INTRODUCTION TO LEGAL RESEARCH

Dr. Wan Mohd Zulhafiz Wan Zahari

Assist. Professor, Ahmad Ibrahim Kulliyyah of Laws.

Deputy Legal Adviser, Office of the Legal Adviser.

International Islamic University Malaysia.

TOPICS

- DEFINITION
- PURPOSE OF RESEARCH
- SIGNIFICANCE OF LEGAL RESEARCH
- TYPES OF RESEARCH
- RESEARCH PROCESS

WHAT IS A RESEARCH?

- SIMPLY MEAN FINDING OUT ABOUT SOMETHING

- SYSTEMATIC PROCESS OF:

1. COLLECTING INFORMATION,

2. MANAGING INFORMATION

3. ANALYSING AND INTERPRETING RESULTS

4. COMMUNICATING THEM TO OTHERS (DECISION MAKERS/SPONSORS/READERS)

PURPOSE OF RESEARCH

- TO TRY AND FIND ANSWERS
- TO RESOLVE SUBSTANTIVE ISSUES

CHARACTERISTIC OF RESEARCH

- SYSTEMATIC FORM OF INVESTIGATION
- INTENTION – TO MAKE SENSE OF OR ILLUMINATE THE ISSUES/QUESTIONS

SIGNIFICANCE

- PROVIDE:
1. UNDERSTANDING OF SUBJECT RESEARCHED
2. ABILITY FOR COMPARISON
3. CONTRIBUTION TO KNOWLEDGE
4. FAMILARITY WITH RESEARCH METHODOLOGY
5. FAMILARITY WITH RESEARCH ETHICS
6. NECESSARY SKILLS , COMPETENCY & CONFIDENCE
7. IMPETUS FOR FUTURE RESEARCH

RESEARCH TYPE V METHOD

- TYPE/APPROACH - THE GENERAL ORIENTATION TOWARDS HOW YOU MIGHT GO ABOUT EXPLORING OR ANSWERING THE QUESTIONS YOU HAVE POSED

- METHODS- SPECIFIC TOOLS YOU WILL USE TO GATHER YOUR DATA

CHOOSING RESEARCH TYPE/APPROACH

- YOU CAN USE MORE THAN ONE TYPE WITHIN A RESEARCH PROJECT

- YOU MUST CHOOSE A TYPE OR COMBINATION OF TYPES WHICH BEST FIT THE OBJECTIVES OF YOUR STUDY

TYPES OF RESEARCH ACCORDING TO PURPOSE – ROBSON (1993)

- EXPLORATORY

- DESCRIPTIVE

- EXPLANATORY

EXPLORATORY RESEARCH

- TO FIND OUTWHAT IS HAPPENING

- TO ASK NEW QUESTIONS

- TO ASSESS PHENOMENA IN A NEW LIGHT

- CAN BE QUANTITATIVE AND/OR QUALITATIVE

DESCRIPTIVE RESEARCH

- ACCURATE PORTRAYAL OF PERSONS,EVENTS OR SITUATIONS
- CONTEXTUALISATION
- CAN BE QUANTITATIVE AND/OR QUALITATIVE

EXPLANATORY RESEARCH

- SEEKS EXPLANATION OF A SITUATION/PROBLEM

- USUALLY DONE BY LOOKING AT RELATIONSHIP BETWEEN VARIABLES

- THEORETICAL – RESULTS CAN BE PREDICTED

- CAN BE QUANTITATIVE AND/OR QUALITATIVE

OTHER TYPES OF RESEARCH

- BASIC RESEARCH
- APPLIED
- COMPARATIVE
- EXPERIMENTAL
- SURVEY
- CASE STUDY

RESEARCH PROCESS

- IDENTIFY BROAD AREAS

- SELECT TOPIC

- DECIDE APPROACH

- FORMULATE PLAN

- COLLECT INFORMATION

- ANALYSE DATA

- PRESENT FINDINGS

       HOWARD & SHARP (1983)

       RUMMEL & BALLAINE(1963)

READING FOR YOUR RESEARCH

CONTENTS

- IMPORTANCE OF READING
- DEALING WITH THE LITERATURE
- BASIC READING STRATEGIES
- USING THE LIBRARY
- HOW TO READ
- READING ABOUT METHODS AND SUBJECT
- RECORDING YOUR READING
- PUTIING TOGETHER THE LITERATURE
- ISSUES IN READING

IMPORTANCE OF READING

- HIGHLY DESIRABLE TO ENGAGE IN RELATED READING FOR YOUR RESEARCH PROJECT
- THIS WILL INFORM & STIMULATE YOUR PROJECT

REASONS FOR THE READING THE LITERATURE

- TO GIVE YOU IDEAS
- HELP IMPROVE YOUR WRITING STYLE
- TO KNOW & UNDERSTAND WHAT OTHER RESEARCHERS HAVE DONE IN YOUR AREA
- TO BROADEN PERSPECTIVE

REASONS FOR THE READING THE LITERATURE

- TO SET YOUR WORK IN ITS CONTEXT

- EXECTED BY SUPERVISORS

- TO IMPRESS EXAMINERS/READERS WITH YOUR KNOWLEDGE OF THE LITERATURE

- IT IS INTERESTING

REASONS FOR THE READING THE LITERATURE

- NOT ENOUGH PERSONAL EXPERIENCE ON THE SUBJECT

- TO LEGITIMISE YOUR ARGUMENT

- IT MAY CAUSE YOU TO CHANGE YOUR MIND

- TO BECOME BETTER AT READING

DEALING WITH THE LITERATURE

- IMPORTANT ASPECT OF READING:

1. READ AT DIFFERENT STAGES OF THE RESEARCH
2. TO READ FOR MANY PURPOSES

STAGES OF RESEARCH - BEGINNING OF RESEARCH

1. TO CHECK WHAT OTHER RESEARCH HAS BEEN DONE ON THE AREA;

2. TO FOCUS YOUR IDEAS

3. TO EXPLORE THE CONTEXT OF YOUR RESEARCH

READING DURING RESEARCH

- TO KEEP YOUR INTEREST
- TO KEEP YOU UP TO DATE WITH LATEST DEVELOPMENT OF THE LAW/ SUBJECT
- TO HELP BETTER UNDERSTAND THE METHODS YOU ARE USING
- TO UNDERSTAND THE FIELD YOU ARE RESEARCHING
- AS A SOURCE OF DATA

READING AFTER YOUR RESEARCH

- TO SEE IMPACT OF YOUR RESEARCH (PhD)
- TO HELP DEVELOP IDEAS FOR FURTHER RESEARCH PROJECT

PURPOSES

- ACCOUNTS OF SIMILAR TOPIC TO YOUR OWN

- ACCOUNTS OF RESEARCH METHODS BEING APPLIED SIMILAR TO YOUR OWN PLANS

- ACCOUNTS OF THE CONTEXT OF YOUR PROJECT

HOW TO COPE WITH THE LITERATURE

- VOLUME OF THE LITERATURE

- THE VARIETY OF THE LIT

- LACK OF BOUNDARIES

- CONFLICTING VIEWS/ARGUMENTS

BASIC READING STRATEGIES

- WHERE TO READ

- WHAT TO READ

- WHOM TO READ

- HOW TO FIND WHAT YOU NEED TO READ

WHERE TO READ?

- LIBRARY

- BOOKSHOP

- LECTURERS

- FRIENDS

- PARENTS

- THE INTERNET

- USE A VARIETY OF SOURCES FOR YOUR READING

WHAT TO READ?

- READ AS MUCH AS POSSIBLE
- READ AS MANY DIFFERENT KINDS OR SOURCES OF MATERIAL AS POSSIBLE

SOURCES OF LITERATURE

- BOOKS
- JOURNALS
- REPORTS
- POPULAR MEDIA
- COMPUTER-BASED MATERIALS
- MEMOS
- INTERNAL REPORTS
- LETTERS & DIARIES

TYPES OF LITERATURE

- PUBLISHED & UNPUBLISHED PAPERS/THESIS
- CONTEMPORARY & CLASSICAL WORKS
- INTRODUCTORY & OVERVIEW TEXTS
- EDITED COLLECTIONS & LITERATURE REVIEWS
- BOOK REVIEWS
- METHODOLOGICAL WRITINGS

LEVELS OF LITERATURE

- PRIMARY SOURCES
- SECONDARY SOURCES

Unpacking your subject

- Understanding the law

  - Under this stage, a researcher should first and foremost understand the branch of law(s) relevant to his/her research

  - A researcher is to develop an awareness of the types of materials that constitute "the law"

  https://www.law.umaryland.edu/marshall/researchguides/.../chapter1.pdf

Cont.

