

REDEEMER'S UNIVERSITY EDE, OSUN STATE

FACULTY: LAW

COURSE CODE /TITLE: PUL 205/ Nigerian Legal System I

COURSE UNIT: 4 UNITS

SECOND SEMESTER EXAMINATIONS: 2020/2021 SESSION

INSTRUCTION: ANSWER TWO QUESTIONS FROM EACH SECTION

TIME ALLOWED: 3 HOURS DATE: THURSDAY 8TH APRIL 2021



SECTION 1

1. Law is an abstract terminology. It is not only abstract, it is vague and nebulous. It has no precise legal meaning, *a fortiori*, precise legal definition. It is a large term, which is impossible of a meaningful delimitation as to scope and content. Jurists have tried over the years to give an appropriate definition of the word but without success... culled from "Niki Tobi, Sources of Nigerian Law, 1994, MIJ Professional Publishers Ltd."

a. "There is no universal mode of classifying law, most classification overlap." Attempt classification of law with examples? **(3 marks)**

b. Law is notoriously slippery and elusive concept that had defied comprehensive, all embracing and universally accepted definition. In view of the above statement, attempt a definition of law using any three schools of thought of law? **(6 marks)**

c. "The freedom of the just man is worth little to him if he can be preyed upon by the murderer or thief. Every society must have the means to protect itself from marauders. It must have power to arrest, search and to imprison those who break the laws so long as those powers are properly exercised, they are themselves the safeguard of freedom" Lord Alfred Denning, "Freedom Under the Law, Sweet and Maxwell." With respect to the above, identify and discuss at least 6 functions of law in a society? **(6 marks)**

2.(a). "The administration of justice in traditional society was, however, not conducted in courts in the British context of the word with all its paraphernalia of a formally designed building, punctuated with an aura of legalism and juristic style. On the contrary, there were rudimentaries, and to a large extent, transient arrangement in specific places, particularly, the family house, if it was a family feud or in the village, town or community hall, if the litigation involved a wider spectrum of the community..." Discuss the above in line with administration of

justice in any African traditional society before the advent of the European?(9 marks)

(b).“The state of slavery is so odious that nothing can be suffered to support it but positive law. Whatever inconvenience therefore, may follow from the decision, I cannot say that the case is allowed or affirmed by the law of England and therefore, the black must be discharged” - Lord Mansfield in Somerset v Stewart (1772) 98 ER 499. With relevant cases, discuss the above with respect to how law develops the society and society develops the law by reforming it?

(6 marks)

3. Delaz, Fortune, Karen and Matthew were newly matriculated students of Overcomer’s Academy, they were subjected to rules and regulations put in place by the Academy and felt the Academy’s rules and regulations ought to be optional or relaxed. During the last semester break, they witnessed a week-long protest in some part of Lagos calling for the disbandment of an arm of the National Police Force, popularly called XARS, which was accused of violating citizens’ fundamental human rights. In a turn of events, the peaceful protest was hijacked and became disorderly with properties looted by miscreants who capitalized on the total breakdown of law and order.

Karen who witnessed the protest narrates her ordeal to Delaz and Matthew. They all agreed to invite Fortune, a LLBII Student of RUNLAWZ to educate their classmates on the rationale and objectives for having a legal system in a society. You as the student approached on this matter, educate Karen and her classmates on the rationale, objectives and importance of a Legal System in a Society, having as a case-study the Nigerian Legal System. **(15 marks)**

SECTION 2

4(a). For the realization of “specific purposes” of a state, which class of law is most suitable. Give at least four examples? **(6 marks)**

(b). The governorship election in Edo South returned as Governor –elect Chief Obelawo and Mr Aworawo as Deputy-Governor elect. Chief Obelawo was however nominated as the Vice-President of Naija Area and had to jettison his electoral victory as Governor-elect. Mr Aworawo as such seeks to be sworn in as Governor in the place of his boss and it was argued that he could not be sworn in as Governor because the office of Governor –elect did not become vacant on account of death. Give your views on the Governorship bid of Mr Aworawo? **(9 marks)**.

5(a).A school of thought believes that Islamic Law is synonymous with Customary Law while opposing views are shared in other quarters. Discuss? **(6 marks)**.

(b).Operation ShegeKafacha, Kano State Security Outfit arrested five armed robbery suspects on the highway scene of robbery incident. The leader of the Security Outfit while urging his men to set the suspects ablaze relying on a Maliki Law which does not give an armed robbery suspect a right to defend himself. Other members of the Security Outfit are however opposed to punishing robbery suspects without trial. Advise the Security team on the position of law.**(9 marks)**.

6 (a).The courts used to apply the hard and rigid principles of the Common Law even as they resulted in injustice to parties. Explain which jurisprudential development subsequently addressed this rigidity and hardness? **(6 marks)**.

(b). Chief Adedapo Isaac got wedded to Rebecca under the Marriage Act and the marriage was blessed with four female children. In 2019, Chief Adedapo was disturbed that he had no male child and he subsequently had extra-marital affair with Lady Becky who bore him a male child, by name Boy Alinko. In May 2020, on the demise of Chief Adedapo, Lady Rebecca contested the paternity of Alinko on the basis that his mother was not legally married to Late Chief Adedapo. A junior brother of Late Chief Adedapo informed that he was present at the naming ceremony of Boy Alinko which was fully sponsored by the Late Chief. Give your advice on paternity of Boy Alinko? **(9 marks)**.