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Teachers and Students Perception on Influence of Corruption on Application of Law of Torts in Management of Secondary Schools in Kebbi, Nigeria

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Abstract:

Although corruption is as old as man, its unimaginable manifestation in recent times in Nigeria has assumed alarming proportions, to the extent that it is threatening the credibility of the education system. This study focuses on how corruption influences the application of law of torts particularly in the management of secondary schools in Kebbi State. Twenty secondary schools were randomly selected from four education zones in Kebbi State, while 200 teachers and 280 students were chosen using stratified random sampling techniques. A researcher designed and validated questionnaire with a reliability index of 0.83 was used to generate data required for the study. Three research questions were answered using simple percentages, while three Null hypotheses were tested using Chi-square at 0.05 alpha levels. The study found that corruption influenced the application of the law of torts in both intentional and unintentional injuries and that corruption factors seem to defy remedies. The paper therefore recommended among others that commission of intentional torts by staff and students should be severely penalized by the management to serve as deterrence and to avoid litigations in courts. Teachers should be enlightened through workshops to appreciate the gravity of negligence which is central in the case of unintentional torts.

Keywords: Corruption, management, torts, intentional torts, unintentional torts

1. Introduction

Secondary schools occupy a very important position in the ladder of education. They serve as a bridge between primary schools and tertiary educational institutions. But for secondary schools to perform their role effectively, staff and students must interact in an atmosphere of peace, harmony and mutual respect. However, in the process of interaction, people sometimes offend one another and cause injury either intentionally or unintentionally. The law of torts sets in automatically where an individual causes physical, mental or economic injury to another deliberately or where a person is negligent when he fails to take reasonable care to protect others under his care. In both cases compensation may be awarded to the injured party as required by law of torts (Sagay, 2017).

In a society that is heavily infected with the corruption virus even secondary schools are not immune. In this regard, corruption tends to interfere with the application of the law of torts, resulting in situations where an injured party is corruptly denied compensation or is prevented from seeking redress within institutional framework or in a court of law (Sanni, 2016). In many cases school principals do not seem to identify and tackle the fundamental corruption factors influencing the application of law of torts in their schools (Kodelinye & Aluko, 2018).

According to Lexis (2018), the word tort is derived from a French word which means to harm or wrong someone and also from a Latin word *tortus* meaning twisted or crooked. In this paper tort is viewed as any wrongful act or omission for which damages may be obtained in a civil court by the person wronged. The law of torts is mainly concerned with providing compensation for personal injury and damage to property caused intentionally or negligently. Tort therefore covers defamation, assault, false imprisonment, conversion, trespass nuisance, intimidation and conspiracy. Management is operationalized as strategies taken by school administrators to create awareness and protect school personnel against acts of torts. Corruption is viewed as the deliberate and improper influencing of officers or men in position of trust by offering them a word to unjustly do anything or give an undeserved favour to anyone on any matter.

2. Statement of Problem

Schools are considered to be centers of excellence when it comes to nurturing of good character and moral upbringing. In recent times however, secondary schools in Kebbi State have come under severe attack on account of the drastic degeneration of discipline and moral conduct as both staff and student suffer from various violations of law of tort without culprits being held accountable. It appears that many school administrators know very little or nothing about the law of torts and how to enforce it for good governance of schools entrusted to their care. It is also likely that corruption may play a part in making learned school administrators to look the other way when acts of violation of the law of tort are

perpetrated by staff and students in their schools. It is however not clearly ascertained whether violation of the law of torts in school is done out of ignorance or due to corrupt practices. The main thrust of this paper therefore is investigate the perception of teachers and students on the influence of corruption on the application on the law of torts in the management of secondary schools in Kebbi State, Nigeria

3. Research Questions

The following research questions were raised to guide the study.

- What is the perception of teachers and students on the influence of corruption on the application of law of torts in cases of intentional injuries in secondary schools in Kebbi State?
- What is the perception of teachers and students on the influence of corruption on the application of law of torts in the cases of unintentional injuries in secondary schools in Kebbi State?

4. Objectives of the Study

The specific objectives of this study were to:

- Find out the perception of teachers and students on the influence of corruption on the application of law of torts in cases of intentional injuries in Secondary Schools in Kebbi State.
- Find out the perception of teachers and students on the influence of corruption on the application of law of torts in the cases of unintentional injuries in Secondary Schools in Kebbi State.

