License Is a Crime In Nigeria' (*SSRN*, 2020) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3652291](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3652291)> accessed 14 January 2023.

<sup>7</sup> OJ Olujobi, 'Legal Framework for Combating Corruption in Nigeria - the Upstream Petroleum Sector in Perspective' (2017) *Viii Journal of Advanced Research in Law and Economics*. [956-97].; Abdurrahman B Y, [*et., al.*] 'The Impact of Downstream Oil Deregulation Nexus Petroleum Gross Domestic Product: The Nigerian Experience' (2019) *9 International Journal of Scientific and Research Publications*. [524-532]; Adediran JA, [*et., al.*], 'Impact of the Effluent Discharge from a Brewery Plant on Three Communities in Ibadan Municipality' (2004) *10 south western Nigeria*', *Global Journal of Pure and Applied Science*. [211-216]; Aikpan W, 'Putting Oil First? Some Ethnographic Aspects of Petroleum-Related Land Use Controversies in Nigeria' (2005) *9 African Sociological Review*. [134-152].

Furthermore, the non-doctrinal method adopted a questionnaire that was distributed to respondents residing in Nigeria. The questionnaire aimed to ascertain the incidence and causes of black marketers' activities in Nigeria. Furthermore, there are possible ways of remedying the challenges of curtailing black marketers' activities in Nigeria.

### **Black Marketer's Activities and Judicial Activism in Curtailing Their Act in Nigeria**

It is the principle and fundamentals of the law that the black marketing of petroleum merchandise in Nigeria is considered illegal and not allowable under the Nigeria Petroleum

Act. In this regard, it suffices to state that the Nigerian court has aptly re-emphasized the position of the law in a plethora of cases. It suffices to state that the Nigerian court has been very active and prudent in the dispensation of justice as it concerns the activities of black marketers in the Nigerian petroleum industry. In the case of *Nomany V FRN*,<sup>8</sup> the court convicted the appellant for storing 3,423.097 metric tons of crude oil. Furthermore, the court in the case of *Shahinul V FRN*<sup>9</sup> was also of the view that it was an offense to involve and indulge in the illegal storage, selling, or distribution of petroleum products without being licensed as a petroleum marketer in Nigeria.

It should be noted that even as a transporter of petroleum products, such an individual will be liable if the petroleum product being transported belongs to a third party that is not licensed. This position of law was emphasized and held in the case of *Hepa Global Energy Ltd v FRN*.<sup>10</sup> In this case, the Appellant vessel owner

<sup>8</sup> 'Nomany V FRN (2018) LPELR-44546(CA)'.

<sup>9</sup> 'Shahinul V FRN (2018) LPELR-44528(CA)'.

<sup>10</sup> *Hepa Global Energy Ltd v FRN*, (2017) LPELR-44033(CA); Majekodunmi, T. A., [et.,al.], 'Legal Issues in Combating the Scourge of Terrorism;Its Impact on International Trade and Investment: Nigeria as a Case Study' (2022) 7 KIU Journal of Humanities.[129-139].;Aikpan W, 'Between Responsibility and Rhetoric: Some Consequences of CSR Practice in Nigeria's Oil Province' (2006) 23 Development Southern Africa.[ 223–240]; Aikpan W, 'Between Ethnic Essentialism and Environmental Racism: Oil and Discourses of Environmental Justice in Nigeria', *RC 24 (Society and Environment), Session 4 (Environmental Justice for Sustainable Development), International Sociological Association (ISA) XVI World Congress of Sociology* (RC 24 (Society and Environment), Session 4 (Environmental Justice for Sustainable Development), International Sociological Association (ISA) XVI World Congress of Sociology 2022).

argued that the petroleum product being transported belonged to a third party; in this regard, he ought not to be liable. The court rejected this argument and held that the pertinent issue was possession, not ownership. Because the actual owner did not have a license, they must be liable. It suffices to state that the court's decision accords with common sense. It is submitted that a person in charge of any means of conveyance (be it car, vessel, etc.) is expected to take reasonable steps, not only to know what he or she is carrying but also the legitimacy of such a product. In this regard, an individual cannot be said to give the excuse that he/she does not know that the product being transported is illegal. In the case under discourse, the company should have taken steps to verify whether the owner of the Petroleum Product had a license.

Concerning the above, it is further suggested that dealing with petroleum products without a license is a strict liability offence. The physical presence of a petroleum product in one's possession or custody effectively discharges the need for proof of mens rea on the part of the accused person. In the case of *M. V. Island V FRN*<sup>11</sup> and the decision of *Ikyegh, J.C.A in Hepa Global Energy Ltd V FRN* held the following:

“Statutory provisions concerning the unlawful possession of a substance or product and/or without a license or lawful authority wore a toga of strict liability. Once a person has a controlled substance or the prosecution has proven custody, the onus shifts to the individual found in the custody of the substance or product to justify his possession”.

