

Relevance of Business Law in Business Education Curriculum in Nigeria

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Abstract

The presence of business law study within undergraduate business education curriculum is continuously growing, there seems to be a lack of understanding and appreciation for the true relevance of the study of business law in business education curriculum in Nigeria. This research aims to highlight the relevance business law course provides to an undergraduate business education students in Nigeria. The research provides categories of Nigerian business laws such as laws relating to compliance, laws governing transactions, laws on dispute resolutions, laws on criminal liability and how these laws help the business education students develop relevant skills such as transferrable non-legal skills, problem-solving skills and analytical skills. It was recommended that the business education curriculum should be adjusted to accommodate the teaching of business law for at least four semesters before the graduation of a business education student, for it will assist the student learn different aspects of business laws which will equip the student face the dynamics of business transactions in Nigeria.

Keywords: Business, Education, Business Law, Business Education, Curriculum.

Introduction

For many years now, numerous colleges and universities have integrated business law course into their undergraduate business education curricula (Buchanan, 1983; Childers, 1977; Klayman & Nesser, 1984; Siedel, 2000). There is actual need to verify the importance of business law study within the business education as well as examine how exposure to legal studies truly benefits the undergraduate business student following graduation (Siedel, 2000; Tanner et al., 2004). It is also important to identify whether specific non-legal skills are strengthened by legal studies courses more so than other business courses. There is a need for this research because it is important for both students and institutions to know whether business law studies coursework provides value to business students beyond mere content knowledge so they can better utilize this subject area to their advantage. More specifically, institutions may alter the way they integrate business law studies into their curricula, and students may complete business law study course with more care if they are aware of its other benefits.

Business Education in Nigeria

Business education refers to a programme of instruction that offers various skills in accounting, marketing, office technology and management (OTM) and entrepreneurship. Core areas include, office practice, bookkeeping, business mathematics, business communication, secretarial duties, word processing and advertising (Ajisafe, Bolarinwa & Edeh, 2015). Business education is a programme of instruction that equips recipients with the requisite attributes for job creation and further education. Despite these dual missions, available evidence has shown that Nigeria is handling this sector with levity (Ekpenyong & Nwabuisi, 2003; Obunadike, 2015; Oladunjoye, 2016). This situation has consequently starved business education of proper funding, qualified staff, modern facilities, and quality curriculum, coupled with proper attention. This situation has devalued the image and reputation of business education both in the education and labour market and has contributed to the high rate of unemployment and poverty among business education graduates.

Business education programmes in Nigeria institution requires a positive and effective evaluation that can bridge the gap between theory and practice. This will ensure the correlation between skills and competency display by graduates of business education and the certificate they obtain in looking for jobs in the digital world. Edokpor & Egbri, (2017) viewed that the actual goals of business education shall be to:

1. Prepare students for specific career in office occupation
2. Equip students with the requisite skills for job creation and entrepreneurship; and
3. Expose students with knowledge about business such as computer technology, laced with good information and communication technology (ICT).

According to their explanation, the first two goals involve education for business, which aimed at equipping recipients with the right attributes (knowledge, skills, competencies and attitudes) for a white-collar job and the latter addresses education 'about business' which provide a basis for furthering education or studies at graduate and postgraduate levels.

Objectives of Curriculum Development in Nigeria

It is not a simple task trying to define a curriculum. This is because definitions of curriculum are often influenced by modes of thoughts, pedagogies, political as well as cultural experiences (Uomustansiriyah, 2020). However, a curriculum refers to the total learning experiences of individuals provided by schools. In addition, the curriculum typically refers to the knowledge and skills students are expected to learn, which includes the learning standards or learning objectives they are expected to meet.

A good curriculum undergoes periodic innovations to accommodate changes that may occur overtime. With this, Ikpesu (2017) suggested that every meaningful curriculum especially business education curriculum should not only be systematically developed, nor be static or irrelevant. As a result of the increasingly complex nature in the business world/organization, there is need for business educators to look into the current curriculum and facilities of teaching and learning programme of business education. Thus, business education curriculum should be relevant and meet its objectives in the world that is dynamic.

Sources of Nigerian Business Law

The laws governing the doing of business in Nigeria are numerous, ranging from those that grant legislative powers through general laws to specific laws.

The Nigerian Constitution

Nigeria operates federalism, and the 1999 Constitution of the Federal Republic of Nigeria (CFRN, as amended) establishes three arms of government at both the federal and state levels. The legislature makes the laws; the executive implements it; and the judiciary interprets it in the course of settling disputes. The CFRN also sets out some economic objectives as part of the fundamental objectives and directive principles of state policies; the Nigerian economic laws and policies are therefore supposed to be tailored towards achieving these objectives. It is inevitable that a business will interact with all three arms, directly or indirectly, to enjoy legitimacy, claim benefits and seek redress. (Salman 2021).

