

## **Level of Awareness and Perception of Powers of the President Under Presidential Constitution among Agbani Residents**

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### **Abstract**

The purpose of this study is to appraise the powers of the president under presidential constitution. Nigeria operates a presidential constitution in which all the executive authority of the federation is vested in one man, the president, to be exercised by him personally or through vice-president or even officers' sub-ordinate to him. The study was anchored on Diffusion of innovation theory. The study employed survey research method and relied on structured questionnaire as an instrument for the collection of primary data. A sample size of 398 respondents was drawn from the population of 41,832 using Taro Yamane formula. The data collected were presented with frequency distribution tables and analyzed using simple percentage approach, with the aid of the computer through the application of Statistical Package for Social Sciences (SPSS) software for analysis. Based on the findings, the study discovered that the level of awareness on powers of the president under presidential constitution was low. The study concluded that the low level of awareness on powers of the president under presidential constitution was because of the fact that presidential system of government lacks the advantages of the parliamentary system in which the ministers are always available in the legislature for questioning. The study therefore, recommended among others that there should be an effective campaign programmes that can help to create awareness on powers of the president under presidential constitution among the citizens.

**Keywords: Constitutionalism, Rule of Law, Separation of Powers, Powers of President, Campaigns, Perception**

### **Introduction**

In Nigeria, Section 130(1) and (2) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) stated that there shall be for the Federation a President. The President shall be the Head of State, the Chief Executive of the Federation and Commander -in- Chief of the Armed Forces of the Federation. In a presidential system of government, the executive powers are not only vested in the president, but are exercisable by him with or without help from any quarter. He is responsible, not to the legislature, but to the people directly and is generally duty bound to render account to the people whenever his mandate is due for renewal once every four years. Because his tenure is fixed and cannot be varied even by the National Assembly, he is said to be a one man fixed executive.

Comparatively, in the United States of America, the President is seen as the chief executive officer and may therefore, be viewed as superior to all other officers who are charged with the responsibilities of public administration. Article 11 Section 1 of the Constitution of United States of America stated that the executive power shall be vested in a President of the United States of America. Also, in Nigeria, we operate a presidential constitution in which all the executive authority of the Federation is vested in one man, the President, to be exercised by him personally or through officers subordinate to him. Section 5(1) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended), averred that the executive authority of the federation is vested in the President and may, subject to the provision of the constitution and to the provisions of any law made by the National Assembly, be exercised by him either directly or through the Vice-president or ministers of the Government of the Federation or other officers in the Public Service of the Federation.

### **Statement of the Problem**

Despite the choice of the presidential system of the government which was determined largely by the country's sad experience with the parliamentary system of the government in the first republic, the presidential system seems to avoid the clash of interest, the conflict of authority, complexity and uncertainty in governmental relations and the weakening of leadership by collective power and responsibility which are inherent in the parliamentary system. Consequently, it seems that majority of Nigerians are not fully aware of powers of the president under Presidential Constitution, more especially among the Agbani residents. Hence, ignorance of law is not an excuse as is usually said. Unfortunately, the presidential system of government lacks the advantages of the parliamentary system in terms of sharing executive powers among two people. What is the nature of perception of the Agbani residents on powers of the president under Presidential Constitution? It is in respect of this that it becomes pertinent to appraise the level of awareness and perception of the powers of the president under Presidential Constitution among Agbani residents.

### **Objectives of the Study**

The main objective of the study is to appraise the level of awareness and perception of powers of the president under Presidential Constitution among the Agbani residents. However, other objectives include to:

1. Determine the extent of the Agbani residents' awareness on presidential system of government.
2. Discover the awareness level of the Agbani residents on powers of the president under Presidential Constitution.
3. Determine the nature of perception of the Agbani residents on powers of the president under Presidential Constitution.

### **Research Questions**

The research questions for this study include:

1. What is the extent of the Agbani residents' awareness on presidential system of government?
2. What is the awareness level of Agbani residents on powers of the president under Presidential Constitution?
3. What is the nature of perception of Agbani residents on powers of the president under Presidential Constitution?