- A researcher should understand the necessary laws to consult, such as the statutes, cases and/or regulatory materials (administrative agency regulations and decisions).

https://law.wustl.edu/sba/.../lrw/Kloempken-LegalResearch-Fall-06.pdf

- A researcher should be able to distinguish between primary and secondary documents; as well as authoritative and persuasive laws

https://www.law.umaryland.edu/marshall/researchguides/.../chapter1.pdf

Cont.

- A researcher should also be required to be familiarized with the various sources of law and their location in the library.

- A researcher should formulate research strategies that tell which source, of several sources, he/she should consult.

http://www.legalresearch.org/essentials/importance-of-legal-research/

Cont.

- Understanding the Jurisdiction

  - A researcher under this point should be able to understand the jurisdiction in which the research will be conducted. i.e this focuses on the territorial jurisdiction.

  - A researcher should also understand that areas and limit for the application of the law

  www.aallnet.org/chapter/scall/locating/ch3.pdf

Cont.

- In identification of jurisdiction, a researcher should make resort to direct path to primary authority; he should know the cases needed; he should get and read them all; and then give advise as to the appropriate actions to be taken

- In addition, a researcher can also make resort to indirect path to secondary authority

https://law.wustl.edu/sba/.../lrw/Kloempken-LegalResearch-Fall-06.pdf

- Appropriate words, phrases and sentences to be used

    - As researcher develop his academic work, there should be a need for him/her to think carefully about the choice of words, phrases and sentences.

    - A researcher should avoid using contractions such as *"can't, wouldn't, isn't" or shorter forms* of words such as *"fridge, auto"* because they signal informality

        www.nus.edu.sg/celc/**research**/books/cwtuc/chapter03.**pdf**

Cont.

- An academic writing takes place in what is considered a formal context.

- In addition, academic writings are expected to be clear and straightforward

- A researcher should make sure that the words and phrases used are precise, correct and concise.

Cont.

- In a nutshell, a researcher has been advised to use formal vocabulary; use appropriate transitions; avoid redundancy; and beware of commonly misused words in academic research

www.nus.edu.sg/celc/research/books/cwtuc/chapter03.pdf

Different types of Books

- In conduct of research, different types of books are recommended. Few amongst them include:

- Student Books

- Specialist Books

- Monographs

- Books on comparative law

- Practitioners' Books

- Loose-leaf texts

- Encyclopaedias

- Updating Books

Cont.

- Some of these books are available in both print and electronic full-texts, which can be accessed through various database and e-resources

https://law.duke.edu/lib/researchguides/legal materials/

Types of Electronic Resources

▪ There are several types of e-resources in research. *Inter alia* include:

- *E-Journals*

Electronic journals are sometimes called e- journals or electronic serials. They are scholarly journals that can be accessed using computer and communication technology. That is to say, the journals are usually published on the web.

Cont.

- E-Book

An e-book or eBook is also termed as electronic book, digital book and e-edition. It is a book length publication which contains text of text, images, or both, produced and published online. It is always readable on computers or other electronic device

Cont.

- E-Newspaper

e-newspaper is a newspaper that exists on the World Wide Web (www) or internet and holds the information electronically. It may exist either separately or as an online version of printed

- E-Image

An e-image is a system of photography using a sensor placed behind a camera lens to translate an image into an electronic signal which can be stored on a disk or magnetic tape for playback on a VCR or video disk player and viewing on a television screen.

Cont.

- *E-magazine*

  e-magazine is a magazine published on the World Wide Web (www). Some online magazines may refer to themselves as electronic magazines or e-magazine to reflect their readership, demographics or to capture alternative terms and spellings in online searches.

- E-Database

  An e-database is an organised collection of information of a particular subject area. The information of an e-database can be researched and retrieved electronically. It can easily be accessed, managed and updated on a daily, weekly, monthly or quarterly basis.

Cont.

- E-audio

e-audio is an electronic resource which is downloadable (mostly free of charge) to e-reader or other digital device such as a mobile phone or MP-3 player. For example, Dolby E is an audio encoding and decoding technology developed by Dolby Laboratories. It allows up to eight channels of audio to be compressed into a digital stream that can be stored on a standard stereo pair of audio tracks.

Cont.

- E-paper

E-Paper is a portable, reusable storage and display medium that looks like paper but can be repeatedly written on refreshed, by electronic means- thousand or million of times. E-paper will be used for applications such as e-books, e-newspapers, portable signs and rollable displays.

- World Wide Web

The World Wide Web is a system of interlinked hypertext documents accessed via internet. With a web browser one can view web pages that may contain text, images, videos and other multimedia and navigate between them via hyperlinks.

Cont.

- E-Thesis

An e-thesis or electronic thesis describes a thesis in digital form that is generally accessed via the internet. Access to, and storage of, electronic theses is usually facilitated by open access repositories such as the UCC (Uniform Commercial Code) institutional repository. UCC is developing an e-thesis programme to ensure that postgraduate research conducted in UCC is widely disseminated.

ijrcct.org/index.php/ojs/article/download/195/158

Framing Searches

- In framing a search, researcher shall be required to employ some legal research skills. See Norleen Abdulrasheed, "Legal Research Skills for Law Research Methodology Law 6815" Sem.2, 2012/2013

- A researcher shall use the Keywords of the searching term(s) in finding a statute or book

- In finding a specific case by citation such as [2004] 7 MLJ 567, a researcher should enter the year without bracket

Cont.

- In framing a search, researcher should identify the key concepts or ideas in his/her topic so that it will be all right in the end.

- A researcher in some circumstances could list alternative keywords for each concept

  See Norleen Abdulrasheed, "Legal Research Skills for Law Research Methodology Law 6815" Sem.2, 2012/2013

Cont.

▪ A researcher may construct search queries using boolean operators in order to get it right. i.e a researcher can use words like "and", "or", "not".

   - AND is to narrow a search;

   - OR is to broaden a search; and

   - NOT is to exclude a term

See Norleen Abdulrasheed, "legal research skills for Law Research Methodology Law 6815" Sem.2, 2012/2013

CHOOSING RESEARCH APPROACH & STRATEGY

RESEARCH APPROACH

- DEDUCTIVE V INDUCTIVE
- QUANTITATIVE V QUALITATIVE
- DESKWORK V FIELDWORK

DEDUCTIVE APPROACH

- SCIENTIFIC PRINCIPLES

- DOMINANT IN NATURAL SCIENCES

- NEED TO EXPLAIN CAUSAL RELATIONSHIP BETWEEN VARIABLES (FACTORS/ELEMENTS)

- QUANTITATIVE DATA IS USUALLY COLLECTED

DEDUCTIVE APPROACH

- CONTROLS ARE USED TO ALLOW TESTING OF HYPOTHESIS (ASSUMPTIONS)

- HIGHLY STRUCTURED APPROACH

- RESEARCHER'S ROLE – INDEPENDENT FROM WHAT IS BEING RESEARCHED

- NECESSARY TO SELECT SAMPLES OF SUFFICIENT SIZE IN ORDER TO GENERALISE CONCLUSIONS

INDUCTIVE APPROACH

- RESEARCHER IS CONCERNED WITH DEVELOPING AN UNDERSTANDING OF THE WAY IN WHICH PEOPLE INTERPRET THEIR SOCIAL WORLD OR WHAT MEANINGS THEY ATTACH TO CERTAIN EVENTS

