COURSE CODE: LAW 102

NAME: Odjugo Oghenevwogaga Broderick

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LEVEL: 100

DEPARTMENT: LAW

QUESTION: Discuss secondary sources of law in Nigeria.

ANSWER;

Law is commonly understood as a system of rules that are created and enforced through social or governmental institutions to regulate conduct, although its precise definition is a matter of longstanding debate. It has been variously described as a science and the art of justice.

The term “sources of law” owes its origins to Savigny. He distinguished between the origins (Entstehungsgründe) of the law and concepts and the legal rules which are derived from them. For him, these two ideas went hand-in-hand in the practice of using Roman law to resolve contemporary legal issues.

I would prefer the following definition: “A source of law argument justifies an action by showing that it has as its legal basis the best interpretation of a rule, principle or value identified in a material source of law.”

When lawyers cite a source of law, they use it to provide the “legal basis” or justification for an argument or a decision.

The sources of law are divided into Primary and Secondary sources.

The main difference between Primary and Secondary sources of law is the fact that Primary sources of law are binding, while Secondary sources of law are merely persuasive.

Secondary sources of law in Nigeria include;

1. LAW TEXTBOOKS

 It can be defined as a textbook that arranges and defines legal words and phrases in groups and by topic in contrast with a law dictionary, which arranges and defines legal words and phrases individually and in alphabetical order. It also provides footnotes with citations to potentially relevant cases, statutes and secondary authorities which include standard features such as : tables of contents and indexes and tables of cases, statutes and abbreviations.

1. Law Periodicals or Legal Periodicals

 It contains articles about emerging areas of law and are written by Professors, Practitioner, judges and Law students, and also legal Periodicals include law reviews, law journals and bar journals.

 It also includes legal newspapers, law reviews , published by way of commerce and also published by practitioners bodies concerned with a particular branch of the law. They also give practical information on the practice of law and serve as current awareness functions.

1. LAW JOURNAL OR REVIEW

 It is a scholarly or academic publication presenting commentary of emerging or tropical developments in the law, and often specializing in a particular area of the law or legal information specific to a jurisdiction.

 Students will often refer to law journals in their own research as current or historical authoritative sources. It also helps them to sharpen their critical thinking skills and develop important writing skills.

1. LEGAL DIGEST

 It is an index of legal propositions sharing 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.

 It also helps to find cases on a specific legal issues or topics. It can also headnote and key numbers to organize and summarize all cases by subject.

1. LAW REPORT

 A law report is a record of a judicial decision on a point of law which sets a precedent. Also not all decisions taken in court of law set a precedent, however interesting they may be on terms of the fates of the case or its consequences. It is also important that we should distinguish between those cases which do indeed lay down, change or clarify the law, and those which dont and ensure that any report of a reportable case clearly states all the relevant information so that it can be relied upon by students, teachers, practitioners and judges as an accurate and authoritative statement if the principle of law on which the case was decided. NOTE: A judgement transcript is not a law report .