

THE INTERPLAY BETWEEN COMMON LAW, STATUTES AND CUSTOMARY LAW IN NIGERIA

by

WURAOLA, OLUWABUSAYO TEMITOPE*

ABDULAZEIZ, HAMZA OKENE**

RILWANT, MAHMOUD***

Abstract

Pluralism under the Nigerian legal system has from the outset been a major problem for the smooth application of laws in Nigeria. Various laws which are legally applicable in the dealings of human beings and in the dispensation of justice through judicial process under the pluralism mechanism make for the difficulty in the dispensation of justice in Nigeria. Thus, a developed body of laws is made up of two elements; the enacted element and the traditional element. Thus, this article seeks to examine the origin and structure of the different types of laws applicable under the Nigerian legal system, as Nigeria operates three different systems of law side by side as a result of colonization. The consequence however, is the complex interplay between Common Law, Nigerian Legislation and Customary Law. The types of laws applicable under the Nigerian legal system which this article seeks to examine include: Nigerian Legislations; Received English Law; Customary Law; Islamic Law; and Case Law.

1.0 INTRODUCTION