- CLOSE UNDERSTANDING OF THE RESEARCH CONTEXT

INDUCTIVE APPROACH

- QUALITATIVE DATA IS COLLECTED

- A MORE FLEXIBLE STRUCTURE TO ALLOW CHANGES OF RESEARCH EMPHASIS AS THE RESEARCH PROGRESSES

- RESEARCHER AS PART OF THE RESEARCH PROCESS

- LESS CONCERNED WITH THE NEED TO GENERALISE

QUANTITATVE RESEARCH

- CONCERNED WITH COLLECTION AND ANALYSIS OF DATA IN NUMERIC FORM

- SEEN AS MORE OBJECTIVE OR SCIENTIFIC THAN QUALITATIVE APPROACH

QUALITATIVE APPROACH

- CONCERNED WITH COLLECTING AND ANALYSING IN MANY FORMS (NON-NUMERIC) AS POSSIBLE

- FOCUS ON EXPLORINGSMALLER NUMBER OF INSTANCES OR EXAMPLES DEEMD TO BE INTERESTING

- AIMS TOP ACHIEVE 'DEPTH' RATHER THAN 'BREADTH'

CHARACTERISTICS OF QUALITATIVE APPROACH

- RESEARCHER IMMERSED HIMSELF IN THE SETTING TO UNDERSTAND CERTAIN EVENTS

- CONTEXT OF INQUIRY IS NATURAL & NOT PREDEFINED

- INTERACTIVE PROCESS IN WHICH THE PERSON STUDIED TEACH THE RESEARCHER ABOUT THEIR LIVES

CHARACTERISTICS OF QUALITATIVE APPROACH

- AIM = TO UNDERSTAND EXPERIENCE AS A WHOLE (AS IT IS LIVED, FELT OR UNDERGONE)
- C.F. QUANTITATIVE = TREATS EXPERIENCES AS SIMILAR & QUANTIFYING THEM

- ENTAILS APPRAISAL ABOUT WHAT IS STUDIED

DESKWORK

- RESEARCH PROCESS DOES NOT NEED FIELDWORK

- LITERALLY DOING WORK WHILE SITTING AT A DESK INVOLVING: -

1. ADMIN, COLLECTION & ANALYSIS OF POSTAL SURVEYS

2. ANALYSIS OF DATA COLLECTED BY OTHERS

3. EXPERIMENT IN THE LAB

4. LITERATURE SERACH IN THE LIBRARY OR THE INTERNET

5. WRITING

FIELDWORK

- PROCESS OF GOING OUT TO COLLECT RESEARCH DATA

- DATA CAN BE ORIGINAL OR EMPIRICAL

FIELDWORK V DESKWORK?

- IMPORTANT TO APPRECIATE THE DIFFERENCE

- HELP YOU PLAN & IMPLEMENT YOUR RESEARCH PROJECT

- YOUR PREFERENCE FOR EITHER APPROACH MAY HELP YOU CHOOSE:-

1. RESEARCH TOPIC
2. RESEARCH METHODS TO USE

RESEARCH STRATEGIES/DESIGNS

- EXPERIMENT

- SURVEYS

- CASE-STUDIES

EXPERIMENT AS STRATEGY/DESIGN

- USUALLY CONDUCTED IN NATURAL SCIENCES

- NOW WIDELY USED IN SOCIAL SCIENCES, E.G., EDUCATION, PSYCHOLOGY, ECONOMIC & HEALTH CARE

- SCIENTIFIC METHOD – HYPOTHESIS ARE FORMULATED & TESTED THROUGH CAREFULLY DESIGNED & CONTROLLED TESTS

SURVEYS

- COLLECTION OF LARGE AMOUNT OF DATA FROM A SIZEABLE POPULATION IN AN ECONOMICAL WAY

- MOST SURVEYS ARE BASED ON SAMPLES OF SPECIFIED TARGET POPULATION (GROUP OF PERSONS IN WHOM INTEREST IS EXPRESSED)

SURVEYS

- QUESTIONNAIRES AND INTERVIEWS ARE MOSTLY USED IN SURVEYS

- ADVANTAGES: –

1. INDIVIDUAL ANSWERS CAN BE ADDED TOGETHER TO PRODUCE RESULTS WHICH APPLY TO THE WHOLE SAMPLE;

2. CAN BE REPLICATED IN FUTURE

CASE-STUDIES

ROBSON (1993)

- "DEVELOPMENT OF A DETAILED INTENSIVE KNOWLEDGE ABOUT A SINGLE CASE OR A SMALL NUMBER OF RELATED CASES".

- SUITABLE FOR SMALL SCALE RESEARCHER AS IT ALLOWS FOCUS ON JUST 1/2/3 EXAMPLES.

CASE-STUDIES

- ABLE TO ANSWER QUESTIONS "WHY?", "WHAT?" AND "HOW?"

- DATA COLLECTION INVOLVED MAY INCLUDE:-
1. INTERVIEWS
2. QUESTIONNAIRES
3. OBSERVATION
4. DOCUMENTARY ANALYSIS

CASE-STUDIES

- BENEFICIAL PURPOSES:

1. TO EXPLORE EXISTING THEORY;

2. TO CHALLENGE EXISTING THEORY;

3. TO PROVIDE A SOURCE OF NEW HYPOTHESIS

- CAN BE QUALITATIVE RESEARCH

RESEARCH METHODS/ TECHNIQUES

- TOOLS OF DATA COLLECTION:
1. DOCUMENTS/SECONDARY DATA
2. INTERVIEWS
3. QUESTIONNAIRES
4. OBSERVATION

RESEARCH METHODOLOGY

- MORE GENERAL AND PHILOSOPHICAL MEANING THAN METHODS

- IT COULD COVER RESEARCH APPROACHES & DESIGNS AS WELL.

FACTORS TO CONSIDER IN CHOOSING YOUR RESEARCH METHODS

- WHAT DO YOU NEED AND WANT TO FIND OUT?

- WHAT SKILLS DO YOU HAVE?

- WILL YOUR METHODOLOGICAL PREFERENCE ANSWER YOUR QUESTIONS?

- HOW WILL YOUR METHODS AFFECT THE ANSWERS YOU GET?

FACTORS TO CONSIDER IN CHOOSING YOUR RESEARCH METHODS

- HOW WILL YOU AFFECT YOUR RESEARCH?

- WHICH METHODS ARE ACCEPTABLE?

- USING MORE THAN ONE METHOD?

- ALLOWING FOR CHANGES IN DIRECTION?

WHAT YOU NEED OR WANT TO FIND OUT?

- THE NATURE OF RESEARCH DETERMINE THE APPROACH

- E.G., IF YOU WANT TO FIND OUT WHAT THE PUBLIC THINKS ABOUT THE RELEVANCE OF THE ISA TODAY, INTERVIEW IS SUITABLE

WHAT SKILLS DO YOU HAVE?

- THINK ABOUT :-

1. WHAT SKILLS YOU ARE BEST AT AND;

2. WHAT SKILLS YOU LIKE USING

- TALKING TO PEOPLE?,

- WATCHING PEOPLE?,

- READING DOCUMENTS & SITTING AT WORKDESK?

USING EVERYDAY SKILLS IN RESEARCH

- READING
- LISTENING
- WATCHING
- CHOOSING
- QUESTIONING
- SUMMARISING
- ORGANISING
- WRITING
- PRESENTING

WILL YOUR METHODOLOGICAL PREFERENCE ANSWER YOUR QUESTIONS?

- CONSIDER IF THE EVERYDAY SKILLS WHICH YOU WISH TO USE ARE ACTUALLY SUITED TO THE ISSUES YOU ARE GOING TO INVESTIGATE

HOW WILL YOUR METHODS AFFECT THE ANSWERS YOU GET?

- YOUR RESEARCH QUESTIONS SHOULD DETERMINE YOUR APPROACH & TECHNIQUES

- THE METHODS YOU USE WILL SIGNIFICANTLY AFFECT THE ANSWER YOU GET, I.E., YOU MAY GET DIFFERENT ANSWERS TO SURVEY & INTERVIEW

- CHOICE OF SUBJECTS BEING STUDIED WILL ALSO INFLUENCE YOUR FINDINGS

HOW WILL YOU AFFECT YOUR RESEARCH?

- RESEARCHERS HAVE OWN VIEWS, OPINION, BELIEFS & VALUES ABOUT CERTAIN ISSUES IN THEIR RESEARCH

- THESE ARE LIKELY TO BE PRESENT IN THE RESEARCH AND THE REPORTING OF IT

- DEMOGRAPHIC CHARACTERISTICS (AGE, SEX, RACE, CLASS, SIZE) WILL INFLUENCE YOUR RESEARCH

WHICH METHODS ARE ACCEPTABLE?

