# COURSE GUIDE

**LAW806 LEGAL RESEARCH METHODOLOGY AND PROJECT WRITING**

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# COURSE GUIDE

## 1.1 Introduction

LAW806 intends to acquaint postgraduate students of law with scientific methods of inquiry into law. It also intends to make them familiar with nature, scope, and significance of legal research. In addition, it endeavors to make them aware of role of legal research in the development of law and legal institutions, in particular and socio-economic development of the country in general. With these objectives, the course addresses to sources, categories and types of legal research. It focuses on legal research methods and tools. It highlights different dimensions and tools of doctrinal legal research as well as non-doctrinal legal Research or socio-legal research. In other words, the course strives to instill in the law students, basic skill of identifying research problems, planning and executing legal research projects and of appreciating the problems associated therewith. It aims at instilling in them basic research skills so that they can plan and pursue legal and socio-legal research in future.

## 1.2 Justification

Law does not operate in a vacuum. It has to reflect social values, attitudes and behavior. Societal values and norms, directly or indirectly, influence law. Law also endeavours to mould and control these values, attitudes and behavioral patterns so that they flow in a proper channel. It attempts either to support the social system or to change the prevalent social situation or relationship by its formal processes. Law also influences other parts of the social system. Law, therefore, can be perceived as symbolizing the public affirmation of social facts and norms as well as means of social control and an instrument of social change.

All collective human life is directly or indirectly shaped by law. Law is, like knowledge, an essential and all pervasive fact of the social condition. No area of life-whether it is the family or the religious community, scientific research is the internal network of political parties-can find a lasting social order that is not based on law. A minimum amount of legal orientation is indispensable everywhere. Law is not, nor can any discipline be, an insular one. Each rule postulates a factual situation of life to which the rule is to be applied to produce a certain outcome.

Law, in essence, is a normative and prescriptive science. It lays down norms and standards for human behavior in a set of specified situation(s). It is a rule of conduct or action‟ prescribed or formally recognized as binding or enforced by a „controlling authority‟. It operates in a formal fashion. It enforces these prescribed norms through state's coercive powers. However, the societal values and patterns are dynamic and complex. These changing societal values and ethos obviously make the discipline of law dynamic and complex. Law, therefore, has to be dynamic. Law has acquired a paramount significance in a modern welfare state as an effective instrumentality of socio-economic transformation. It indeed operates as a catalyst for such a transformation. Such a complex nature of law and its operation require systematic approach to the' understanding of law and its operational facets. A systematic investigation into these aspects of law helps in knowing the existing and emerging legislative policies, laws, and their social relevance. It also enables to assess efficacy of law as an instrument of socioeconomic changes and to identify bottlenecks, if any.

## 1.3 Learning Outcomes

The aim and objective of this course is to give NOUN Law students a theoretical basis for the understanding of Legal Research Skill and Methodology, thereby preparing them for a more complex and practical based knowledge of research writing and dissertation in their undergraduate and post-graduate academic career. NOUN Law Students should be able to have a basic understanding of the relation of law to society, both in terms of its nature, dynamics and purpose: have a theorization of law and social change, hopefully with specific reference to Nigeria, and: be able to decipher the elements that make law more efficient and: understand its attributes as a social control tool and have a practical based knowledge of how to do and publish a research in Law.

## 1.4 Working Through the Course

To complete this course, you are required to read the study units, recommended text books and other materials. Each unit contains self – assessment exercises and at tutor decided time in the course, you are required to submit assignment for assessment purposes. At the end of the course is a final extermination. The course should take you 14 weeks (Revision and extermination inclusive in total to complete. Bellow you will find list of all the components of the course, what you have to do and how you should allocate you time to each unit in order to complete the course successfully.

## 1.5 Course Material

The major materials to be used for the course are:

- This Course Guide;
- Study Units;
- Text Books; Assignment Files; and
- Presentation Schedule

In addition, you must obtain the textbooks as they are not provided by NOUN. You are required to obtain them in your own responsibility. You may purchase your own copies. Your tutor will always be available should you have any challenge in obtaining the textbooks.

## 1.6 Study Units

There will be 3 Modules in this Course which are sub-divided into 9 units, and they will be distributed as follows;

**Module 1: Introduction to legal Research**

Unit 1What is Legal Research?
Unit 2 Research Methods
Unit 3 Types of Research
Unit 4 Research Planning and Designing

**Module 2**

Unit 1 How to Choose Research Topic
Unit 2 Abstract
Unit 3 Literature Review
Unit 4 Parts of a Thesis, Dissertation and Long Essay Project

**Module 3**

Unit 1 Citations
Unit 2 Footnotes, Endnotes and Quotations
Unit 3 Conclusion

Note; Most units contains a number of self-assessment exercise. These self exercises generally test your understanding of the topics you have just covered by requiring you to apply what you have read in some practical ways. This will definitely help you to gauge you progress and to reinforce your understanding of the materials. Together with the

TMAs, these exercises will assist you in achieving the stated leaning objectives of the individual units and of the course in general.

