

# THE MEANING AND FEATURES OF LAW

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The meaning of law itself is of little importance to a practising lawyer. What is relevant to him is the particular law that can be applied in a specific situation. However, to a fresh law student, the meaning of law is essential. This is due to the fact that it would help give him an idea of what it is he is studying.

Law has been defined by A.O Sanni as:

“A rule or body of rules made by institutions, bodies and persons vested with the power to make such rules which are binding and enforced among members of a given state or society.”

From the above definition, it can be seen that for law to be enforceable, it has to be made by persons authorised to do so by the society. If not, it can just be regarded as an opinion at worst and a moral rule at best.

## FEATURES OF LAW

The word “law” can be interpreted to mean a lot of things. For example, we have the law of gravity, the law of demand and supply and we have criminal law. How do we know the particular meaning of law that is relevant to a law student? This would only be made possible if the specific features of this meaning of “law” is expatiated.

The following are some of the common features of law as relevant to a law student:

1. It is a body of rules
2. It is Man-made
3. It is normative in character
4. It has an element of coercion
5. It has territorial limitation
6. It is dynamic in nature.

The above mentioned features of law would be further explained below:

1. **Law is a Body of Rules:** Law is not just contained in a single document. If it were so, there would be no need for lawyers. Law can be found in an array of sources. For example in Nigeria, laws can be found in the Constitution, Statutes and Case Laws. All these together make up the *corpus juris* of Nigerian law.
2. **Law is Man-Made:** This is one of the main distinctive features of law. Other meanings of law like the law of gravity, the law of thermodynamics etc are not made by man; they are laws made by nature. Even laws which are said to be divinely given need man in order for them to be enforced. The laws of God would have no effect on man except if the society of man chooses to abide by them.

A very good example of this is Canonical law in the Bible, although they are laws made by God, in most places, they are not binding on members of the society. Even Islamic law which is in operation in some countries needs the help of man before it can be enforced. For example, full Islamic law is not in operation in Nigeria because the Nigerian society has not accepted it.

For example, the **Constitution** provides in **S.4** that the law making powers of the Federation should be vested in the National Assembly which comprises of the Senate and the House of Representatives.

3. **It is Normative in Character:** The purpose of law is to allow some actions and criminalise some other actions. This feature of law is best described as being normative; it prescribes the dos and don'ts of the society.

An example of law prohibiting an action can be found in the provision of **S. 319** of the **Criminal Code** which prescribes the death penalty for the act of murder. Another example of the law prescribing actions can be found in **S.143** of the **Constitution of the Federal Republic of Nigeria 1999(as amended)** which provides for the procedure to be followed in the removal of the president from office by the legislature.

4. **It has an Element of Coercion:** Before a prohibition can be said to be a law, there has to be means by which it can be enforced in the society. If there isn't, the law would just be regarded as a moral rule at best. This is why the state makes use of elements of force like the police in order to enforce its laws and the judgement of the courts.
5. **It is Territorial in Nature:** Unlike the laws of gravity which apply on the whole surface of the earth, law in our context only applies within a certain territory. This is in most cases the society that accepts the law to govern them, although in some cases, law can apply in another territory through the use of conquest.

In the case of **Holman vs Johnson (1775) 1 Cowp. 341**, the plaintiff sold tea to the defendant in Dunkirk, with the full knowledge that the tea was to be smuggled into England. Subsequently the buyer refused to pay on the basis that the sale of the tea was illegal. The court rejected this argument on the basis that it would mean that the laws of England are also applicable in Dunkirk.

6. **It is Dynamic in Nature:** This means that law evolves over time in order to meet the specific needs of the society in which it is operative. For example, Nigeria has had a series of constitutions ranging from the **Clifford Constitution of 1922** to the present **1999 Constitution**.

SOURCES

- 1. The Constitution of the Federal Republic of Nigeria 1999(as amended).
- 2. The Nigerian Criminal Code
- 3. A.O Sanni: Introduction to Nigerian Legal Method.