### **Significance of the Study**

This study is relevant in many ways. Firstly, it will contribute to the enrichment of literature on media studies, comparative constitutional law, political science and national development. The importance of this study will go a long way to ensure that the leaders of the country utilize the resources towards strategic development and accountability to its citizenry. Secondly, it will ensure corrupt free society in the country. Thirdly, it will provide baseline information through its analysis and discussion to assist the national policy makers in articulating developmental policies that will positively impact on national affairs. The study will also help the members of public to have more understanding and appreciation of powers of the president under Presidential Constitution.

### **Brief Review of Literature**

#### **Powers of the President under Presidential Constitution**

Powers of the President Under Presidential Constitution can be identified as: execution and maintenance of the constitution; execution and maintenance of all laws made by the National Assembly; execution and maintenance of all matters with respect to which the National Assembly has power to make laws; appointment and removal powers; pardoning powers; spending power; to collect the funds that accrue to the nation and cause them to be paid into the consolidated revenue fund of the federation; assent and veto powers; power to make regulations; power to modify existing laws; war powers; treaty making powers and etc (Anozie, 2023). In our contemporary times, it has become quite acceptable for president of a country to give out directives and commands which are intended to enhance the interests and objectives of the government.

However, some scholars believe that the power of the president under presidential constitution can be listed as follows:

**1. Authority to maintain and preserve the constitution**

The maintenance of the constitution was the primary function and duty implied in the executive authority vested in the president. By his oath of office he swore to preserve, protect and defend the constitution (Ajah, 2018).

**2. President as commander -in-chief and consults with the Council**

Ajah (2018) stated that the constitution designated the president as commander-in-chief of the Armed Forces and provided that his functions in that office would be such as might be prescribed by the parliamentary. Also, he consults with the National Council as a condition for the exercise of the executive power vested in a single chief executive under the presidential system which is obvious under democratic government (Nwabueze, 1993).

**3. Executive Order and Nomination of the ministerial appointees**

In a democratic society, the traditional role of the president is to execute and implement the policies of the government in order to achieve the goals and visions of that administration. In Nigeria, the constitution in section 5(1) (a) provided that the executive powers of the Federation shall be exercised by the president in person or through the Vice-president and ministers of the government of the Federation (Ajah, 2018).

The antagonists of the above view contended that executive orders have no place either in the United States of American constitution nor the 1999 Constitution of the Federal Republic of Nigeria (as Amended) and their use is therefore unconstitutional. It must be stated without equivocation that there is no express provision in the constitution for an executive order or its use. In our contemporary times, it has become quite fashionable for most heads of the executive arm of a country or government like the president to give out directives and commands which are intended to advance or further the interests and objectives of the government. Such directives are fully binding on the various agencies, ministries and departments of government and are usually described as executive orders (Ajah, 2018).

Abdulsalam and Rabi (2018) maintained that the ministerial appointments under a presidential constitution (system) are exercised by the president. The nominee is subjected to the legislative confirmation by the Senate. The processes in the nomination of the ministerial appointees and subjected to legislative confirmation was to achieve the principle of federalism, separation of powers, checks and balances rooted in rule of law.

Ewelukwa (2014) observed that the ministers and civil servants are responsible to the president who in turn is responsible to the nation for the efficient exercise of executive powers. But, it must be recognized that one of the most important functions of the National Assembly is to scrutinize and criticized the plans and activities (this can be seen in the United States of America but, here in Nigeria, the members of the National Assembly are rubber stamp and, the presidency dictates who become their leaders) of the executive branch and, by so doing, to hold the executive effectively in check. In an extreme case, however, the legislature may impeach and, possibly, remove the president or his vice-president for gross misconduct.

**4. Issuance of Proclamation of a State of Emergency**

Nwande (2010) stated that it is true that the president has the power to issue a proclamation of a state of emergency provided that such must be lawfully ratified by the National Assembly. This is provided in S. 305 (1) and (2) of the 1999 Constitution of Federal Republic of Nigeria (as Amended). Our constitution clearly follows the model of the American Constitution. In the distribution of powers, the executive branch of the government has within its control some methods by which it attempts to ensure that government agents keep within the statutory limits of the powers which are delegated to them, the executive being aware of the dangers of and the need for supervising delegation so as to keep them within bounds.

