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### Construction Law

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## INTRODUCTION

## Introduction to Nigerian Legal Method

This text is a collection of writings on assigned topics by some scholars and lecturers in the Faculty of Law at Benson Idahosa University and those invited from outside the university. The idea to write a text for use in the study of legal methods for law students was borne out of the desire to present a range of updated material in this area of study. The focus of this text is Nigeria. The book is written in simple, easy-to-understand language, and meant essentially for law students in the first year of the five year course in Law, as structured by the National Universities Commission (NUC). Nevertheless, persons who are in need of information or education on different aspects of the Nigerian legal process will also find aspects of the text useful. The contributors come from diverse backgrounds and experiences, which is reflected in their styles of presentation. However, each has endeavoured to present the assigned topic in such a form as to enhance comprehension by the primary beneficiaries. The inclusion of chapters on advocacy and mooting skills, as well as examination skills and strategies, makes this text unique, and allows it to offer more detailed analysis than existing texts in Nigeria provide.

## Introduction to modern Nigerian legal method

The author is both a practitioner within the Nigerian legal system and is a lecturer in law. From these two perspectives, he provides a full introduction to the Nigerian legal system. Amongst topics covered are branches and institutes of the system, functions, classifications, sources, English law, doctrines of equity, statutes in England and those extended to Nigeria, Nigerian legislation, judicial precedent, hierarchy of Courts, customary law, application of State decisions in Customary and Sharia Law, conflicts between English and Customary Law. Also covered are applicable law between the different provenances, conflicts between Islamic and Customary Law, types of Courts in Nigeria and their jurisdiction, and legal aid. Essential documents are provided: Protocol to the African Charter on Human & People's Rights of Women in Africa; Universal Declaration of Human Rights; and African Charter on Human and People's Rights. A valuable explanation is given of words and maxims used in the Nigerian legal system, and an index. Olong Adefi is a barrister and solicitor of the Supreme Court of Nigeria; and lecturer at the Faculty of Law at Kogi State University where he teaches administrative law, commercial law, land law, legal research method, human rights and the Nigerian legal system.

## Nigerian Legal Methods

The book is written in a conversational style, and the language is accessible and simple, with flowing examples that users can relate with. Practical legal questions are raised and application of individual research methods, strategies, approaches and philosophies are demonstrated. The book starts with a clear definition of legal research method to justification and importance. It spans the research process, theoretical positions and justification for research, the writing up process and the defence of research output either in seminars, conferences or for PhD defence. It also prepares researchers and academicians for discussion and interaction with peers at conferences and seminars.

## The Nigerian Legal Method

The Nigerian Legal System covers the whole spectrum of Nigerian law and encompasses source materials and analyzes them in a manner unprecedented by any work on the Nigerian legal system. Volume I, Public Law has thirteen chapters on constitutional development, customary law with regards to human rights, and criminal law and procedure among others. Volume II has seventeen chapters on private law that includes inheritance and succession, commercial business, trade and investments, and intellectual property. Volume III has thirteen chapters on international law.

## The Nigerian Legal System

Volume 1 on public law provides an introduction to the Nigerian legal system. The various chapters deal with: introduction and sources of law; jurisprudence and Nigerian perspectives; African customary law; Islamic law; comparative constitutionalism and Nigerian perspectives; citizenship, immigration and administrative law; judicial system and legal profession; criminal law, evidence and civil procedure; statutory marriage and divorce laws; customary marriage and divorce; marriage and divorce under Islamic law; matters of children; gender and law in Nigeria with emphasis on Islamic law. Volume 2 has 25 chapters on private law that includes security of the environment and environmental law, land and property administration, commercial business and trade laws, communication, media and press laws, transportation and carrier laws, law enforcement, armed forces and military laws, investments, and intellectual property.

