LEGAL RESEARCH METHODOLOGY

BY

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INTRODUCTION

The word Research is derived from the French word research meaning to search or seek again. It means that to intensive research with a view to become certain and to investigate thoroughly.[1] Research is main roots to find the appropriate the solution of the problems of the society. It is directly proportional to the development, and development is directly proportional to the

[1] Gawas V.M., *Doctrinal Legal Research Method A Guiding Principle in Reforming the Law and Legal System Towards the Research Development.* International Journal of Law ISSN: 2455-2194 Impact Factor: RJIF 5.12 www.lawjournals.org Volume 3; Issue 5; September 2017; p.128 available at file:///C:/Users/OKEOLU~1/AppData/Local/Temp/3-5-130-248.pdf last visited 12th April, 2019.

reformation of society"[2]. 'Research', in simple terms, can be defined as 'systematic investigation towards increasing the sum of human knowledge' and as a 'process' of identifying and investigating a 'fact' or a 'problem' with a view to acquiring an insight into it or finding an apt solution. An approach becomes systematic when a researcher follows certain scientific methods.[3] The *Advanced Learner's Dictionary of Current English* spells out the meaning of 'research' as 'a careful investigation or inquiry specifically through search for new facts in any branch of knowledge'.[4] In general, it can be elucidated that all research is the gathering of information for ascertaining an assumption or verifying some hypothesis.[5]

From the above we can conclude that 'research' is the 'careful, diligent and exhaustive investigation of a specific subject matter' with a view to knowing the truth and making original contribution in the existing stock of knowledge. It is, in short, 'systematic search' in 'pursuit of knowledge' of the researcher. Mere aimless, unrecorded, unchecked search is not research which can never lead to valid conclusions. But diligent, intelligent, continued search for something is research. It refers to the process and means to acquire knowledge about any natural or human phenomenon. It involves a systematic inquiry into a phenomenon of interest. It is the process of discovering or uncovering new facts. It aims to contribute to the thitherto known information of the phenomenon.[6]

Therefore, only systematic intensive investigation into, or inquiry of, fact qualifies to get the label of 'research'. And a 'search' becomes 'systematic' when a researcher, in his quest for knowledge and pursuit of truth, attempts to collect the required information from various sources and in a variety of ways systematically and exposes data to a severe and intensive scrutiny. Research, thus, involves systematic scientific investigation of facts (or their hidden or unknown facets) with a view to determining or ascertaining something, which may satisfy the curiosity of the investigator and carry forward (his) knowledge. Such research involves identification of a research problem, the

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[2] Ellinger E.P. (Prof.), Keith K.J. (Prof.), *Legal Research: Techniques and Ideas*, 10 Victoria University of Wellington Law Review 1-8 (February 1979-September 1980) available at http://14.139.60.114:8080/jspui/bitstream/123456789/719/18/Legal%20Research_Techniques%20and%20Ideas.pdf last visited 11th May, 2019

[3] Vibhute K. (Prof.), Aynalem F. *Legal Research Methods, Justice and Legal System Research Institute* (2009) available at https://chilot.files.wordpress.com/2011/06/legal-research-methods.pdf last visited 12th April, 2019.

[4] The Advanced Learner's Dictionary of Current English (Oxford, 1952) p.1069.

[5] Sanjeyvignesh. J, *Types of Legal Research needed for Law Reform* (2014). Available at https://www.academia.edu/7146989/TYPES_OF_LEGAL_RESEARCH_NEEDED_FOR_LAW_REFORM Last visited 13th April, 2019.

[6] Ellinger E.P. (Prof.), Keith K.J. (Prof.), (n. 2)

ascertainment of facts, their logical ordering and classification, the use of (inductive and deductive) logic to interpret the collected and classified facts and the assertion of conclusions premised on, and supported by, the collected information. 'Research', therefore, means a scientific collection and inspection of facts with a view to determining (or searching) something, which may satisfy the curiosity of the investigator and carry forward his knowledge. It requires a sound design for investigation, the appropriate methods of data collection and a mode of analysis.[7] Research is therefore an enquiry for the verification of a fresh theory or for supplementing prevailing theories by knowledge. In fact, no research can be purely new as even original discoveries are an extension of the search already undertaken, being shaped generally as expressing agreement or refutation or plain addition.