There is only a maximum quantity of 500 liters specified in the law, beyond which storage becomes an offence. In other words, if the petroleum product that one possesses is not above 500 liters, it would be lawful to store or sell it without a license. See Subsection (2) of section 4 of the Petroleum Act. The minister can also grant an exemption according to Section 4 of the Petroleum Act. Furthermore, if one is just a passenger in a car or any other means of conveyance of the petroleum product, liability will not arise. This was the position taken by the Court of Appeal

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<sup>11</sup> ‘M. V. Island V FRN (2018) LPELR-43479 (CA) 8 Supra’.

in the case of *Abass V FRN*.<sup>12</sup> This is in accordance with common sense. It would be highly illogical to hold a passenger who has no business or links with the petroleum product being carried.

In affinity with the above position, and of course, to create a balance, the law states that if a person on board has a link with either the product being conveyed or the car/vessel carrying the product, then the person will be liable. In *Normany V FRN*,<sup>13</sup> the Appellant was merely onboard the vessel as an engineer. The court held that by such, he could be liable for a conspiracy since he was hired to take care of the vessel. The court added that he could have been aware of the unlawful carriage of petroleum products without a license.

Another instance when one cannot be liable is when one carries or possesses the product as an agent of someone with a license. In *Danjuma V FRN*,<sup>14</sup> the Appellant was caught with 33000 liters of petrol and was thereby convicted. The conviction was set aside on appeal on the basis that the Appellant carried the product as an agent of someone who had a license. A similar phenomenon occurred in *Ogbagbe v FRN*<sup>15</sup> and the conviction of the Appellant was set aside.

The last two decisions are also in accord with agency jurisprudence, which absolves an agent from liability. The principal is always presumed to be acting unless the agent acts outside the scope of his duties. The penalty for dealing with petroleum products depends on the law under which the person is charged. Section 1(17) of the Miscellaneous Offences Act provides a maximum sentence of life in prison and forfeiture of the mode of transportation of the product. Section 4 of the Petroleum Act, on the other hand, provides a maximum sentence of two years in prison or a fine of N2,000 or both, as well as forfeiture of the petroleum product.

Therefore, it follows that forfeiture is common to both laws. However, even at that time, the Miscellaneous Offences Act provides for forfeiture of the means

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<sup>12</sup> ‘*Abass V FRN* (2018) LPELR-43695(CA)’.

<sup>13</sup> ‘*Supra*’.

<sup>14</sup> ‘*Danjuma V FRN* (2018) LPELR-45194(CA)’.

<sup>15</sup> ‘*Ogbagbe v FRN* (2018) LPELR-45240(CA)’.

of transportation, while the Petroleum Act provides for forfeiture of petroleum products. At *Hepa Global Energy Ltd V. FRN*,<sup>16</sup> the monies in the account of the company were forfeited. In *M. V. Long Island V. FRN*<sup>17</sup> the vessel carrying the Petroleum Product was forfeited. It is suggested that a prosecutor should charge suspects under both laws if they want the forfeiture of both the means of conveyance and the product being conveyed. However, it suffices to state that despite the judicial activities in curtailing the illegal activities of black marketers in Nigerian petroleum industries, there are activities that seem to be on the increase within the Nigerian petroleum industry.

### **Laws Concerning the Activities of the Black Marketers in Nigeria's Petroleum Industry**

The law requires that those selling petroleum products have a license from appropriate authorities before venturing into the business.<sup>18</sup> Doing so without a license is impermissible, illegal, and criminal.<sup>19</sup> Other actions that can render one liable for punishment include an offer to sell, distribute, import, export, or otherwise deal with any of the above petroleum products. The offence extends to any act for which a license is required under the Petroleum Act. This has been discussed

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<sup>16</sup> Ukhurebor K.E. and Aidonojie P. A., 'The Influence of Climate Change on Food Innovation Technology: Review on Topical Developments and Legal Framework' (2021) 10 Agriculture & Food Security.[1-14].; Anani O A, [et.,al.]. *Environmental Principles and Ethics: Current Challenges in the Field of Bioscience and Law, Ethics, Media, Theology and Development in Africa: A Festschrift in Honour of Msgr. Prof. Dr. Obiora Francis Ike* (Global.net Co-Publication & Others, Geneva, Switzerland 2022).[142-158]

<sup>17</sup> K.E. (n 16).

