

Four Types Of Primary Sources Of Law

Posted on May 17, 2023

Undoubtedly, the law has diversified definitions with multiple dimensions and directions regarding the legal system theory. However, some systematic written or conventional rules are what is termed as the sources of law. There are two main types of sources of law, mainly primary sources and secondary sources, from a broad perspective. Concisely, the primary sources can be enlisted as the constitution, state rules, regulations and common law to ensure the terms and conditions to ensure justice. At the same time, secondary sources may include reports, encyclopedias, articles, and critics about primary sources of law. This paper will tend to explain four types of primary sources of law.

Constitutions:

A charter covering a specific territory that establishes a balance between the government's authorities and the general public's fundamental rights is called a constitution. In other words, it is a bond between the individual and government that specifies the duties and the role of both parties. Several countries and nations possess federal as well as state and provincial constitutions worldwide. Constitutions provide the basic framework to govern the public without violating their fundamental rights. A constitution may contain multiple articles and amendments with the passage of time.

However, According to [Myarticles](#), constitutions are broad perspectives in the form of articles that are left for further interpretation to deduce laws, rules, and systems to be executed in their spirit for the benefit of the public. In addition, the interpretation of the Constitution can be practised and executed by several branches of government. In case of any conflict, there should be some authority to decide the final meaning of the charter made by government branches. For example, in the USA, the final interpretations of the constitution rest with the Supreme Court in this regard. Meanwhile, almost all the constitutions are pondered to reflect social, cultural, political and moral values to synchronize any society towards progress. These common beliefs can be deduced to execute as spoken as well as silent laws in the society to ensure the will of the people.

Furthermore, to attain power and authority, some reliable entities are trusted. Undoubtedly, various government systems may have different sources of authority regarding multiple countries. However, in democratic steps, countries and nations are usually bound to infer power from the people regarding the constitution. For example, in the USA, people are the prominent and leading sources from where the Constitution gains and infers its authority. Moreover, a fabulous example of the constitution in the USA is the federal constitution, which is comprised of very brief and concise articles. In addition, all the states also have their own constitution according to security and adorned with the safety of the fundamental rights of the general public as the supreme rule of thumb (Teitelbaum & Wilensky, 2016).

Statutes:

Statutes are the laws formulated by government agencies or branches related to the legislature to execute their power in specific cases. These may be general applications as well as specific applications incorporated from case to case. Statutes are formulated to ease the processes or make the process beneficial for government departments to execute their power in a precise manner. These are made on every level, i.e., city, state, and city level. Most of the cases prove to be ambiguous, having multiple meanings and interpretations. Their purpose of production is to handle specific cases and specific situations according to the needs of the hour. However, their final interpretation rests with court authorities who ensure the fulfilment of the fundamental rights of the general public according to the vicinity of the primary constitution.

The central authority in this aspect rests with top legislature institutions. For example, if the statutes are formulated at the federal level, Congress will ensure the authority of the legislative units to act. Similarly, if it is at the city level, the executive head nourishes the authority to formulate statutes in respective quarters. The respective quartets may be from statutes for the best possible solution to an issue or case (Teitelbaum & Wilensky, 2016).

Furthermore, multiple laws and rules in the reform of policies, methodologies of execution and governance cases can be deduced from statutes. These laws provide the legal order primarily to the respective government authorities to execute powers in this regard. For example, the statutes related to health have been given authority to the health department head to execute the policies to ensure the health issues of the public.

Regulations:

Regulations can be considered as the inferior allies of the statutes in broad perspectives. The statutes have a broad canvas to act on and often need some other formal and written framework of a plan to execute the power for easiness. So, some specific written policies are formulated that relate explicitly to specific problems. In other words, regulations are the documents that assist statutes in being implemented with essence and spirit. Regulations define and identify policy goals in connection to the statutes for precise and concise results.

Moreover, multiple types of policies, rules and orders can be deduced from regulations that are necessary to execute the statutes and orders. For example, a statute relating to the health or labour department vests the power of the competent authority to devise necessary regulations to execute the direction mentioned in the statute. The respective authority is legally eligible to formulate the regulations to address and solve the specific problems. In addition, these may restrict some actions or limit execution duration in accordance with the specific case, problem or matter.

Moreover, the regulation takes authority from the respective head, who has vested the power under

the respective and specific statutes. For example, in the case of the federal department, the authority will be captured from the respective authority to allow the respective statute. For example, the Medicaid program relates to the health insurance policy. The said program took its authority to be executed by Congress through a proper channel. This program belongs to a policy execution framework related to the health department that addresses certain specific issues in the country (Teitelbaum & Wilensky, 2016).

Common Law:

Common laws are made by the judicial personnel, judges and respective authorities by interpreting the law and promulgation decisions. Whenever a conflict or ambiguity arises, the final authority rests with the judges to provide meaning or interpret it according to the spirit of the Constitution. These are collectively called common law. In addition, these may include various case laws, decisions, and consents from the previous decisions of the judicial personnel. In addition, traditions, customs and multiple doctrines can also be considered common law.

The specific types of notions, rules, precedents, and traditions can be deduced by common law to proceed further in the future. Meanwhile, the common law takes authority from previous decisions and precedents. For example, the Miranda case decision has become a common law to ensure the fundamental rights of the public. Through this judgment, the police officer is bound to orally state the Miranda rights before the arrest, whatever the crime has been done by the person.

In a nutshell, It can be deduced that several sources of law bind the government and the public to ensure the rights and duties of both sides. Multiple sources like conditions, statutes, regulations, and common law are necessary for a justice-based society.

References

Teitelbaum, J. B., & Wilensky, S. E. (2016). *Essentials of health policy and law*. Jones & Bartlett Publishers.