LAW AND SOCIAL JUSTICE REVIEW

Volume 2 (1) January 2021

LAW AND SOCIAL JUSTICE REVIEW

Volume 2 (1) January 2021



A PUBLICATION OF THE
INTERNATIONAL CENTRE FOR LAW
AND DEMOCRACY STUDIES,
IN CONJUNCTION WITH THE FACULTY OF LAW,
NNAMDI AZIKIWE UNIVERSITY, AWKA, NIGERIA

Citation: (2021) 2 (1) LASJURE

© International Centre for Law and Democracy Studies (ICLDS)

Published, January 2021

All rights reserved. No part of this journal should be reproduced, stored in a retrieval system or transmitted in any form or by any means in whole or in part without the prior written permission of the copyright owner.

ISSN: 2564-7290

Printed and Published by:

Amaka Dreams Ltd.

106 Arthur Eze Avenue, Awka, Anambra State.

Tel: +2348037449926

E-mail: ezeonyiamaka65@gmail.com

TABLE OF CONTENTS

The Relevance of Neurological Abnormalities in the Determination of Criminal Responsibility in	ı
Nigeria	4
E O. C. OBIDIMMA & O. I. DERIK-FERDINAND	1
Examining the Rules and Principles Applied by the International Court of Justice (ICJ) in	
Determining Cases on Protection of Marine Environment	
Felicia ANYOGU, Ikenga K.E. ORAEGBUNAM & P. AYOGU	10
reneta Alvi Odo, ikeliga K.E. Okazobolyani & I. Ali Odo	10
Hurdles to Women Political Participation and Advancement in Nigeria: The Legal Leeway	
Chinwe Patricia ILOKA	17
Formation of State by Secession and the Import of Recognition in International Law	
Kenn Chinemelu NWOGU & Chibike Oraeto AMUCHEAZI 25	
2	
A Reflection on Nationality as an Alternative to Domicile under Nigerian Law	
Caroline Mbafan EKPENDU	35
OM OM O 1 2 2 2 2 2 2 2 0 0	
Incorporating the Independent-Director Concept into the Nigerian Company Law:	
Challenges and Prospects	
Onyeka Christiana ADUMA	44
Legal Remedies against Human Rights Violation in Nigeria	
Uzoamaka Gladys EZE & Peace Udoka OGBONNA	48
The Challenges of Enacting Climate change Laws in Nigeria	
Chizoba I. OKPARA	57
Sale in Market Overt: A Legal Consideration of Emerging Issues on Stolen Goods in Nigeria	
B. N. OKPALAOBI & Precious Nduburuoke EGBULE	63
The Role of Law in Promoting Social Stability in Nigeria	
Eric Chigozie IBE	67
Jurisdiction, Independence and Operations of the Tax Appeal Tribunal in Nigeria: Case for	
Establishment of Tax Divisions at the Superior Courts	
Meshach Nnama UMENWEKE & Nwadiuso Evangeline AGADA	72
Examination of the Factors Militating against Enforcement of Environmental Laws in Nigeria	
Enakireru Eric OMO & Anthony ETUVOATA	79
Arbitrary Declaration of State of Emergence under The 1999 Nigerian Constitution: A Call for	
Amendment	
Felicia ANYOGU & Michael Kehinde OSADARE	87
Imposition of Penalties by Road Traffic Control Agencies in Nigeria	
Jude O. EZEANOKWASA & Doris Odinkemma UDEAGU	94

Decriminalization of Child Labour Disguised as House Helping in Nigeria B. E. EWULUM	101
Insecurity and the Abuse on Constitutional Rights of Citizens: The Nigerian Experience (2019 to 2021))
Hilary NWAECHEFU, Ayodeji Johnson FATEHINSE & Stephen T. KALAMA	107
Recovery of Legal Practitioner's Fees in Nigeria: Fees by Agreement and Fees through Bill of Charges in Perspective Kachidobelu John BIELU	115
Hate Speech and Constitutional Safeguards to Freedom of Expression in Nigeria: A Review Felicia ANYOGU & Ifeanyi Tobechukwu NWACHUKWU	125
Offences Created in the Trafficking in Persons (Prohibition) Law Enforcement and Administrati Act 2015 towards the Fight against Human Trafficking in Nigeria Carol ARINZE-UMOBI, Kenn Chinemelu NWOGU & L. O. OJOBOR	ion 132
Involvement of Civil/Public Servants in the Bail of a Defendant: A Jurisprudential Reflection Olusegun Femi AKEREDOLU	139
Insecurity, National Integration and Development: Interrogating the Legal and Social Implication the 2021 Asaba Declaration	ons of
Obinna MBANUGO & Emeka Francis OBI	147
A Case for the Criminalization of Spousal Rape in Nigeria Carol ARINZE-UMOBI & Chinyere Nwakaego DINWOKE	155
Efficacy of the Legal Framework on the Environmental Impact of Agricultural Technology in Ni Enakireru Eric OMO & Anthony ETUVOATA	igeria 161
The Harrowing Effects of the Unlimited Continuing Liability of Original Lessees after Exhaustic Further Interests in Leasehold Transactions	on of
Vivian Chinelo ARINZE & Ezinne Olivia ONWUGBENU	169
An Analysis of the Legal Framework for the Administration of Personal Income Tax in Nigeria U.C. KALU & IKENNA U. IBE	177
Theory of Efficiency in Legislative Strategy: Brief Legal Rationale Analysis David IKE	184