4.1. Hypotheses

The following Null hypotheses were formulated for the study:

- Ho₁: There is no significant difference between the perception of teachers and students on the influence of corruption on the application of law of torts in cases of intentional injuries in Secondary Schools in Kebbi State.
- Ho₂: There is no significant difference between the perception of teachers and students on the influence of corruption on the application of law of torts in cases of unintentional injuries in Secondary Schools in Kebbi State.

4.2. Significance of the Study

This study will help principals of Secondary schools to appreciate the gravity of the law of torts and to guard their teachers against committing intentional act of torts such as slander, libel, battery, among others. It helps teachers to be more cautious in causing intentional and unintentional injuries against their students and also to protect themselves against litigations by parents who might risk claiming damages for their wards under their care.

5. Review of Related Literature

Corruption is the root of all evil. It not only affects the enforcement of due process but also the application of law of torts. Tort is a civil wrong which involves any unjustifiable interference with the rights if another person and which results in physical injury, psychological stress, or damage to his property (Hamilton, 2016). Corruption is any act that selfishly and immorally bestows undue advantage to the perpetrator usually by a person in authority to the detriment of the victims (Horby, 2015). Corruption makes it virtually impossible for a person whose right is violated or injured to recover compensation for the injuries. It enables the offender to escape retribution.

There are two types of torts. They are intentional and non-intentional torts. Intentional tort occurs when a person deliberately decides to produce a result forbidden by law and where he foresees it and carries it out regardless of the consequences (Malemi, 2008). Intentional tort takes the forms of assault i.e. attempt to physically injure a person or create an apprehension for injury without actual contact (Ogunu, 2015); battery which involves physical touch, slapping, knocking, among others (Kodelinye & Aluko, 2010); false imprisonment or imposition of unlawful constraints on another person's freedom of movement (Chianu, 2015); defamation or publication of a Statement about a person that exposes him to shame, ridicule, disgrace and hatred done either oral slander or written libel (Simon, 2007); infliction of mental and emotional stress through the use of outrageous and abusive language, wrong accusation (Nwagwu, 2007); as well as invasion of privacy and harm to one's property (Hamilton, 2016). These authors opined that intentional torts in schools are not properly addressed due to influence of corruption in schools.

Unintentional torts are accident and coincidental injuries to students which are nevertheless regarded by law as negligence on the part of the teacher or caregiver (Alexander, 2008). According to Sagay (2007), negligence can be established if the claimant (injured) was owed a duty of care; there was breach of that duty thereby failure of a teacher to exercise standard reasonable care (Ogunu, 2015); the breach has caused actual injury; whether the plaintiff contributed to his own injury; whether the plaintiff had sufficient knowledge of his action and whether the actual injury is substantial (Simon, 2007 & Ogunu, 2015). The law of torts is mostly applicable on matters of corporal punishment in schools, and character assassination. In this case corruption can be a serious hindrance towards application of the law of torts in schools especially where it involves selfish interests in high places (Sagay 2007, Simon 2007 & Ogunu 2015).

6. Research Methodology

This study adopted a descriptive survey design. The study compared the perception of teachers and students on the influence of corruption on the application of the law of torts in the administration of Secondary schools in Kebbi State. The population of the study was drawn from out of 20 State owned secondary schools deliberately selected from four educational zones. In all 200 teachers and 280 students were selected using stratified random sampling techniques.

The instrument used for data collection was a self-designed questionnaire titled: Influence of Corruption in the Application of Law of Torts Questionnaire (ICALTQ). The instrument was made up of three sections. Section A had items on intentional torts; Section B was on unintentional torts. The instrument was based on four-point Likert Scale which was modified and collapsed into two scales of Agree (A) and Disagree (D). The instrument was validated by legal and educational management experts. The instrument was tested and re-tested at the interval of two weeks. The two results were correlated and a co-efficient of 0.83 was obtained at 0.05 level of significance. All the selected institutions were visited and data collected with the aid of trained Research Assistants. Two research questions were answered using simple percentages to determine majority view from two separate groups of teachers and students. The two hypotheses were tested using Chi-square at 0.05 level of significance.

