OBIA-AMAUA JENNIFER EBERECHI

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LEGAL METHODS

**SOURCES OF LAW**

The sources of Law are the origins of laws, the binding rules that enable any state to govern its territory. The term “sources of law” may sometimes refer to the sovereignty or the seat of power from which the law derives its validity. The essence of the sources of Nigerian Law is to assist in building law students and/ or legal practitioners to identify how and where to locate the information that applies to law or what position of law is to any legal problem confronting them. Therefore, the sources of Nigerian law refer to the materials through which a legal practitioner or a law court or a judge would find reliable authorities for a particular legal question.

However, the sources of law can be categorized into two aspects which include:

* The Primary Sources of Law and;
* The Secondary Sources of Law.

The primary sources of law are Legislative and case law. They come from the official bodies and also include treaties, decisions of courts and tribunals, statutes, regulations. These primary sources include: The constitution, Nigerian Legislation and subsidiary enactment, Received English Law (as well as extended English Law), Nigerian Case Law and Judicial Precedents, Customary Laws and Islamic Laws(where applicable).

**SECONDARY SOURCES OF LAW IN NIGERIA**

Legal researchers today are usually encouraged to begin with the secondary sources of law such as the law review articles or treaties, which are most likely to lead to some specific primary sources of law such as statutory references or case citations. The secondary sources of law are a great and reliable place for any legal practitioner to begin his or her research. Although, the primary sources of law- - case law, statutes and regulations is said to establish the law on a given topic, it is most times very difficult to quickly locate the answers in them which will be lot much easier using the secondary sources. Secondary sources of the law are background resources which help in explaining, interpreting and analyzing the law. They often explain legal principles more extensively than a single case or statute, so using them can save one’s time. It is very important to note that the primary sources of law could have a binding force on the court of law in Nigeria (they are authoritative), whereas the secondary sources of law and its examples only serve a persuasive purpose and are usually relied upon where there are no primary source applicable or available.

The secondary sources of law are the sources of law that do not carry a dominant weight and binding effect. The legal authorities contained in these kinds of sources of law are usually diluted and persuasive and are not binding on any court of law in Nigeria. According to Beredugo (2009), the secondary sources of law are less significant sources of law that barely carry persuasive legal authorities or effect and are therefore not binding in any court of law. They can be useful in the court of law or resorted to where the court finds the opinion or facts underlying the authority contained therein. The secondary sources can also be referred to in the court of law if it supports the authorities of the primary sources. They may influence a legal decision but do not have a controlling or binding authority of the primary sources. They offer the analysis, commentary or a restatement of the primary law and are used to locate and they explain the primary sources. They are mainly in documentary form and are important because it is in a book form that written laws are stated.

The Examples of secondary sources of law in Nigeria includes:

Decisions of courts of foreign countries

International conventions, treaties, and resolutions of international bodies;

Statements or opinions of jurists and learned authors contained in law textbooks, journal, periodicals, dictionaries, letters, speeches, and interviews;

Legal opinions contained in nullified judgments

Although, the secondary sources of law cannot be directly relied upon as legal authority, they remain the most important authorities to employ in legal arguments. They are authorities that explain different points of the law, but do not carry the weight of establishing the law. These sources come in a variety of forms, each with its own purposes and uses. Broadly speaking, if authorities like statutes and case laws that establish the law are the primary sources, everything else that discuss and analyze the primary sources are most likely the secondary sources. Secondary sources are particularly useful for:

Learning the basics of a particular area of law

Understanding key terms of art in an area

Identifying essential cases and statutes.

The secondary sources include: Law reports, law texts, books and treatises, legal encyclopedias, law journals, Restatements, Legal digests, periodicals, newspapers etc.

**LAW LIBRARY AS A CENTRE FOR LEGAL RESEARCH AND DESPOSITORY OF LEGAL RESOURCES**

As oxygen is a necessity for human survival so is the law library to research activities. The law library belongs to the special library category of library as it serves special research need of lawyers in their day-to-day business of providing legal advice, assistance, representation and other services to the clients. Law library is the library that is found within the law firms, courts, faculty of law in the Universities, Law schools, and other legal institutions to serve as a research unit that supplies research resources, legal information services and research-support assistance to the lawyer for the day-to-day Legal operations.

The law library is as important as the law profession itself because “Legal profession needs information on how to determine the case, argue or represent a client before the law court, and how to pass the law examination”. Research in the law library is dynamic and engaging as the quality of legal advice and opinion dispensed is rooted to the knowledge of the sources and provisions of the law. Law library as a laboratory to the legal profession is much more concerned with current information, its mode of access, operation, preservation, dissemination analysis which has a lot to offer to the legal profession in their conduct of research. However, the essence of the law library is to maximize the accessibility of its resources to meet the demands of its users. The law library encourages scholarly research by maintaining an environment conducive to study. The heartbeat of every law library is the legal holdings of information resources containing primary and secondary sources of law at its disposal.

