

AN APPRAISAL OF THE CIVIL AND CRIMINAL LIABILITY ARISING FROM BUILDING COLLAPSE IN NIGERIA: LESSONS FROM SELECTED MIDDLE EAST COUNTRIES*

Abstract

Building collapse has become a recurrent occurrence in Nigeria, resulting in significant loss of life and property damage. This research work examined the civil and criminal liability of individuals and entities responsible for building collapse incidents in Nigeria. The study focused on exploring the different existing legal and institutional framework for addressing building collapse incidents in Nigeria, the liability laws of some selected countries and the reason for dearth of decided cases leading to lack of enforcement of the liabilities of the builder(s) and property owners in cases of building collapse in Nigeria. The research work adopted the doctrinal research methodology which involved reference to primary sources of law, such as the Constitution of the Federal republic of Nigeria 1999, the National Building Code 2006, the Administration of Criminal Justice Act 2015, the Standard Organization of Nigeria Act of 2015 among others. Principles of law, ideas and information were gathered from secondary sources, such as law textbooks, articles, journal publications and research work of renowned scholars. This research work found that there existed no specific federal legislation in Nigeria providing for civil or criminal liability in cases of building collapse. Following the findings of this work, one of the proposed recommendations included the enactment and implementation of a federal law that addresses both civil and criminal liability for building collapse incidents. Additionally, the legislation should establish a framework and process that facilitates victims' access to justice.

Keywords: Building Collapse, Civil Liability, Criminal Liability, Middle East Countries, Nigeria

1. Introduction

'Too much blood is being spilled needlessly in Nigeria's building industry for all sorts of reasons that even professionals in the sector recognise as avoidable. The recent collapse of a nine-storey building in Victoria Island had compelled Lagos stakeholders in the construction industry to meet to proffer solutions to this incessant menace. The meeting was organised by the Lagos Building and Control Agency, with architects, builders, surveyors, town planners, engineers, among others in attendance. But this is a national problem that requires a more holistic approach for the authorities to deal with.'¹ Building collapse is a major problem in Nigeria, with numerous cases reported annually. These incidents result in loss of lives, injuries, and damage to properties, which have devastating effects on individuals, families, and the economy. There have been several recorded cases of building collapse in Nigeria, most of which have occurred in Lagos State.² Between 2000 and 2021, Lagos state alone experienced 167 reported cases of building collapse, with significant human and economic losses.³ Data analysis collected overtime shows that Nigeria has recorded over 300 cases of building collapse incidence across the country.⁴ According to a report by the Building Collapse Prevention Guild (BCPG), out of these structural failures, Lagos State recorded 20 incidents, representing 48.7 percent of the entire cases in 2022.⁵ Some of the incidents include the residential development at Hotoro, Unguwar Gabas, behind Chula filling station, Tauroumi, Kano State; Anglican Primary School 1, Ayetoro Ajegunle, Lagos; church development at Iragbo community in Badagry, Lagos State; residential development at Road 5 Extension Avenue in Umuguma Owerri, Imo State; development at Oribanwa Town, Ibeju-Lekki, Lagos State; development at Chief Elmore street behind Ideal Supermarket, Bogije Bus Stop, Ibeju-Lekki, Lagos; residential development at 32 Ibadan Street Ebute Metta, Lagos; residential development at Chris Igadi Street, off Ago Palace Way, opposite Kilimanjaro/AP filling station, Lagos; residential development at Sanusi street, Somolu-Lagos; among others. It is on record that in the 48-year period between October 1974 to November, Nigeria

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¹Culled from an online publication in Thisday. 'Incessant Building Collapse In Nigeria...1' <https://www.google.com/amp/s/www.thisdaylive.com/index.php/2022/10/05/incessant-building-collapse-in-nigeria1/amp/> Accessed 07 February 2023.

² H O Olasunkanmi, 'Five Steps Nigeria Must Take to Stop Buildings Collapsing in Lagos', (University of the Witwaterstrand 2022). <https://www.google.com/amp/s/theconversation.com/amp/five-steps-nigeria-must-take-to-stop-buildings-collapsing-in-lagos-190470>. Accessed 26 January, 2023.

