

## The Jurisprudence of University Lecturers' and Students' Knowledge of Nigerian Education Laws

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### ABSTRACT

*This study investigates the university lecturers' and students' knowledge of Nigerian Education Laws which brings peace, progress, tranquility, and development to an academic environment with a view to find out how lecturers and students are knowledgeable about Nigerian Education Laws. It juxtaposes knowledge of education laws by lecturers and that of the students. It will be of benefit to students, lecturers, the education communities where education law is useful and applicable. It will be of benefit to the law community - the lawyers, judges, lecturers, students among others. Curriculum developers, education administrators, the National Universities Commission, the Federal Ministry of Education and its parastatal/agencies and the public will benefit from this work. Historical and case study designs were adopted. The doctrinal method was used in data collection. The primary sources of data were the Education Ordinance 1887, Education Code 1903, Education Ordinance 1928, Education Ordinance 1916, Education Code 1926, Education Ordinance 1948, Education Act 1952, Education Edicts 1966-1979, the Constitution of the Federal Republic of Nigeria 1979 and 1999, Education Law 1999 and the Universal Basic Education Act 2004; sources of secondary data were published textbooks, scholarly peer-reviewed journals, and articles. Data were content-analysed, compared, contrasted and presented thematically which brought about the relevance of the study. The research findings are that lecturers and students have knowledge of Nigerian Education Laws and that knowledge of Nigerian Education Laws makes lecturers and students conduct themselves within the purview of the rules and regulations of the institutions. It is recommended that knowledge of Nigerian Education Laws should be a continuous exercise in an academic environment. Lecturers and students should be trained and retrained in respect of the education laws to avoid any gap in the level of knowledge of Nigerian Education Laws.*

### DOI:

10.56916/ijess.v2i2.492

### Article History:

Received 2023-06-29

Accepted 2023-09-10

**Keywords:** *nigerian; education; laws; lecturers; students*

## INTRODUCTION

The purpose of discipline in the universities is to promote learning. Universities are established and maintained so that students and researchers will learn. In order to learn, certain standards of behaviour must be in place. Nigerian university lecturers and students do show disrespect to one another and the university management as a result of a lack of knowledge of Nigerian education laws.

Many lecturers and students are being sent out of the university system due to their inability to know their rights from wrongs. The question is how knowledgeable are lecturers and students of universities in Nigeria about the contents of education laws? It is against this backdrop the researcher decided to investigate university lecturers' and students' knowledge of education laws in Nigeria.

The term law is usually described as written and unwritten rules derived from customs and enactment which are recognised by the people as binding on them and could be applied using an



appropriate sanction system (Durosaro, 1998). The term law can therefore be regarded as codified rules or norms governing the behaviour and relationship of individuals in a society. Educational administration involves regular interaction among stakeholders such as teachers, students, parents, and the community where schools are located. There is therefore the need for these relationships and interactions to be properly defined by law (Alalibo, 2006). Schools like other organisations need laws and regulations to guide their operations. Thus, education law encompasses a wide range of legal matters, which guides the operation of the educational system (Dada, 2015). The legal subject matters include constitutional laws, court decisions or ordinances, and statutes of the state or local governments, which provide a guide on the operations of the educational system (Ibara, 2018). In other words, education law is the association or application of the law to the education enterprise. Thus, if school administrators, teachers, and students are conversant with some legal concepts and can identify common legal pitfalls they will be better equipped to handle their tasks (Ikati, 2005). Education law is all about management, progress, and administration of the learning environment (Agi & Ereme, 2018). It guides students' rights, teachers' rights, curriculum, disciplinary measures, code of conduct, and school safety Nnamdi (2021). Society/environment/organisation that lacks law, there will be anarchy (Gede, 2014).

The law in the school is to enable the administrators to achieve the maximum aims and objectives of the institution. Law is meant for the lecturers, students, administrators, and a host of others to enable them to train and retrain the learners and guide them against future occurrences (Isola, 2010). They are made by either the local, state, or federal governments. The pronouncements of law courts and international treaties/conventions are also part of the education laws. These give legal protection for the students and the school (Alalibo, 2006).

In 1914, Lord Lugard introduced some innovations to the educational sector in Nigeria which are still useful till day. Schools are expected to abide by the rules and regulations in the computer age guided by law (Ebete, 2008). A teacher or student is to obey law and order. Effective management of the school is important to the school administrators (Peretomode, 1999, Osokoya, 2002, Olubor, 2017 & Oluyede, 2001). Peaceful coexistence should not be ruled out of education (Ibara, 2018).