7. Results

Two research questions were answered and one hypothesis was tested in the analysis of data.

8. Analysis of Research Questions

The two research questions raised for the study were analyzed sequentially.

- RQ1: What is the perception of teachers and students on the influence of corruption on the application of law of torts in cases of intentional injuries in secondary schools in Kebbi State?

S/N	Item Statement	Teachers		Students	
		Agree	Disagree	Agree	Disagree
1	Corruption influences application of law of torts in cases of slander in your school	69%	31%	42%	58%
2	Corruption influences application of law of torts in cases of libel in your school	54%	46%	26%	74%
3	Corruption influences application of law of torts in cases of assault in your school	68%	32%	41%	59%
4	Corruption influences application of law of torts in cases of battery in your school	55%	45%	27%	73%
5	Corruption influences application of law of torts in cases of false imprisonment	67%	33%	40%	60%
6	Corruption influences application of law of torts in cases of violation of privacy	56%	44%	28%	72%
7	Corruption influences application of law of torts in cases of harm to one's property	53%	47%	41%	59%
	Mean (\bar{X})	60%	40%	35%	65%

Table 1: Influence of Corruption on Application of Law of Torts in Cases of Intentional Injuries in Secondary Schools in Kebbi State

N = 200 for Teachers

N = 280 for Students

ΣN = 480 for Both Groups

Table 1 shows that majority of teachers agreed that corruption influences the application of law of tort in cases of slander (69%); cases of label (54%); cases of assault (55%); cases of battery (67%); cases of violation of privacy (56%); and in cases of harm to property (53%). On the average table 1 shows that majority of teachers 60% agreed that corruption influences application of law of torts in cases of intentional injuries in secondary schools in Kebbi State. On the other hand, most of the students ranging from 58% to 73% disagreed. This suggests that teachers and students differed in their perception of the influence of corruption on the application of law of torts in cases of intentional injury in secondary schools in Kebbi State.

- RQ2: What is the perception of teachers and students on the influence of corruption on the application of law of torts in cases of negligence in secondary schools in Kebbi State?

S/N	Item Statement	Teachers		Students	
		Agree	Disagree	Agree	Disagree
1	Corruption influences application of law of torts in determining duty of care in your school	61%	39%	34%	66%
2	Corruption influences application of law of torts in determining standard care	59%	41%	36%	64%
3	Corruption influences application of law of torts in determining breach of care in your school	69%	31%	26%	74%
4	Corruption influences application of law of torts in determining actual injury suffered	51%	49%	44%	56%
5	Corruption influences application of law of torts in determining extent of injury	62%	38%	33%	67%
6	Corruption influences determination of the plaintiff contribution to his own injury	60%	40%	35%	65%
7	Corruption influences determination of remedies for injured party	70%	30%	25%	75%
	Mean (X)	62%	38%	33%	67%

Table 2: Influence of Corruption on Application of Law of Torts In Cases Of Unintentional Injuries in Secondary Schools in Kebbi State
N = 200 for Teachers
N = 280 for Students
ΣN = 480 for Both Groups

Table 2 shows that majority of teachers agreed that corruption influence and application of law of tort in determining duty of care (61%); determining standard of care (59%); determining breach of care (69%) determining actual injury suffered (51%); determining extent of injury (62%); determining plaintiffs' contribution to his own injury (60%); and determining remedies to injured party (70%) most of the students ranging from 56% to 70% disagreed with all the items. Table 2 shows that majority of teachers on the average (62%) agreed that corruption influenced the application of law of torts in cases of unintentional injuries in secondary schools in Kebbi state while majority of students (67%) disagreed. This suggests that teachers and students differed in their perception of the influence of corruption on the application of law of torts in cases of unintentional injury in secondary schools in Kebbi State.

8.2. Hypotheses Testing

Two Null hypotheses for this study were tested sequentially. The percentages in one and two were converted to simple frequencies to compute Chi-square

- H_{01} : There is no significant difference between the perceptions of corruption on the application of law of torts in cases of intentional injuries in Secondary schools in Kebbi State.