- IF WORKING IN COLLABORATION WITH OTHERS, WORKING UNDER DIRECTION OF PEOPLE OR FUNDED BY ORGANISATION

- THESE PEOPLE MAY HAVE AN INFLUENCE ON YOUR CHOICE OF METHODS

USING MORE THAN ONE METHOD - TRIANGULATION

- COMMON TO USE MORE THAN ONE METHOD, PARTICULARLY IN GROUP RESEARCH

- MULTI-METHODS – TO TRY & VERIFY THE VALIDITY OF INFO BEING COLLECTED

- MAY FOLLOW UP SURVEY WITH SOME INTERVIEWS (TO GET MORE DETAILED PERSPECTIVES ON SOME ISSUES RAISED)

USING MORE THAN ONE METHOD - TRIANGULATION

- YOU MAY USE INTERVIEW & FOLLOW BY SURVEY

- YOU MAY COMPLEMENT INTERVIEWS WITH DOCUMENT ANALYSIS (EG, TO COMPARE WRITTEN & SPOKEN VERSION)

ALLOWING FOR CHANGES

- BY NOT RESTRICTING YOURSELF TO JUST ONE METHOD/TECHNIQUE YOU'D BE ALE TO CHANGE DIRECTION IN THE RESEARCH PROJECT

- CHANGE IS NECESSARY IF YOU CAN'T GET SUFFICIENT RESPONSE TO QUESTIONNAIRES, CAN'T GET ACCESS TO INTERVIEW CERTAIN PEOPLE ETC

DECIDING ABOUT METHODS

- HOW ARE YOU GOING TO DO THE RESEARCH?
- WHAT IS YOUR STRATEGY & APPROACH?
- WHAT TECHNIQUES/METHODS ARE YOU GOING TO USE?

STARTING YOUR LEGAL RESEARCH : SELECTING YOUR RESEARCH TOPIC

CRUCIAL ELEMENTS IN RESEARCH

- RESEARCH TOPIC

- RESEARCH QUESTIONS

- RESEARCH OBJECTIVES

- WRITE PROPOSAL

RESEARCH TOPIC

- STARTING POINT IN RESEARCH

- QN – WHAT TO STUDY?
1. FORMULATE RESEARCH TOPIC
2. CLARIFY RESEARCH TOPIC

- TIME-CONSUMING PROCESS

RESEARCH TOPIC

- TOPIC (WHAT TO STUDY) IS THE PLATFORM FOR DECISIONS ABOUT:

1. WHO TO STUDY? (CASES)

2. WHEN? (TIME)

3. WHERE? (CONTEXTS)

EXAMPLES OF TOPICS IN CRIMINOLOGY

- NATURE OF CRIME

- EXTENT OF CRIME

- PERPETRATORS OF CRIME

- VICTIMS OF CRIME

- INSTITUTIONS OF THE CRIMINAL JUSTICE SYSTEM AND THEIR WORKINGS

- HOW EACH OF THESE INST INTERACTS WITH GENDER, ETHNICITY, SOCIAL CLASS, INEQUALITY, POWER

FORMULATING RESEARCH TOPIC

- 2 WAYS:

- A. TRADITIONAL WAYS:

1. ANALYSE THE LITERATURE

2. FORMALLY STATING THE RESEARCH PROBLEM AND MAJOR QUESTIONS

3. COLLECTING RELEVANT DATA

FORMULATING RESEARCH TOPIC

- B. REALIST/INTERPRETIVE APPROACH:

  OPEN-ENDED APPROACH

FORMULATING RESEARCH TOPIC

- 1. GENERATE AND REFINE RESEARCH IDEAS

- 2. TURN IDEAS INTO RESEARCH QUESTIONS

- 3. TURN IDEAS INTO RESEACH OBJECTIVES

- 4. WRITE RESEARCH PROPOSAL

ISSUES INVOLVED IN CHOOSING RESEARCH TOPIC

- AVAILABLE CHOICE
- MOTIVATION/INTEREST
- CAPABILITY
- SIZE OF TOPIC
- AVAILABLE TIME
- SUBJECT/FIELD OF STUDY

ISSUES INVOLVED IN CHOOSING RESEARCH TOPIC

- COST

- AVAILABLE RESOURCES

- ACCESS

- RESEARCH METHODS

- PREVIOUS EGS OF RESEARCH PROJECTS

ISSUES INVOLVED IN CHOOSING RESEARCH TOPIC

- REGULATIONS & EXPECTATION

- NEED FOR SUPPORT

- VALUE OF RESEARCH

- LINK WITH THEORY (PhD)

CHOICE OF TOPIC

- RESEARCH CAN DETERMINED BY:
1. EMPLOYER
2. SPONSOR – GOVERNMENT BODIES/AGENCIES
3. UNIVERSITY/FACULTY
4. INDIVIDUAL RESEARCHER
5. STUDENT WITH HELP OF SUPERVISOR

BLS HONS PROJECT PAPER

- RESEARCH AS PART OF THE COURSE OF STUDY
- STUDENTS' CHOICE
- GUIDANCE FROM LECTURER/TUTOR

MOTIVATION/INTEREST

- RESEARCH MUST EXCITE YOUR IMAGINATION/STIMULATE YOUR CURIOSITY

- RESEARCH MUST SUSTAIN YOUR INTEREST FOR ITS DURATION

- MOST IMPORTANT- TOPIC MUST MATCH INTEREST

- STRONG INTEREST KEEPS YOU GOING THROUGH BAD TIMES

CAPABILITY

- IMPORTANT TO DEVELOP NECESSARY SKILLS:
1. RESEARCH SKILL
2. WRITING SKILL
3. COMPUTER SKILL
4. NUMERICAL SKILL

- ABILITY & RESEARCH PROJECT MUST MATCH

SIZE OF TOPIC

- IMPORTANT – NOT TPP BIG & NOT TOO SMALL BUT JUST RIGHT

- DOABLE WITHIN THE TIME, SPACE & RESOURCES

- RESTRICTED SIZE -10 000 WORDS (MAX) INCLUDING APPENDICES & BIBILOGRAPHY

SIZE OF TOPIC

- FORMAT – MUST FOLLOW FACULTY'S GUIDELINES

- KEY SKILL IN RESEARCH – ABILITY TO DELIVER A 'GOOD ENOUGH' REPORT WITHIN THE SPACE AND TIME ALLOWED

AVAILABLE TIME

- PROJECT – SMALL SCALE STUDY

- MAKE BEST POSSIBLE USE OF TIME BY :
1. DOING EMPIRICAL STUDY NEAR CAMPUS

2. LIMIT EXTENT OF DATA COLLECTION

3. PLAN AHEAD & SCHEDULE WORK

SUBJECT/FIELD OF STUDY – LAW (LEGAL RESEARCH)

- CHOICE – PURE LEGAL OR SOCIO-LEGAL?

- SOCIO-LEGAL RESEARCH - RELATES LEGAL ASPECTS TO THE SOCIOLOGICAL, POLITICAL & ECONOMIC DIMENSIONS OF THE SOCIETY (LAW & SOCIETY)

LEGAL RESEARCH

- INVOLVES THE STUDY OF:

1. WHAT IS

2. WHAT OUGHT TO BE WITHIN THE FRAMEWORK OF WHAT IS

3. WHAT OUGHT TO BE BEYOND THAT FRAMEWORK

- IT IS NOT ABOUT WHAT THE FACTS ARE BUT WHAT SHOULD BE DONE ABOUT THE FACTS

LEGAL RESEARCH

- PREFERRED STYLES & CONVENTIONS FOR WRITING

- PREFERRED METHODOLOGY IN UNDERTAKING RESEARCH

LEGAL RESEARCH

- ESTABLISHED TRADITIONS & LEGAL WRITERS THAT YOU NEED TO BE AWARE OF

- SUPERVISORS HAVING OWN PREFERENCE & SPECIALISMS

COST

- DIFFERENT COSTS APPLY TO DIFFERENT APPROACH OF RESEARCH

- MAY INVOLVE TRAVEL, CONSUMMABLE ITEMS, CYBERCAFE, POSTAGE, TELEPHONE CALLS, PHOTOCOPYING, PRINTING, BINDING ETC

AVAILABLE RESOURCES

- GROUP RESEARCH ALLOWS YOU TO DO MORE THAN INDIVIDUAL RESEARCH

- INCLUDES:
1. MATERIAL - COMPUTERS
             - GOOD LIBRARY

2. FINANCIAL

AVAILABLE RESOURCES

1. PEOPLE/HUMAN – TEAM RESEARCHERS

2. SKILL – WORD-PROCESSING,
   - TYPING,

   - RESEARCHING,

   - WRITING

THINKING ABOUT RESOURCES

- LIST AVAILABLE RESOURCES

- LIST RESOURCES YOU WILL NEED TO HAVE IN ORDER TO CARRY OUT THE PROJECT

- LOOK AT THE DIFFERENCE BETWEEN THE 2 LISTS

THINKING ABOUT RESOURCES

- IF DIFFERENCE IS HUGE, THINK ABOUT CHOOSING TOPIC REQUIRING FEWER RESOURCES

- IF NOT SO GREAT, THINK ABOUT HOW YOU ARE GOING TO GET ADDITIONAL RESOURCES YOU NEED

ACCESS

- EXIST IN ANY RESEARCH PROJECT

- MEANS:

1. AVAILABLE RESOURCES (EG., GOOD LIBRARY)

2. SUBJECTS OF RESEARCH – DATA NEEDED TO COLLECT

- ACCESS IS PROBLEMATIC DUE TO:

1. UNWILLINGNESS OF DATA SUBJECT TO ALLOW ACCESS;

2. NATURE OF DATA – CONFIDENTIAL

TECHNIQUE WHEN ACCESS IS PROBLEMATIC/DENIED

- USE LATERAL THINKING TO CONCENTRATE ON THE OBJECTIVES RATHER THAN OBSTACLES TO GAINING ACCESS

ACCESS

- CHOOSE TOPIC IN WHICH ACCESS IS NOT PROBLEMATIC

- CHECK OUT ACCESS ISSUES YOU MAY RUN INTO FIRST BEFORE COMMITTING TO ONE PARTICULAR RESEARCH TOPIC

PREVIOUS EXAMPLES OF BLS PROJECT PAPER

- LOOK AT PREVIOUS EXAMPLES

- LEARN ABOUT :

1. WHAT THE COMPLETED RESEARCH REPORT LOOKS LIKE

2. THE WAY IT IS PUT TOGETHER

3. ITS SCOPE

4. ITS LIMITATIONS

- GET ADVICE FROM SUPERVISORS ON BETTER EXAMPLES OF THOSE PROJECTS

RESEARCH METHODS

- IN CHOOSING TOPIC, YOU COULD ALSO THINK ABOUT:

1. RESEARCH METHODS THAT YOU WILL USE TO COLLECT AND ANALYSE DATA

2. THE METHODS YOU WILL ENJOY USING (EG INTERVIEWS, LIBRARY-BASED, QUANTITATIVE)

REGULATIONS & EXPECTATION

- ENSURE THAT THE TOPIC MEETS EXAMINER'S REQUIREMENT

- CHECK THE FACULTY'S ASSESSMENT CRITERIA – FOR SIZE, FORMAT ETC IN THE STUDENT GUIDELINES

- CHECK WITH SUPERVISORS ABOUT HIS/HER UNWRITTEN RULES & EXPECTATIONS

NEED FOR SUPPORT

- GROUP RESEARCH PROVIDE READY-MADE SUPPORT FOR TEAM MEMBERS

- TYPES OF SUPPORT:
1. PERSONAL
2. EMOTIONAL
3. ACADEMIC – FROM SUPERVISORS

VALUE OF RESEARCH

- AS PART OF THE TAUGHT COURSE, THE RESEARCH WILL BE JUDGED BY:

1. DEMONSTRATION OF SUFFICIENT RESEARCH COMPETENCY

2. DEMONSTRATION OF SUFFICIENT PROBLEM-SOLVING ABILITY

3. CONTRIBUTION TO THE BODY OF KNOWLEDGE (PhD)

VALUABLE RESEARCH TOPIC

- CHALLENGING CURRENT BELIEF

- CREATING NEW & FRESH INSIGHT, IDEAS, CONCEPTS, MODELS ETC

- GENERATING PUBLIC OPINION & DEBATE

- ABILITY TO AFFECT PUBLIC POLICY (PhD)

CHECKLIST OF GOOD RESEARCH TOPIC

1. DOES IT MEET THE FACULTY'S ASSESSMENT CRITERIA?

2. IS THE TOPIC SOMETHING WITH WHICH YOU ARE REALLY FASCINATED?

3. DO YOU HAVE OR CAN YOU DEVELOP WITHIN THE SEMESTER THE NECESSARY RESEARCH SKILLS TO UNDERTAKE THE TOPIC

CHECKLIST OF GOOD RESEARCH TOPIC

1. IS THE RESEARCH TOPIC ACHIEVABLE WITHIN THE FINANCIAL RESOURCES AVAILABLE?

2. ARE YOU CERTAIN OF ABILITY TO GAIN ACCESS TO DATA?

3. ARE YOU ABLE TO STATE YOUR RESEARCH QUESTION(S) AND OBJECTIVE CLEARLY?

CHECKLIST OF GOOD RESEARCH TOPIC

1. WILL YOUR PROPOSED RESEARCH BE ABLE TO PROVIDE FRESH INSIGHTS ON THE TOPIC?

2. IS THE TOPIC ACHIEVABLE WITHIN THE AVIALABLE TIME?

TECHNIQUES TO GENERATE RESEARCH TOPIC

- CREATIVE THINKING – EG., BRAINSTORMING, TALKING THINGS OVER, KEEPING AN OPEN MIND

- TALK TO POTENTIAL SUPERVISORS, FRIENDS & FAMILY

- LOOK AT PREVIOUS RESEARCH WORK – EG JOURNALS

TECHNIQUES TO GENERATE RESEARCH TOPIC

- THINK OF A TITLE

- RELATE IT TO YOUR OTHER INTERESTS

- FOLLOW YOUR INSTINCTS

- DRAW PICTURE OR DIAGRAM – USE MIND MAPPING

TECHNIQUES TO GENERATE RESEARCH TOPICS

- USE BRAINSTORMING –

1. CHOOSE A TOPIC

2. LIST AS MANY THOUGHTS/IDEAS ON THAT TOPIC

3. ANALYSE EACH IDEAS & DECIDE WHAT IS MEANT BY EACH IDEAS

4. ANALYSE WHAT IS TO BE DISCOVERED & WHY

- AFTER THIS YOU'D FIND THAT THE AIMS OF RESEARCH & TASKS TO BE PERFORMED

SETTING OUT RESEARCH QUESTIONS

WHAT IS A RESEARCH QUESTION?

- THE QUESTION YOU WANT TO ANSWER IN YOUR RESEARCH PROJECT

- FOR YOUR LEVEL YOU MAY ONLY HAVE **ONE** QUESTION

WHAT IS A RESEARCH QUESTION?

- HOW
- WHO
- WHAT
- WHEN
- WHY
- DECIDE WHICH ONE IS MOST CENTRAL TO YOUR RESEARCH

EXAMPLES OF RESEARCH QUESTIONS

- WHAT PROPORTION OF UITM LAW GRADUATE ENTER THE GOVERNMENT SERVICE?

- WHY ARE GRADUATES FROM UTIM LAW FACULTY MORE LIKELY TO ENTER THE GOVERNMENT SERVICE?

WHAT TO ASK?

- DON'T ASK RESEARCH QUESTIONS THAT ARE TOO DIFFICULT

- DON'T OVER-REACH YOURSELF IN DEFINING RESEARCH QUESTIONS

WHAT TO ASK?

