

BUSINESS LAW BED 212

1. Meaning of Law and source of Nigerian Law
2. The law of Contract
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Topic 1: Meaning of Law and source of Nigerian Law

Introduction

Law basically consists of a body of rules and regulations. These rules and regulations are usually designed to regulate human conduct in the society. All human behaviour is shaped in one way or the other by various laws. Law, once made is meant to be obeyed, but it is discovered that people may not voluntarily want to meet the expectations of the law. As a result, there may be the need to introduce some elements of sanctions against acts of violation or defiance so as to ensure compliance with the law.

Meaning of Law

We can briefly define Law in the following ways:

- i. Law is a set of rules, enforceable by the courts, which regulate the government of the state and govern the relationship between the state and its citizens and between one citizen and another.
- ii. Law can also be defined as written and unwritten rules on human conduct derived from former enactment, customs and the judicial precedent, which are recognised as generally binding on human being based on its enforcement directly by the state on all members of the community through the imposition of appropriate sanction.

Sources of Laws

The term "source of law" is used in various senses but we shall restrict ourselves to just three senses: the **formal**, the **literary** and the **legal sources of law**. The formal source means the origin of the whole body of legal system – the source from which the system derives its validity, be it the electorate, a special body, the general will or the will of a dictator. The literary source of law refers to materials containing the rules of law. Statute books, law reports and textbooks are sources of law in this sense. The legal source of law means the fountain of authority of a rule of law, that is, the origin from which a legal rule derives its authority. It is the means through which through which a rule forms part of the body of law. Examples of legal sources are legislation and judicial precedents. It is in this third sense that the term is used in Nigeria.

The sources of Nigerian law are: (a) Nigerian Constitution; (b) Nigerian legislation; (c) the Received English law which consists of: (i) the common law; the doctrines of equity; statutes of general application in force in England on January 1, 1900 and (ii) English law made before October 1, 1960 and extending into Nigeria; (d) Customary law and (e) Judicial precedents.

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