<sup>18</sup> Admaeshi KM, [et.,al.] 'Corporate Social Responsibility (CSR) in Nigeria: Western Mimicry or Indigenous Practices?', Nottingham: International Centre for Corporate Social Responsibility', *ICCSR Research Paper Series* (2006).; Adpells C, [et.,al.] 'Institutionalising Corporate Citizenship: The Case of Barloworld and Its "Employee Value Creation" Process' (2006) 23 Development Southern Africa.[ 240–250]; Adshley C and Haysom , 'From Philanthropy to a Different Way of Doing Business: Strategies and Challenges in Integrating pro-Poor Approaches into Tourism Business' (2006) 23 Development Southern Africa.[265–80].

<sup>19</sup> E. Fidelis and Egber M.I, 'The Perception of Nigerians on the Deregulation and Privatization Moves of the Government in the Oil and Gas Industry in Nigeria' (2013) 2 International Journal of Public Administration and Management Research.[124].; DE Gberevbie, 'Deregulation Policy and Development in Nigeria: The Petroleum Sector Experience, 1999-2014' (2015) 30 Journal of Social Development in Africa.[129].

in Sections 4(1) and (6) of the Petroleum Act. In addition, Section 1(17) of the Miscellaneous Offences Act<sup>20</sup> provides a similar provision. It criminalizes importing, storing, selling, and distributing any petroleum product in Nigeria without a license.

Despite the provisions of the law against the black market in Nigeria, several people in our communities are still involved in the distribution, storage, and oil theft in Nigeria, especially given the current fuel scarcity. In a paper reported by Vanguard Newspaper, it was reported that because of lucrative returns, the illegal trade in petrol and other petroleum products has consequently continued to attract more Nigerians, especially the unemployed. In most of the places visited by *Vanguard Insight*, many illegal traders were seen retailing the product in jerrycans, drums, and tanks, and they were steadily patronized by commercial vehicle operators popularly known as *danfo*, *keke*, and *okada*, as well as regular taxi drivers, some private motorists, and other individuals who bought for household use in various areas.<sup>21</sup>

*Vanguard Insight* discovered that this illegal fuel marketing usually starts from the depots down to street hawkers for those onshore, while those offshore get their supplies from incoming vessels or already discharged vessels that store products in their small tanks that the terminal operators that were supposed to receive the product could not reach. Others have engaged in breaking up pipelines for their supply.<sup>22</sup>

However, the confirmation that the situation has indeed taken a turn for the worse is the presence of black market hawkers of petrol at every nook and cranny in the towns, especially close to the filling stations, including those that supposedly

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<sup>20</sup> *Cap M17, LFN, 2004.*

<sup>21</sup> P. Aidonojie and Francis, E.C., 'Legal Issues Concerning Food Poisoning in Nigeria: The Need for Judicial and Statutory Response' (2022) 29 *Jurnal Media Hukum* <<https://doi.org/10.18196/jmh.v29i1.12595>>.[65-78]; P. Aidonojie, [et.,al.] 'The Environmental Conservation, and Ethical Issues Concerning Herbal Products in Nigeria' (2022) 1 *Journal of Environmental Science and Economics* <<https://doi.org/10.56556/jescae.v1i3.124>>.[26-32].; P. Aidonojie, [et.,al.], 'Legal Implications of Nanobiosensors Concerning Environmental Monitoring', *In: Singh, R.P., Ukhurebor, K.E., Singh, J., Adetunji, C.O., Singh, K.R.* (Nanobiosen, Springer, Cham 2022) <[https://doi.org/10.1007/978-3-031-16106-3\\_21](https://doi.org/10.1007/978-3-031-16106-3_21)>.; K. Ukhurebor and Aidonojie, P.A., 'The Influence of Climate Change on Food Innovation Technology: Review on Topical Developments and Legal Framework' (2021) 10 *Agric & Food Security*. [50].

<sup>22</sup> Ukhurebor (n 21).



have no fuel to sell. For those engaged in this kind of business, such a time of fuel scarcity represents a boom season. However, given the frequency of petrol scarcity in the country, the black market hawking of the product may have come to stay as a regular business enterprise.<sup>23</sup>

Business has been thriving, even when the country is not experiencing fuel scarcity. Reason? The returns are quite lucrative, which is an incentive to continue, especially when the law against it is enforced in the breach. Against this backdrop, the black market dealing with petroleum products has continued to rise in recent times, especially when the product is not readily available in certain areas because of either a short supply, the absence of filling stations, or the prohibitive cost of servicing the few there as a result of bad roads and other accessibility constraints.<sup>24</sup>

Can we say that there has been compliance with the provisions of the law? However, Section 228 (2) of the Petroleum Industry Act stipulates that<sup>25</sup> an individual is prohibited from engaging in petroleum activities without a valid licence, lease, or permit. Section 174 (1) of the Petroleum Industry Act further stipulates that, except for the relevant licence issued by the appropriate authority, a person or any artificial person shall not undertake any of the following activities or operations concerning midstream petroleum liquid operations:

- i. Construct, establish, or operate a terminal to export or import petroleum products;
- ii. Construct, and establish or oil refinery for petroleum product;
- iii. Construct, establish, or operate a facility, such as a pipeline for bulk transportation or movement of petroleum products;
- iv. Engage or operate bulk transportation or movement of petroleum products by rail or other means within Nigeria;
- v. Construct, establish, or operate a facility for the storage of petroleum products;
- vi. Constructs, establish, or operate a petroleum products transportation or movement network;
- vii. Engage or operate facilities for the sale of petroleum products.

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<sup>23</sup> *ibid.*

<sup>24</sup> *ibid.*

<sup>25</sup> *Petroleum Industry Act 2021, s228.*

Also, section 174 (2) of the Petroleum Industry Act provides further that, except for a relevant licence or permit issued by the appropriate authority of the Nigerian petroleum industry, a person or any individual is prohibited from undertaking the following activities concerning Nigeria's downstream petroleum products operations: (a) Construct or operate any facility for the distribution or sale of petroleum products to retail customers; establish, construct, or operate a depot for the storage of petroleum products; or (b) Undertake distribution, marketing, or retail of petroleum products.

Section 125 (1) of the Petroleum Industry Act 2021 provides as follows:<sup>26</sup>

“Except by an appropriate licence issued by the Authority, a person shall not undertake the following activities concerning midstream and downstream gas operations: a) Establish, construct or operate a facility for the processing of natural gas; b) Establish, construct or operate a facility for the storage of natural gas; c) Establish, construct or operate a gas transportation pipeline; d) Engage in bulk transportation of natural gas by rail, barge or other means of transportation; e) Operate a gas transportation network; f) Establish, construct or operate a terminal, jetty, or other facilities for the export or importation of natural gas; g) Engage in wholesale gas supply; or h) Engage in the construction or operation of petroleum fertilizer plants”.

Section 125 (2) provides further as follows:<sup>27</sup>

“Except by an appropriate licence issued by the Authority, a person shall not undertake the following activities concerning downstream gas operations: a) Retail trading, distribution or supplies of natural gas; b) establishment, construction or operation of a gas distribution network; or (c) Establishment, construction or operation of a facility for the supply or trading of natural gas”.

However, a cursory review of the provision of the Miscellaneous Offences Act, section 1 (17) stipulates thus:<sup>28</sup> “Any person who without lawful authority or appropriate licence (a) Imports, exports, sells, offers for sale, distributes or otherwise deals with or in any crude oil, petroleum or petroleum product in Nigeria; (b) Does any act for which licence is required under the Petroleum Act, Shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life, and

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<sup>26</sup> *Petroleum Industry Act 2021, s125*. [1].

<sup>27</sup> *Petroleum Industry Act 2021, s1(17)*.

<sup>28</sup> Chukkol (n 6).

in addition, any vehicle, vessel, aircraft or other conveyance used in connection therewith shall be forfeited to the Federal Government”.

Considering the law and activities of black marketers in Nigeria, there is no compliance with the provisions of the law. As rightly observed by Olalere, Adefarati, and Matthew, Petroleum and its allied resources play a prominent role in the economic well-being and stability of Nigeria. These constitute the highest source of revenue for the country. However, it is unfortunate that Nigeria has suffered from oil theft, pipeline vandalism, militancy in oil-producing states, and allied nefarious activities resulting in the country’s loss of revenue, lack of stable and sustainable power supply for the country’s development, inflation, etc.. Hence, there is a need to enact and enforce adequate laws that will regulate its production, distribution, and transportation.<sup>29</sup>

The need for the law is further justified by the claim that the majority of fuel sold in the illicit market comes from pipeline vandalism and unauthorized bunkering. Indeed, online information indicates that many gas stations also obtain their petroleum supplies primarily through illegal bunkering because they pay less at the time of purchase.<sup>30</sup>

It is said that tanker drivers are involved in every criminal aspect of the fuel trade. By diverting commodities to hawkers, they encourage the unlawful sale of fuel. Some tankers do not completely discharge their contents at the specified gas stations, and the unused products are sold to dealers in the black market. Consequently, the Law is admirable and would significantly aid in reducing the aforementioned evil acts involving petroleum products. However, it has been suggested that stakeholders in the upstream, downstream, or midstream of the Nigerian petroleum industry, who always need one license or the other or DPR

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<sup>29</sup> Abdurrahman Bala Yusu, [*et.,al.,*] ‘The Impact of Downstream Oil Deregulation Nexus Petroleum Gross Domestic Product: The Nigerian Experience’ (2019) 9 International Journal of Scientific and Research Publications.[524].