To be a successful lawyer, you need to know how to research the law. Lawyers are often called upon to solve problems and give advice, and to do that accurately, you must know the rules applicable to the different situations you and your clients will face. Clients may come to you after an event has occurred and ask you to pursue a remedy for a bad outcome, or perhaps defend them against charges that they have acted wrongfully. You may be asked to help a client accomplish a goal like starting a business or buying a piece of property. In these situations, and many others, you will need to know your clients' rights and responsibilities, as defined by legal rules. Consequently, being proficient in legal research is essential to your success in legal practice.[8]

THE PURPOSE OF RESEARCH.

The purpose of research, thus, is to acquire knowledge or to know about 'something' in a scientific and systematic way. Its purpose may, however, be to find solution to the identified problem. The former is referred to as 'basic' or 'pure' or 'fundamental' research while the latter takes the label of 'applied' or 'action' research. Fundamental research is mainly concerned with generalizations and with formulation of a theory (or re-confirmation of the existing theory). Its main aim is to

[7]Vibhute K. (Prof.), Aynalem F (n. 3)

[8] Kluwer W., *Basic Legal Research: Tools and Strategies*, Sloan Law and Business. Available at https://www.law.duq.edu/sites/default/files/documents/Admissions/Admitted%20Students/Sloan%20(6th%20ed)%20Chs%20%201%20%202.pdf last visited 9th May 2019

acquire knowledge for the sake of acquiring it. Applied research, on the other hand, aims at finding or discovering solutions or answers to the identified 'problem(s)' or 'question(s)'.[9]

The purpose of research, thus, is to acquire knowledge or to know about 'something' in a scientific and systematic way. Its purpose may, however, be to find solution to the identified problem usually, every Research may seek to achieve any of the following,

1. To gain familiarity with a phenomenon or to achieve new insights into it.

2. To portray accurately the characteristics of a particular individual, situation or a group.

3. To determine the frequency with which something occurs or with which it is associated.

4. To test causal relationship between two or more than two facts or situations.

5. To 'know' and 'understand' a phenomenon with a view to formulating the problem precisely.

6. To 'describe' accurately a given phenomenon and to test hypotheses about relationships among its different dimensions.

'Legal research', taking clue from the meaning of 'research' may be defined as 'systematic investigation towards increasing the sum of knowledge of law'.[10] Thus, the term 'legal research' take into its ambit 'a systematic finding' or 'ascertaining' law' on the identified topic or in the given area as well as 'an inquiry' into 'law' with a view to making advancement in the science of law. Legal research is, thus, the process of identifying and retrieving information necessary to support legal decision-making. It includes in it each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the results of the investigation. In order, the researcher also finds out the need of law reform towards the Social development, and thereto, Legal Research is one of the important tools for law reform and changing the pattern of the Society.[11]

[9] Vibhute K. (Prof.), Aynalem F (n. 3)
[10] Vibhute K. (Prof.), Aynalem F (n. 3)
[11] Ellinger E.P. (Prof.), Keith K.J. (Prof.), (n. 2)

LEGAL RESEARCH

Legal research is the process of identifying and retrieving information necessary to support legal decision-making.[12] 'Legal research', taking clue from the meaning of 'research' may be defined as 'systematic investigation towards increasing the sum of knowledge of law'. However, a scholar has commented that this definition is 'too broad' and 'lacks articulation' and proposed a different definition. He observed:

> Research may be defined as systematic fact-finding (that is, to find what the law is on a particular point) and advancement of the science of law. In a strict sense, legal research is understood as limited to those works which contribute to the advancement of legal science (that is excluding such materials as text-books and case books, etc.) This is a too narrow a view of research and we need not adopt such a restricted definition of legal research. Even the fact-finding is not so easy as it may seem. First, a researcher has to go into the different statutory provisions and the rules made thereunder. Secondly, he may have to examine the mass of case-law which may have accumulated on the point in issue, and it is not an easy matter to derive a clear-cut legal proposition from the tangled mass of case-law.
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> To advance the science of law, it is necessary for a researcher to go into the underlying principles or reasons of the law. The enquiries will have to be: Why a particular rule? What led to its adoption? What are its effects? Whether it is suited to the present conditions? How can it be improved? Whether it needs to be replaced entirely by a new rule?[13]