EDITORIAL TEAM

EDITOR-IN-CHIEF/GENERAL EDITOR:

Ikenga K. E. ORAEGBUNAM, PhD (Law), PhD (Phil.), PhD (Rel. & Soc.), MEd, BTh, BL, Reader, Faculty of Law, Nnamdi Azikiwe University

DEPUTY EDITOR-IN-CHIEF:

Onyeka Christiana ADUMA, LLB, LLM, PhD, Lecturer, Faculty of Law, Nnamdi Azikiwe University

BOARD OF EDITORS:

Yusufu DADEM, LLB, LLM, PhD, BL, Senior Lecturer, Nigerian Law School, Kano Campus Caroline Mbafan EKPENDU, LLB, LLM, PhD, BL, Lecturer, Faculty of Law, Benue State University

Emeka ADIBE, LLB, LLM, PhD, BL, Senior Lecturer, Faculty of Law, University of Nigeria Obinna MBANUGO, LLB, LLM, PhD, BL, Lecturer, Faculty of Law, Nnamdi Azikiwe University

Habiba MUSA, LLB, LLM, BL, Senior Lecturer, Faculty of Law, Nasarawa State University Chidimma S. NWAKOBY, LLB, LLM, BL, Lecturer, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University

EDITORIAL CONSULTANTS:

Edward Oyelowo OYEWO, Professor of Law, University of Lagos

Augustine AGWOM, Professor of Law, Ahmadu Bello University

Kenn C. NWOGU, Professor of Law, Nnamdi Azikiwe University

Chidi ODINKALU, Formerly, Chairman, National Human Rights Commission, Nigeria

Femi FALANA, SAN, Falana & Falana Chambers, Nigeria

Beatrice N. OKPALAOBI, Professor of Law, Nnamdi Azikiwe University

Ayodele V. ATSENUWA, Professor of Law, University of Lagos

Imran OLUWOLE, SAN, Professor of Law, SOAS, University of London

Solomon T. EBOBRAH, Professor of Law, Niger Delta University

Nlerum S. OKOGBULE, Professor of Law, Rivers State University

Hon. Justice Centus NWEZE, Justice of the Supreme Court of Nigeria

Amari OMAKA, SAN, Professor of Law, Ebonyi State University

JOURNAL POLICY

Law and Social Justice Review (LASJURE) is a peer reviewed journal purpose of which is to promote the discussion and examination of issues lying at the juncture of social justice and the law. LASJURE publishes legal studies and analyses of case law, legislation, and instruments that address the law's interface with historically challenged groups and stress the law's potential as a tool of positive social change. These studies can also rely on findings from related disciplines, especially social sciences and humanities. The aim of LASJURE is to provide inspiration for the development of law in ways that encourage the use of law as an instrument of social engineering. LASJURE is published three times a year in January, May and September. The journal invites professors, judicial officers, legal practitioners and law postgraduate students to submit scholarly articles, essays, legal briefs, case comments and book reviews that address issues involving the intersection of social justice and the law.

Guidelines to Contributors

1. Language

The language of the manuscript must be English (British standards).

2. Originality

Articles must be original and must not have been submitted for consideration and publication elsewhere. It is the responsibility of authors to ensure that the material submitted does not infringe copyright.

3. Length of paper

The length of the paper should not exceed 6000 words including tables, figures, references and appendices (if any). Articles should be typed in 1.5 line spacing (footnotes and references should appear in single line spacing) on one side of A4 paper only with wide margins. Authors are urged to write as concisely as possible, but not at the expense of clarity.

4. Title Page

The title page should include: (i) The name(s) of the author(s), (ii) A concise and informative title, (iii) The affiliation(s) and address (es) of the author(s), (iv) The e-mail address, and telephone numbers of the corresponding author.

5. Abstract

Please provide an abstract of 150 to 200 words which must include the objectives of the study, methodology, findings/results, method of data collection and summary of recommendations. The abstract should not contain any undefined abbreviations or unspecified references.

6. Keywords

Please provide 4 to 6 keywords which can be used for indexing purposes.

7. Subdivision of the article

Divide your article into clearly defined and numbered sections. Subsections should be numbered 1, 2. (then 1.1, 1.1.1, 1.1.2), 1.2, etc). The abstract is not included in section numbering.

8. References and Documentation

Author(s) should adhere strictly to Nigerian Association of Law Teachers Uniform Citation and Documentation Standards accessible at www.naltng.org.

- **9.** Names of authors cited in the footnotes should start with initials and end with the surname.
- 10. Online sources should indicate the site and date of visit.
- 11. All submissions will undergo double blind peer review and plagiarism check.

Submission of Manuscripts

Interested contributors manuscripts/papers are to submit their to lasjure2020.edu.org@gmail.com and copy to the General Editor at ik.oraegbunam@unizik.edu.ng and ikengaken@gmail.com.