

# THE FUNCTIONS OF LAW

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## FUNCTIONS OF LAW

Specific laws are made to achieve a particular objective in the society. For example, the **Criminal Code** was enacted to regulate crime in the society, the **Company and Allied Matters Act** to regulate the formation of companies and so on. However, there are also general functions of law in totality. Some of these general functions are:

1. Definition and Regulation of Social Relationships
2. Identification and Allocation of Official Authority
3. Dispute Settlement and Remedies
4. Change of Law

The above would be examined one after the other.

### Definition and Regulation of Social Relationships

This means that the law helps to define the kinds of relationship among individual members of the society that would be recognised by it. For instance, under the **Marriage Act**, a valid marriage is a union between a man and a woman. Thus, unions between couples of the same sex are not recognised in the Nigerian Legal System.

Furthermore, the **Constitution** provides in **S.40** that there is freedom of association between members of the society. However some other laws like the **Company and Allied Matters Act** provide for steps to be taken before a company could be registered as such and is recognised by the law as a distinct legal person.

In all, the law regulates the relationship between members of the society in order to prevent associations or relationships that would end up being harmful to the society.

### Identification and Allocation of Official Authority

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Another function of law is that it helps to grant authority in those chosen by the society whether expressly or indirectly. For example, the **1999 Constitution** establishes the Legislature, Executive and Judiciary in the provisions of **SS.4, 5 and 6** respectively. The provisions not only establish them, their specific duties are also provided for.

### Dispute Settlement and Remedies

In the course of interaction amongst members of the society, there is always bound to be strife between members. The law comes in situations like this to provide for the procedures in which these issues can be resolved and if need be, the provisions of remedies for the breach of the rights of members of the society.

The law achieves this through the instrumentality of the judicial system.

The method of dispute resolution adopted by the society depends on its size and complexity. If it is a small and simple society, disputes would be resolved in a way that would ensure continued relationship among the members. If it is a complex society in which parties have no need for further relationship, the disputes would be resolved in a way that apportions blames and grants remedies as adequately needed.

### Change of Law

Another function of law is that it provides methods by which the laws can be modified in order to meet the needs of the changing times. For example, the **Constitution** in **S.4** vests in the legislature the power to make laws for Nigeria. This means they can re-enact laws and correct anomalies in them. The specific processes to be followed by the legislature in enacting laws for the federation are provided for by the **Constitution** in **S.58**.

Also, the Constitution provides in **S.9** the procedures to be followed in amending its content. The provision of methods for amending laws goes a long way to end ambiguity as to how the laws should be modified to suit the needs of the society.

### SOURCES

1. O Sanni: Introduction To Nigerian Legal Method
2. Constitution of the Federal Republic of Nigeria 1990
3. Marriage Act
4. Companies and Allied Matters Act 1990