

Advantages and Disadvantages. Custom, as a source of law, has certain advantages. These may be listed as follows :-

1 — So long as the mere existence of a society, the mere plurality of individuals, give rise to customs from which no single member of the totality can completely divorce himself, it is natural to find that customs reflect the true needs of the community. Thus, it is difficult, generally, to imagine a custom contrary to the general will of the community, while legislation, for instance, may be imposed by an absolute sovereign or a dictator.

2 — Custom is more flexible than written law, for it develops with the development of social conditions of life.

3 — Custom implements legislation, for the latter, however perfect it may seem, cannot provide all the needed solutions for the infinitely variable needs and transactions.

Custom has its disadvantages too. Of these three may be listed:-

1 — Customary rules are often ambiguous. Thus, they are difficult to determine, and, often, raise complex litigation.

2 — Customary rules develop very slowly, and need a long time to become established. Thus, custom may be important in the face of new circumstances. Again, once established, customs become rigid, and very difficult to change.

3 — Custom may not facilitate the evolution of complete harmony in one country due to the existence of different local customs. Thus, individuals in one country will be governed by different customary rules each having the force of law.