³*Ibid*

⁴ F Afuye & R A Koko, 'Imperatives of National Building Code in Curbing Collapse in Nigeria'. *Journal of Management and Technology* 2019 (15) (64)

⁵ Nigeria records 61 incidents of building collapse in 2022 —Report

By Tribune Online December 27, 2022. <https://tribuneonlineng.com/nigeria-records-61-incidents-of-building-collapse-in-2022-report/> Accessed 10 February 2023.

recorded 541 incidents of building collapse.⁶ The cause of building collapse in general can be natural or artificial. It is natural when it occurs as a result of an act of God such as earthquake, storm, hurricane, tremor, typhoon, flooding, etc.⁷ It is artificial if it occurs as a result of human factors such as negligence, poor construction practices, use of substandard building materials, corruption among others. There is usually no liability attaching to any person in cases of building collapse caused by natural phenomena, especially when environmental assessment has been carried out.⁸ On the other hand, civil or criminal liability may attach to a builder or property owner in cases of building collapse caused by human factors.

There exist different legal frameworks for ensuring quality buildings, and preventing collapse of buildings in Nigeria. However, some of these laws have failed the process of enforcement and as such buildings continue to collapse in Nigeria. A closer study and observation have shown that most of the buildings that have collapsed in Nigeria were caused by the human factor, hence a need to ensure the promulgation of an effective uniform legal framework and proper enforcement mechanism in the country for regulating the activities of builders and property owners.⁹ An appraisal of the civil and criminal liability arising from building collapse in Nigeria is essential in providing justice to the victims of building collapse and to prevent future occurrences. The legal framework governing building collapse in Nigeria comprises of civil and criminal liability. Civil liability entails compensation for the victims of building collapse, while criminal liability focuses on the prosecution of individuals responsible for the incidents.

2. Conceptual Framework

Building Collapse

Building Collapse is the sudden and complete or partial failure of a building.¹⁰ The degree of impact or failure experienced by a building to qualify as collapse is not subject to a definite quantification.¹¹ However, once a building in construction has failed structural integrity to the extent that some parts, or all its parts has fallen apart, the building is said to have collapsed. Also, when a building already completed becomes uninhabitable by reason of structural failure in form of inability of the building to withstand wind or rain, the building will also be held to have collapsed. Thus, the concept of building collapse may derive its meaning from varied definitions. It has been defined for instance, as a situation where a building which has been completed but not occupied, completed and occupied and under construction, tears apart without the influence of any party or agent. This definition shows clearly that a building may collapse at any stage during construction or after construction, whether occupied or not.¹² On December 27, 2022 Sahara Reporters published a heartbreaking data of 61 incidences of building collapse in Nigeria in the year 2022.¹³ The buildings reported includes; the residential development at Hotoro, Unguwar Gabas, behind Chula filling station, Taurami, Kano State, Anglican Primary School 1, Ayetoro Ajegunle, Lagos, Road 5 Extension Avenue in Umuguma Owerri, Imo State among others. The incessant collapse of buildings in Nigeria raises a suspicion as to the intentions of builders and property owners, it is therefore expedient to arrest the situation.¹⁴

Civil Liability

Civil Liability refers to the private legal responsibility a person bears for causing damage or injury to another person. It usually involves payment of compensation or damages to the injured party on the order of a court of competent jurisdiction.¹⁵ In Nigeria, civil liability in cases of building collapse is governed by the law of torts, a branch of civil law that deals with civil wrongs committed by one party against another; and the law of contract.

⁶*ibid*

⁷ O A Oyedele, 'Assessment of causes of building collapse in Nigeria'. Available at <https://www.researchgate.net> Accessed 05 February 2023.

⁸ See the principle of Act of God in Law of Tort.

⁹ O A Oyedele, 'A Study of Control Measures of Building Collapse in Lagos State.' Nigeria. FIG 2018

¹⁰ K C Okolie, S C Ugochukwu & F O Ezeokol, 'Addressing the Building Collapse Problem in Nigeria: Exploring the Builder's Potentials, the Builders' Liability Insurance Option and the Health and Safety Management Plan'. *Environmental Review* 2017 (6) (1).