[12] LexisNexis, *An Introduction to Legal Research*, Available at http://www.lexisnexis.com/documents/LawSchoolTutorials/20120619103358_large.pdf last visited 22nd April, 2019.
[13] Jain S.N., *Legal Research and Methodology*, 14 Journal of India L Inst 487 (1972), at 490. Available at http://www.yararena.org/uploads/Introduction%20to%20Legal%20Research%20.pdf last visited 22nd April, 2019.

Thus, the term 'legal research' take into its ambit 'a systematic finding' or 'ascertaining' law' on the identified topic or in the given area as well as 'an inquiry' into 'law' with a view to making advancement in the science of law. Finding law on a particular subject, as stated earlier, is not an easy task. There may be a number of statutes (as well as statutory provisions scattered in different statutes) with frequent amendments on the subject under inquiry.

In addition, these statutes and statutory provisions may be supplemented from time to time by a bulk of rules, regulations, orders, directives and government resolutions. Similarly, one (particularly in the common law jurisdictions) requires to look for pouring judicial pronouncements of the higher judicial institutions interpreting these provisions for finding 'true' meaning and ambit of the legal provisions. A quest for making advancement in the science of law requires a legal researcher to systematically probe into underlying 'principles' of, and 'reasons' for, 'law'. Thus, legal research has a very wide scope as it, in ultimate analysis, involves an inquiry into one or the other dimension or aspect of 'law'.

Legal research is, thus, the process of identifying and retrieving information necessary to support legal decision-making. It includes in it each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the results of the investigation.

Legal Research in law presents a distinctive form of normativity, based not on the beliefs of the author, but on the standards of a legal system with which he may[14] or may not agree. The purpose of is to safeguard the interest of the society as a whole by protecting its physical (or) mental state.[15]

Any systematic investigation, inquiry or search for information is research. Systematic investigation of problems and matters concerned with law is Legal Research. Legal research may be pursued to obtain better knowledge and understanding of any problem of Legal Philosophy, Legal History, Comparative study of Law, or any system of positive law. It is also very essential for writing text and teaching, for ascertainment of the correct rules bounded by their limitations.[16]

[14] Hoecke M. V (Prof.), *Methodologies of Legal Research*, European Academy of Legal Theory Monograph Series: Volume 9, Hart Publishing Ltd. Oxford and Portland, Oregon (2011) p. 155
[15] Sanjeyvignesh**.** J, (n.5)
[16] Sanjeyvignesh**.** J, (n.5)

Legal research involves systematic examination of problems relating to law within appropriate methodological framework. It deals with study of different aspects of law such as principles, theories, process, historical development, comparative status, functioning of judiciary, justice delivery, among others.[17]

The research process is part of the reasoning process. It is not a rote task you complete before you begin to evaluate an issue. Rather, it is an analytical task in which you narrow the field of all legal information available to the subset of information necessary to assess an issue.[18]

OBJECTIVES AND PURPOSE OF LEGAL RESEARCH:

One of the reasons for conducting Legal Research is to analyses the law by reducing, breaking and separating the law into separate elements. It can be as simple as examining and explaining new status and statutory schemes or as complex as explaining interpreting and criticizing specific cases or statutes.

Another reason is to fuse the disparate of cases and statutes together into coherent or useful legal standards or general rules. The product of this research is legal standard that is consistent with, explains, or justifies a group of specific legal decisions.