### **5. Appointing and Removal Power**

S. 171(1) of the 1999 Constitution of the Federal Republic of Nigeria ( as Amended) contended that the power to appoint persons to hold or act in the offices to which this section applies and to remove persons so appointed from any such office shall vest in the president. Additionally, president is required to exercise the executive power conferred on him either directly or through the vice-president and ministers of the Government of the Federation or officers in the public service of the federation. Thus, the president has the power to remove any minister whom he believes is not performing to an expectation. Unlike the ministers, the vice-president cannot be removed by the president. The process of removal of the president or vice-president is provided for in section 143 of the 1999 Constitution of the Federal Republic of Nigeria (as Amended). In *Ag. Federation v. Abubakar*, the Supreme Court ruled that the president has no constitutional power to remove his vice-president, Alhaji Atiku Abubakar.

### **6. Spending and Pardoning Power**

S. 162 of the 1999 Constitution of the Federal Republic of Nigeria (as Amended) maintained that the president shall table before the National Assembly proposals for revenue allocation from the Federation Account. Also, 175 (1) of the 1999 Constitution of the Federal Republic of Nigeria ( as Amended) averred that the president may grant any person concerned with or convicted of any offence created by an Act of the National Assembly pardon, either free or subject to lawful conditions.

### **7. Treaty Making Power**

The president has the power to enter into any treaty with another country or supra national organization/institution. However, S. 12(1) of the 1999 Constitution of the Federal Republic of Nigeria( as Amended) maintained that no treaty between the Federation and other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.

### **8. Power to Prepare and Present National Budget**

S. 81(1) of the 1999 Constitution of the Federal Republic of Nigeria ( as Amended) stated that the president shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year.

### **9. Assent and veto Power**

The president has power to assent or veto the bill of the National Assembly passed pursuant to S.12 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as Amended).

### **10. Power to Issue Proclamation:**

S. 64 (3) of the 1999 Constitution of the Federal Republic of Nigeria (as Amended) maintained that the person elected as the president shall have power to issue a proclamation for the holding of the first session of the National Assembly immediately after his being sworn in or for its dissolution as provided in this Section.

### **Campaign Programmes and Perception**

Moguluwa (2016) noted that executing campaign involves presenting behaviour changing messages to the target group or audience in such a way that they would be sufficiently convinced to adopt them as intended new behaviour. Ezeah, Apeh, Omerigwe & Ojo (2014) submitted that campaign must be prepared in a way to accommodate many factors and issues that are vital to make the exercise successful and reduce lack of access to important information by audience in developing nations.

Bovee (2013) stated that perception is the process of being exposed to a stimulus, paying attention to some degree, and then interpreting the received message. For perception to take place, there must be exposure to stimuli with certain level of attention paid to the stimuli and finally, the stimuli are interpreted by the audience.

Anaeto, Onasanjo and Osijeso (2008) maintained that the assumption of perception theory is that mass communicators want audience to pay attention to their messages, and make appropriate changes in attitudes or beliefs, or produce the desired behavioural responses. Woolfolk (2014) noted that perception is the process of detecting a stimulus and assigning meaning to it. This meaning is constructed based on both physical representations from the world and our existing knowledge. As perception continues, the features are organized into patterns.

### **Theoretical Framework**

This study is anchored on diffusion of innovation theory. This is because its basic tenets are fundamental to the understanding of the subject under study. Bittner (1989) cited in Okunna (2002) stated that diffusion of innovation theory recognizes that the media can lead someone into getting aware of the existence of an item. From there, he gets interested, makes an attempt to evaluate it, gives it a trial before making up his mind to acquire it. Hence, this theory is relevant to the study as it concerns awareness and perception of powers of the president under Presidential Constitution among the Agbani residents.

### **Methodology**

#### **Research Design**

Bearing the nature and objectives of this study in mind, survey research method was used for this task. Nworgu (1991) stated that survey is the study which aims at collecting data on, and describing in a systematic manner, the characteristics, features or facts about a given population.

#### **Scope of the Study**

This study covered level of awareness and perception of powers of the president under Presidential Constitution among the Agbani residents.

#### **Area of Study**

The area of study was Agbani in Nkanu-West Local Government Area, Enugu State.

#### **Population of the Study**

The population of study consists of the total number of Agbani community which is 41,832 (**Source: National Population Commission, 2006**).