¹¹*ibid*

¹²(n.9)

¹³ Sahara Reporters, Lagos, Anambra Lead As Nigeria Records 61 Incidents Of Building Collapse in 2022. December 27, 2022. [https://www.saharareporters.com/lagos-anambra-lead-nigeria-records-61-incidents-building-collapse-2022#:~:text=At%20least%2061%20buildings%20have,Prevention%20Guild%20\(BCPG\)%20report](https://www.saharareporters.com/lagos-anambra-lead-nigeria-records-61-incidents-building-collapse-2022#:~:text=At%20least%2061%20buildings%20have,Prevention%20Guild%20(BCPG)%20report) Accessed 03 March 2023.

¹⁴ (n.10)

¹⁵ Cornell Law School. Civil Liability. https://www.law.cornell.edu/wex/civil_liability#:~:text=Civil%20liability%20is%20a%20legal,court%2Denforcements%20in%20a%20lawsuit. Accessed 03 March 2023.

When a building collapses, it may result in loss of life, injury, or damage to property, and the parties affected may be entitled to compensation for their losses. To establish civil liability is much easier than establishing criminal liability, because the standard of proof required is based on balance of probabilities, while that of criminal liability is based on proof beyond reasonable doubt.¹⁶

Criminal Liability:

Criminal liability refers to responsibility for a crime and the penalty society imposes for the crime. Because crime is considered as being a wrong against the society as a whole, it becomes the duty of the State to prosecute crimes upon receipt of a complaint by a victim.¹⁷ To establish criminal liability, the prosecution must prove beyond a reasonable doubt that the accused had the intention to commit the crime, or that they were negligent in their actions and caused harm to others.¹⁸ Criminal liability in cases of building collapse can arise from several factors, including negligence, failure to comply with building codes and regulations, breach of statutory provisions and corruption.

3. Building Collapse and Liability in Nigeria

Civil Liability of the Builder

In Nigeria, builders can be held civilly liable for building collapses that result in injury or loss of life. The liability of the builder depends on the cause of the collapse and whether the builder was negligent in the construction process. Under Nigerian law, the builder has a duty of care to ensure that the building is constructed in accordance with applicable building codes and standards.¹⁹ If the builder fails to meet this duty of care and the building collapses, resulting in injury or loss of life, the builder may be held liable for damages in a civil proceedings.²⁰ He can be sued by the property owner for breach of contract, and by the victims for negligence.²¹ An action against the builder by the property owner for breach of contract will be predicated on the principle that the property owner contracted the builder on the condition that he will construct a building with structural integrity. Where the builder fails to fulfill this fundamental term and a collapse occurs, the builder will be liable to pay damages to the property owner. In practice, it is not clear whether a victim can hold the builder liable for negligence in a legal action because the victim's recourse would typically be against the property owner rather than the builder. However, despite the numerous reported cases of building collapse, particularly in Lagos State, there appears to be a dearth of corresponding reports on the judicial outcomes of these incidents in Nigeria. A statistical study reveals that out of 62 recorded cases of building collapse in Nigeria between 1960 and 2015, only two involved litigations; the other 60 cases were swept under the carpet.²²

Civil Liability of the Property Owner

In Nigeria, property owners can be held civilly liable in cases of building collapse. This means that if a building collapses and causes injury or damage to individuals or property, the owner may be legally responsible for compensating the affected parties.²³ The liability may extend to the property owner's failure to properly maintain the building, the use of substandard materials during construction, or violation of building codes and regulations. It is important to note that the burden of proving negligence on the part of the property owner lies with the plaintiff.²⁴

Criminal Liability of the Builder and Property Owner

In Nigeria, builders, as well as property owners may be held criminally liable in cases where their recklessness involves gross negligence resulting in building collapse. The specific charges that may be brought against a builder will depend on the circumstances of the collapse and the extent of harm caused. There is however no

¹⁶ Chris Wigwe, *Introduction to the Law of Evidence Law in Nigeria* (Mountcrest University Press. 2016) Pg 284.