Federal Statutes (Acts)

Federal statutes, also known as “Acts”, are born out of the powers conferred on the National Assembly by the CFRN Section 4(1). The National Assembly, being the federal legislature, makes laws applicable to the whole of Nigeria, to only the Federal Capital Territory or to any other part of Nigeria. It is empowered to legislate on matters contained in the Exclusive Legislative List and on any matter the CFRN allows it to make laws on. Such matters include aviation; bankruptcy and insolvency; banking; commercial and industrial monopolies; copyright; customs and excise duties; export duties; insurance; maritime; taxation; creation of private corporations; trade and commerce; labour.

The exercise of federal legislative powers has led to the enactment of the following core business statutes: Companies and Allied Matters Act 2020; Copyrights Act of 1988; Trade Marks Act of 1967; Patents and Designs Act of 1971; Banking and Other Financial Institutions Act 2020; Nigerian Investment Promotion Commission Act of 1995; Labour Act of 1971; Personal Income Tax Act of 1993; Companies Income Tax Act of 1977; Land Use Act of 1978; Finance Act of 2020; Federal Competition and Consumer Protection Act of 2019; Investment and Securities Act of 2000.

State Statutes (Laws)

A State House of Assembly is a state legislature, and it is empowered to make laws applicable only in the relevant state or any part thereof. While a State House of Assembly shares legislative powers with the National Assembly with regards to matters on the Concurrent Legislative List, only the former can legislate on matters on the residual list i.e. matters not contained in both the Exclusive Legislative List and the Concurrent List Section 4(7) (a) CFRN. Matters on which a State House of Assembly can legislate include: collection of certain taxes, fees or rates; supply of electricity to areas of the state not covered by the national power grid; censorship of cinematograph films; industrial, commercial and agricultural development in the state; ownership and control of business enterprises in the state; regulation and establishment of institutions for the purpose of university, technological or professional education. (Salman 2021)

Nigerian Case Law

The judiciary, in the exercise of its powers of dispute resolution, employs certain legal principles as guidelines in applying legislation to disputes (cases) or filling in the gap where legislation is silent. These principles, also called *rules of law* or *rationes decidendi* (sing. *ratio decidendi*), are the reasons why cases are decided one way or another, and they help the judiciary to arrive at the same or similar resolutions in similar cases through a system called *stare decisis*. *Stare decisis* has its roots in Section 287 of the CFRN, and it means that the decision of a higher court binds a lower court, hence, *case law* i.e., laws from cases. Nigerian case law is the repository of the Nigerian common law. Case law can shape commerce in terms of enforceable contracts or contractual clauses, remedies for breach of contract, duty of care, regulatory compliance.

Others

There are other sources of law in Nigeria, apart from the ones explained above. These sources, too, can be sources of Nigerian business law. They include English Common law, Doctrine of Equity, International law, customary law, Islamic law, law publications (other than statutes and decisions of courts). Customary law is a body of rules based on the custom of a community, and it is largely unwritten. It is only applied when it passes the repugnancy test and if it does not conflict with any existing legislation (*AGBAI & ORS V. OKOGBUE (1991) LPELR 225 SC*). While the CFRN recognizes only Islamic personal law, Islamic commercial law is also recognized as part of the custom of some northern communities and of Muslims and because of the allowance of Islamic banking in Nigeria. Law publications, other than legislation and judicial decisions, are often consulted in cases where the law is silent.

Category of Nigerian Business Law

Nigerian business law can be categorized into four: laws relating to compliance; laws governing business transactions; laws relating to dispute resolution; and laws on criminal liability. While it is not uncommon for some laws to cut across one or more of the categories, there are those limited to only one. Each of the categories is discussed below.

Laws Relating to Compliance

These are rules and regulations which a business entity, corporate or not, must adhere to from its formation through management to cessation. These laws are also necessary for a business entity to remain a going concern and avoid imposition of penalties which may gravely affect its business operations. Business laws relating to compliance are to ensure competence, to prevent the abuse of the recognition given by the government to businesses, especially the corporate veil given to companies, to prevent the commission of crimes, to allow free and fair business competition. Compliance laws may be general or sector specific.