<sup>30</sup> U. Achigbu, [*et.,al.,*], ‘Deregulation of the Petroleum Downstream Sector and Nigerian Economy: An Econometric Investigation’ (2016) 2 International Journal of Business and Applied Social Science.[16-27].

Consent, should ensure that all necessary consents and licenses are obtained to avoid unpleasant experiences. Hawkers on the dark market should also be noted.<sup>31</sup>

### Causes of the Continuous Black Marketer Activities in Nigeria Petroleum Industries

It suffices to state that the Nigerian black marketing industry is a tag against the Petroleum Act of Nigeria. Legal strategies have been geared toward curtailing black marketers' activities in Nigeria. However, there are several socioeconomic and legal issues that often result from black marketers' activities in Nigeria, some of which are:

- i. Scarcity of petroleum products in Nigeria;
- ii. Ineffective and inefficient prosecution of black marketers of petroleum product;
- iii. The absence of filling stations;
- iv. The prohibitive cost of servicing the few of the existing filling stations that are faulty;
- v. Bad roads in accessing the most filling station;
- vi. Corruption among owners of filling stations in conniving with the black marketer of petroleum product;
- vii. Unemployment;
- viii. Poverty.

### Sample Size and Technique

The study adopted a sample size of 322 respondents from various geopolitical zones in the Federal Republic of Nigeria. In this regard, a simple random sampling technique was adopted to select respondents to respond to the questionnaire. The essence of adopting a simple random sampling technique is that it has been adjudged to be preferable in identifying respondents<sup>32</sup> and possessing the following features:

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<sup>31</sup> *ibid.*

<sup>32</sup> P. Aidonjje, [et., al.], 'Illegality of Income Tax Evasion in Edo State: Adopting an Automated Income Tax System as a Panacea' (2023) 16 *Jurnal Legalitas*. [56-86].; P. Aidonjje and O. I. Edetalehn, 'Facile Study of the Statutory Challenges Concerning Customary Practice of Intestate Succession in Nigeria' (2023) 11 *Jurnal Hukum Replik*. [1-11].; P. Aidonjje, [et., al.], 'A Facile Study Concerning the Legal Issues and Challenges Concerning Doping in Sport' (2023) 2 *Synsto Journal of Law*. [16-21].; P. Aidonjje, 'Voluntary Assets and Income Declaration Scheme a Panacea to Tax Evasion in Edo State, Nigeria' (2023) 4 *Administrative And Environmental Law Review* <<https://doi.org/10.25041/aelr.v4i1.2822>>. [1-20].; OO Oladele, [et., al.], 'An Empirical Study of Criminalizing Minor Infractions of Tax Laws in Nigeria: The Need for Negotiated Punishments' (2022) 7 *KIU Journal of Humanities*. [23-35].; P. Aidonjje, [et., al.] 'The Environmental Conservation, and Ethical Issues Concerning Herbal Products in Nigeria' (2022) 1 *Journal of Environmental Science and Economics*. [26-32].; P. Aidonjje, [et., al.], 'The Challenges and Impact of Technological Advancement to the Legal Profession in Nigeria given the Covid-19 Pandemic' (2022) 6 *KIU Journal of Humanities*. [5-19].

- i. It is a simple and not complicated method of identifying respondents;<sup>33</sup>
- ii. It is preferable in identifying respondents from a heterogeneous nation;<sup>34</sup>
- iii. The results obtained are difficult to influence; in this regard, the chances of a result being biased are eliminated.<sup>35</sup>

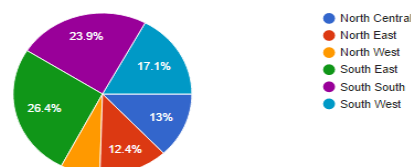
## Data Presentation and Analysis

The data generated or obtained in this study is therefore analysed as follows:

### Research Question One

Which of the following Geopolitical Zone in Nigeria do you reside?