The importance of legal research cannot be over emphasized. We embark on legal research in other to support legal decision-making on complex legal issues applied to specific facts requiring complete answers for clients that pay for your expertise.[19]

TYPES OF LEGAL RESEARCH

a. Qualitative Research
b. Quantitative Research
c. Doctrinal Research or Traditional Research
d. Non-Doctrinal or Empirical Research
e. Historical Research

[17] Kharel A., *Doctrinal Legal Research*, SSRN Electronic Journal (2018) Available at https://www.researchgate.net/publication/323762486 Last visited 21st April, 2019
[18] Vibhute K. (Prof.), Aynalem F (n. 3)
[19] LexisNexis, (n.12)

f. Comparative Research

g. Case Law Analysis

a. QUALITATIVE RESEARCH

In qualitative research, emphasis is placed on peoples' feelings, perceptions, and experiences in order to explore and understand "the meaning individuals or groups ascribe to a social or human problem."[20] Qualitative research often involves fieldwork, during which the researcher observes and records events related to the research participants as they normally and naturally occur or behave. Qualitative research provides the researcher with the flexibility to interact and engage with research participants, and is useful in discovering their opinions and perspectives. Consider the example of the practitioner with the research topic "Women in the Afghan police force and international rule of law assistance." If the researcher is interested in talking to female police officers (the research participants) to find out about their life stories and their personal feelings and opinions, a qualitative research methodology is most suitable.[21]

Some limitations of qualitative research methodology include its personal focus (i.e., depending on the personal characteristics of the researcher, different conclusions could be made), the risk of encountering ethical dilemmas while interacting with research participants, its time-consuming and potentially costly nature, and the difficulty of validating and probing the data.[22] Within the framework of qualitative research methodology, several research approaches can be applied. Two of the most common ones are case study and ethnography.[23] These are similar insofar as they explore research participants' feelings and perceptions, but the approaches differ in terms of the

[20] Laerd Dissertation, *"Quantitative Research Questions: What Do I Have to Think About?"* available at http://dissertation.laerd.com/quantitative-researchquestions-what-do-I-have-to-think-about.php. last visited 10th May, 2019.

[21] Simion K., *Qualitative and Quantitative Approaches to Rule of Law Research*, INPROL—International Network to Promote the Rule of Law Practitioner's Guide (2016) Available at https://www.kpsrl.org/sites/default/files/publications/files/inprol_practitioners_guide_ksimion_research_methods.pdf last visited 10th May, 2019.

[22] About Education, *"An Overview of Qualitative Research Methods,"* Available at http://sociology.about.com/od/Research/a/Overview-Of-QualitativeResearch-Methods.htm. last visited 10th May, 2019.

[23] John W. Creswell, *Five Qualitative Approaches to Inquiry* (London: Sage, 2006), Available at http://www.sagepub.com/sites/default/files/upmbinaries/13421_Chapter4.pdf last visited 10th May, 2019.

extent of field engagement they involve and the ways in which data collection methods are applied.[24]

Qualitative Research Approaches: Case Study and Ethnography

The case study approach "refers to the collection and presentation of detailed information about a particular participant, a small group or organization" observed in a "real-life" setting to understand the social phenomena the group or organization constitutes.

To undertake a case study, it is necessary to have an idea of the "social phenomena" the researcher wishes to explore. Examples of social phenomena include the prevalence of corruption among lawyers, the use of drugs in prisons, the view of rule of law donors that is held by a group of people, and the working procedures of a rule of law NGO or a court. A case study then isolates the small group that represents the social phenomena (for example, women in the United States police force). This selection is called the "case" and should be defined, narrowly, when planning and designing the research.[25]

Carrying out a case study requires that the researcher collects documents to analyze and interviews research participants over the course of a few months during visits to a specific field setting. In some disciplines, researchers can carry out case studies without field research, interviewing participants by telephone instead of in-person.

The ethnographic approach usually focuses on a specific group or culture and its characteristics. The researcher studies "the shared patterns of behaviors, language, and actions of an intact cultural group in a natural setting over a prolonged period of time." Ethnographic research seeks to generate understanding through an "insider's point of view" by using several sources of data collection, but primarily through participant observation during longterm engagement in a specific field setting.

In addition to using participant observation, ethnographers can apply "targeted" data collection strategies through interviews with participants. Moreover, researchers can collect data from other sources, including artifacts, government reports, and newspaper and magazine articles. Secondary academic sources are used mainly "to 'locate' the specific study within an existing body of

[24] Simion K., (n. 21)
[25] Simion K., (n. 21)

literature."[26] Carrying out ethnographic research requires the researcher to spend a long time in the field with the research participants, often learning the language of the specific setting. One challenge of this is the necessity to become a "participant" in the researched setting, in order to understand it fully, while at the same time remaining in the role of a detached "observer" and researcher.[27]

b. QUANTITATIVE RESEARCH METHODOLOGY

In quantitative research, statistical means are used to objectively measure things. Therefore, quantitative methodology is mainly interested in numbers that can be illustrated with graphs or charts. Within the framework of quantitative research methodology, several research approaches can be used. Two of the most commonly employed approaches are descriptive research and experimental research.

