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COURSE: LAW 102

QUESTION

Discuss the secondary sources of law.

Legal research is finding out information contained in authoritative sources of law the sources are where the original fact, information, and the rule of law could be derived. The law library has a depository of legal sources. The legal sources refer where, how, and by what authority a particular rule is made and becomes legally effective to regulate human conduct.

Legal materials help us to find out what the law is. The materials used in legal research can be classified into two; primary and secondary sources. The primary legal sources are the actual law in the form of constitutions, court cases, statutes, and administrative rules and regulations. It can also be referred to as fundamental sources of law that has binding significance. That is to say, that primary source of law constitutes ground norms that determine the decision or judgments of the court. According to Beredugo(2009), there are five primary sources of law and they include;

1. The constitution
2. The judicial precedence
3. Received English laws
4. Nigerian legislation
5. Nigerian customary law and Islamic law.

The secondary legal sources may restate the law, but they also discuss, analyze, describe, explain, or critique it as well. Secondary sources help locate the primary sources of law, define legal words, and phrases, or help in legal research. Anything outside the actual law is called the secondary law. The secondary sources of law do not carry a dominant weight of the law. The legal authorities contained in this kind of sources are diluted and persuasive which are not binding on any court of law. Sources of law are less significant than primary sources as there barely carry persuasive legal authority and do not have any binding. Examples of secondary sources of law include;

1. Decisions of the court (judicial precedents): the decisions of the court on cases can also form part of the secondary sources of law as it can be used to form laws that would guide the society.
2. International conventions, treaties, and resolutions of international bodies.
3. Statement or opinions of jurists and learned authors contained in law textbooks, journals, speeches, interviews, letters, dictionaries and periodicals, words and phrases. This is similar to legal dictionaries in that it includes definitions of words. However, words and phrases also include multiple entries indicating how the term or the word has been defined by the courts.
4. Legal opinions contained in nullified judgments. Judgments that have been nullified that is, found null and void, laws can also be made from such judgments
5. Legal dictionaries: legal dictionaries like the Black’s dictionary provide definitions of words in their legal sense or use. These publications provide short definitions of foreign and Latin legal words and phrases refer to cases and other legal sources for authority and they also give examples of how such foreign words and phrases can be used. They also provide tables defining legal abbreviation and acronyms. Black’s dictionary is the leading legal dictionary in the US and the Valentines law dictionary
6. Legal encyclopedia: they offer broad and general commentary on full range and state law. These are useful as starting point for researching unfamiliar areas of law. Most of the articles in encyclopedias focus on case law and do not contain extensive citations to statutes or other secondary sources.
7. Legal periodicals are very helpful in locating cases and statutes in a particular subject area. Periodicals are also an excellent method of locating current information. Subjects that are new or too specialized to be covered in books can often be found in periodicals. Articles in periodicals describe, analyze and comment on the current state of the law. Types of legal periodicals available are law school journals and law reviews, bar associations journals, legal newspaper, and legal newsletters.