**Course Marking Scheme**

The following table shows how the examination will be graded for the guidance of the student.

| | | |
|---|---|---|
| Continuous Self-Assessment | - | 30% |
| Final Examination | - | 70% |
| Total | - | 100% |

**1.7 References / Further Readings/ Web Resources**

Some of the important materials that will be used throughout the course are listed below:

A V Dicey, *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century* (MacMillan, 1905), pp 1-42

Vilhelm Aubert, Some Social Functions of Legislation, 10 *Acta Sociologica* 99 (1966)

Julius Stone, *Social Dimensions of Law and Justice* (Stanford University, Stanford, 1966)

W Friedmann, *Law in a Changing Society* (Stevens & Sons, London, 2nd edn, 1972), chap 1: the Interaction of Legal and Social Change

Kothari, C R, *Research Methodology: Methods and Techniques* (Wishwa Prakashan, New Delhi, 1990)

Harvard Law Association, *A Uniform System of Citation (the Bluebook)*, (Latest Edition) Faculty of Law, Addis Ababa University, *Book of Citation* (Unpublished, 1965)

Various national as well as foreign laws and court cases used as examples. Various books, journals. Used as examples to show citation rules

**1.8 Assignment File**

In this file you will find the details of the work you submit to your tutor for marking. The mark you obtain for these assignments will count towards the final mark you obtain for this course. Further, information on the assignments will be found in the assignment file itself.

## 1.9 Assessment

There are two aspects of the assessment of this course; the Seminar and a written examination. In doing these assignments and seminar paper, you are expected to apply knowledge must have acquired from the Course and also carry out further research and studies. The assignments must be submitted to your tutor for formal assessment in accordance with the deadlines stated in the presentation schedule and the assignment file. The work you submit to your tutor for assessment will count for 30% of your total score.

## 1.10 Self-Assessment Exercise

There is a Tutor-Marked Assignment at the end of every unit. You are required to attempt all the self-assessment exercises. You will Be assessed base on you Seminar. If for any reason you cannot complete your work on time or seminar paper on time, contact your tutor before the assignment is due to discuss the possibility of an extension. Extensions will not be granted after the due date unless under exceptional circumstances.

## 1.11 Final Examination and Grading

The duration of the final examination for LAW806 is three hours and will carry 70% of the total course grade. The examination will consist of questions, which reflect the kinds of Self-Assessment Exercises and the Tutor- Marked Assignment you have previously encountered. All aspects of the course will be assessed. You should use the time between completing the last unit, and taking the examination to revise the entire course. You may find it useful to review your Self-Assessment Exercises and Tutor-Marked Assignments before the examination.

## Course Marking Scheme

Totaling 30% Final examination 70% of overall course score Total 100% of course score.

## 1.12 Summary

By trying out all of the above, we are quite confident that you will not only have a sound understanding of Legal Research Methodology and Project and Dissertation Writing, you will also be able to pass your exams with ease.

We wish you success with the course and hope that you will find it both interesting and useful.

**MAIN COURSE**

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## MODULE 1



## UNIT 1 WHAT IS LEGAL RESEARCH?

### Unit Structure



### 1.1 Introduction

Every discipline of knowledge has its own peculiarities which people or adherents of it need to acquire for optimum performance or for specialty. Law as one of the disciplines in the social sciences has peculiarities which have become imperative for those who indulge themselves in its study, must strive to acquire them, most importantly, if the knowledge sought to be acquired. is not within the ordinary domain of the discipline - i.e., trying to know the uncommonly known or the unknown. Let us be understood from the onset that the terms “uncommonly known” or the “unknown” do not mean that the area of knowledge must not be known at all. The person who is seeking to know the area of discipline may specialize in it only or be well sounded in it. In other words, research is the striving or the endeavoring to discover what is not known or what is not better known. At times the aim of research is to know better, or to master the area of the knowledge which a researcher seeks to conduct his research. In the area of law, researchers search for refined knowledge which is not common or which is not within the ordinary domain of other lawyers --- i.e., something of a higher realm or place. It means the striving or the endeavor to discover facts or information not within the ordinary knowledge of people in a certain discipline, e.g., such as law.

## 1.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- Discuss Legal Research
- Explain the Need for Legal Research
- Describe the Subject Matter of Legal Research.