Education laws in Nigeria ensure that the institution of higher learning fully protects students. Many problems are adversely affecting the quality and standard of education in Nigeria (Ekundayo, 2010). Some graduates are not knowledgeable after their graduation. They are not quite exposed to certain important things, which their counterparts are enjoying in other parts of the world, and it will become discovered that it limits them unfairly (Gbadamosi, 2013).

However, education laws can help make things better. It should be added that compliance with these policies is so important and if certain measures are put in place, it can easily see to it that no institution in the country will go on breaking any of the legislations (Moye, 2015). According to Igwe (2003), "Laws exist in schools to accommodate and regulate academic activities, but the awareness of such laws and their implementation by university lecturers and students is not guaranteed." Ibara (2010) was of the view that "there are a lot of education edicts, handbooks on discipline, teachers' manual, national policy on education university law, condition of service, education policies, and proclamations introduced by the federal and state governments to ensure that there is order in the universities, polytechnics, colleges of education and even secondary schools and college." Some of these laws and regulations are not followed. Some university lecturers and students have not set their eyes on the university laws let alone know what is contained in them (Ejiogu, 1987). The teaching of law is limited to faculties of law in the universities. Education law and knowledge are not made part of the curriculum in the universities. These have caused ignorance in the university environment (Moronfola, 2002). Nigerian curricula are being reviewed at intervals despite that some teachers/students are not knowledgeable about the law

upon which an education policy is founded. Igwe & Obasi (2005) concluded that "lack of knowledge about school rules by both students and teachers and the implementation of such laws have adversely affected education in Nigeria." University lecturers in Nigeria require legal knowledge to do their work perfectly and effectively while the students need the knowledge to avoid being punished if they go against the law.

### **Gap in the Literature**

Chukwuma & Madu, (2003) and Agi & Ereme, (2018) gave the meaning of law in relation to the society, education and the management of the university. Ebong, (2006) linked law to education in terms of discipline, progress, peace and development while Olakanmi, (2007) discussed the relevance of law to education and the university community.

Ozigi, (1997), Moye, (2015) and (Norton, 2019) opined that law makes students and lecturers to work peacefully in the university. They know their rights from wrongs and keep to the tenets of the university's rules and regulations.

Mebradu, (2008), Wagbara, (2005), Nwagu, (2003), Okeke, (2007), Ijadula, (1998), Ogunu, (2000) and Ekundayo, 2010) were of the firm views that law came into the university and teaching profession due to the way and manner the missionaries wanted schools to be and to forestall developmental programmes.

Foody, (1993), Durosaro, (1997), Okumbe, (1998), Adeboyejo (2001) and Anastasios & Kanffman, (2012) emphasised on the relevance of legal knowledge in the schools while Duze (2007) and Obi, (2004) clarified the distinction between lecturers' legal knowledge and the students' legal knowledge in the university. Some students do not know their legal rights in the school due to ignorance while some lecturers fall victims of unlawful dismissal due to nonpayment of attention to the university laws and the contract of employment in the school.

Foskett (1997), Prusak, (1997), Obi, (2005), Albert, (1955) and Bates, (2005) gave the detailed meaning and usefulness of legal knowledge. Maduagwu, (2006) defined the different types of law available in the society which are civil and criminal law among others. Bock (2005) & Bloumberg (2006) listed and defined and demonstrated the different types of knowledge which are explicit, implicit, tactic, declarative among others. Carroll, (1963) was of the view that remembering is an act of knowledge while Hill, Rowan & Ball (2005) claimed that analysing, evaluating, creativity deal with level of knowledge. Taylor, (2001), Johnson, (1994), Alexzander, (2011) and Baudura, (2012) gave the mathematical analysis of how students do understand and comprehend which result to knowledge among the students and the lecturers.

There is no dearth of writing on knowledge of Nigerian Educational Laws, there appears to be a gap in that literature on exactly how Nigerian Education Laws affects the daily practice of lecturers and students in the Nigerian universities so this study, will fill the gap of making students and lecturers aware of education laws, the university law, their rights under the institution's rules and regulations "maintaining classroom order and accommodating all students through curriculum and instruction strategies and methods in alignment with laws and legislation from various levels of government for the smooth running of the university."