As noted earlier, results from quantitative research are often described as being more "generalizable" than qualitative data, and can be used to predict outcomes and investigate causal relationships. A well-known example of quantitative research in the rule of law field is the "World Justice Project Rule of Law Index," which attempts to quantify and measure the level of rule of law in countries around the world.[28]

Consider again the example of the practitioner with the research topic "Women in the United States police force and international rule of law assistance." If the researcher is interested in getting statistical data revealing how many women in the United States police force are frustrated with foreign rule of law training initiatives, a quantitative methodology will be suitable. Quantitative research can reveal, for example, the factors contributing to frustration or satisfaction, and quantify the views held by women across age, educational, and ethnic groups. These factors can then be compared and differences detected in frustration or satisfaction in relation to, for example, age. This means that the research can discover if there is an association or relationship between variables (e.g., age and level of frustration), and if so, say something about this association or

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[26] Hoey, A. B., *"A Simple Introduction to the Practice of Ethnography and Guide to Ethnographic Fieldnotes,"* Marshall University Digital Scholar (June 2014): 1–10, Available at http://works.bepress.com/brian_hoey/12. last visited 10th May, 2019.
[27] Hoey, A. B., (n, 26)
[28] "Methodology," *World Justice Project, Rule of Law Index* 2014, Available at http://worldjusticeproject.org/rule-of-law-index. last visited 10th May, 2019.

relationship (e.g., its strength, direction, or statistical significance). Thus, variables are a key aspect of quantitative research. Variables are the characteristics that will differ between the things that the researcher wants to collect and measure (for example, gender or age). A variable is thus something that changes and that can be measured, manipulated, or controlled. Variables typically fall within two broad groups: "categorical," which are descriptions of groups or things (e.g., hair color, ethnicity, voting preference); and "numerical" (e.g., number of deaths, amounts of money in bank accounts).

Variables are often referred to as either "independent" (i.e., they do not depend on other factors) or "dependent" (i.e., they depend on other factors). For example, test scores for students at a high school can depend on certain factors (such as teaching style and level of student engagement) and therefore constitute a "dependent" variable, whereas the age of the students is independent of other factors and is therefore an "independent" variable. The variable or variables in a research study are determined by what the researcher is measuring and thus what he or she will ask.[29]

Quantitative research does not measure only things that are already expressed in numerical form (e.g., age, average income, numbers of years in prison) but also things that the researcher transforms into numerical form through the use of, for example, a survey or by coding key words in documents or interviews and then counting their reoccurrence. An example can be found in a study interested in exploring the patterns of United Nations peace operations and their rule of law-focused activities in Africa between 1989 and 2012.[30] Quantitative research is often described as generating more accurate results than qualitative research, and allowing for more objectivity (the researcher usually keeps a distance from research participants).

It is also regarded as a field of research that employs prescribed procedures to ensure validity and reliability. Often, results from quantitative research can be replicated, and then analyzed and compared with similar studies, which is almost impossible with the results of a qualitative study. However, quantitative methodologies do have their limitations. For example, statistical data can miss important contextual details and information on human attitudes, feelings, and perceptions.

[29] Simion K., (n. 21)
[30] Richard Zajac Sannerholm, Frida Möller, Kristina Simion, and Hanna Hallonsten, *UN Peace Operations and Rule of Law Assistance in Africa*, 1989–2010 (Stockholm: Folke Bernadotte Academy Publications, 2012), Available at https://fba.se/contentassets/19857df873bd40059331e2967b7e7c4d/fba_rol _210x297_digital.pdf. last visited 10th May, 2019.