322 responses



**Figure 1.** Respondents identifying the residential area of the geo-political they reside in Nigeria

<sup>33</sup> PA Aidonojie, 'Environmental Hazard: The Legal Issues Concerning Environmental Justice in Nigeria' (2023) 3 Journal of Human Rights, Culture and Legal System <<https://doi.org/10.53955/jhcls.v3i1.60>>.[17-32].; P. Aidonojie, 'The Legal Impact and Relevance of Using the Concept of Plea Bargain in Resolving Tax Dispute in Nigeria' (2023) 9 Brawijaya Law Journal : Journal of Legal Studies <<https://lawjournal.ub.ac.id/index.php/law/article/view/508>>.; M Idahosa, [*et.,al.*]'The Causes and Legal Implications Concerning Assault against Healthcare Providers by Patients or Their Relatives in Nigeria' (2023) 7 KIU Journal Of Humanities <<https://doi.org/10.58709/kiujhu.v7i4.1558.79-88>>.[79-88].;

<sup>34</sup> P. Aidonojie, [*et.,al.*] 'The Legal Rights and Challenges of COVID-19 Patients Accessing Private Healthcare in Nigeria' (2022) 10 BESTUUR <<https://doi.org/10.20961/bestuur.v10i2.68118>>.[183-197].; P. Aidonojie, [*et.,al.*], 'A Facile Study Concerning the Legal Issues and Challenges of Herbal Medicine in Nigeria' (2022) 4 The Indonesian Journal of International Clinical Legal Education <<https://doi.org/10.15294/ijicle.v4i4.61641>>.;P. Aidonojie, [*et.,al.*]'The Causes of the Rising Incidence of Domestic Violence in Nigeria: Proposing Judicial Separation as a Panacea' (2022) 38 Jurnal Hukum UNISSULA 2 <[doi:10.26532/jh.v38i2.21592](https://doi.org/10.26532/jh.v38i2.21592)>.[61-80].; TA Majekodunmi, [*et.,al.*], 'The Causes of the Rising Incidence of Terrorism Occasioning Deprivation of the Right to Life in Nigeria' (2022) 7 KIU Journal of Humanities.[5-19].

<sup>35</sup> Aidonojie P.A, [*et.,al.*]'Legality of End SARS Protest: A Quest for Democracy in Nigeria' (2022) 2 Journal of Human Rights, Culture and Legal System <<https://doi.org/10.53955/jhcls.v2i3.40>>.[209-224].; P. Aidonojie, [*et.,al.*]'The Prospect, Challenges and Legal Issues of Digital Banking in Nigeria' (2022) 14 Cogito Multidisciplinary Journal.[186-209]; PA Aidonojie, [*et.,al.*]'The Legality, Prospect, and Challenges of Adopting Automated Personal Income Tax by States in Nigeria: A Facile Study of Edo State' (2022) 14 Cogito Multidisciplinary Journal.[149-170].; P.Aidonojie Imoisi S. E. and Oaihimore, I. E., 'A Facile Study Concerning the Prospect and Challenges of Conducting a Hybrid Method of Legal Research in Nigeria' (2022) 13 Euromentor Journal.[113-138].; P. Aidonojie and Francis, E.C., 'Legal Issues Concerning Food Poisoning in Nigeria: The Need for Judicial and Statutory Response' (2022) 29 Jurnal Media Hukum <[doi:https://doi.org/10.18196/jmh.v29i1.12595](https://doi.org/10.18196/jmh.v29i1.12595)>.[65-78].

**Table 1.** Valid respondents identifying the state they live or reside in Nigeria

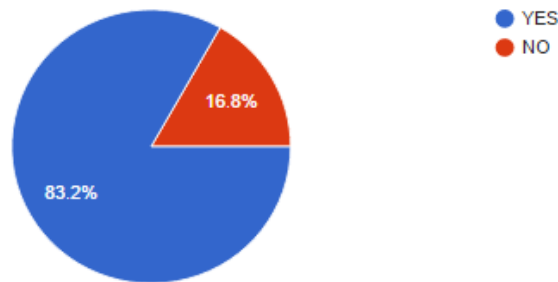
S/N	Geo-political Zones in Nigeria	Responses of Respondents	Percent
1	North Central	42	13%
2	North East	49	12.4%
3	North West	23	7.1%
4	South East	85	26.4%
5	South South	77	23.9%
6	South West	55	17.1%

**Figure 1 and Table 1** above are valid identifications of the geopolitical zone where the respondent resides or is a resident in Nigeria.

### Research Question Two

Do you agree that there is an incidence of illegal black market activities in the Nigerian petroleum industries?