### **Importance of the Study**

This study will be of benefit to students, lecturers, the university community, the schools and institutions of learning from secondary schools to colleges of education, polytechnic and universities where education law is applicable, and it will be of benefit to the law community - the lawyers, judge, court of law, solicitors, advocates, attorneys, barristers among others. Curriculum developers, education

administrators, the National Universities Commission, the Federal Ministry of Education and its parastatal/agencies and the public will benefit from this work.

Students will gain a lot from this work when they become aware of the knowledge of Nigerian Education Laws and their rights and with this knowledge, they will know how to obey and not flaunt school rules and regulations.

Lecturers and students will be aware of their legitimate rights in regards to educational knowledge in the university environment which will reduce the incessant act of sending lecturers and students out of the institution without following due process.

The university community will benefit as awareness will be created by the study and introduction of educational knowledge into the curriculum of the university which all students and lecturers are to study.

Other higher education institutions will gain from the study having exposed the importance and relevance of knowledge of legal education in the university which will be of added advantage to the institutions.

The law community will become aware of the need to sensitise people on legal literacy so that people will know their wrongs from right and as such fundamental human rights of the citizens, rules of law, and right to a fair hearing will be more pronounced in the university and the society at large.

Policymakers in the field of education such as curriculum developers, education administrators, proprietors, consultants, research institutes, training centers, supervisors, ministries, and a host of others will know that legal knowledge in the educational sector is important and necessary for all, particularly in the university environment.

Finally, to the public, it will serve as a revelation because it discusses the reasons why law is important and must be carried out in our educational system. This research will enlighten and orientates them on their rights as university/students, which many are unaware of.

## RESULTS AND DISCUSSION

### The Concept of Knowledge, Levels of Knowledge, and Legal Knowledge

According to (Alexander & Alexander, 2011), knowledge is what someone knows, information is what is known. Knowledge originates and resides in people's minds (Davenport and Prusak, 1997). As a further way of researching the meaning of knowledge, Stonier (1990) opined that knowledge is organised information in people's heads. Similarly, O'Dell and Grayson (1998) stated that knowledge is information in action. Knowledge is experience and everything else is just information according to Albert & Einstein, (1955). Bates (2005) researched and came to the conclusion that knowledge is information given meaning and integrated with other contents of understanding.

There are several types of knowledge according to (Bock, 2005 & Blomberg, 2006), they include but are not limited to "explicit knowledge, implicit knowledge, tacit knowledge, declarative knowledge, and procedural knowledge. Explicit knowledge is knowledge covering topics that are easy to systematically document, and share out at scale: what we think of as structured information." If explicit knowledge is adopted, it can help a company/person make better findings/decisions, save time, and maintain an increase in performance at work (Bock, 2005). Blomberg, (2006); Fox, Cooper & Glasspool, (2013) stated that "these types of explicit knowledge are all things that have traditionally been what has been captured in a knowledge base or as part of a knowledge management strategy. It is formalised documentation that can be used to do a job, make a decision, or inform an audience."

Alavi (2000), found that "implicit knowledge is, essentially, learned skills or knowledge. It is gained by taking explicit knowledge and applying it to a specific situation. If explicit knowledge is a book on the mechanics of flight and a layout diagram of an airplane cockpit, implicit knowledge is what happens when

one applies that information to fly the plane. Implicit knowledge is gained when one learns the best way to do something. One can then take that experience and synthesize it with other learned information to solve an entirely new problem." This type of knowledge has traditionally been excluded from formal knowledge bases, as it can be difficult to document and capture in a scalable way (Argote & Ingram, 2000).

Alston (1989), stated that "tacit knowledge is intangible information that can be difficult to explain in a straightforward way, such as things that are often "understood" without necessarily being said, and are often personal or cultural. This type of knowledge is informal, learned with experience over time, and usually applies to a specific situation. When it can be captured, it should be added to a knowledge base." Doing so makes it easy to share expertise gained over time with others who may need it. Taylor, (2001), Norton, (2019) & Nakpodia, (2017) discovered that "tacit knowledge can be difficult to transfer and usually is not able to be stored. An example of tacit knowledge could be a salesperson's ability to know the perfect time to give their pitch during a meeting." Adler (1995) said that "A combination of experience, reading social cues, and other personal factors must come together to form that unique bit of knowledge." Lewis (1989) was of the position that "Since this knowledge is learned with experience over time, companies can help employees strengthen their tacit knowledge by sharing techniques and tips on handling certain situations." Leidner (2001) concluded that "An example of this could be a list of phrases for sales leads to look out for when dealing with customer complaints. The sales lead could better understand how to 'read' or rectify a situation by being prepared with possible conversation outcomes."