For instance, the Companies and Allied Matters Act (CAMA) 2020 requires entities registered under it to give the Corporate Affairs Commission notice of resolutions or transactions affecting their corporate structures, assets, liabilities etc., to hold meetings, to file annual returns as a way of updating their profile (Section 417-420 Companies annual returns 562 (receivership) of CAMA 2020). Also, Nigerian financial institutions are required to notify both the Central Bank of Nigeria and the Economic and Financial Crimes Commission of banking transactions exceeding certain threshold amounts. Real estate agents are required to be licensed in Lagos State. Tax laws are also compliance laws.

Laws Governing Transactions

These types of business law can also apply generally or to specific transactions or sectors of the Nigerian economy. They determine the nature of business transactions an individual or an entity may engage in, the acceptable terms to govern such transactions, conditions for their validity and available remedies in the event of disputes. For instance, while CAMA 2020 now allows a company to engage in any business even if not expressly stated in its memorandum of association, all Nigerian businesses are forbidden from carrying on businesses on the negative list. Some states have enacted legislation to govern general contractual agreements and specific types of transactions such as mortgages (Salman 2021). Similarly, contracting with the government requires fulfillment of conditions under public procurement laws.

Laws on Dispute Resolution

These are applied by courts and tribunals established for general dispute resolution or alternative dispute resolution. These laws determine the bodies or panels with the power to resolve business disputes, the procedure or method for resolving such disputes and the remedies available to aggrieved parties. Dispute resolution in courts takes the form of litigation, and an aggrieved party may institute an action in the appropriate court or tribunals.

For example: tax assessment disputes under federal tax laws are resolved by the Tax Appeal Tribunal; labour and employment disputes are resolved by the National Industrial Court; disputes concerning the enforcement of certain federal laws, such as CAMA 2020, or the administration, management and control of the federal government or its agencies are resolved by the Federal High Court; and all other types of disputes are resolved by State High Courts and High Court of the Federal Capital Territory (Ogundu 2025). The decisions of these courts can be challenged at the Court of Appeal and then the Supreme Court of Nigeria. Remedies granted by these courts include declaration of rights and obligations; damages (monetary compensation); mandatory and prohibitory injunctions.

Likewise, where parties have opted to settle disputes through alternative dispute resolution mechanisms, Nigerian courts will enforce such an agreement. ADR mechanisms recognized in Nigeria include arbitration, which is governed by the Arbitration and Conciliation Act, mediation, conciliation etc. Some states also have Multi-door Court Houses for alternative dispute resolution.

Laws on Criminal Liability

These types of business law do two things. First, they pronounce acts or omissions done in the course of private or public business as criminal offences and prescribe punishments by way of fine, imprisonment or both. Such laws are substantive criminal laws, and the crimes are known as business or white-collar crimes. Examples of these laws include the Criminal and Penal Codes, the Advance Fee Fraud and Other Fraud Related Offences Act, the Money Laundering Act, the Corrupt Practices and Other Related Offences Act, the Economic and Financial Crimes Commission (Establishment) Act.

Second, they regulate the investigation of and prosecution for such crimes. These other laws are known as procedural criminal laws, and examples include: the Administration of Criminal Justice Act, the Administration of Criminal Justice Laws of various states, Criminal Procedure Laws of various states, Criminal Procedure Codes of various states.

It should be noted that some other laws, though not addressing crimes, may contain criminal provisions. For instance, Section 668 of CAMA 2020 provides for offences antecedent to or in the course of winding up of companies. Also, various other general or sector-specific laws, such as those relating to taxation, public procurement, license procurement etc. contain criminal provisions.

For criminal liability to exist the law must have clearly stated it to be so and attach a punishment thereto – anything short of that will be a violation of the right to fair hearing. A person accused of having committed a crime in Nigeria is presumed innocent until proven guilty. The burden of proving the guilt rests on the Federation or the States which have monopolies of criminal prosecution, and that burden is only discharged when the offence is proved against the accused person beyond reasonable doubt i.e. beyond a doubt that is no more than a possibility rather than a probability.

Business Law within the Business Education Curriculum

One of the most important purposes of teaching business law to undergraduate business students is to provide them with legal knowledge so they are better prepared for legal matters they may encounter in their future careers (Tanner et al., 2004). Taking business law course can even be beneficial to business people years after graduation to help update, refresh, and strengthen their legal knowledge (Siedel, 2000). Both current undergraduate students, as well as alumni, benefit from the topics they covered in business law course, it provides valuable knowledge to business people throughout their careers (Siedel, 2000; Tanner et al., 2004). The value of business law study within an undergraduate business education continues to grow and is in need of greater appreciation. The value of business law knowledge in business becomes increasingly helpful after graduation and throughout students' careers in the business world. There is clear proof that the content knowledge and legal skills learned in business law course contribute to the importance of legal studies in undergraduate business education (Siedel, 2000; Tanner et al., 2004).