322 responses



**Figure 2.** Identification of incidence of black marketers' activities in Nigeria's petroleum industry

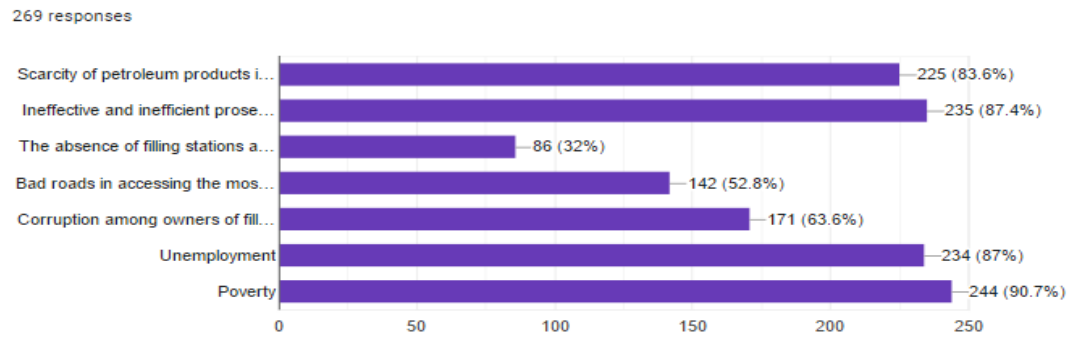
**Table 2.** Valid Identification of incidence black marketers' activities in Nigeria's petroleum industry

	Response	Percent
Valid Yes	268	83.2%
Valid No	54	16.8%
<b>Total</b>	<b>322</b>	<b>100%</b>

**Figure 2 and Table 2** show respondents' valid identification of the incidence of black marketers' activities in Nigeria's petroleum industry.

**Research Question Three**

Which of the following Legal and Socio-economic challenges often result or cause illegal black marketer activities in Nigeria's petroleum industry? You can tick more than one option



**Figure 3.** Cluster of legal and socio-economic challenges resulting in black market activities in Nigeria’s petroleum industry

**Table 3.** Valid cluster of legal and socio-economic challenges resulting in black market activities in Nigeria’s petroleum industry

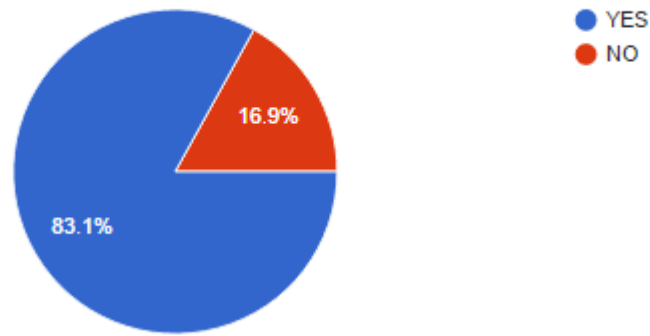
Causes of the black market in Nigeria’s petroleum industry	Cluster of Response	Percentage
Scarcity of petroleum products in Nigeria	225	83.6%
Ineffective and inefficient prosecution of black marketers of petroleum product	235	87.4%
The absence of filling stations and the prohibitive cost of servicing the few of the existing filling stations that is faulty	86	32%
Bad roads in accessing the most filling stations	142	52.8%
Corruption among owners of filling stations in conniving with the black marketer of petroleum product	171	63.6%
Unemployment	234	87%
Poverty	244	90.7%

Figure 3 and Table 3 are valid clusters for identifying the legal and socioeconomic challenges that often result in black market activities in Nigeria’s petroleum industry.

**Research Question Four**

Do you agree that the black market activities in the Nigerian petroleum industries can be curtailed?

319 responses



**Figure 4.** Identification of if the black market activities in Nigeria’s petroleum industry can be curtailed

**Table 4.** Valid identification of the black market activities in Nigeria’s petroleum industry can be curtail

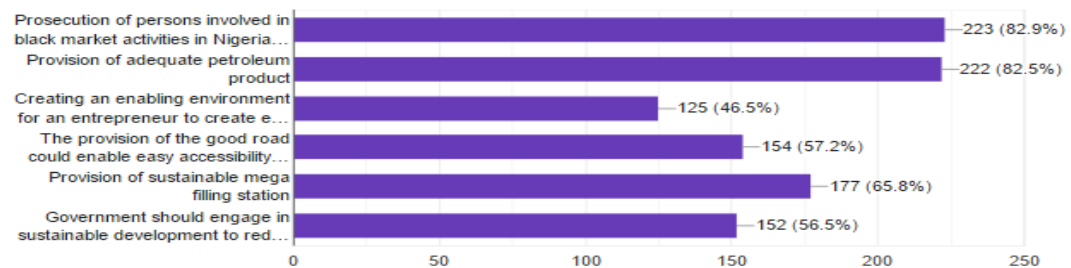
	Response	Percent
Valid Yes	265	83.1%
Valid No	54	16.9%
<b>Total</b>	<b>319</b>	<b>100%</b>

**Figure 4 and Table 4** indicate whether black marketers’ activities within the Nigerian petroleum industry can be curtailed.