Essex (2012), stated that "declarative knowledge, which can also be understood as propositional knowledge, refers to static information and facts that are specific to a given topic and can be easily accessed and retrieved. This is a type of knowledge where the individual is aware of their understanding of the subject matter. This type of knowledge is typically stored in documentation or databases and focuses more on the 'who', 'what', 'where', and 'when' behind information and less on the 'how' or 'why'. When documented, it creates the foundation for understanding the subject matter and can help companies improve how they share procedural and explicit knowledge." Johnson (1994) & John (2014) stated that "Examples of declarative knowledge include an individual's ability to know what the company aims and objective is for a particular year." Sedaghat (2014), opined thus: "The individual can also understand how performance will be measured due to reading the company newsletter where the goals and metrics are shared across teams."

Daresh & Playko (1992), wrote that "procedural knowledge focuses on the 'how' behind which things operate and is demonstrated through one's ability to do something. Where declarative knowledge focuses more on the 'who, what, where, or when', procedural knowledge is less articulated and shown through action or documented through manuals." Reagans (2003), is of the view that "stemming from the root "procedure", an example of procedural knowledge could include a standard operating procedure on how to do specific tasks or use certain equipment in an organisation."

According to Bloom (1956), Eckess (2008), Imam (2003) & Carroll (1963) stated that "remembering, understanding, applying, analyzing, evaluating, and creating are types of level of knowledge. As one moves up the levels, the depth of knowledge increases, in other words, one becomes more knowledgeable. Remembering is the lowest form of knowledge. Information that is remembered does not need to be understood and cannot be meaningfully used in real life. Remembering simply involves storing facts and being able to repeat them when asked. Assessing how well someone remembers something involves quizzing them and asking them to repeat facts, such as through a standardised test. This type of knowledge is valuable when someone simply needs to be able to

remember something without thinking. Examples include remembering one's own phone number, birthday, or the procedure for doing a simple task."

Another type of level of knowledge according to Corbett & Anderson (1995) is "where understanding is more than remembering which requires that someone memorises why something is the way it is. While someone at the 'remembering' level can recall the fact that  $2 \times 2 = 4$ , a student at the 'understanding' level knows why. A student who understands what  $2 \times 2$  means could show on a diagram or using tokens what  $2 \times 2$  looks like."

Darling-Hammond (2000), disclosed that "a lecturer can help his students in understanding something by providing guided practice, or scaffolding. Guided practice involves working very closely with a student to model how to learn. The teacher focuses on providing tasks that are difficult for the student's level but also achievable with aids."

According to Fox, Cooper, and Glasspool, (2013), "Applying involves using knowledge in a variety of different situations to achieve practical goals. While a student who only understands something may be able to do tasks in a classroom setting, someone who can apply that knowledge can use it across different situations and contexts. When students learn through play, they try out new ideas and see if they work." König, Blömeke, Paine, Schmidt, & Hsieh (2011), "This application of knowledge helps students refine what they know by continuing to use what works and change things that do not work. This is also called this trial-and-error learning."

Moye, (2015) stated that "Analysing involves the ability to look closely at and deconstruct a concept. Usually, this involves being able to categorise it, sort it, and compare it to other concepts." Schmidt, Cogan & Houang, (2011) concluded that "A good analyst should be able to get a deep level of understanding about exactly what the concept is and what it looks like from multiple different angles. Educators who present problems to their students are requiring students to come to conclusions and solve puzzles using analytical skills.

Schmidt, Houang, Cogan, et al., (2008) were of the position that "Evaluating uses many of the same strategies as analysing, but takes one-step further. It involves making a value judgment about the thing under analysis. For example, a student may determine something's value and validity using his or her own critical thinking skills."