There is also evidence on how the knowledge of business law course likely provides non-legal skills. Legal studies courses can provide many important skills necessary for business students such as critical thinking and complex problem-solving skills (Bird, 2018; Bird & Kirschner, 2020).

Problem-Solving

Before exploring business students' problem-solving skills and whether business law study coursework enhances business students' problem-solving abilities, it is important to first examine what skills and characteristics lead to successful group and individual problem solving. Problem-solving skills are used by people in many different contexts ranging from informal situations, such as games, to formal situations, such as the workplace. Problem solving follows a cycle of inquiry, and collaboration is key to enhancing this cycle and leading to group problem-solving (Jacques, 2020). However, skill level contributes to the effectiveness of group collaboration when problem-solving (Jacques, 2020). It is more effective for the communication to come from a less skilled person with a higher skilled person as the listener (Jacques, 2020). When people at a higher skill level communicate with people at a lower skill level, it tends to be more instructional and less explanatory (Jacques, 2020). As a result, if the more skilled person was communicating and the less skilled person was listening, the communication may not provide explanations, and therefore would be beneficial to group problem-solving (Jacques, 2020).

Research conducted by Herron and Hennessey (2019) further supported how inquiry benefits group problem-solving through the process of sharing knowledge with one another. Active participation by all group members is merely the first step to achieving problem-solving success. Additional literature provides further explanation of specific aspects of communication that contribute to the effectiveness of a group's problem-solving abilities, such as the quality of the content being communicated (Dowell et al., 2020). Groups containing people who take on more productive roles are more likely to succeed because they communicate through negotiation by comparing multiple ideas and discussing the rationale behind those ideas (Dowell et al., 2020). The presence of negotiation and conflict enhances the quality of the content being communicated among the group (Dowell et al., 2020). Merely discussing superficial information about the problem at hand is not enough to generate highly effective group problem-solving. Without the contribution and comparison of each group member's knowledge, ideas, and reasoning, a group's communication will lack purpose and be less likely to succeed (Dowell et al., 2020). The role that students tend to take on in a group is also beneficial when determining whether business law study coursework enhances group problem-solving skills because students may learn to become more comfortable with conflict and negotiation through business law study course (Dowell et al., 2020).

In addition to communication, the presence of a leader within a group contributes to greater efficiency in coming to a solution (Herron & Hennessey, 2019). People who tend to take on a leadership role possess and contribute many valuable skills to group problem-solving. However, these people may focus so much on managing the communication of the other group members' ideas that they fall short in developing and integrating their own ideas (Herron & Hennessey, 2019). The roles students tend to take on in a group setting are not only important to understand when examining a group's problem-solving performance, but also important when examining what specific characteristics of students lead to both individual and group problem-solving success (Dowell et al., 2020; Herron & Hennessey, 2019). When determining how business law study coursework impacts students' problem-solving abilities it is important to consider that exposure to business law study may strengthen some students' problem-solving skills more than others.

Business Students and Problem-Solving

Next, it is necessary to determine the importance of problem-solving skills for business students before examining whether business law study coursework enhances business students' problem-solving skills. Business people are frequently confronted with problems and have to work with colleagues to generate a solution. To prepare business students for life after graduation, it is important for business students to develop strong problem-solving skills during their undergraduate education. Having high levels of problem-solving abilities is an extremely valuable skill for business students (Jones & Davidson, 2007). Students with high levels of problem-solving abilities are more competent in solving unstructured problems (Jones & Davidson, 2007). Having a strong ability to solve unstructured problems is more valuable to business students than having the ability to solve structured problems because a person who demonstrates high performance in solving complex problems provides more value to a business than a person who can only perform well when solving simple problems (Jones & Davidson, 2007).

In addition to exploring the importance of problem-solving skills for business students, this research is also interested in exploring the interpersonal and cognitive skills possessed by undergraduate business students that lead to successful group and individual problem-solving. The existing literature has identified many interpersonal skills that lead to successful group problem solving including collaboration, communication, leadership, and negotiation skills (Dowell et al., 2020; Herron & Hennessey, 2019; Jaques, 2020).

Business law Study and Problem-Solving

Business law study course often requires students to utilize problem-solving skills to analyze and better understand different legal topics and situations. Solving legal problems is often a difficult skill for students to grasp and certain teaching methods may be more helpful to students when trying to strengthen this skill (Frantz & Wilson, 2004; Nathanson, 1994).