**LAW REPORTS**

The law reports as well as an efficient law reporting system are essential for a smooth system of judicial administration. This is because in any nation where the principle of judicial precedent is operational, like Nigeria, it is only by reference to reported cases that courts and lawyers would be able to ascertain the position of law in their areas of jurisdiction. They are decisions of the courts published in volumes periodically, at such intervals as the publishers may determine. Law reports include the reports of the decisions of the:

Supreme Courts of Nigeria

Court of Appeal

High Courts; or

Any tribunal or court howsoever designated, and whether existing or abolished, such as the West African Court of Appeal (WACA), that has been abolished and whether it is a Nigerian law Report; or foreign law report.

The oldest species of law reports are the Year Books (1282-1537). They are regarded as the most comprehensive reports but are criticized to have been mere notes taken by students and practitioners of law for educational or professional purposes. The first form of law reports in Nigeria was the “Nigerian Law Reports” which emerged in 1881 but today they have become extinct. One regrettable trend in the law reporting system in Nigeria is the lack of sustainability. This has been the experience with most government and private initiatives.

**NIGERIAN LAW REPORTS**

The Examples of the law reports in Nigeria are numerous and they include:

All Nigerian Law Reports - All NLR

Nigerian Weekly Law Reports - NWLR

Supreme Courts Reports - SC

Federation Weekly Law Reports - FWLR

Weekly Law Reports of Nigeria - WRN

River State Law Reports - RSLR and so on.

**FOREIGN LAW REPORTS**

They include:

All England Reports - All ER United Kingdom

Queen’s Bench Reports - QB United Kingdom

King’s Bench Report - KB United Kingdom

Appeal Cases - AC United Kingdom

Dominion Law Reports - DLR Canada

Commonwealth Law Reports - CLR Commonwealth

All India Reporter - ALR India

Ghana Law Reports - GLR Ghana; and so forth

**LAW TEXTBOOKS AND TREATIES**

A textbook or treatise written by learned scholars and jurists constitute a very important source of Nigerian law. It is the same experience in virtually all legal systems. Treaties - - books on legal topics - - are a good place to a question, and will help legal practitioners save time by providing explanation, analysis, and tips on the most relevant primary sources. Treatises range from single volume overviews to extensively detailed multi-volume sets. They may come in the form of bound books updated with pocket parts or loose leafs with easily replaced pages. Some treaties are intended for law students while others are meant for practicing lawyers.

Textbooks are books on any legal subject or related fields as the library may have. They may be written by “Local or Foreign authors”. Classical authors of outstanding textbooks on the English Law include: Bracton; Coke and Blackstone, Dicey; Cheshire; Hood Phillips; Wade etc. In Nigeria, legal textbooks have been written by Abiola Sanni, Ese Malemi, among others.

**PERIODICALS, JOURNALS OR REVIEWS AND LEGAL DIGESTS**

A periodical is a magazine, journal, brochure, newsletter, catalogue or other book, or information published at fixed intervals of time, such as once a month, bi-annually, once a year and so forth. A periodical may be Nigerian or foreign.

Law journal of various names and fields of specialization are published by law faculties, bodies and persons across the world. A journal may be Nigerian: In Nigeria Law Journal are published across the law faculties of Nigerian universities, and also by private bodies and persons across the country. They include:

LASU Law Journal - Lagos State University

Ambrose Alli University Law Journal - AAU, Ekpoma

Nigerian Law and Practice Journal - Nigerian Law School and so on

**FOREIGN JOURNALS**

Harvard Law Review

Yale Law Journal

American Bar Association Journal and so on

Law reviews are scholarly publication usually edited by law students in conjunction with faculty members. They contain both lengthy articles and shorter essays by professors and lawyers, as well as comments, notes, or developments in the law written by students. Law reviews often focus on new or emerging areas of the law and they can offer a more critical commentary than a legal encyclopedia or ALR entry. Some law reviews are dedicated to a particular topic, such as gender and the law or environmental law, and will include in their contents the proceedings of a wide range of panels and symposia on timely legal issues.

Law digests are equally available for example, the Digest of Supreme Court Cases. Digests are abridgement of cases, that is, they are useful summaries of the facts, issues, argument and decisions in judicial proceedings.

Legal encyclopedias contain brief, broad summaries of legal topics, providing introductions to legal topics and explaining relevant terms of art. They also provide citations to relevant primary law and sometimes give citations to relevant major law review.

Some foreign legal dictionaries are also available in Nigeria. Some of these are Jowitt’s Dictionary of English Law, Stroud’s Judicial Dictionary etc. All these above provide useful guidance in interpreting Nigerian law.