Schmidt, Tatto, Bankov et al., (2007) reasoned that "Creativity is the highest level of knowledge. A student who can create new knowledge is competent with existing knowledge on a topic and can create new knowledge that extends upon what they already know. To reach this level, students need to be able to know and think deeply about the topic enough that they can consider new ways to use it beyond what is already known"

Legal knowledge presupposes that, "if people are armed with knowledge and confident about the legal system, they will learn how to act in situations where due process of the law is required" according to Samuelson (1994). Thus, legal knowledge connotes the understanding of the legal system of a given country including enacted laws by the government that prohibit certain actions deemed wrong either civil or criminal in nature by individuals and groups of persons that are capable of attracting court actions or litigation (Igwe & Obasi, 2005). Specifically, education law provides legal knowledge for school administration and those who operate the education system (Stewart, 1996 & Stewart, 2019). Civil law spells out the rights and duties that exist between individuals, the violation of which constitutes a wrong against the injured person (Mebradu, 2008). For example, if a person, say a Schools Board, refuses to live up to the terms of a binding agreement, the other party, say, a teacher under the law of contracts has the right to recover damages (Maduagwu, 2006). Damages refer to the sum of money equivalent to the loss

sustained because of the breach of contract. Many education/school law cases fall within the civil law category (Maduagwu, 1998).

Akpan & Onabe, (2016) & Babalola, (2019), stated that "Knowledge of Education law is important for university lecturers in Nigeria to excel because they act as codes of instruction, which regulate educational policies and programmes, directs and regulates the students, directs and regulates the teachers/lecturers, direct and regulates the stakeholders for the effective administration of educational policies and planning, guides against corruption and maladministration."

Strauss & Corbin, (1990) opined that "Every school must be accountable for all its activities. There is a need for accountability and responsibility. There is a need for every school to comply with appropriate education laws and government policies and such rules must not be broken to avoid sanctions. There is also a need for the basic knowledge of the law of contract as the breach of contract or signing of an illegal contract may spell doom for an institution." David & Darling-Hammond, LaPointe & Meyerson, (2005) reasoned that "There will be a need for teachers to be involved in the discipline of students and know what can be said not to constitute the discipline of a student."

### **Legal Knowledge of Lecturers and Legal Knowledge of Students**

Arop (2010) opined that "The concept of knowledge of education laws centers on the process that school personnel need to be conscious of their actions bearing in mind that their actions or inactions may cause an infringement upon the rights of the students and may constitute human rights violations." According to Myna & David, (2003), "Parents are becoming legally conscious of the fundamental rights of their children in schools and are ready to go to court with school authorities. Despite the growing awareness and importance of school-related laws, many school personnel are ignorant of their basic rights and responsibilities." Franzer, Okebukola & Jegede, (1992) stated that "The knowledge of education law by principals, teachers and other school officials will enhance their effectiveness in handling and managing their students. Some of the court cases against school personnel are issues of assault and battery, sexual abuse, fraud in the form of extortion of money, suspension, expulsion, corporal punishment, shaving of hairs and cutting of skirts to size and so on."

Dunklee & Shoop, (1986) opined that: "teacher programmes often do not prepare teachers to understand the relationship of the constitution, statutes, and judicial decisions to the daily process of delivering instruction and providing supervision." Sergiovanni, Burlingame, Coombs & Thurston, (1992) suggested that "school administrators may have a larger responsibility than other professionals to understand the legal process as well as the substantive requirements of certain landmark decisions and their effects on school policies." Taylor, (2001) averred that, "in this 21<sup>st</sup> century, the vast amount of legal action requires educators to possess a basic understanding of the laws that impact them and the concerns that frequently arise in education law." Studies conducted by McCann & Stewart, (1997), Peters & Montgomerie, (1998) & Findlay, (2007) stated that "the importance of teachers having knowledge of education law. Two specific subcategories of education law that are specifically relevant for teachers are tort liability and student rights." Needhan Heaghs et.al, (1996) said "Teachers must recognise, respect, and uphold the dignity and worth of students as individual human beings, and therefore deal justly and considerately with students." Needhan et.al, (1983) viewed that "This legal responsibility mandates that teachers are expected by the state to be knowledgeable of such student rights to avoid accidental infringements. Moreover, these same regulations outline how teachers can be held professionally accountable if they engage in any misconduct which would put a student at risk. Due to this accountability, there is a strong incentive for teachers to inform themselves on tort liability to protect themselves."