**Research Question Five**

Which of the following could aid in curtailing the incidence of black marketer activities in the Nigerian petroleum industry? You can tick more than one option

269 responses



**Figure 5.** remedy in curtailing the legal and socio-economy challenges often necessitating black market activities in Nigeria’s petroleum industry



**Table 5.** Valid cluster of remedies in curtailing black market activities in Nigeria's petroleum industry

Remedy in curtailing the causes of the black market in Nigeria's petroleum industry	Cluster of Responses	Percentage
Prosecution of persons involved in black market activities in Nigeria's petroleum industry	233	82.9%
Provision of adequate petroleum product	222	82.5%
Creating an enabling environment for an entrepreneur to create employment opportunity	125	46.5%
The provision of the good road could enable easy accessibility of most filling stations with bad roads	154	57.2%
Provision of sustainable mega filling station	177	65.8%
Government should engage in sustainable development to reduce the level of poverty in the society	152	56.5%

Figure 5 and Table 5 are valid respondents for the identification of several prospects concerning the operation of fintech in Nigeria's financial and economic sectors.

### Discussion of Findings

The data obtained regarding the questionnaire distributed to the respondents in this study assessed the legal and socioeconomic issues of black market activities in the Nigerian petroleum industry in Nigeria. The data presented in Figure 1 and Table 1 reflect that the respondents were residents of Nigeria. Thus, they are better informed about the issues of black marketers' activities in Nigeria's petroleum industry. Furthermore, it is also evident that the respondents possess a good knowledge of black market activities in Nigeria's petroleum industry, which will enable them to give an informed response to the questionnaire.

As shown in Figure 2 and Table 2, 83.2% of the respondents agreed that there was an influx of black marketers' activities in the Nigerian petroleum industry. However, in Figure 3 and Table 3, the respondents further identify that black marketers' activities are acts that sprouted out several reasons caused or necessitated by some legal and socioeconomic challenges as follows:

- i. 83.6% of the respondents stated that scarcity of petroleum products in Nigeria is a challenge that often results in black marketers' activities;
- ii. 87.4% identify that the ineffective and inefficient prosecution of black marketers of petroleum product often spur the most person to indulge in the act;
- iii. 32% stated that there was an absence of filling stations, and the prohibitive cost

- of servicing a few of the existing faulty filling stations is also a major cause;
- iv. 52.8% agreed that bad roads in accessing the most filling stations often lead to a black market in Nigeria's petroleum industry;
- v. 63.6% stated that incidence of corruption among owners of filling stations in conniving with the black marketer of petroleum product;
- vi. Furthermore, 87% and 90.7% of the respondents stated that the high rate of unemployment and poverty among Nigerians often results in black marketers' activities in Nigeria.

Concerning the above legal and socio-economic challenges that often result in black market activities in Nigeria, in Figure 4 and Table 4, 83.1% of the respondents were of the view that the illegal activities of a black market in the Nigerian petroleum industry could be curtailed, given the fact that the major emanate from the defect inherent in Nigerian legal and socio-economic policies. In this regard, in Figure 5 and Table 5, the respondents further pinpoint some possible remedies to cure the legal and socioeconomic issues or defects that often necessitate black marketers' activities in Nigeria as follows:

- i. 82.9% of the respondents stated that there is a need for strict prosecution of persons involved in black market activities in Nigeria's petroleum industry;
- ii. 82.5% agreed that provision of adequate petroleum products will aid salvage and curtail black marketers' activities in the Nigeria petroleum industry;
- iii. 46.5% stated that the Nigerian government need to Create an enabling environment for an entrepreneur to create employment opportunity;
- iv. 57.2% identify that the provision of a good road could enable easy accessibility for most filling stations with bad roads, thereby curtailing black marketers' activities in Nigeria's petroleum industry;
- v. 65.8% also agreed with the need of the Nigerian government to provide a sustainable mega-filling station;
- vi. Furthermore, 56.5% identified that the Nigerian Government should engage in sustainable development to reduce the level of poverty in society.

## Conclusion

After examining the current activities of black marketers in our community, I conclude to s conclusion that there is no compliance with the provisions of the law. Despite Section 4 of the Petroleum Act and several provisions under the PIA prohibiting the storage, sale, transportation, and distrusting of petroleum products in Nigeria, there has never been an improvement. In fact, with fuel scarcity, this is

even worse. This is because the business is lucrative and there is a loophole in the law. This has been a long-standing problem in Nigeria, contributing to a high level of inflation that adversely affects the economy.

Thus, it is highly recommended that the government implement the following measures to control or curb their activities:

- i. Provide solutions to fuel scarcity and improve oil subsidies;
- ii. Ensure the enforceability of the law against black marketers as a form of deterrence;
- iii. Remove corrupt persons handling our oil resources and avoid playing politics on national resources;
- iv. Provide adequate security to avoid oil theft and vandalization of pipelines.

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