Participant	Agree	Disagree	Total
Teachers	91 (120)	109 (80)	200
Students	127 (98)	153 (182)	280
Total	218	262	480

Table 3: Contingency Table on Influence of Corruption on the Application of Law of Torts in Intentional Injuries
 X^2 Calculated = 9.685
Df = 1
Tabulated Value = 3.841

Table 3 shows that the calculated Chi-square of 9.685 was greater than the tabulated value of 3.841. This shows that hypotheses one which states that there is no significant difference between the perception of teachers and students on the influence of corruption on the application of law of torts in case of intentional injuries in Secondary schools in Kebbi State was rejected. Thus there is a significant difference in their views.

- H_{02} : There is no significant difference between the perceptions of corruption on the application of law of torts in cases of unintentional injuries in Secondary schools in Kebbi State.

Participant	Agree	Disagree	Total
Teachers	90 (124)	110 (76)	200
Students	126 (92)	154 (188)	280
Total	216	264	480

Table 4: Contingency Table on Influence of Corruption on the Application of Law of Torts in Unintentional Injuries
 X^2 Calculated = 9.763
Df = 1
Critical Value = 3.841

Table 4 shows that the calculated Chi-square value of 9.763 is greater than the critical value of 3.841. This indicated that hypothesis two, which states that there is no significant difference between the perception of teachers and students on the influence of corruption on the application of law of torts in cases of unintentional injuries in Secondary Schools in Kebbi State is rejected. Thus there is a significant difference in the perception of teachers and students.

10. Discussions

The first finding of this study show that teachers and students different in their perception of the influence of corruption on the application of the law of torts in cases of intentional injuries in Secondary schools in Kebbi State. Most of the teachers believed that corruption influenced the application of the law of torts in cases of slander. Teachers and students use abusive language and tarnish the image of others without severe legal consequences applied on them. The teachers noted that even in cases of libel nothing is seriously done against offenders. The opined that corporal punishment in many cases degenerated to battery as students are sometimes injured to the point of deformity at will. The teachers opined that false imprisonment was very common as some teachers are fond of detaining students unnecessarily after school hours for no just cause. In addition, students' properties in many cases are confiscated permanently thereby violating their right to property. However, the teacher's opinion tallied with Chianu (2015), Ogunu (2015) and Hamilton (2016) who opined that intentional torts in schools are not properly addressed due to influence of corruption in schools. The student's differed in their perception but their opinion was probably less correct because they were less experienced and more ignorant of their rights especially in cases of intentional torts.

The second finding showed that teachers and students had difference in opinion on the influence of corruption on the application of law of torts in cases of negligence in Secondary schools in Kebbi State. Most of the teachers agreed that corruption influences application of law of torts in schools in cases of negligence. They were of the opinion that corruption influences determination of teachers' duty to care for students when injuries occur as a result of negligence on the part of teachers. They believe that corruption influences provision of proof in determining whether standard care was provided by teachers to students entrusted to them, as well as determination of actual injury and extent of injury suffered. The teachers believed that corruption influences some teachers to shift blame on students by falsely showing that students have contributed to their own injury, knowing fully well that students lack adequate knowledge of the consequence of their actions as well as safety precautions required. In addition the teachers believe that corruption influences the determination of remedies that students are awarded as compensation to injuries they suffer resulting from teachers' negligence. The teacher's perception however was in accord with the views of Sagay (2007), Simon (2007), Alexander (2008), and Ogunu (2015) who opined that both teachers and school administrators tend to underestimate the gravity of negligence and that is worsened by corruption which inhibits the application of law of torts as appropriate. Although the students differed in their view, it is possible that they lack adequate knowledge of their legal rights even when they suffer injuries from teachers' negligence.

11. Conclusion

The following conclusions were drawn based on the finding of the study.

- Corruption influences the application of law of torts in both cases of intentional and negligence in secondary schools in Kebbi State.
- Teachers had a better appreciation than students on influence of corruption on the application of the law of torts in cases of negligence in schools.

12. Recommendations

Based on the findings of this study the following recommendations were made:

- School managers should ensure that strict punishment and sanctions on teachers and students found guilty of intentional torts without fear or favour. This will help to avoid contact litigations for damages
- School managers should continually caution teachers on the legal consequences of negligence so as to make them to be more cautious in exercising standard care expected of them to safeguard students. Regular workshops and on the job training on education law could help to reduce the impact of corruption on application of law torts in schools.

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