



NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
SCHOOL OF LAW
MAY/JUNE 2012 EXAMINATION

LAW 211 – NIGERIAN LEGAL SYSTEM I
Time allowed: 3 Hours

INSTRUCTIONS: Attempt any five questions. All questions carry equal marks.

1.
 - a. The question 'what is Law' has perplexed legal philosophers over the centuries. Discuss, pointing out the various meanings that have been ascribed to the word 'Law' and attempting your own definition of law.
 - b. State the functions of law in Nigeria
2. With the aid of relevant authorities, point out the characteristics of natural law, its mode of operation and its manifestation in modern times.
3. Compare and contrast between the traditionalist perspective of law and the socialist perspective, pointing out the main proponents and what could have coloured their views on law.
4.
 - a. How would you classify customary law - formal law or informal law? Give reasons for your answer.
 - b. Customary law is a mirror of accepted usage. Discuss with authorities stating the features which may be used to identify law as customary law.
5. Due to heavy traffic in Ikoyi, Lagos, General Aro asked his convoy to drive against opposing traffic. This they did immediately with their sirens in full blast. Whilst trying to meander through a tight corner of the road, they hit Okpeke's car. Okpeke was furious and came out hurling insults at General Aro and his convoy. Sergeant Hothead happened to be passing by and tried to prevail on Okpeke to stop insulting a heavily decorated General of the Nigerian Army but Okpeke refused. Her actions infuriated General Aro and he ordered Sergeant Hothead to 'teach the silly girl a bitter lesson'. Okpeke was severely beaten and indecently assaulted by Sergeant Hothead and other military boys in General Aro's convoy. The issue was broadcast in the news and Sergeant Hothead was charged with grave assault occasioning bodily harm.

- a. Sergeant Hothead's defence is that he was obeying orders from a superior officer. With the aid of decided cases, advise him on his chances of success
 - b. Okpeke's case has caused people to wonder about the reason for the existence of the the Armed Forces. State the duties of the Nigerian Armed Forces in Nigeria.
6.
 - a. Trace the history of the military in Nigeria from traditional pre-colonial days to present day
 - b. During the military rule, the grundnorm becomes a mere parchment to be suspended and modified at the will of the dictator. Discuss with reference to military rule in Nigeria.
7.
 - a. Define the following:
 - i. Court martial
 - ii. Decree
 - iii Grundnorm
 - iv. Habeas Corpus
 - b. With the aid of a table, classify the following types of law as either substantive or procedural
 - i. Evidence Act
 - ii. Contract
 - iii. Agency
 - iv. Criminal Procedure Code
 - v. Company Law
 - vi. Matrimonial Causes Act
 - a. Giving examples, compare and contrast between imperative law and physical law
8.
 - a. With the aid of relevant authorities discuss the idea of Islamic Law
 - b. State the sources of Islamic Law
 - c. There are different sects in Islam. Each with its idea on administration of justice and politics. Discuss.
9.
 - a. Differentiate between offences *mala in se* and offences *mala prohibita*
 - b. Using relevant authorities and modern events on child marriage and same sex marriage, explain the concept of relativity of morality.