According to Nathanson (1994) he suggested that legal problem solving is unique as it differs from general problem solving, and it should be taught in a way that promotes the transfer of skills between varying contexts. Promoting the transfer of skills between varying contexts is essential for business students' success in undergraduate business law study course (Nathanson, 1994). As previously mentioned, the skills which can be learned from a business law study course hold great value to business students, but only if the students are able to grasp and develop those skills (Siedel, 2000; Tanner et al., 2004).

Learning to think analytically

Beyond the substance of any course for example, what consideration of federal and state laws actually does is to improve students' ability to reason and analyze. These skills emerge in several distinct and equally important ways. They include appreciating how consequences flow from actions, honing interpretive skills, and improving logic by identifying and overcoming biases in reasoning.

Law courses often use real cases, condensed and simplified, to help students learn how to evaluate actions on the basis of their likely consequences. In business law classes, students learn how certain decisions made in the workplace might give rise to various legal claims. By studying cases, they come to understand how executives have resolved various factual situations and the legal consequences of their choices. Good law teachers help students put themselves in the shoes of the parties – plaintiff and defendant. Through case studies, students consider what alternatives were available to the parties and how their decisions affected both the individuals and the companies involved.

For example, one of the first cases Bentley University first-year students read is 1964's *Heart of Atlanta Motel*, in which a small business owner challenged the federal government's right to tell him – via the passage of the Civil Rights Act – whom he could and could not allow in his motel. We teach this case not only because it makes the important historical point that racial discrimination was legal only 50 years ago. It also helps students grasp the larger point that even small businesses are almost always subject to federal as well as state regulation. They can put themselves in the shoes of the motel owner who simply wants to make his own call about what kind of guests he will rent to (although it's doubtful any of them would want to run a racially restrictive business of their own) (Brown 2013).

The Role of Law in Business Education

One of the first things we teach first-year students in their introductory law and ethics course at Universities in Nigeria is that they will use business law throughout their careers, even if they never go to law school or interact with an actual lawyer. (Brown 2013) Business law courses help students develop critical thinking skills in three equally important ways. These courses focus firstly on teaching students the substantive legal basics of law that inform every aspect and stage of industry. By understanding the legal principles that determine, for example, whether a company can stop others from copying its products, whether its contracts are enforceable, and whether it can hire only male executives, business students learn how to identify and head off potential legal problems. In doing so, these students get a competitive edge over students who have only a vague idea of how law works. As a result, they are more valuable to and valued by their employers.

More importantly, law courses teach students how to think in ways that are essential to a successful business career. Law courses require students to sharpen their analytical skills and evaluate their own thought processes more carefully. In most law courses, students read case summaries that illustrate the plaintiff's arguments and defendant's counter-arguments, as well as the court's ruling on the issue at hand. By analyzing why one side or the other prevailed, students improve their own ability to develop arguments and to anticipate what the counter-arguments might be. Learning how to think critically and argue persuasively should form part of any business education. Business leaders who have studied law – even a single semester of business law – use that training almost every day.

Finally, business law course enhances the value of business education by grounding executives in the ethical consequences of the decisions they make as well as their legal consequences. Laws such as the EFCC Act and the ICPC Act address, in part, the ethical behavior of senior executives. Violating them can result in serious penalties for individuals as well as corporate entities. Employers benefit from hiring people whose knowledge of ethics extends beyond the simplistic. In exploring the ethical frameworks that guide business decisions, business law courses ground students in short term and longer-term benefits of ethical action as well as the principles behind corporate social responsibility.

Conclusion

This research work highlights the relevance of business law in business education curriculum in Nigeria. It provides the important skills a business education student who attends a business law class will acquire in the course of his education, such as problem-solving skill and learning to think analytically. It equally demonstrated one thing, that virtually every aspect of doing business is regulated in one way or another by the law, and a business which is unwary of the legal and regulatory frameworks governing its operations will soon violate the law. Like in most other countries, the Nigerian business sector is fairly regulated. It works because of the interplay of the laws, the regulators and the businesses, and an understanding of it is crucial for the survival of a business. Therefore, a business education student, who is being prepared to face the future and the dynamics of business, must learn and appreciate the importance of the laws regulating business activities within his domain.

Recommendations

1. The curriculum of business education should be adjusted in such a manner that students of business education should be exposed to learn business law at least for four semesters before graduation. This adjustment will enable students learn more business law courses before their graduation.
2. The universities should endeavour to ensure that business law is handled by lawyers. It will assist in instilling professionalism in the education as a profession.

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