Also, the static and rigid approach taken in quantitative research can result in an inflexible process of discovery. Quantitative statistics are often presented as "truths" and are easily communicated through stories and conversations. Statistics, however, can be easily manipulated or wrongly calculated, resulting in data that gives an inaccurate account of what is "true."[31] With many actors in the development field using statistics as an advocacy tool, it is important that the researcher learns how to scrutinize and question available statistics and how to carry out research in a robust and responsible manner so as to mitigate the risk of generating faulty data.

Using quantitative research to make comparisons across categories and over time can also present difficulties. For instance, one rule of law research effort encountered problems comparing quantitative data generated in two surveys separated by just two years because the first survey was conducted face to face, while the second survey was conducted over the phone. In some cases, researchers have nonetheless drawn broad comparisons between, for example, country perceptions of justice by using quantitative research results that have been collected in different ways by various organizations.[32]

Quantitative Research Approaches: Descriptive Research and Experimental Research

In descriptive quantitative research, participants are measured once to provide a descriptive account or to establish a relationship between variables. Descriptive research may include a large amount of participants to ensure a generalized relationship between variables (e.g., a survey of court users in a region). Consequently, descriptive data is often collected through questionnaires or surveys (usually covering a large, randomly selected crosssection of people but sometimes involving a smaller sample) with closedended questions (i.e., questions that can be answered by "yes", "no", or "I don't know"), or with multiple-choice questions. Data can also be collected through documentary methods, such as participant or event observations, or through interviews, and then formatted to suit the questionnaire. Presentation of data involves the use of descriptive statistics in the form of graphs and charts.[33] The process of collecting descriptive quantitative data is often referred to as "conducting a survey" or "survey research," and many researchers (both

[31] Simion K., (n. 21)
[32] Simion K., (n. 21)
[33] "What Is Descriptive Research?" *Handbook of Research for Educational Communications and Technology (Association for Educational Communications and Technology,* n.d.), chap. 41, Available at http://www.aect.org/edtech/ed1/41/41-01.html. last visited 10th May, 2019.

quantitative and qualitative researchers) use the word "survey" as a synonym for "questionnaire." However, the more accurate use of the word "survey" is in reference to the whole research process of examining something, with the questionnaire being one of the "tools" used in conducting a survey.

c. DOCTRINAL RESEARCH or TRADITIONAL RESEARCH

It is a research into legal rules, principles, concepts or doctrines. It involves a rigorous systematic exposition, analysis and critical evaluation of legal rules, principles or doctrines and their inter-relationship. It arranges the existing law in order and provides thematic parameters for such an order. It also concerns with critical review of legislations and of decisional processes and their underlying policy.[34]

Doctrinal research is therefore established as the traditional genre of research in legal field. Also known as, theory-testing or knowledge building research in the legal academia, it deals with studying existing laws, related cases and authoritative materials analytically on some specific matter.[35] Doctrinal legal research, thus, involves:

a. Systematic analysis of statutory provisions and of legal principle involved therein, or derived therefrom and

b. Logical and rational ordering of the legal propositions and principles.

Doctrinal Legal Research has its own limitation which includes, Availability of the reliable data is the biggest challenge in conducting doctrinal research.

Researcher must be competent enough to identify the reliable data and make sure the data is of some kind of authority, either primary or secondary.

Funding providers often criticise doctrinal legal researcher for being vague due to operating within the arcane paradigm. At a time when competition for limited research funds is becoming more intense, and in which interdisciplinary work is highly valued and nonlawyers are involved in the assessment of grant applications, lawyer-applicants who engage

[34] Vibhute K. (Prof.), Aynalem F (n. 3)
[35] Kharel A., (n.17)

in doctrinal research need to be more open and articulate about their methods.[36]

Sources of Doctrinal Research:

Ordinarily, conventional legal sources are used in doctrinal research. Scholar undertaking doctrinal research takes secondary data relevant to his proposition. His sources not only include Status or enactments but also reports of committees, legal history, judgements etc, Acts passed by state legislatures and parliament comes under this category of sources. Judgements of Supreme Court, Court of Appeal and High Courts also come under above mention sources. They have primary authority. Text books, periodicals, commentaries also come under sources of doctrinal research but they are not as authentic as original sources like enactment and case published by authorized publisher.[37]

Essential Characteristics of Doctrinal Research

1. This type of research involves analysis of legal proposition or legal concept.
2. Legal propositions from enactments. Administrative rules or regulations, cases of courts can be part of doctrinal research
3. Conventional sources of data are used.