Littleton (2008), Eberwein III (2008), Militello, Schimmel & Eberwein (2009), and Schimmel & Militello (2007) stated that "Many a professional has trouble in knowing legal rules. To just name a few examples, studies document that lecturers and students lack knowledge about essential educational rules and doctors, therapists, and orthodontists about crucial tenets of medical law" Shuman & Weiner (1981), Givelber, Bowers & Blitch (1984), Van McCrary & Swanson (1999), McCrary et al. (1992), Saltstone & Rowe (1997), Chate (2008) & White et al. (2014) reasoned that "Lecturers and students that have a low level of educational law knowledge, what programs or events could be implemented to narrow the legal knowledge gap" According to Imber (2008), Littleton (2008), Mirabile (2013), Bounds (2000), Harris (2001) Imber (2008), Koch (1997), Mirabile (2013). & Littleton (2008) "legal literacy can be acquired through pre-service teacher preparation programs, in-service professional development events, and professional organisations."

Littleton (2008), carried out a study that revealed that: "The development of pre-service educational law courses and the implementation of educational law professional development events for Texas Agricultural Science Teachers indicated 88% of the teaching force had three or more years of teaching experience, which implied a large portion of the teaching force is far removed from pre-service preparation. Therefore, it is important to provide periodic educational law training for Texas Agricultural Science Teachers." Bain (2009) & Gullatt & Tollett (1997), Littleton (2008), and Schimmel & Militello (2011) found that: "The need for increased attention to the development of legal literacy has been voiced by, most of the research has been conducted in the United States. There is a dearth of research that examines perceptions of legal literacy among pre-service teachers across Canada." Davies (2009), Delaney (2008), Kitchen (2010), Leschied et al. (2000), Sydor (2006) & Young, Kraglund-Gauthier & Foran, (2014) found "The legal literacy in pre-service lecturer education programs in Canada, several authors advocated that teacher education programs need to provide pre-service teacher candidates with a sound theoretical and practical background in education law." Kitchen (2010), Littleton (2008) & Schimmel & Militello (2011) suggested that: "there is the need to be enhanced and meaningful legal training at the teacher education level for teachers to develop the capacity to best protect themselves and their students at school."

Militello & Schimmel, (2008) reported the "insufficiency and importance of legal literacy and suggested approaches for helping pre-service and in-service teachers be better prepared to understand and implement school law." According to Littleton, (2008), "the growing legalisation of the educational environment, paired with teachers' lack of legal knowledge, has created a significant problem that needs to be addressed."

Littleton (2008) & Militello & Schimmel, (2008) stated that "It is important to increase educators' special education legal literacy, due largely to the research literature revealing the lack of knowledge that educators possess about school law, especially special education law."

Decker & Brady (2016), Katsiyannis & Herbst (2004), Pazey & Cole (2013) & Wagner & Katsiyannis (2010) opined that "The requirements surrounding lecturers' understanding of legal issues in education are not contained within licensure or certification processes for new and existing teachers. As a result, many lecturers are not prepared to handle legal issues effectively or correctly." Littleton (2008), Gajda (2008) & Imber (2008) are of the position that "Lecturers may have limited knowledge of legal mandates within the educational system, often because of their limited preparation or inadequate pre-service (university) training." According to Ibara, (2010) "some of the benefits of levels of legal knowledge of lecturers and levels of legal knowledge of students are that the laws have been made to enable the government takes proper control of education and all activities connected therewith. Before an educational manager takes any action in discharging his or her functions, it is necessary to find out what the law says." Strauss & Corbin, (1990) stated that "The existence of the laws provides some regulation

for the development of the system and for curriculum changes." The educational manager must strive to operate in conformity with such prescriptions otherwise, it would attract sanctions (Ibeh, Onah, Umahi, Ugwuonah, Nnachi & Ekpe, 2013). The laws in some sections made specific provisions for the utilisation of resources devoted to education in each state. Educational managers must be aware of and comply with such sections of the law in their use of scarce resources. Since some sections of the laws touch on the powers of the functionaries and agencies, educational managers must be aware that they are holding delegated authority from such functionaries and agencies and should understand the extent of their freedom of action (Eniayewu, 2005). The existence of the laws has implications for teacher registration and professionalism in teaching. Teachers should be registered and there should be prescribed qualifications for teaching (Albertson & Ju, 2016). Teachers should be registered and there should be prescribed qualifications in teaching before such registration. There is the implication of ethics in the teaching job and teachers who violate such ethics could be sanctioned by removal from the register of teachers (Ibara, 2010). According to Igwe (2003) and Maduagwu (2006) principals and teachers are employed by the school to serve societal purposes of ensuring that the needs of the society are met. They are therefore solely responsible for the welfare of students under their care.

