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WHAT ARE THE SOURCES OF NIGERIAN LAW?

The law is an abstract term. In order to know what comprises the law, you have to derive it from various places. These places from which the law is derived are aptly described as the sources of law. Sources of law can be defined as the places to which a legal practitioner or a judge turns to in order to answer a legal problem. They can be regarded as springboards from which law emanates. They are the various vehicles through which the law is carried. The sources of Nigerian law can be divided into primary and secondary.

Primary sources of Nigerian law can simply be regarded as those sources whose provisions are binding on all courts throughout Nigeria. They include:

1. Received English law
2. Case law
3. Nigerian legislation
4. Customary laws
5. International law.

I will be discussing the **secondary sources of law.**

A serial publication which publishes, verbatim, judgments of a court of law. The secondary sources of Nigerian law are the indirect ways through which we get our law. Save for law reports, secondary sources of Nigerian law are of persuasive authority in the law courts. Law reports are only authoritative due to the fact that they serve as the vehicle through which judicial precedent is carried. Secondary sources of law are only made use of whenever there are no primary sources of law to fall back on. Secondary sources of law are:

1. Law Reports
2. Text Books and Treatises
3. Periodicals, Journals, and Legal Digests
4. Casebooks
5. Legal Dictionaries
6. Newspapers.

* LAW REPORTS: A serial publication which publishes, verbatim, judgments of a court of law. The purpose of a law report is to publicize and distribute to the lawyers and judges judgments of the courts to widen the base of legal knowledge and to prevent two differing decisions on identical facts, or two differing legal theories on a same issue. Examples of Nigerian law reports are:
* A.A. Macaulay v. NAL Merchant Bank Ltd (1990) 6 NILR 29
* Abdul Majeed Nasiru V Commissioner Of Police (1980) 2 NILR 1
* Abibatu Folami & Ors V Flora Cole & Ors (1990) 4 NILR 6.
* TEXTBOOKS AND TREATIES:

Textbooks: A textbook is a book used as a standard work for the study of a particular subject. Here are some examples of law textbooks:

* Constitutional Law: Principles and Policies.
* Understanding Criminal Law.
* Business Law: Text and Cases.
* Working with Contracts.
* Environmental Law Handbook.
* Family Law.

Treaties: Are formally concluded and ratified agreement between states. These are some treaties of Nigeria:

* Abolition of Forced Labor Convention
* Kampala Convention
* International Covenant on Economic, Social and Cultural Rights
* General Agreement on Tariffs and Trade
* Investment treaty and mutual legal assistant treaty ( they are the most common) e.g. Nigeria/United kingdom
* PERIODICALS, JOURNALS AND LEGAL DIGESTS:
* Periodicals: A magazine or newspaper published at regular intervals. It can also be related to journals.
* Journals: A newspaper or magazine that deals with a particular subject or professional activity.
* Legal Digests: As a legal term, digest is to be distinguished from abridgment. The latter is a summary of the contents of a single work, in which, as a rule, the original order or sequence of parts is preserved, and in which the principal labor of the compiler is in the matter of consolidation. A digest is wider in its scope, is made up of quotations or paraphrased passages, and has its own system of classification and arrangement. An index merely points out the places where particular matters may be found, without purporting to give such matters in extensor. A treatise or commentary is not a compilation, but an original composition, though it may include quotations and excerpts.
* CASEBOOKS: A casebook is a type of textbook used primarily by students in law schools. Rather than simply laying out the legal doctrine in a particular area of study, a casebook contains excerpts from legal cases in which the law of that area was applied. It is then up to the student to analyze the language of the case in order to determine what rule was applied and how the court applied it. Casebooks sometimes also contain excerpts from law review articles and legal treatises, historical notes, editorial commentary, and other related materials to provide background for the cases.
* LEGAL DICTIONARIES: Legal terms have developed very complex and specific meanings making legal dictionaries a necessary part of all legal research.

They are arranged similarly to that of a regular dictionary. In addition to definitions, legal dictionaries also include judicially defined terms with reference to cited authority. The most commonly consulted legal dictionaries are Black's Law Dictionary and Ballantine’s Law Dictionary.

* NEWSPAPERS: A newspaper is a printed publication (usually issued daily or weekly) consisting of folded unstapled sheets and containing news, articles, advertisements, and correspondence.