- MUST ASK QUESTIONS THAT WILL GENERATE NEW INSIGHTS

- YOU MUST CONSULT RELEVANT LITERATURE BEFORE YOU CAN GET THE RIGHT RESEARCH QUESTIONS

- MUST AVOID ASKING QUESTIONS THAT HAVE BEEN SATISFACTORILY ANSWERED

HOW TO DEICDE ON RESEARCH QUESTIONS- TRADITIONAL APPROACH

- NO ONE SPECIFIC WAY – ROBSON

1. DECIDE ON GENERAL RESEARCH FOCUS

2. REFINE THAT DOWN INTO SPECIFIC RESEARCH QUESTIONS

HOW TO DEICDE ON RESEARCH QUESTIONS –REALIST APPROACH

1. RESEARCH QUESTIONS COME FIRST

2. YOU SEEK RESEARCH CONTEXT & FOCUS IN WHICH TO ASK THE QUESTION

STARTING POINT

- START WITH ONE GENERAL FOCUS RESEARCH QUESTION THAT FLOW FROM YOUR IDEA

- THIS WILL LEAD TO MORE DETAILED QUESTIONS AND RESEARCH OBJECTIVES

DERIVING YOUR RESEARCH QUESTIONS FROM IDEAS

- **RESEARCH IDEAS**

1. THE FUTURE POTENTIAL FOR POLICE CORRUPTION IN MALAYSIA

- **RESEARCH QUESTIONS**

1. WHAT ARE THE STRATEGIES THAT THE MALAYSIAN POLICE SHOULD ADOPT TO STEM CORRUPTION IN THE FORCE?

Mode of Citation of References

- Reference is a medium used in research to identify or display details of all the books, articles, reports and other relevant works one might have directly referred or consulted during his research. [Khushal and Filipos, 2009: 48]

- Reference is a relation between objects in which one object designates, or acts as a means by which to connect to or link to another object.

- There are two popular mode of citation in research, namely:

  - Footnotes

  - Endnotes

- These modes of citations indicate the source of research information

- Citation usually contains the author's name, title, place of publication, publisher, the year of publication and page number

Cont.

- Footnotes are notes to be cited at the foot of the page while endnotes are collected under a separate heading at the end of a chapter, volume, or entire work

- Unlike footnotes, endnotes have the advantage of not affecting the layout of the main text.

Cont.

- However, it always recommendable for law researchers to use footnotes format than the endnotes. This is because, it may cause inconvenience to readers who have to move back and forward between the main text and the endnotes.

- Both methods are primarily used for acknowledging quotations, specific facts and opinions of authors for avoidance of plagiarism

Popular Styles of Citation

- There are several styles of citation in research, but the popular ones include:

    - American Psychology Association (APA)

    - Modern Language Association (MLA)

    - Chicago Style

    - Harvard Bluebook Style

    - Oxford Standard for the Citation of Legal Authorities [OSCOLA]

Cont.

- Each style has its own formats in reference to some sources used in academic research

- In legal research, the sources of research are usually documents such as Books, Journals, Magazines, Newspapers, Unpublished Materials, Public Documents, Cases, Statutes and Subsidiary Legislations

American Psychology Association (APA)

- It is the rules and conventions established by the American Psychological Association for documenting sources used in a research paper.

- APA style requires both in-text citations and a reference list. For every in-text citation there should be a full citation in the reference list and vice versa.

  https://www.library.cornell.edu/research/citation/apa

- Examples of APA:

  - In-text citation: (Kadouf & Bashir, 1981: 96)

  - Book: One author, in print: Kidder, T. (1981). *The soul of a new machine*. Boston, MA: Little, Brown & Company.

  - Edited book: Gibbs, J. T., & Huang, L. N. (Eds.). (2001). *Children of color: Psychological interventions with culturally diverse youth*. San Francisco, CA: Jossey-Bass.

Cont.

- Journal article, one author, accessed online:

Ku, G. (2008). Learning to de-escalate: The effects of regret in escalation of commitment. *Organizational Behavior and Human Decision Processes*, *105*(2), 221-232. http://www...

- Dissertation, accessed online: Young, R. F. (2007). *Crossing boundaries in urban ecology: Pathways to sustainable cities* (Doctoral dissertation). Available from ProQuest Dissertations & Theses database. (UMI No. 327681)

Cont.

- Article from an Internet-from a subscription data base: Hirtle, P. B. (2008, July-August). Copyright renewal, copyright restoration, and the difficulty of determining copyright status. *D-Lib Magazine*, *14*(7/8). http://www...

- Magazine article, in print: Kluger, J. (2008, January 28). Why we love. *Time*, *171*(4), 54-60.

- Newspaper article, multiple authors, discontinuous pages, in print: Delaney, K. J., Karnitschnig, M., & Guth, R. A. (2008, May 5). Microsoft ends pursuit of Yahoo, reassesses its online options. *The Wall Street Journal*, pp. A1, A13.

Cont.

- Encyclopedia set or dictionary: Sadie, S., & Tyrrell, J. (Eds.). (2002). *The new Grove dictionary of music and musicians* (2nd ed., Vols. 1-29). New York, NY: Grove

- Government reports, GPO publisher, accessed online: Congressional Budget Office. (2008). *Effects of gasoline prices on driving behavior and vehicle markets: A CBO study* (CBO Publication No. 2883). Washington, DC: U.S. Government Printing Office. Retrieved from http://www.cbo.gov/ftpdocs/88xx/doc8893/01-14-GasolinePrices.pdf

Modern Language Association (MLA)

- MLA establishes values for acknowledging sources used in a research paper

- MLA citation style uses a simple two-part parenthetical documentation system for citing sources: citations in the text of a paper point to the alphabetical Works and cited list that appears at the end of the paper.

https://www.library.cornell.edu/research/citation/mla

Cont.

- Examples of MLA:

- Books: the Basic Format is: Last name, First name. *Title of Book*. Place of Publication: Publisher, Year of Publication. Medium of Publication. E.g Nabokov, Vladimir. *Lolita*. New York: Putnam, 1955

- Article in a book: Ahmedi, Fauzia Erfan. "Welcoming Courtyards: Hospitality, Spirituality, and Gender." *Feminism and Hospitality: Gender in the Host/Guest Relationship*. Ed. Maurice Hamington. Lanham: Lexington Books, 2010

Cont.

- Dictionary entry**:** "Hospitality." Def. 1a. *Webster's Third New World Dictionary*. 1993. Print.

- Encyclopedia entry: Mercuri, Becky. "Cookies." *The Oxford Encyclopedia of Food and Drink in America*. Ed. Andrew F. Smith. Vol. 1. 2004. Print.

- Journal article, one author**:** Matarrita-Cascante, David. "Beyond Growth: Reaching Tourism-Led Development." *Annals of Tourism Research* 37.4 (2010): 1141-63

Cont.

- Magazine article: Kaplan, David A. "Corporate America's No. 1 Gun For Hire." *Fortune* 1 Nov. 2010: 81-95

- Newspaper article, no author: "Africa Day Celebrated in Havana." *Granma International* 31 May 2009, English ed.: 16

- Newspaper article, one author, discontinuous pages: Bajaj, Vikas. "The Double-Edged Rupee." *New York Times* 27 Oct. 2010

- Public document: United States. Cong. Senate. Committee on Governmental Affairs. *The Future of the Independent Counsel Act*. Hearings 106th Cong., 1st sess. Washington: GPO, 1999

Chicago Style

- In *Chicago* style, superscript numbers in the text of the paper refer readers to notes with corresponding numbers either at footnotes or endnotes.

- A bibliography is often required as well in Chicago style; it appears at the end of the paper and gives publication information for all the works cited in the notes

http://bcs.bedfordstmartins.com/resdoc5e/RES5e_ch10_s1-0001.html

Cont.

- Examples of Chicago style:

  - FOOTNOTE OR ENDNOTE: Brian Steel Wills, *A Battle from the Start: The Life of Nathan Bedford Forrest* (New York: HarperCollins, 1992), 187

  - BIBLIOGRAPHY ENTRY: Wills, Brian Steel. *A Battle from the Start: The Life of Nathan Bedford Forrest*. New York: HarperCollins, 1992

  - Book (print): Mary N. Woods, *Beyond the Architect's Eye: Photographs and the American Built Environment* (Philadelphia: University of Pennsylvania Press, 2009)

Cont.

- Book (online): John Dewey, *Democracy and Education* (1916; ILT Digital Classics, 1994), chap. 4, http://www.ilt.columbia.edu/publications/dewey.html

- Edited work: Ted Poston, *A First Draft of History*, ed. Kathleen A. Hauke (Athens: University of Georgia Press, 2000), 46

- Encylopaedia: *Encyclopaedia Britannica*, 15th ed., s.v. "Monroe Doctrine."