Society expects university lecturers to model the behaviour of students to be in conformity with socially acceptable patterns of living. As a result, part of parents' rights must be exercised by the teacher and the principal as they come into daily interaction with the students. As Maduagwu (2006) and Ikati (2005) rightly noted tort is a civil wrong or injury inflicted on individuals. This civil wrong may be intentional or unintentional acts, resulting in harm, damages, or injuries, which may be physical or mental (Thomas & Hornsey, 1999). Such civil wrongs include assault - an intentional tort, a perceived intention to cause harm, damage, or injury to an individual and battery, which is the direct and intentional use of physical force on an individual. It also includes slander - the use of words or expressions capable of damaging one's reputation and personality and the use of abusive words (Furchtgott-Roth, 2000).

Lecturers oversee the classroom and are held responsible for the safety of students. The main responsibility of the school administrator in classroom activities is to ensure that a teacher is always present (John, 2010). Failure to ensure the presence of a teacher in the classroom for the purpose of student supervision could result in students taking advantage of the absence of the teacher to embark on dangerous play or activities that could cause injuries. The school administrator may be charged with negligence for injuries sustained by students in such circumstances (Biokoro, 2017). The university lecturers and students require basic knowledge of the education laws to succeed, without the need to have a law degree, to make sure that they comply with what the law requires especially with respect to the rules and regulations necessary in guiding the actions and in actions of all categories of workers and students (Albertson & Alexzander, 2011).

### Theoretical Framework

In 1972, Jean Piaget propounded the "Theory of Constructivism" and this study is anchored on the theory. According to Young & Collin (2004) & Gordon (2008), "the Theory of Constructivism states that every individual rationally develops a universe of experience through subjective procedures and this universe is not known specifically but is developed by the mind."

Baerveldt (2013) & Gordon (2008) asserted that "constructivism holds that cognition is fundamentally adaptive and that knowledge needs only to be 'viable' rather than true. Another perspective of constructivism is that "the individual is at the core of knowledge creation but the world does not create knowledge for the individual."

Baerveldt, (2013), Gordon, (2008) & Karagiorgi & Symeou, (2005) stated that "knowledge comes when cognitive agents (attempt to analyse experience by constructing ideas, concepts, or schemas that

organizes this evidence in a coherent way. In addition, constructivists believe the concept of knowledge exists from a perspective and is molded through a distinctive paradigm. Along with the definitions of constructivism are various perspectives which include radical, social, physical, evolutionary, post-modern, and information-processing. A radical perspective suggests that everyone's reality is distinctive, but a social or moderate perspective influences a common reality shaped by societal restrictions set on the "constructive process of the person." Young & Collin (2004), state that: "From an epistemological perspective, constructivism is focused on how knowledge is acquired and its meaning constructed."

### **Findings**

The first finding is that lecturers and students have knowledge of Nigerian Education Laws. This finding is in line with Carroll (1963), Chukwuma & Madu (2003), Olakanmi (2007), and Baudura (2012) where the scholars opined that giving lecturers employment handbook to lecturers will enable them to perform their duties in line with the university laws. Taylor (2001), Bloumberg (2006), Ibeh, Onah, Umahi, Ugwuonah, Nnachi and Ekpe (2013) have a similar view with this finding to the extent that the scholars stated that lecturers cannot work outside the scope of the employment and are to comply with enabling laws of the institution to bring about development, peace, and progress of the university's environment. Moronfola (2005) posited that ignorance of the law is not an excuse where a lecturer is aware of the operational laws in the university.

Okumbe (1998) & Bock (2005) were of the view that knowledge of education laws is relevant, useful, and important in an academic environment. Samelson (1994), Okeke (2000), and Igwe & Obasi (2005) were of the view that where lecturers and students have knowledge of education laws, there will be no breaking down of law and order. The institution will be calm and the understanding between the lecturers and the students will be cordial. The mentioned scholars agreed with the instant finding of the study because the studies were carried out in a similar form. The study indicated that students were given the students' handbook right from the day of admission, registration, orientation, and matriculation in the university.

