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LAW 101: LEGAL METHOD

ASSIGNMENT: DISCUSS SECONDARY SOURCES OF LAW IN NIGERIA

SECONDARY SOURCES OF LAW IN NIGERIA.

There are two sources from which law can be obtained. They are the primary and secondary sources. Primary sources of law are the actual sources of the rules governing the state. They include; the constitution, judicial precedence, the Nigerian legislation, received English law and Nigerian customary law. However, secondary sources of law are not authoritative but persuasive. That is, they are background resources that explain, criticize, interpret and analyse the law. They provide explanations for the primary sources of law. Examples of secondary sources of law in Nigeria include;

- Periodicals and restatements
- Treatises
- Law dictionaries
- Law encyclopaedias
- Law journals

Explanation of the secondary sources of law:

- **PERIODICALS:** There are generally two types of periodicals; law journals and law practical uses of periodicals most often occurs in academia but occasionally are used by practitioners if the issue at hand is one of novelty. Also, research projects undertaken by law professors or students will often include citations to law review articles, usually in conjunction with work intended for publication in a law review.
- **TREATISES:** These are in-depth scholarly works on a particular subject area. For law students, they serve as an important and efficient resource in preparing for final exams and establishing a firmer foundation on topics to be discussed in class. For practitioners, they are a quick way to freshen up on an issue they do not counter often, as a way to begin their research on such an issue. Courts sometimes give credence legal treatises as a persuasive authority.
- **LEGAL DICTIONARIES:** Legal terms often have very complex and specific meanings. This brings up a need for the use of legal dictionaries to conduct legal research. Basically, a legal dictionary is a book similar to a regular dictionary, but contains the meanings of legal words and phrases. They also include judicially defined terms with reference to cited authority.
- **LAW JOURNALS:** Law reviews or journal articles are a great secondary source for legal research. They provide in-depth analyses and criticisms of legal topics, and also give extensive reference to other sources, including primary sources. Law reviews contain both lengthy articles and short essays written by professors and lawyers , as

well as comments, notes or developments in the law written by students. Law review articles often focus on new or emerging areas of law and they can offer more critical commentary than a legal encyclopaedia.

- LEGAL ENCYCLOPAEDIAS: Legal encyclopaedias provide a brief statement of the law. They put together an enormous body of legal literature, definitions, rules and practice points derived mainly from case law. The information contained in legal encyclopaedias are more descriptive than analytical. They also provide indexes and cross-references. However, there are a few problems associated with using a legal encyclopaedia. A few of them are:
 - The articles are often oversimplified.
 - The article is only as good as its author/editor.
 - Encyclopaedias should never be cited as authority.
 - While they do a decent job with case law, they generally do a poor job with statutory or administrative law subjects.