¹⁷ Lessen Newstart and Tolson LLP, What is Criminal Liability? <https://www.inlegal.com/blog/2021/december/what-is-criminal-liability/>, Accessed 04 March 2023.

¹⁸(n.16) pg286

¹⁹ O M Alabi & R R Ahmad. 'The Study of Claims Arising from Building Collapses: Case Studies from Malaysia, Nigeria, Singapore & Thailand'. *Journal of civil and Environmental Research*. 2013. Vol. 3 No 11. Pg. 113~129.

²⁰*Ibid.*

²¹Alabi Olumuyiwa Michael. 'Building Collapse: The Involvement of Building Professionals and Their Culpability' *Journal of Law, Policy and Globalization* www.iiste.org ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol.63, 2017 . <https://www.iiste.org/Journals/index.php/JLPG/article/viewFile/38053/42567> Accessed 12 March 2023.

²²(n.19)

²³Thisday. Building Collapse in Nigeria: Concerns and Practicable Remedies <https://www.google.com/amp/s/www.thisdaylive.com/index.php/2021/11/16/building-collapse-in-nigeria-concerns-and-practicable-remedies/amp/> Accessed 13 March 2023.

²⁴*Donoghue v Stevenson* 1932] SC (HL) 31. See also *N.N.B PLC v. Denclag Ltd.* (2005) 4 NWLR (Pt. 916) 549.

specific provision in the Criminal Code Act for criminal liability arising from building collapse. However, a person may be charged for involuntary manslaughter under Section 317 and 325 of the Act.²⁵ A doubt remains as to whether a charge can be sustained under the section from the facts of a building collapse incidence. In Lagos State for instance, the owner and engineers of collapsed building are liable to be prosecuted for offence of negligent act causing harm contrary to section 250 of the Criminal Law of Lagos State 2011 and if found guilty sentenced to 2 years' imprisonment. In addition, Section 74 of the Urban and Regional Planning Law 2010, of Lagos State, provides that in the event of collapse of any property or structure due to negligence on the part of the owner, or the developer, such property shall be forfeited to the State Government after due investigation and or publication in the State Official Gazette. In *Lagos State Government v. Lekki Worldwide Estates Ltd & Anor*²⁶, a case involving the collapse of a building in Lekki, Lagos in 2015. The Lagos State government filed a criminal charge against the construction company and its directors for criminal negligence resulting in the death of a worker on the site. The court held that the construction company and its directors were guilty of criminal negligence resulting in the death of a worker on the site due to their failure to follow proper building codes and standards and ensure the safety of their workers. The court also held that the Lagos State government had the authority to file a criminal charge against the construction company and its directors for their actions. The construction company and its directors were sentenced to pay a fine, undertake community service, and compensate the family of the deceased worker. It is the responsibility of the State through its Ministry of Justice to press criminal charges against a builder and the property owner for deaths resulting from building collapse. However, the states have failed in most of the cases to live up to this responsibility. In fact, an attempt to fulfill this obligation by the Lagos State government in the case of a five-storey building that collapsed on Kushenla Road in Ikate Elegushi, killing at least 35 persons, ended in a plea bargain.²⁷

Transfer of Risk in Cases of Building Collapse

Builder's Liability Insurance Coverage

The National Insurance Act 2003 was enacted to provide for indemnity for those who may be injured by other people's actions or inactions. Section 64 (1) of the Insurance Act 2006 provides for the insurance of a building under construction. The section provides thus: 'No person shall cause to be constructed any building of more than two floors, without insuring with a registered insurer his liability in respect of construction risks caused by his negligence or the negligence of his servants, agents or consultants which may result in bodily injury or loss of life to or damage to property of any workman on the site or of any member of the public'.²⁸ The essence of the above provision is to ensure that a builder transfers his risk to an insurance company, so that the insurance company can bear the liability of paying the property owner damages in the event of breach of contract resulting from collapse of building constructed by him. Also, the provision by the use of the phrase, 'no person...' provides the property owner alongside the builder, the opportunity to transfer his liability to pay compensation to victims of building collapse to an insurance company. Section 64 (2) of the Insurance Act provides that the duty to insure under subsection (1) of this section shall arise when a building is under construction. Further, Section 65 (1) of the Insurance Act makes it mandatory to insure every public building against the hazards of collapse, fire, earthquake, storm and flood.