## Outline of Nigerian Legal System

The book is written in a conversational style, and the language is accessible and simple, with flowing examples that users can relate with. Practical legal questions are raised and application of individual research methods, strategies, approaches and philosophies are demonstrated. The book starts with a clear definition of legal research method to justification and importance. It spans the research process, theoretical positions and justification for research, the writing up process and the defence of research output either in seminars, conferences or for PhD defence. It also prepares researchers and academicians for discussion and interaction with peers at conferences and seminars.

## Introduction to Nigerian Legal System

A full overview of administrative law in Nigeria is provided. Amongst topics covered are: scope, distinguishing administrative from constitutional law, the particularities of the Nigerian situation, the

rule of law, separation of powers, delegated legislation, executive control, administrative adjudication, judicial control or review of administrative actions, understanding the concept of fair hearing, ex-parte applications, prerogative remedies, certiorari, case method approach of determining bodies, acting judicially and administratively, common law remedies, injunctions, declaration, local government under the 1999 Constitution, the National Assembly, and the State Houses of Assembly. The authors are lecturers at the Faculty of Law, Kogi State University, Ayangba, Kogi State, Nigeria and barristers and solicitors of the Supreme Court of Nigeria.

#### Introduction to Nigerian Legal System

The competent study of law is a finely tuned balance of excellent language ability, good reading and writing skills, good personal study discipline, a thorough appreciation of the relevant areas of substantive law and excellent argumentative skills. Legal method is an important area of study for two main reasons. First, it is important for the range of techniques that it can offer to break into legal texts, both primary and secondary. Secondly, it exposes reasoning processes concerned with the theory and practise of law. The book deals in both the areas mentioned, and aims to deal with issues of.

#### Introduction to Legal Research Method and Legal Writing

Contents: business law: scope of business law; primacy of the law of contract: definitions and purposes; principles, scope and nature of law of contract; sale of goods: title, sale by description, quality and fitness for purpose, merchantable quality, unascertained goods; law of agency: general agency, special agency, mercantile agency; brokerage: express authority, implied authority, authority by ratification; hire purchase; and model questions and answers. The author is a lecturer of commercial and industrial law at the University of Lagos.

#### The Nigerian Legal System

The effective division of powers is critical to ensuring the promotion of good governance, democracy, and the rule of law in Africa. This book examines key issues arising during reforms of African constitutions, and focuses on the emergence of independent constitutional institutions providing checks against future abuses of powers.

#### The Nigerian Legal System

This collection of essays provides critical and in-depth analyses of Nigerian law, with comparisons to the laws of England and Wales, Canada, Australia, the USA and Singapore. It brings together world-class Nigerian legal academics who teach in various and leading law schools across the globe. The contributions represent the entire gamut of Nigerian law, from land law and the Land Use Act, through banking law, to commercial law. They also encompass insights from human rights law and procedures, criminal law, international law and the concept of self-determination, and Internet law and the regulation of electronic commerce. This book will be exceedingly useful to legal practitioners and academics, students and comparatists.

#### Introduction to Nigerian Legal System

Customary International Humanitarian Law, Volume I: Rules is a comprehensive analysis of the customary rules of international humanitarian law applicable in international and non-international armed conflicts. In the absence of ratifications of important treaties in this area, this is clearly a publication of major importance, carried out at the express request of the international community. In so doing, this study identifies the common core of international humanitarian law binding on all parties to all armed conflicts. Comment Don:RWI.

#### The Nigerian Legal System: Public law

This is the third edition of an established and leading book on family law in Nigeria. Since the last edition in 1990 significant judicial and statutory enactments have taken place in the area of study. The new edition incorporates these changes and explains their implications. The chapters have been comprehensively re-written to reflect the changes in the law and to update all relevant information including the Same Sex Bill and the Nigerian Law Reform Commissions draft Marriage Act. New chapters have been included on domestic violence and widowhood respectively to reflect the continuing developments in Nigerian family law. The new Child's Right Act of 2003 and the similar state legislations

have been analysed in the three new chapters. The non-customary law rules in the intestate succession have been extensively recast to reflect the provisions of the Marriage act as contained in the Lawa of the Federation of Nigeria 2004. This edition has devoted considerable attention to the applicable customary laws on the family and provides extensive treatment of Islamic Law Rules and their interpretations and application by the superior court. Familu law in Nigeria presents a fresh view not only on the applicable rules on Nigerian family law but also suggest new directions and underlines the socio-economic implications.