- Dictionary: Bryan A. Garner, *Garner's Modern American Usage* (Oxford: Oxford University Press, 2003)

- Article in a print journal: T. H. Breen, "Will American Consumers Buy a Second American Revolution?," *Journal of American History* 93, no. 2 (2006): 405

- Article in an online journal: Brian Lennon, "New Media Critical Homologies," *Postmodern Culture* 19, no. 2 (2009), http://pmc.iath.virginia.edu/text-only/issue.109/19.2lennon.txt.

- Article in a print magazine: Tom Bissell, "Improvised, Explosive, and Divisive," *Harper's*, January 2006, 42.

Cont.

- Article in a print newspaper: Randal C. Archibold, "These Neighbors Are Good Ones without a New Fence," *New York Times*, October 22, 2008, sec. A.

- Article in an online newspaper: Doyle McManus, "The Candor War," *Chicago Tribune*, July 29, 2010, http://www.chicagotribune.com/

Harvard Bluebook Style

- Harvard Blue book contains a uniform citation to generations of law students, lawyers, scholars, judges, and other legal professionals

- It is a unique system of citation in a diverse and rapidly changing legal profession

- It continues to provide a systematic method by which members of the profession communicate important information to one another about the sources and legal authorities upon which they rely in their work

  https://www.legalbluebook.com/

Cont.

- For Example in Footnotes, the Supreme Court Case are cited: <u>Baker v. General Motors Corp., 522 U.S. 222,</u> <u>228</u> <u>(1998)</u>

- Constitution: for example the United States Constitution is cited: <u>*U.S. Const. art. III, s. 2*</u>

- Statutes: <u>Civil Rights of Institutionalized Persons Act of 1980 § 3, 42 U.S.C. § 1997a (2000)</u>

- Books: RUSS VERSTEEG, LAW IN THE ANCIENT WORLD 65 (2002)

- Chapter in collections:Patricia F. Julianelle, *Children Affected by Domestic Violence: Safety at School and School Restraining Orders*, in PROTECTING CHILDREN IN A CHANGING WORLD: ADVOCACY STRATEGIES FOR CHILDREN'S RIGHTS 32, 35-39 (Susan F. Cole et al. eds., 2003)

- Journal: Jack Greenberg, *Diversity, the University, and the World Outside,*103 COLUMBIA L. REV. 610 (2003)

Cont.

- Magazine article: <u>Gene Epstein,</u> *In the School of Life When Will We See Ph.D's in Common Sense?,* BARRON'S <u>June 18, 2001, at 34, 36</u>.

- Newspaper article: <u>Charles Lane,</u> *<u>Law Curbing U.S.-Funded Attorneys is Rejected,</u>* WASH. POST, <u>Mar. 1, 2001, at A4</u>

- Direct citation to internet: Jonathan H. Adler, *A Few Thoughts on the Second Circuit's DOMA Decision*, THE VOLOKH CONSPIRACY, (Oct. 19, 2012, 8:26 AM), http://www.volokh.com/2012/10/19/a-few-thoughts-on-the-second-circuits-doma-decision/

Oxford Standard for the Citation of Legal Authorities [OSCOLA]

- OSCOLA is designed to facilitate accurate citation of authorities, legislation, and other legal materials

- It is widely used in law schools and by journal and book publishers in the UK and beyond

- OSCOLA is edited by the Oxford Law Faculty, in consultation with the OSCOLA Editorial Advisory Board

    http://www.**law**.ox.ac.uk/publications/**oscola**.php

    https://www.abdn.ac.uk/library/.../law/qglaw024....

Cont.

- Examples:

  - Cases: *Chisholm v Hall [1959] AC 719*

  - Statutes: to cite a particular section of the law, for instance: Requirements of Writing (Scotland) Act 1995, s 9

  - Statutory instruments : The Renewables Obligation (Scotland) Amendment Order SI 2008/132

  - Books: Stephen W. Mayson, Derek French and Christopher L. Ryan. *Mayson, French & Ryan on Company Law (23rd edn Oxford University Press, Oxford 2007) p.215*

- Chapter in a Book: D Carey Miller, 'Good Faith in Scots Property Law', in ADM Forte (ed), *Good Faith in Contract and Property (Hart, Oxford 1999)*

- Article in a print journal: F Leverick, 'Is English Self-defence Law incompatible with Article 2 of the ECHR?' [2002] Crim LR 347

- Article in an electronic journal: Dexin Tian and Chin-Chung Chao, 'Talking with Copyright Holders and Pirates: Grass Roots Voices Concerning Chinese Copyright Piracy of U.S. IP Products' [2009] (2) JILT <

Cont.

- Government or committee report or documents with an ISBN as a book: Jennifer Airs, *Electronically Monitored Curfew as a Condition of Bail : Report of the Pilot (Home Office, London 2000)*

- Documents which are part of a series with a series number or an ISSN as for a journal: Oonagh Gay and Thomas Powell, '*The Collective Responsibility of Ministers: an Outline of the Issues' (15 November 2004) House of Commons Library Research Paper 04/82*

Cont.

- Conference paper: Author, Title of Paper, Conference Title and Date. For conference papers that have been published also include publications details.

- Newspaper:Author, 'Title' *Newspaper (City of publication, Country of Publication (if not obvious) full date) page*

https://www.abdn.ac.uk/library/.../law/qglaw007....

RESEARCH ETHICS

- A research simply means a systematic, methodical and ethical process of inquiry and investigations, which helps a researcher to solve practical problems and increase knowledge

- the Advanced Learner's Dictionary of Current English defined Research as a careful investigation or inquiry specifically through search for new facts in any branch of knowledge

Cont.

- research is an original contribution to the existing stock of knowledge making for its development [Kothari 2004]

ETHICS

- Ethics can be understood generally as norms and principles put in place in order to uphold the valuable thing.

- From the perspectives of research, ethics can be defined as what is morally and legally right to observe during conduct of research.

Cont.

- Ethics is an integral part of research which requires high level maintenance of diligent and skills. Thus, the outcome and quality of research mostly depends on the extent of ethics observed by the researchers.

RESEARCH ETHICS

- Research ethics can be defined as a complex set of values, standards and institutional schemes that help constitute and regulate scientific activity.

- It can also be defined as bunch of issues concerning about choices and actions.

Cont.

- Scientifically, research ethics are used to enlighten and supervise scientific researchers in order to ensure a high ethical standard, thereby providing guidelines for the responsible conduct of research.

ORIGIN & NATURE OF RESEARCH ETHICS

- The origin of research ethics can be traced from the ancient Greek philosophical inquiry of moral life.

- History had shown that the concept of research predates the notion of ethical observance in research, which became popular only after 1940's (after the World War II) due to rampant recorded cases of human exploitation in the conduct of scientific experiments.

- In that, many physicians were accused of torturing, brutalizing, crippling, and murdering thousands of victims in the name of research. Some of their experiments involved gathering scientific information about the limits of the human body by exposing victims to extreme temperatures and altitudes.

- The experiment was carried out on the human beings, which resulted to violation of human rights. Consequently, professional codes and laws were introduced in order to deal with the situation and to prevent further scientific abuses of human lives in the future.

Cont.

- Among the codes enacted was the Nuremberg Code (1947), which was specifically promulgated in order to try the Nazi war criminals.

- the Nuremberg code was deficient in tackling unique and vulnerable ethical issues of human subjects which can be abused in some medical researches, and even in some research areas other than medical sciences.

Cont.

- The subsequent research ethical codes have relatively covered some aspects not covered by the Nuremberg Code (1947). For instance, in 1964, the Helsinki declaration was made in order to among other things ensure regard for human dignity; care for human and animal welfare, consideration of risk, and informed consent of human subjects in research projects.

- The subsequent research ethical codes have relatively covered some aspects not covered by the Nuremberg Code (1947). For instance, in 1964, the Helsinki declaration was made in order to among other things ensure regard for human dignity; care for human and animal welfare, consideration of risk, and informed consent of human subjects in research projects.

Cont.

- Other codes include: the Royal College of Nursing Code for nurses in research (1977), which provide a strong assistance to professional nurses as well as reassurance to patients, the public and society; and the American Nurses Association (ANA) Guidelines for Research, the Human Rights Guidelines for nurses in clinical and other research (1985)

Cont.