Criminal Liability for Failure to Insure Property

Section 64 (3) of the National Insurance Act 2003 provides: 'A person who contravenes subsection (1) of this section commits an offence and on conviction shall be liable to a fine of N250,000 or imprisonment for three years or both'. The provision mentioned above aims to ensure that buildings are constructed with structural integrity and that incidents of building collapse in Nigeria are reduced. This is so because insurance companies are responsible for verifying that a building is well-constructed before issuing their policies to builders or property owners. Notwithstanding, the provision for insurance and the accompanying criminal liability for failure to ensure, both builders and property owners have continued to build without insurance, and this has made little weight of the law.

²⁵ Criminal Code Act CAP C38 LFN 2004.

²⁶ (2019) 3 NWLR (Pt. 1656) 18.

²⁷ Lagos Charges Lekki Gardens MD, Eight Others to Court By Gboyega Akinsanmi This day <https://www.google.com/amp/s/www.thisdaylive.com/index.php/2017/02/20/lagos-charges-lekki-gardens-md-eight-others-to-court/amp/>; Accessed 13 March 2023.

The Lagos State Government v. Lekki Gardens Estate Limited & Ors (Suit No. LD/4813MFHR/2019);

Lekki Gardens building collapse: Lagos State amends plea bargain agreement

Eniola Ayoola <https://nnn.ng/lekk-gardens-building-collapse-lagos-state-amends-plea-bargain-agreement/>. Accessed 13 March 2023.

²⁸Section 64 (1) Insurance Act 2006.

4. A Comparative Analysis of Building Collapse Liability Laws in Nigeria and Some Selected Middle East Countries

Decennial Liability in United Arab Emirates

Decennial liability refers to a strict liability standard that is imposed on contractors, architects, and engineers in the event of a building or structure's complete or partial collapse, or the discovery of defects that pose a risk to the structure's stability. This liability is applicable for a period of ten years after the building's construction and transfer. The primary goal of decennial liability is to enhance public safety and encourage high-quality workmanship. In the UAE, decennial liability is set out in Articles 880 to 883 of UAE Federal Law.²⁹ Article 880 of the UAE Civil Code is the primary basis for decennial liability and provides as follows: If the subject matter of the contract is the construction of buildings or other fixed installations, the plans for which are made by an architect [this can include an engineer], to be carried out by the contractor under his supervision, they shall be jointly liable for a period of ten years to make compensation to the employer for any total or partial collapse of the building they have constructed or installation they have erected, and for any defect which threatens the stability or safety of the building, unless the contract specifies a longer period. The above shall apply unless the parties intend that such installations should remain in place for a period of less than ten years. The said obligation to make compensation shall remain notwithstanding that the defect or collapse arises out of a defect in the land itself or that the employer consented to the construction of the defective buildings or installations. The period of ten years shall commence as from the time of delivery of the work.³⁰ The decision of the *Abu Dhabi Court of Cassation 721/Judicial Year 3* casts some light on the compensation that flows from such liability: 'The liability of the contractor and the engineer who has supervised the construction of the building is restricted to a total or partial collapse in the building or to any defects that come to light that threaten the solidity and stability of the building.'³¹

Decennial Liability in Qatar

In Qatar, decennial liability is governed by Law No. 22 of 2004 on the promulgation of the Civil Code. Under this law, the contractor and the engineer or architect who is responsible for the design of the project are jointly and severally liable for any defects or faults that appear in the construction project for a period of 10 years from the date of delivery of the project.³² This means that if any defects or faults appear within this 10-year period, the contractor and the engineer or architect can be held liable and must rectify the problem at their own expense. The decennial liability of the contractor and architect cannot be waived or limited by any agreement or contract.³³ This provision is plausible as no erring contractor or architect can escape liability in any case of building collapse arising from structural defects of any kind, whether it is the fault of the contractor or not, except in cases of force majeure.³⁴ The requirement of obtaining insurance coverage as it applies to UAE also applies to Qatar. In fact, Decennial Liability in both UAE and Qatar is the same, unlike when compared to that of Kuwait.