#### **Sample Size**

Having determined the population, the researcher then proceeded to determine the sample size. However, considering the fact that 2006 is too far a time, the researcher aligned himself with Owuamalam (2012), which maintained that the population of Nigerians has increased significantly since the last census which was held in 2006, and did a projection of 17 years (2006- 2023= 17) using an annual growth rate of 3.2 per cent (UNDP cited in Owuamalam, 2012). The projection formula provides that  $Pp = Gp \times Pi \times T$

Thus,  $Pp = 41,832, Pi=3.2\%$  or 0.032

$T = 2023 - 2006 = 17$

$Pp = 41,832 \times 0.032 \times 17 = 22,756.736$

When added to the population of the community, it shall be:  $41,832 + 22,756 = 64,588$ . Based on this, the sample size was determined using Taro Yamane Simplified formula (Isreal, 2012) which stated as follows:

$$n = \frac{N}{1+N(e)^2}$$

$$n = \frac{64,588}{1+64,588(0.0025)} \quad n = 397.538. \text{ Thus, 398 served as the sample size for this study.}$$

### Sample Technique

This study used purposive sampling technique. This method of sampling, Nwodu (2006) observed that it is often called judgmental sampling. Here, the respondents were selected on condition that they meet certain criteria. Also, Uzoagulu (2011) stated that purposive sampling technique ensures that only those elements that are relevant to the research are included. This means that the researcher is at liberty to judge, select or reject a respondent on the basis that the respondent meets or fails to meet the purpose of the research. Thus, purposive sampling technique tends to represent a section of the population that meets specific objective prescribed by the researcher. Ikeagwu (1998) indicated that the basic assumption behind this technique is that with good judgment and an appropriate strategy, one can handpick the cases to be included in the sample and thus, develop samples that are satisfactory in relation to one's needs.

### Sources of Data

The study used primary and secondary sources of data.

### Instrument of Data Collection

Instrument for primary data collection were structured questionnaire. The copies of structured questionnaire were administered with the help of research assistants to the respondents.

### Method of Data Analysis

Data collected were presented with frequency distribution tables and analyzed using simple percentage approach with the aid of computer through the application of Statistical Package for Social Sciences (SPSS) software for analysis.

### Data Presentation, Analysis and Discussion of Findings

In this study, as noted earlier, 398 copies of the structured questionnaire were distributed to the respondents. However, a total of 395 copies of structured questionnaire were returned. Two (2) copies were not returned while one copy was mutilated. Hence, 395 copies of questionnaire constituted the actual number of validly returned questionnaire used in the analysis.

**Table 1: Respondents' Gender**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Male	144	36.46	36.46	36.45
Female	251	63.54	63.54	100.0
Total	395	100.0	100.0	

Source: Field Survey, 2023

Table 1 shows that 144 respondents representing 36.46% were males while 251 respondents representing 63.54% were females.

**Research Question 1:** What is the extent of the Agbani residents' awareness on presidential system of government?

**Table 2: Agbani residents' Awareness on Presidential System of government**

Variables	Frequency	Percent	Valid Percent	Cumulative Percent
Very high	35	7.4	7.4	7.4
High	40	11.1	11.1	18.50
Low	220	44.4	44.4	63.00
Very low	100	37.0	37.0	100.0
Total	395	100.0	100.0	

Source: Field Survey, 2023

Table 2 shows that 35 respondents representing 7.4% indicated that the Agbani residents' awareness on presidential system of government were very high; 40 respondents representing 11.1% indicated high exposure to the presidential system of government; 220 respondents representing 44.4 % indicated low exposure while 100 respondents representing 37.0% indicated very low exposure.

**Research Question 2:** What is the level of awareness of Agbani residents' on powers of the president under Presidential Constitution?

**Table 3: Level of Awareness of Agbani Residents**

Variables	Frequency	Percent	Valid Percent	Cumulative Percent
Very high	75	18.99	18.99	18.99
High	85	21.52	21.52	40.51
Low	145	36.71	36.71	77.22
Very low	90	22.78	22.78	100.0
Total	395	100.0	100.0	

Source: Field Survey, 2023

The table 3 shows that 75 respondents representing 18.99% believed that the level of awareness of Agbani residents on powers of the president under Presidential Constitution were very high; 85 respondents representing 21.52% believed that the level of awareness were high; 145 respondents representing 36.71% believed that the level of awareness were low while 90 respondents representing 22.78% indicated that the level of awareness were very low.

