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QUESTION:

Discuss secondary sources of law in Nigeria.

THE SECONDARY SOURCES OF LAW IN NIGERIA.

The term "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 simply referred to as the sources of law. Sources of law are the origins of law, the binding rules that enables any state to govern its territory. The term “source of law” may sometimes refer to the sovereign or the seat of power from which the law derives its validity. 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. The sources of the Nigerian law can be dived into primary and secondary.

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

* The Constitution
* The Nigerian Legislation
* Nigerian Case law/Judicial Precedence
* Received English Laws
* Customary laws
* International laws

On the other hand, the secondary sources of Nigerian law are the indirect ways through which the law is gotten. The secondary sources of law are of persuasive authority in the law courts.

Secondary sources of law are merely persuasive authorities in the law courts. The distinction between primary and secondary sources of law cannot be over-emphasized as it is very useful in determining authorities to follow in the law courts. If a case is brought before the court and one party uses a primary source while the other makes use of secondary sources, the scale of justice would tilt in favour of the person who presents primary sources of law. Many a time, secondary sources are made use of whenever there are little or no primary sources of law to back on.

Secondary sources of law are background resources. They explain, interpret and analyze. Secondary sources are a good way to start a research and often citations to primary sources. Secondary sources are materials that discuss, explain, analyze, and critique the law. They discuss the law but are not the law itself. They provide a researcher with relevant primary materials.

The secondary sources of law include:

* Law reports
* Text books and periodicals
* Periodicals, Journals, and Legal Digests
* Casebooks
* Legal Dictionaries
* Newspapers
* Interviews
* Legal Encyclopedias
* Legal Treaties
* **LAW JOURNALS AND PERIODICALS.**

Law journals are scholarly publications covering the legal field. They publish articles that are comprehensive studies of current topics in law, generally written by law professors and practitioners. The articles generally contain substantial citations to primary and secondary sources to the topic, which may lead the researcher to an additional information on the subject. Journals could be in either paper journal forms or electronic journal form.

* **DICTIONARIES AND REFERENCE TOOLS.**

These are used to assist a legal researcher with finding the meaning and usage of legal terms and abbreviations.

The following sources will assist a legal researcher with finding the meaning and usage of legal terms and abbreviations:

Black’s Law Dictionary, Prince Bieber Dictionary of Legal Abbreviations, The Bluebook: A Uniform System of Citations and so on.

* **LEGAL** **ENCYCLOPEDIAS**.

A legal encyclopedia is a comprehensive set of brief articles on legal topics. It is arranged in alphabetical order, with an index generally included in the final volume. Legal encyclopedias are a great place to start your research on a new topic since they offer a general introduction to a legal topic, and often include citation and cases and additional materials.

The two main legal encyclopedias are:

Corpus Julius Secondum (C.J.S) and American Jurisprudence 2nd (Am. Jur.2d).

* **LEGAL TREATISES.**

Legal treatises provide a scholarly and in-depth treatment of a legal subject. They often clarify significant concepts in the area of the law covered by the treatise and provide citations to pertinent cases and other primary materials. The law library maintains treatises covering a wide variety of subjects, in both print and electronic formats which can be located through search.

* **LAW REPORTS.**

Legal reports are classified as secondary sources of law. Law reports are compilations of the judgements of other courts. These judgements could cover a broad area, like: Constitutional law, Company law, Business law, Administrative law and so on. Law reports include decisions of: The Supreme court, Court of Appeal, High Courts of Tribunal or Courts however so designated, whether existing or abolished, for example, West African Court of Appeal (WACA). The law reports that are most frequently used are the NWLR, the NLR.