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Course Name: Legal Methods

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Assignment

Discuss Secondary Sources of Law in Nigeria

Use Times New Romans Font, size 12 font, and justify your work.

SECONDARY SOURCES OF NIGERIAN LAW

INTRODUCTION

According to Wikipedia, Sources of law are the origins of laws, the binding rules that enable any state to govern its territory. Each country's legal system has its own sources of law, with greater weight placed on some sources than others. The Nigerian legal system is no different. The Nigerian law is made up of two sources of law, namely;

1. The primary sources of law and
2. The Secondary sources of law

The Primary sources of law are 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 laws.

The primary Sources are very important as they are the laws themselves and have more authority than the secondary sources of law, which is the main focus of this assignment.

WHAT ARE SECONDARY SOURCES OF LAW

The secondary sources of Nigerian law are the indirect ways through which we get our law. A good place to start most research projects is with a secondary source. A secondary source is not the law. It's a commentary on the law. A secondary source can be used for three different purposes: it might educate you about the law, it might direct you to the primary law, or it might serve as persuasive authority. Secondary sources often **explain legal principles** more thoroughly than a single case or statute, so **using them can help you save time**. Secondary sources also help you avoid unnecessary research, since you are tapping into work that someone else has already done on an issue. Few sources do all these jobs well. The important classes of legal secondary sources include:

1. Text Books and Treatises.
2. Legal Dictionaries.
3. Casebooks.
4. Almanacs and Encyclopaedias.
5. Periodicals, Journals and Legal Digests.
6. Legal Newspapers/Magazines.

1. **Text Books and Treatises:** Where a point of law has not been previously decided in the court or where the position of the law on the point is not clear,

courts may turn to text books by notable authors for assistance and guidance. But their books are merely persuasive. Text books summarize single specific legal topics, while Treatises include textbooks and cover broader subject areas. Both provide authoritative and thorough treatment of the subject area.. The Evidence Act specifically provides as regards customary laws that any book or manuscript recognised by natives as a legal authority is relevant, especially books written by seasoned legal icons.

2. **Legal Dictionaries:** The law has its own specific vocabulary, definitions for which can be located through legal dictionaries. Also, when doing your research, do not take it for granted that common terms and expressions have the same meaning in law as they do in everyday life. Often these words or phrases have been defined or interpreted by judges in the courts. These interpretations can be found in dictionaries of words and phrases. A legal dictionary contains the definitions of legal terms taken from a variety of sources. They are the first place you should look when you do not understand what a legal term means. Legal dictionaries may also provide reference to applicable primary law and other secondary sources containing more in-depth discussions of the term. The most commonly used legal dictionary in Nigeria is Black's Law Dictionary.

Casebooks: Unlike textbooks, casebooks do not summarize or provide unique commentary on the law; instead they contain excerpts from cases, journal articles and treatises for discussion. They can be referred to as persuasive authority by the courts. 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 analyse 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. Most casebooks are authored by law professors, usually with two, three, or four authors, at least one of whom will be a professor at the top of his or her field in the area under discussion. New editions of casebooks often retain the names of famous professors on their covers decades after those professors have died. Updating of the books, then, falls on the shoulders of a younger generation of their colleagues.

3. **Almanacs and Encyclopaedias:** Legal encyclopaedias contain information across most areas of law. It is a comprehensive set of brief articles on legal topics. They summarize the law and will often point you towards legislation, leading cases and other relevant sources. Encyclopaedias can be a great place to start your legal research on any given legal subject. They are written by editorial writers and not by independent legal scholars. They give the general state of the law, that is, the settled doctrine. They do not analyse nor criticize the law. They provide more in-depth information than a legal dictionary.

- 4. Periodicals, Journals and Legal Digests:** Legal journals and periodicals and legal digests are collections of legal articles, they tend to be more current than books as they are published more frequently. These contain articles written by legal scholars and provide in-depth research on current or developing areas of the law. They can be influential or persuasive in court. A **legal periodical** is a periodical about law. Legal periodicals include legal newspapers, law reviews, periodicals published by way of commerce, periodicals published by practitioner bodies, and periodicals concerned with a particular branch of the law. A legal journal is a scholarly or academic publication presenting commentary of emerging or topical developments in the law, and often specializing in a particular area of the law or legal information specific to a jurisdiction. **Digest** is an index of **legal** propositions showing which cases support each proposition. It can also be a collection of summaries of reported cases, arranged by subject and subdivided by jurisdiction and court.

Examples of Nigerian law Journals

- Nigerian Law Journal (Journal of the Nigerian Association of Law Teachers)
- Nigerian Law and Practice Journal (Journal of the Nigerian Law School)
- Nigerian Current Law Review (Journal of the Nigerian Institute for Advanced Legal Studies)
- Ahmadu Bello University Law Journal
- Obafemi Awolowo University Law Journal

- 5. Legal Newspapers/Magazines:** **Legal newspapers**, for the purposes of this article, are **defined** as **newspapers** printed weekly or oftener, the principal purpose being to disseminate general **legal** and court **news**. These are a valuable source of both background information and recent legal developments. They help identify current legal issues and trends. They include information about the legal community and recent cases.

Why are Secondary Sources (also called commentary) Important?

- Searching for secondary sources is the first step in legal research.
- Secondary sources are books and other sources that assist the researcher in first, explaining and understanding the law and second, locating the law.
- Secondary sources are scholarly materials written by legal experts. They provide a good overview of the law and the text or footnotes can refer to relevant legislation or case law.
- Though not binding, some material found in secondary sources can have persuasive value in court.
- Secondary sources are useful for putting the law into context, and often will lead a researcher to relevant legislation and cases.
- Secondary sources come in both print and electronic format.

- The best place to start legal research is with a legal encyclopedia or textbook, and then move onto journal articles.

References

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