Decennial Liability in Kuwait

Article 692 of Kuwait Civil Code³⁵ states

- 1) The contractor and architect warrant for any total or partial collapse or crack in building erected and fixed installations made by them for 10 years to run from the time of completion of the building or installation in accordance with the following articles.
- 2) If, however, it is established that the contracting parties' intention was for the buildings or installations to remain for less than 10 years the warranty shall be for the period intended by the parties. (3) The warranty includes the collapse which results from a defect in the land itself or where the employer had

²⁹ UAE Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates (the 'UAE Civil Code').

³⁰ Decennial Liability in the UAE: Insights / 05-10-2020 / Decennial Liability in the UAE. <https://www.incegd.com/en/news-insights/construction-engineeringinsurance-decennial-liability-uae#:~:text=Decennial%20liability%20covers%20any%20total,or%20discovery%20of%20the%20defect.> Accessed 13 March 2023.

³¹ Justin Ede, Decennial liability in the UAE – a commentary <https://www.tamimi.com/law-update-articles/decennial-liability-in-the-uae-a-commentary/> Accessed 13 March 2023.

³² Article 711 QCC (Law No 22 of 2004)

³³ Article 712 QCC (Law No 22 of 2004)

³⁴ Article 714 Qatar Civil Code (Law No 22 of 2004)

³⁵ Kuwait Civil Code 1980.

allowed the erection of the faulty building or installations as well as any defects revealed in the building or installations which threaten their solidity or safety.³⁶

The decennial liability provisions in the Kuwaiti Civil Code are designed to give maximum protection to the owner/employer (for purposes of this summary, usually the Kuwaiti government). The Kuwaiti Civil Code also provides that any provision excluding or limiting the otherwise applicable decennial liability will be null and void. However, under Article 696 of the Civil Code, no action can be brought in Kuwait against the contractor or the architect after three years from the date of the collapse or the discovery of the defect.³⁷ Although Decennial Liability in UAE and Kuwait are similar, there is however a slight difference. In the UAE and Qatar, contractors and builders are required to obtain insurance coverage for Decennial Liability, while in Kuwait, insurance is not mandatory.

The Nigerian Situation

An attempt to compare the building liability laws in Nigeria with that of selected Middle East countries with high rise buildings will reveal a clear distinction. In Nigeria, there is no federal legislation providing for building collapse liability, but that is not the case with UAE, Qatar and Kuwait. These three Middle East countries have a federal legislation providing for the liability of the contractor or builder, and the architect. Again, whereas the Decennial Liability in the selected Middle East countries specifically places liability on the contractor or builder and the architect, the liability laws in Nigeria do not specify instances where liability will attach to the builder or property owner. This leaves anyone who seeks to enforce his claim for compensation as a victim of building collapse to gamble between suing the builder or property owner. It can however, be argued that both the builder and property owner may be sued in any proceedings for compensation of victims of building collapse in Nigeria, nonetheless, there is no legislation strongly backing a litigant to obtain remedy against a builder or property owner. As previously mentioned, there are limited number of decided cases on building collapse liability in Nigeria, both in civil and criminal contexts. This is largely due to the lack of proceedings being instituted against builders or property owners. Consequently, there is a limited understanding of building collapse liability laws in Nigeria, which have primarily become abstract principles that is yet to be applied in practical case scenarios. Some of the factors responsible for this state of affairs are identified as follows:

Economic Disparity: Economic disparity refers to the unequal distribution of wealth and resources among different individuals or groups in a society. In the context of building collapse incidents in Nigeria, economic disparity can hinder the ability of victims to pursue civil claims against building owners or builders for compensation and damages. Many of these victims may lack the financial means to initiate legal action against those responsible, either because they cannot afford the costs associated with litigation or because they do not have access to legal representation.³⁸ This economic barrier can prevent victims from seeking redress for the harm they have suffered, particularly in cases where the damages are significant or the injuries sustained are long-term or permanent. In some instances, the economic disparity may also lead to the exploitation of victims by unscrupulous building owners or builders who may use their financial advantage to intimidate or manipulate the victims into accepting inadequate settlements or waiving their legal rights.³⁹ Generally, economic disparity is a significant factor that contributes to the failure of victims of building collapse incidents in Nigeria to seek legal recourse and enforce their civil claims for compensation and damages.

Religious Beliefs: In Nigeria, as in many other countries, religious beliefs play a significant role in shaping people's worldview and understanding of events that occur in their lives. One of such belief is the idea that natural disasters or tragic events like building collapses are acts of God, and therefore beyond human control or responsibility. This belief can have a significant impact on the ability of victims of building collapses to pursue legal action against building owners or builders for compensation and damages. If a victim believes that a building collapse is an act of God, he may less likely pursue legal action against the builder or owner of the building because he views the event as a result of divine intervention or fate. In some cases, victims may feel that seeking legal action would be futile, as they believe that they are powerless to challenge the will of God. Moreover, religious beliefs may discourage victims from holding others accountable for the collapse, as they

³⁶ Mashael A. Alhajeri, Defects And Events Giving Rise To Decennial Liability In Building And Construction Contracts Under The Kuwaiti Civil Code, Private Law Department Kuwait University School of Law – KUSL <https://www.irbnet.de/daten/iconda/CIB14488.pdf> Accessed 13 March 2023.

³⁷ A M Radwan, & H L Stovall. 'Reconstruction of Kuwait: Emerging legal issues. *Houston Journal of International Law*, (1992) 14(2), 353-370.

³⁸ I O Igwe & A Bassey, 'Review of the Impacts of Poverty on Access to Justice in Nigeria'. *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* / Vol. 12 No. 2 (2021) /<https://www.ajol.info/index.php/naujilj/article/view/215407> Accessed 14 March 2023.

³⁹ *ibid*

may believe that God will ultimately judge those responsible in the afterlife. This religious belief can have significant consequences for victims of building collapses, as it may prevent them from seeking the compensation and justice they deserve. It can also perpetuate a culture of impunity among builders and building owners who may not be held accountable for their actions. While religious beliefs can provide comfort and support in times of tragedy, they can also have negative implications for victims seeking legal recourse and enforcing their civil claims for compensation and damages in cases of building collapse.⁴⁰

Corruption: Corruption in the Nigerian Judiciary is a major factor that discourages victims of building collapse incidents from pursuing legal action to enforce their rights to compensation. The judiciary is responsible for ensuring that justice is served, but in many cases, corruption within the judiciary can lead to an erosion of trust in the legal system. This corruption has a direct impact on the ability of victims of building collapse incidents to seek compensation through the courts. Victims may lack the resources or connections necessary to navigate the corrupt legal system, and may be deterred from pursuing their claims due to the perception that they will not receive a fair hearing. Furthermore, corruption can also result in delayed or unjust outcomes, further discouraging victims from pursuing legal action. Also, corruption within the building regulatory bodies in Nigeria can undermine their ability to carry out their duties effectively, as inspectors and other officials may be influenced by bribes or other forms of corruption.⁴¹ This can result in inadequate or incomplete investigations, which in turn can make it difficult for the Ministry of Justice to build strong cases against building owners or builders. In essence, corruption in the Nigerian judiciary has a significant impact on the ability of victims of building collapse incidents to seek justice, and on the ability of regulatory bodies to carry out their duties effectively.