- Other statutory, professional and regulatory bodies, for example; the Research Councils, have adopted either Codes of Practice or Guidelines, the UK Economic & Social Research Council's Research Ethics Framework and Respect Code of Practice for Socio-Economic Research, which is intended to form the basis of a voluntary code covering the conduct of social-economic research in Europe.

ETHICAL ISSUES IN RESEARCH

- Three different classification of ethical issues is pertinent, namely: Ethical issues before the conduct of a research; Ethical issues during a research; and ethical issues after a research

- The Ethical Issues before the conduct of a research are issues to be dealt with by researchers before embarking on a research. This is to promote intellectual freedom and contribute to knowledge with fair treatment of the people to whom the obligations are owed. These issues include issues regarding voluntary participation; informed consent; Deception, protection of participants from a reasonable physical and psychological harms; and self determination.

Cont.

- Ethical issues during a research are issues observed by researchers while conducting a research in order to promote intellectual freedom. The issues may include the identification of researchers; behaviour changes in participants; considerate treatment of participants; retraction of consent; debriefing of participants; alleviating harmful after effects; avoidance of plagiarism etc.

- Ethical issues can also be observed after the research. This is to explore fair treatment to those whom the knowledge is to be distributed

Cont.

- In summary, the major ethical issues in conducting research can be deduced as follows: informed consent, respect for anonymity and confidentiality, and as well as respect for privacy.

NEED TO OBSERVE ETHICS IN RESEARCH

Research is a medium through which new issues and discoveries can be obtained.

- It should be of a need to observe all the ethical principles in order to protect the intellectual property rights of the researchers; and the interest of the participants or subjects of a research.

Cont.

- By so doing, the value of the research itself and the integrity of researchers could then be maintained.

- Researchers have been enjoined to observe professionalism in their research so as to avoid anything that may lead to cheating and fraudulent activities.

REFERENCES

- American Counseling Association (ACA), ACA Code of Ethics as Approved by the ACA Governing Council, (ACA, 2014).

- American Educational Research Association, Chapter 5: Research Ethics Answers to Review Questions,http://www.aera.net/uploadedFiles/About_AERA/Ethical_Standards/EthicalStandards.pdf accessed on 04/08/2014.

- Angelica Orb, Laurel Eisenhauer, Dianne Wynaden, "Ethics in Qualitative Research", Journal of Nursing Scholarship, 2000; 33:1, 93-96

Cont.

- Audrey Wolfson Lataurette, "Plagiarism: Legal and Ethical Implications for the University", Journal of College and University Law, vol. 37, No. 1 (2010).

- Basic Legal Research Technique, Chapter 3, *Locating the Law,* Fifth Edition, 2011.

- Ben Kei Daniel, *Handbook of Research on Methods and Techniques for Studying Virtual*

- Bradford University School of Management, An Introduction to Research and Research Methods, Effective Learning Services, available at www.bradford.ac.uk/management/els, accessed on 04/08/2014.

- C.R. Kothari, *Research Methodology Methods & Techniques,* Second Edition, New Delhi: New Age International publisher, 2004

Cont.

- Georgia Fouka and Marianna Mantzorou, "What are the Major Ethical Issues in Conducting Research? Is there a Conflict between the Research Ethics and the Nature of Nursing?" Health Science Journal, Vol. 1, Issue 1 (2011.

- Jones & Bartlett Learning, *Research and Ethics, Chapter 2,* at19-30, samples.jbpub.com/9780763777326/Dantzker3e_77326_CH02.pdf, accessed on 04/08/2014.

- Judy E. Stern and Deni Elliott, the Ethics of Scientific research, a Guidebook for Course Development, University Press of New England, Hanover, UK 1997.

Ruj. kami : ILKKMSB/700-14/8/17/1 (*100*)
Tarikh   : 9 November 2020

Penasihat Undang-Undang
Pejabat Penasihat Undang-Undang
Universiti Islam Antarabangsa Malaysia
Jalan Gombak
53100 Kuala Lumpur.

Tuan,

JEMPUTAN SEBAGAI PENCERAMAH KURSUS LANJUTAN PENYIASATAN DAN PENDAKWAAN UNDANG-UNDANG BAGI AMBILAN MAC 2020

Dengan segala hormatnya saya diarahkan untuk merujuk kepada perkara di atas.

2.   Untuk makluman tuan, seramai 19 orang peserta telah berdaftar untuk Kursus Pengkhususan Penyiasatan dan Pendakwaan Undang-undang Kesihatan Awam di Institut Latihan Kementerian Kesihatan Malaysia (ILKKM) Sg. Buloh pada 2 Mac 2020 dan tempoh kursus ini selama satu tahun. Pengajian kursus ini dibahagikan kepada fasa teori dan fasa penempatan di lapangan.

3.   Dimaklumkan bahawa peserta berkenaan akan menjalani fasa teori bagi Modul **EL 4123– Kaedah Penyelidikan dan EL4136 Penyiasatan Kes** dari dari 9 November 2020 sehingga 31 Disember 2020. Sehubungan itu, sukacita sekiranya tuan dapat memberi pelepasan kepada kepada Pensyarah Kanan tuan, **Dr. Wan Zulhafiz Bin Wan Zahari** untuk menyampaikan syarahan secara atas talian (*Online*) kepada peserta kursus tersebut mengikut ketetapan seperti di **Lampiran A.**

4.   Tuntutan sebagai tugas Pensyarah Jemputan bolehlah dikemukakan kepada pihak institut ini **sebelum atau pada 1 Disember 2020** dengan menggunakan borang tuntutan yang disertakan.

QUALITY SYSTEM
SIRIM
IQNet

CERTIFIED TO ISO 9001:2015
CERT. NO : QMS 01948

5.   Pegawai-pegawai yang dijemput sebagai penceramah dipohon untuk mengemukakan perkara-perkara berikut selepas sesi syarahan:

    5.1   Nota syarahan (soft copy)

    5.2   Soalan Multiple Choice Questions (MCQ) dengan panduan jawapan – tiga (3) soalan untuk setiap topik (soft / hard copy) dan boleh dihantar melalui email kepada Dr. Mohd Hasamizi Bin Mustapa, Pengajar Y/M Kursus dalam tempoh satu (1) minggu dari tarikh syarahan.

6.   Sekiranya terdapat sebarang pertanyaan berkaitan perkara ini, sila hubungi **Dr Mohd Hasamizi Bin Mustapa, Pengajar Y/M , di talian 019-6163863 atau email: hasamizi@gmail.com/En Muhammad Sukri Bin Abdul Rahman, Pengajar, di talian 011-12159137 atau email: sukrirahman85@gmail.com dan faksimili 03-61402305.**

Kerjasama dan sokongan tuan amat dihargai dan didahului dengan ucapan terima kasih.

Sekian,

"BERKHIDMAT UNTUK NEGARA"

Saya yang menjalankan amanah,

(MUSAROPAH BINTI SAPIHIS)
Timbalan Pengarah (Akademik)
b.p. Pengarah
Institut Latihan Kementerian Kesihatan Malaysia Sg. Buloh,
Kementerian Kesihatan Malaysia.

JADUAL JEMPUTAN SEBAGAI PENCERAMAH KURSUS PENGKHUSUSAN PENYIASATAN DAN PENDAKWAAN BAGI AMBILAN MAC 2020

Tempat Syarahan: Kelas Atas Talian *(Online)*

Bil.	Tarikh & Masa Syarahan	Bilangan Jam	Topik	Nama Pensyarah
1.	18.11.2020 (Rabu) 2.00 ptg – 5.00 ptg	3 jam	EL 4136 *Introduction: Meaning and classification of law & Sources of Law* (Syarahan)	Dr Wan Zulhafiz Bin Wan Zahari
2.	19.11.2020 (Khamis) 8.00 pg – 10.00 pg	2 jam	EL 4136 *Basic concepts of Malaysian Legal System* (Syarahan)	
3.	19.11.2020 (Khamis) 10.30 – 12.30 tgh	2 jam	EL 4136 *Legal Writing and Research I* (Syarahan)	
4.	19.11.2020 (Khamis) 2.00 – 5.00 ptg	3 jam	EL 4136 *Legal Writing and Research II* (Syarahan)	