**Research Question 3:** What is the nature of perception of Agbani residents' on powers of the president under Presidential Constitution?

**Table 4: The nature of perception of Agbani residents**

Variables	Frequency	Percent	Valid Percent	Cumulative Percent
Favourable	55	13.92	13.9	13.92
Unfavourable	300	75.95	75.95	89.87
Neutral	40	10.13	10.13	100
Total	395	100.0	100.0	

**Source: Field Survey, 2023**

Table 4 shows that 55 respondents representing 13.92% indicated that the nature of perception of Agbani residents on powers of the president under Presidential Constitution were favourable; 300 respondents representing 75.95% indicated that the perception on powers of the president under Presidential Constitution were unfavourable while 40 respondents representing 10.13% were neutral.

**Summary of Findings**

Based on data gathered, presented and analyzed so far, the following findings emerged.

1. It is quite glaring from the findings in table two (2) that the 35 respondents representing 7.4% indicated that the Agbani residents' awareness on presidential system of government were very high; 40 respondents representing 11.1% indicated high exposure to the presidential system of government; 220 respondents representing 44.4 % indicated low exposure while 100 respondents representing 37.0% indicated very low exposure.
2. The findings from table three (3) revealed that 75 respondents representing 18.99% believed that the level of awareness of Agbani residents on powers of the president under Presidential Constitution were very high; 85 respondents representing 21.52% believed that the level of awareness were high; 145 respondents representing 36.71% believed that the level of awareness were low while 90 respondents representing 22.78% indicated that the level of awareness were very low.
3. The findings from table four (4) showed that 55 respondents representing 13.92% indicated that the nature of perception of Agbani residents on powers of the president under Presidential Constitution were favourable; 300 respondents representing 75.95% indicated that the perception on powers of the president under Presidential Constitution were unfavourable while 40 respondents representing 10.13% were neutral.

**Discussion**

For Agbani residents, their awareness level on presidential system of government is low, this notwithstanding the fact that Nigeria adopted presidential system of government since 1999 when the country returned to democratic governance. However, it is believed that campaign programmes that are attractive and convincing can help to create awareness on presidential system of government among the residents. Though, the major issues that are negatively affecting exposure to such system of government are interest; and type or extent of media exposure of the residents. This result supports the findings of Ezeah, Apeh, Omerigwe & Ojo (2014), who observed that campaign must be prepared in a way to accommodate many factors and issues that are vital to make the exercise successful and reduce lack of access to important information by audience in developing nations.

Also, respondents believed that their level of awareness on powers of the president under Presidential Constitution was low even though, presidential system avoids the clash of interest, the conflict of authority, complexity and uncertainty in governmental relations and the weakening of leadership by collective power and responsibility



which are inherent in the parliamentary system. However, there is a need for more awareness creation in order to sensitize the target audience on powers of the president under Presidential Constitution. This strategy will encourage the level of awareness on such issue among Agbani residents. The findings seem to be in line with the submission of Moguluwa (2016), which noted that executing campaign involves presenting behaviour changing messages to the target group or audience in such a way that they would be sufficiently convinced to adopt them as intended new behaviour.

On the other hand, majority of the residents agreed that the nature of their perception on powers of the president under Presidential Constitution were unfavourable. This result supports the findings of Sinatra & Mason (2012), which observed that perception is the interpretation of sensory information.

### **Conclusion**

The study concludes that the low level of awareness on powers of the president under presidential constitution was because of the fact that presidential system of government lacks the advantages of the parliamentary system in which the ministers are always available in the legislature for questioning. This is because the government in the parliamentary system is directly responsible to the legislature and may be pulled down by an advance vote of the legislature on a major issue, the ministers individually and collectively is always on their toes to react cautiously to the hisses, boo and catcalls of the people's representative in the legislative.

### **Recommendations**

Finally, the study recommends that there should be an effective campaign programmes that can help to create awareness on presidential system of government among the citizens. Also, there should be an effective legislative checks and over sight function of the National Assembly on powers of the president under presidential constitution. Painfully in Nigeria, the members of the National Assembly are rubber stamp and, the presidency dictates who become their leaders.

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