There is no distinction between the knowledge of Nigerian education laws by lecturers and students. The legal knowledge of the lecturers and the students was both high therefore there is no clear difference between the lecturers' and students' knowledge of Nigerian education laws. Maduagwu (2006), Johnson (1994), and Taylor (2001) found that lecturers' and students' handbooks are necessary to avoid the issue of ignorance in school which brings about the level of knowledge of both to be high. The study revealed that students and lecturers were given the institution's handbooks on the law relating to their conduct in the school. The dos and dons were stated in the handbooks. Maduagwu (2006), Norton (2019), Johnson (1994), and Taylor (2001) found that lecturers' and students' handbooks are necessary to avoid the issue of ignorance in school.

According to Carroll (1963), the academic environment is the best and most suitable place to learn about law and its knowledge. Ball (2005) also found that the academic environment cannot be ruled out in terms of learning law. The scholars found that there is no distinction between the level of knowledge of lecturers and the level of knowledge of the students.

### **Contribution to Knowledge**

The paper "The Jurisprudence of University Lecturers' and Students' Knowledge of Nigerian Education Laws" shown that knowledge of Nigerian Education Laws is applicable to lecturing, students and the lecturers. Teaching in the classrooms, writing/supervision of examinations, marking and grading of students' script, submission of students' results, computation of students' result voting of students' result by the departmental/school boards and finally approval of students result by the university senate

are all guided by the institution's laws. Any infraction in respect of all the aspects stated will warrant a redress by the lecturers and/or students. If a lecturer/student is found wanting, he faces disciplinary committee and he or she may be reprimanded either by suspension/expulsion (students) demotion or termination (lecturers) of his employment forthwith depending on what the law says.

The study adopted historical and case study designs, the doctrinal method was used in data collection, the primary sources of data were the Education Ordinance 1887, Education Code 1903, Education Ordinance 1928, Education Ordinance 1916, Education Code 1926, Education Ordinance 1948, Education Act 1952, Education Edicts 1966-1979, the Constitution of the Federal Republic of Nigeria 1979 and 1999, Education Law 1999 and the Universal Basic Education Act 2004; sources of secondary data were published textbooks, scholarly peer-reviewed journals, and articles. Data were content-analysed and presented thematically. It is shown that study could be carried out in the adopted method with a view to solving identified problem as done in this work.

Further, knowledge of Nigerian Education Laws makes it mandatory for the lecturers and students to know their academic and legal boundaries in the institution to avoid breach of the relevant laws and rights of each other in the university. Nothing could be done without due process. Lecturers are not expected to intimidate/humiliate students vis-a-vis. Students are not expected to cheat during examinations, they are not involved in any form of academic fraud, they are expected to conduct themselves within the purview of the university laws.

The paper put into test the relevance and usage of knowledge of Nigerian Education Laws in an academic environment to guide, save and secure life, human and material resources, property and the university at large. These brought about the growth and development in the university. The saying that where there is no law there is no sin came into practice in this regard. Lecturers and students that are aware of Nigerian Education Laws cannot claim ignorance of it when the need arises.

Lecturers and students cannot be unjustly punished in the university. Lecturers can only mark and grade students in line with the marking scheme made available to the department in a particular course. Students are at liberty to call for the papers where they think they were under-graded by the lecturers which said scripts will be sent out of the university for marking by another lecturer in the field. Students should not steal their counterpart items vis-à-vis and where this is discovered, such a student will face students' disciplinary committee for necessary sanctions.

## CONCLUSION

The study concluded that knowledge of Nigerian education laws of the lecturers and the students brings peace, progress, tranquility, and development to the university education system in the country.

The fact that lecturers and the students have knowledge of Nigerian Education Laws in the university, education laws should be a continuous exercise. The lecturers and the students should be trained and retrained in respect of education laws within and outside Nigeria with a view to having a perfect knowledge of education laws.

The fact that there is no difference between the knowledge of Nigerian Education Laws by lecturers and students, both lecturers and the students should be given further training and retraining in respect of Nigerian Education Laws in the institution to avoid any gap in the level of knowledge of education laws.

Nigerian universities should ensure that Nigerian Education Law is taught as a course in the university wherein details of the university laws will be exposed to the students. The lecturers should have regular conferences on knowledge of Nigerian Education Laws at least once in a semester to abreast the facts about the current operating laws about education law in the country.

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