Ignorance and Illiteracy: Ignorance of the existing legal and institutional framework for pursuing compensation and justice in cases of building collapse in Nigeria, as well as illiteracy, are significant factors that lead to low litigation in such cases. Many victims of building collapse incidents in Nigeria may not be aware of their rights and the legal avenues available to them to seek compensation and justice. This can be due to a lack of public awareness campaigns about these issues, as well as a lack of legal literacy among the general population.⁴² Generally, ignorance of the existing legal and institutional framework for pursuing compensation and justice in cases of building collapse in Nigeria, as well as illiteracy, are significant factors that lead to low litigation in such cases. Improving public awareness of these issues and providing greater access to legal representation and education could help to address these problems and improve access to justice for victims of building collapse incidents.⁴³

Lack of Strong Legal Framework: As has been pointed out in this work, there exist no federal legislation upon which a litigant seeking to enforce his right of claim for compensation as result of injury or damage suffered by reason of a building collapse incidence. The only remedy available to him is to institute a civil action in negligence against the property owner, which in some cases do not yield the desired result. There is need for a civil law enactment specifying the amount of compensation a victim of a building collapse is entitled to in the event of a building collapsing as a result of structural defects, and other man made factors. Also, there is no federal legislation specifically providing for the offence of negligent manslaughter arising from building collapse, except in Lagos State where there is a recent enactment in their criminal law providing for negligent manslaughter in cases of building collapse.⁴⁴ It is obvious that the legislation was enacted as a result of the high rate of building collapse in the state. But there is a need for a federal law to impose criminal liability in cases of building collapse for the whole states in Nigeria to model their domestic laws in conformity. The legal framework for pursuing compensation and justice in cases of building collapse in Nigeria is governed by various laws and regulations. These include the Nigerian Building Code, health and safety regulations, and civil and criminal liability laws of different states. However, the complexity and technical nature of these laws can make them difficult for non-lawyers to understand and navigate. This is compounded by the high levels of illiteracy in Nigeria, which can limit people's ability to read and understand legal documents, and to access legal services.

⁴⁰ A.I Bature. 'Religious Freedom In Nigeria- Extremism And Government Inactions.'

<https://www.uscirf.gov/sites/default/files/Rev.%20Fr.%20Prof.%20Anthony%20I.%20Bature.pdf> Accessed 14 March 2023.

⁴¹Zekeri Momoh & Patience Jonathan Attah, 'Corruption and the Paradox of Poverty in Nigeria'. <http://www.gojamss.net/journal/index.php/gojamss/article/view/359> Accessed 14 March 2023.

⁴² Apeh, Elaigwu Isaac & Onoja, Ujah Ferdinand. 'Literacy Promotion for Human Rights Awareness And Protection- The Case of Nigeria'. *Journal of Good Governance and Sustainable Development in Africa (JGGSDA)*, Vol. 4, No 1, April, 2018. Available online at <http://www.rcmss.com/index.php/ijpamr>; Accessed 13 March 2023.

⁴³*Ibid*

⁴⁴ Section 250 Criminal Code Law of Lagos State 2011

5. Conclusion and Recommendations

This work reveals that building collapse in Nigeria has become a recurrent problem, which poses a threat to the safety of lives and property. This issue requires urgent attention from the government, stakeholders in the construction industry, and the general public. Although there are laws and regulations governing the construction industry in Nigeria, their implementation and enforcement are weak, and there is no clear-cut punishment for offenders. In addition, certain factors such as religion, corruption, poverty, illiteracy and ignorance has led to low litigation cases arising from building collapse in Nigeria. Finally, the prevention of building collapse in Nigeria requires a comprehensive legal and institutional framework that provides for criminal and civil liability for offenders. The government must take the lead in addressing this issue by reviewing and strengthening the existing legal frameworks and ensuring their effective implementation and enforcement. The construction industry stakeholders must also take responsibility for ensuring compliance with the laws and regulations governing the industry. The public must be vigilant and report cases of building collapse promptly to the relevant authorities. This study advocates for a law, inspired by the Qatar Civil Code, establishing strict liability for architects, contractors, and engineers for any collapse, partial or complete, or any defect within ten years of construction and delivery of a building in Nigeria. This proposed law aims to incentivize responsible construction practices and enhance building safety by holding accountable those responsible for potential failures.