#### Introduction to Legal Research Method and Legal Writing

A pioneering book on prisons in West Africa, *Colonial Systems of Control: Criminal Justice in Nigeria* is the first comprehensive presentation of life inside a West African prison. Chapters by prisoners inside Kirikiri maximum security prison in Lagos, Nigeria are published alongside chapters by scholars and activists. While prisoners document the daily realities and struggles of life inside a Nigerian prison, scholar and human rights activist Viviane Saleh-Hanna provides historical, political, and academic contexts and analyses of the penal system in Nigeria. The European penal models and institutions imported to Nigeria during colonialism are exposed as intrinsically incoherent with the community-based conflict-resolution principles of most African social structures and justice models. This book presents the realities of imprisonment in Nigeria while contextualizing the colonial legacies that have resulted in the inhumane brutalities that are endured on a daily basis. Keywords: Nigeria, West Africa, penal system, maximum-security prison. Published in English.

#### Administrative Law in Nigeria

Annotation. In 2000 and 2001, twelve northern states of the Federal Republic of Nigeria introduced Islamic criminal law as one of a number of measures aiming at "reintroducing the shari'a." Immediately after its adoption, defendants were sentenced to death by stoning or to amputation of the hand. Apart from a few well publicised trials, however, the number and nature of cases tried under Islamic criminal law are little known. Based on a sample of trials, the present thesis discusses the introduction of Islamic criminal law and the evolution of judicial practice within the regions historical, cultural, political and religious context. The introduction of Islamic criminal law was initiated by politicians and supported by Muslim reform groups, but its potential effects were soon mitigated on higher judicial levels and aspects of the law were contained by local administrators. This title can be previewed in Google Books - <http://books.google.com/books?vid=ISBN9789056296551>.

#### Legal Methodology and Research in Nigeria

This book grounds judicial review in its deepest foundations: the function, authority, and objectivity of a legal system as a whole.

#### Legal Method

This book is on the nature and practice of legal education in Nigeria, with comparative material sometimes deployed to shed light on current local situation. The primary goal of legal education is to prepare students for the profession. To do this, a faculty will need to pay attention to a theory of learning to guide it in implementing a programme that will serve the mission. It is hoped that the basic information here provided on the basic structure and content of legal education and ensuing challenges should point in more fruitful directions to all in the legal profession in Nigeria.

#### The Exodus of Law and Legal Methods

Ginsburg's casebook provides detailed information on legal methods and the tools for fast, easy, on-point research. Part of the University Casebook Series®, it includes selected cases designed to illustrate the development of a body of law on a particular subject. Text and explanatory materials designed for law study accompany the cases.

#### Introduction to Nigerian Business Law

One of the hallmarks of the present era is the discourse surrounding Human Rights and the need for the law to recognise them. Various national and supranational human rights instruments have been developed and implemented in order to transition society away from atrocity and callousness toward a more just and inclusive future. In some countries this is done by means of an overarching constitution,



while in others international conventions or ordinary legislation hold sway. Contract law plays a pivotal role in this context. According to many, this is done through the much-debated 'civilising mission' of the contract, a notion which itself constitutes the canon of the Western liberal principle of 'civilised economy'. The movement away from the belief in the absolute freedom of contract, which reached its zenith in the nineteenth century, to the principles of fairness and justice that underpin contract law today, is often deemed to be a testament to this civilising influence. Delving into the interplay between human rights policies, constitutional law, and contract law from both theoretical and practical perspectives, this first volume of a two-book collection offers a totally new reappraisal of the subject by gathering a collection of essays written by contract law scholars from Europe, South Africa, Canada, and Australia. Instead of providing the reader with a sterile compilation of positivistic norms and policies on the impact of fundamental rights and constitutional law issues on contract law's development, the authors build on their personal experience to analyse specific topics related to contracting that include a constitutional dimension. The book fills an important void in comparative law scholarship and in so doing represents the starting point for further debate on the subject.