Doctrinal research looks at the following issue:

a. The aim of preferred values.
b. The problems posed by the gap between the policy goal and the present state of achievement,
c. Availability of attentive choice for the implementation of goals.
d. The prediction and consequences that were made.[38]

Basic tools of Traditional Researcher:

The basic tools of a doctrinal legal researcher are;

1. Statutory Materials
2. Case reports
3. Standard textbooks and reference books

[36] Kharel A., (n.17)
[37] Sanjeyvignesh**.** J, (n.5)
[38] Hoecke M. V (Prof.), (n.14)

4. Legal periodicals
5. Parliamentary Debates and Government Reports and
6. Micro films and CD-ROOM.

These tools depend on the nature of information they contain, may be re-categorized into primary and secondary sources of information. National Gazette and Case Reports fall in the first category, while the rest fall in the later.[39]

d. NON-DOCTRINAL OR EMPIRICAL RESEARCH

Non-Doctrinal research is fact oriented. Legal researcher undertaking non-doctrinal research takes either some aspect of the Legal decision process or the people and institution supposed by regulated law. It assesses impact of law and reveals the gap between legal idealism and social reality. Perceiving the idea of law as a social phenomenon, a researcher explores social, political, economic and cultural dimensions or implications of law. [40]

It assesses impact of law and reveals the gap between legal idealism and social reality. Perceiving the idea of law as a social phenomenon, a researcher explores social, political, economic and cultural dimensions or implications of law. [41]

From where does a doctrinal researcher get his social policy, social facts and social values? The answer is his own experience, observation, reflection and study of what others have done before him in a similar or same kind of situation. However, it will certainly add value to his research if he gets an opportunity to test his ideas by sociological data. In other words, the sociology of law tries to investigate through Empirical Data how law and legal institutions affect human attitudes and what impact on society they create. The sociology of law also concerns itself with the identification and creating an awareness of the new problems which need to be tackled through law.[42]

[39] Sanjeyvignesh**.** J, (n.5)
[40] Vibhute K. (Prof.), Aynalem F (n. 3)
[41] Vibhute K. (Prof.), Aynalem F (n. 3)
[42] Sanjeyvignesh**.** J, (n.5)

The distinguishing characteristics of a non-doctrinal legal research are;

a. It lays down a different and lesser emphasis upon legal doctrines and concepts.
b. It seeks answers to a variety of broader questions.
c. It is not anchored exclusively to appellate case reports and other traditional legal sources for its data, and
d. It invariably involves the use of research perspectives, research designs, conceptual framework, skills and training not peculiar to law trained personnel.[43]

Basic Tools;

a. There are several ways of collecting empirical data for social-legal research. The required information can be collected from the identified respondents in face to face interaction by administering them a set pre-determined question or through sketchy questions prepared by the respondent. These methods of data collection are known as *interview* and *schedule* respectively.[44]
b. The pre-determined questions can also be administered to the respondents indirectly through post, fax, emails or any other appropriate methods of communication. This method of data collection is known as *questionnaire*.
c. A socio-legal researcher can also collect the required information by systematic observation of a phenomenon, behaviors of his respondents or institutions that constitute focus of his study or by studying other existing records that reflect the phenomenon under his inquiry.

The basic tools of data collection for a socio-legal research are;

a. Interview,
b. Questionnaire,
c. Schedule,
d. Interview guide,
e. Observation, participant or non-participant and

[43] Sanjeyvignesh**.** J, (n.5)
[44] Hoecke M. V (Prof.), (n.14)

f. Published or unpublished materials (such as Census Reports, Reports of Government and/or Non-Governmental Organization Agencies, and appropriate literature on sociology of law.[45]

e. HISTORICAL RESEARCH

Historical research means finding out the previous law in order to understand the reasons behind the existing law and the course of its development. , laws are not made in a vacuum. They are passed in order to meet some needs of society. While they may not always reflect the true wishes of the people, or even of the ruling group, they reflect, nevertheless, the historical and political spirit of the day.[46]

