

LEGAL METHODS

Nature, classification and sources of law

It aims at equipping a law student with different skills that will help a law student to be capable to study law.

LAW: there are different definition of the term law meaning that there are many authors who have different definitions.

The encyclopedia says that law comprises of all principals, rules and enactments that are applied in courts and enforced by the the state

From oxford English dictionary says that law is the body of rules whether proceeding from formal enactment or from customs which a particular state or community recognizes .

Law is a body of principals recognized and applied by the states in the administration of justice.

According to Blackstone he says law is a rule of civil conduct prescribed by the supreme power in the state, commanding what is right and prohibiting what is wrong.

According to Simonton he says that law is the body of principals and rules recognized and enforced by the courts by which the relations of the members of the community with each other are regulated.

Generally law is a body of rules and principals recognized by a particular state and enforced by it to administer justice and regulate social behavior. By regulating social behavior the law brings about equilibrium by balancing the conflicting interests in a particular community.

For the law to be in a position to achieve this it must set a standard of behavior that ought to be complied by every citizen, this standard is enforced by the state through imposition of penalties for those who go against it, this is known as normativity character of law.

NORMATIVITY CHARACTER OF LAW: this is the character of law that differentiate law from other things where by it establishes standards where by when someone goes against those standards a punishment is given to him or her. But law is created and regulated by a state while others are just created by customs.

FUNCIONS OF LAW

Law has mainly three basic functions which are as follows

PERMISSIVE FUNCTION

This is the function of law that actually allows or permits the subjects of it to do or engage in a range of transactions for example entering into marriage, entering into contracts, in cooperative companies etc.

Legal Method Notes

Michal Rosen-Zvi



Legal Method Notes :

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