### Separation of Powers in African Constitutionalism

Traditional separation of powers theories assumed that governmental despotism will be prevented by dividing the branches of government which will check one another. Modern governments function with unexpected complicity among these branches. Sometimes one of the branches becomes overwhelming. Other governmental structures, however, tend to mitigate these tendencies to domination. Among other structures courts have achieved considerable autonomy "vis-a-vis" the traditional political branches of power. They tend to maintain considerable distance from political parties in the name of professionalism and expertise. The conditions and criteria of independence are not clear, and even less clear are the conditions of institutional integrity. Independence (including depolitization) of public institutions is of particular practical relevance in the post-Communist countries where political partisanship penetrated institutions under the single party system. Institutional integrity, particularly in the context of administration of justice, became a precondition for accession to the European Union. Given this practical challenge the present volume is centered around three key areas of institutional integrity, primarily within the administration of justice: First, in a broader theoretical-interdisciplinary context the criteria of institutional independence are discussed. The second major issue is the relation of neutralized institutions to branches of government with reference to accountability. Thirdly, comparative experience regarding judicial independence is discussed to determine techniques to enhance integrity.

### Modern Essays on Nigerian Law

In twenty-two chapters, divided into six parts for convenience, the authors not only lay bare the art of lawyering but also provide invaluable nuggets of perfecting and excelling as a solicitor and advocate. There is little doubt that the contents of this book dramatically make a lawyer, especially the lawyer in Africa, to be more effective, more skilful and a proper lawyer useful to the client and society.

### Customary International Humanitarian Law

Frequently overlooked in the search of knowing and acting wisely are some important philosophical and cultural ideas and questions. The *Kpim* of Social Order boldly captures such ideas and questions for awareness through critical thinking. The current volume in the *Kpim* Book Series makes the point that for a systematic analysis and significance of Social Order to be attained, we need to ask, What is the *kpim* or central core of Social Order of things? Where does the deepest layer, notion, symbolism, reality and application of social order, programs, human rights, institutions, communities, diplomacy, uprising, social asset, social power, policy action, inter-culturalism, global forces and all else lie? How can we reach and understand the innermost part of Social Order in the modern world? By gathering articles from seasoned, experienced, and emerged scholars from various backgrounds, the book explores deep-rooted questions touching on African context and related societies. The refreshing perspectives, analyses, deep reflections, vigorous arguments, and representations shown by the essays are distinctive and have been referred to as a comprehensive reader in the season of inquiry, meaning and significance of social order in the contemporary time. This is a book no one should ignore. Students, scholars, researchers, universities, colleges, educationists, institutions, policy makers, governments, legislatures, agencies, labour unions, civil society organizations, occupy movements, religious groups, entrepreneurs and the general public will find this book as an asset and

a must read. The kpim of Social Order is therefore written out of the critical need to fill the gap for a decisive knowledge society in the modern world.

### Family Law in Nigeria.

Key Directions in Legal Education identifies and explores key contemporary and emerging themes that are significant and heavily debated within legal education from both UK and international perspectives. It provides a rich comparative dialogue and insights into the current and future directions of legal education. The book discusses in detail topics including the pressures on law schools exerted by external stakeholders, the fostering of interdisciplinary approaches and collaboration within legal education and the evolution of discourses around teaching and learning legal skills. It elaborates on the continuing development of clinical legal education as a component of the law degree and the emergence and use of innovative technologies within law teaching. The approach of pairing UK and international authors to obtain comparative insights and analysis on a range of key themes is original and provides both a genuine comparative dialogue and a clear international focus. This book will be of great interest for researchers, academics and post-graduate students in the field of law and legal pedagogy.