Historical research in this context is not meant a discussion of history of law or each statutory provision for the sake of mere intellectual delight or for mere record.[47] Like all other types of research required for the purpose of law reform, historical research is useful in law where the present statutory provision or rule of law has raised meaningful queries and it becomes necessary to explore the circumstances in which the present position came about.[48]

There are two reasons for the importance of the historical background of statutory law. First, very few pieces of legislation are original in the sense of being pure innovations of a skilled draftsman. In the majority of cases he consults and adapts earlier statutes or makes use of principles laid down or proposed in decided cases. On the Continent, the draftsmen may, even, resort to suggestions made in treatises of professors of law. Secondly, laws are not made in a vacuum. They are passed in order to meet some needs of society. While they may not always reflect the true wishes of the people, or even of the ruling group, they reflect, nevertheless, the historical and political spirit of the day.[49]

[45] Sanjeyvignesh**.** J, (n.5)
[46] Ellinger E.P. (Prof.), Keith K.J. (Prof.), (n. 2)
[47] Hoecke M. V (Prof.), (n.14)
[48] Sanjeyvignesh**.** J, (n.5)
[49] Ellinger E.P. (Prof.), Keith K.J. (Prof.), (n. 2)

Sources of Historical Materials;

Here the Legal researcher sometimes feels a handicap, Notwithstanding the availability of general books on Legal history (Nigerian in this case) and Constitutional history, past repealed laws and statutes, present laws and statutes, parliamentary debates, etc.

f. COMPARATIVE RESEARCH

Comparative Legal Research is used to study legislative texts. Jurisprudence and also legal doctrines, particularly of foreign laws. It stimulates awareness of the cultural and social characters of law and provides a unique understanding of the way law develops and works in different cultures. It also facilitates better understanding of the functions of the rules and principles of laws and involves the exploration of detailed knowledge of law of other countries to understand them, to preserve them, or to trace their evolution.

Accordingly, comparative legal research is beneficial in legal development process where modification, amendment and changes to the law are required.[50] First, comparative research can throw doubts on the usefulness of strongly entrenched views. Secondly, it may suggest a suitable solution to legal problems.[51] Thirdly, a comparative study tends to aid in assembling which principles, applicable in the field concerned, are fundamental and which are secondary.[52] Comparative research is a good means for introducing new ideas into a legal system.

The most common comparative legal scholarship is cross jurisdictions comparison of laws of different legal systems. It is typical to researchers who undertake this research to examine the law as it is while at the same time provide ideas and views for future legal development.

The material which should be accepted for comparison should generally be the codified law. However, if there is no codified law on a particular subject, the authoritative works of eminent persons, papers and articles may also be examined for the purpose of comparison. Efforts should always be made to have primary source for comparison. However, and its unavailability, recourse may be to the secondary and tertiary sources. But in case of secondary and tertiary sources, their

[50] Sanjeyvignesh**.** J, (n.5)
[51] Ellinger E.P. (Prof.), Keith K.J. (Prof.), (n. 2)
[52] Ellinger E.P. (Prof.), Keith K.J. (Prof.), (n. 2)

authenticity must be checked and re-checked two or more primary, secondary and tertiary sources may be checked with each other.

g. CASE LAW ANALYSIS

The rules and principles of case law have been treated as final truths, but as working hypothesis, continually retested in those great laboratories of the law, the courts of justice. Every new case is an experiment; and if the accepted rule seems applicable yields a result a result which felt to be unjust, the rule is reconsidered. It may not be modified at once, for the attempt to do absolute justice in every single case would make the development and maintenance of general rules impossible; but if a rule continues to work injustice, it will eventually be reformed. The principles themselves are continually rested; for if the rules derived from a principle do not work well, the principle itself must ultimately be re-examined

CONCLUSION

It is obvious that Legal Research plays very vital role in the enactment of new statutes meant for Socio-Legal development of new statutes meant for the society from all the social evils. Legal research, in fact, paves way for the students of law, the scholars, who involve and dedicate their part in the development of new ideas and concepts for their part in the development of new ideas and concepts for their vital support to the legislators to acquaint with and them to enact them as new law for the betterment of the society and the Nation as a whole.