### Colonial Systems of Control

The Prevent strategy, launched in 2007 seeks to stop people becoming terrorists or supporting terrorism both in the UK and overseas. It is the preventative strand of the government's counter-terrorism strategy, CONTEST. Over the past few years Prevent has not been fully effective and it needs to change. This review evaluates work to date and sets out how Prevent will be implemented in the future. Specifically Prevent will aim to: respond to the ideological challenge of terrorism and the threat we face from those who promote it; prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and work with sectors and institutions where there are risks of radicalization which need to be addressed

### Nigerian Business Law

This edited volume analyzes African knowledge production and alternative development paths of the region. The contributors demonstrate ways in which African-centered knowledge refutes stereotypes depicted by Euro-centric scholars and, overall, examine indigenous African contributions in global knowledge production and development. The project provides historical and contemporary evidences that challenge the dominance of Euro-centric knowledge, particularly, about Africa, across various disciplines. Each chapter engages with existing scholarship and extends it by emphasizing on Indigenous knowledge systems in addition to future indicators of African knowledge production.

### Islamic Criminal Law in Northern Nigeria

This book examines the regulatory rules on public procurement in selected African countries and provides a comparative analysis of key regulatory issues.

### Judicial Review in an Objective Legal System

Social Control Through Law is remarkable in manner and style. Roscoe Pound shows himself to be a jurist, philosopher, and scientist. For Pound, the subject matter of law involves examining manifestations of human nature which require social control to assert or realize individual expectations. Pound formulates a list of social-ethical principles, with a three-fold purpose. First, they are meant to identify and explain human claims, demands, or interests of a given social order. Second, they express what the majority of individuals in a given society want the law to do. Third, they are meant to guide the courts in applying the law. Pound distinguishes between individual interests, public interests, and social interests. He warns that these three types of interests are overlapping and interdependent and that most claims, demands, and desires can be placed in all three categories. Pound's theory of social interests is crucial to his thinking about law and lies at the conceptual core of sociological jurisprudence. Pound explains that rights unlike interests, are plagued with a multiplicity of meanings. He rejects the idea of rights as being natural or inalienable, and argues that to the contrary, interests are natural. The contemporary significance of the book is aptly demonstrated by the skyrocketing rate of litigation in our postmodern society. As the influence of familial and religious institutions declines, the courts exert an unprecedented degree of control over the public and private lives of most Americans. Law

is now the paramount agency of social control. In the new introduction, A. Javier Treviño outlines the principal aspects of Roscoe Pound's legal philosophy as it is conveyed in several of his books, articles, and addresses, and shows their relationship to Social Control Through Law. This book is an insightful, concise summary of Pound's ideas that, after more than half a century, remains surprisingly fresh and relevant. It will doubtlessly continue to engage jurists, legal theorists, and sociologists for many years to come.

### A Handbook of Legal Education in Nigeria

Volume 1 on public law provides an introduction to the Nigerian legal system. The various chapters deal with: introduction and sources of law; jurisprudence and Nigerian perspectives; African customary law; Islamic law; comparative constitutionalism and Nigerian perspectives; citizenship, immigration and administrative law; judicial system and legal profession; criminal law, evidence and civil procedure; statutory marriage and divorce laws; customary marriage and divorce; marriage and divorce under Islamic law; matters of children; gender and law in Nigeria with emphasis on Islamic law. Volume 2 has 25 chapters on private law that includes security of the environment and environmental law, land and property administration, commercial business and trade laws, communication, media and press laws, transportation and carrier laws, law enforcement, armed forces and military laws, investments, and intellectual property.

### Introduction to Legal Method

#### Legal Methods