## 1.3 What is Legal Research?

Generally, we say research is the process of discovering new facts or information for purpose of solving certain problems or challenges. Many researches are embarked upon for developmental purposes, for example, medicine, engineering and environment. Legal research means a research solely planned or embarked upon for the discovery or getting of information in the field of law of certain problems or issues. It involves techniques for discovery or expounding of new laws, principles and legal ideology for the purpose of solving extant problems and challenges.

The term legal research is always associated with discovery of facts or information relating to law. The word "law" as an adjective, qualities what kind of research it is --- i.e., law related research. It is the act of probing into documents such as statutes, regulation, byelaws, law journals, law textbooks, non-law textbooks (treaties), international legal instruments such as treaties, conventions and protocols with the view to discovering whether their application is living to the expectation of people when they are supposed to regulate and whether there are some limitations and challenges faced as a result of their application.

## 1.4 The Need for Legal Research

The need for legal research cannot be overemphasized. This is because law is an organic subject-matter. It grows with time and it wears away with time. What is law about 100 years ago may not be law today. For example, with the advancement in the areas of science and technology, some laws have become obsolete, while in some areas, there is the need to make laws to meet with the current developments. Therefore, there is the need to research in the field of law to know which laws are extinct and needed to be replaced and which areas or subject-matters have developed but need to have law to regulate it. For example, in a third world country such as Nigeria, there is the need to research into the area of cybercrime in order to come up with necessary legislations to meet the challenge of cybercrimes. A lot of research is needed to be embarked upon in this area. The need for research cut across the board, for example, national and international laws. There is the need to embark on legal research with the

view to knowing where the laws are not performing maximally. Legal research is needed to find out why the laws are not performing maximally. In some places, new laws are needed to be made or passed, while in others, research is needed into the existing laws with the view to knowing or discovering the problems or limitations of the existing laws. Here in Nigeria, there is a problem relating to our Land Tenure Law. Before the coming into the effect of the Land Use Act, 1978, several researches have shown that there was the need to develop statutory land law to regulate land in Nigeria than to depend on customary land tenure which has serious limitations as shown by research also. This led to establishment of committee saddled with the responsibility of fashion out a statutory law to regulate our land tenure system. As a result, the present Land Use Act, 1978 was enacted. In this circumstance, it was through legal research that led to the discovery that our customary land tenure system is not absolutely unsuitable for modern development; because of it myriads of limitations and unsuitability. The problem was solved also by designing and conducting researches with the view to come up with statutory land law such as the Land Use Act, 1978 which applies presently. Now, the Land Use Act has been in practice since 1978. Research is on-going to discover what are its problems, limitations and challenges? All these are to be discovered through legal and perhaps non-legal researches.

In this area we have seen that there is the need to make law and to advance the course of the law. These are possible through researches. Can you mention the reasons for Legal research?

## 1.5 Law and Society

The idea of law and society is spreading out or is acquiring more popularity than ever before. The popularity is eminent because of the need to treat law as a living object or law as a functional object. In other words, according to functional school of law, law is not to be studied in a vacuum or abstract. Rather, law is to be studied in its functional form because, law is always made to serve a purpose. This view is sharply in contrast with the Austinian school of thought who does not see any relationship between law and purpose or function.

According to Austinian jurisprudence, law needs not serve any specific or general purpose. The function of a court or judge is to apply law and what comes out of it is not his headache. The idea of w and society is that the law should chart path which society should follow. According to the functional school of law, every law has a function to perform. The duty of a researcher in this regard is to (i) see whether the law is efficiently charting the path to guide society (ii) to see whether the society is complying with the law or not (iii) to see if the society is not complying

with the law to find out (through research) why the society is not obeying the law.

The issue of law and society may be seen from another related perspective. That is, if the law says the society should do certain thing and the society ignores that and does something different, this means that the society is not obedient to the law. That is the law is saying one thing and the society is saying another. This means that the law has no efficacy or not functional. For example, in Nigeria today, slavery though outlawed by all laws, but the society still practices it, even when it has been abolished by the constitution. Secondly, in this country adultery is prohibited in the Northern states. Amazingly, the offence of adultery is practiced in the north as well as in the south. Thirdly, the offence of bigamy is practiced by many men in Nigeria to the knowledge of authority, but nobody dares to complain. Even the wife of the person who committed the offence, will not complain. Thus, the law is saying one thing and the society is saying another. This is a fertile ground for researchers to find out why the society is incongruent with the law. In this regard, research can be embarked upon with the view to finding out why the society is behaving in opposite direction with the law. The function of law at this material time is to shape the life of every member of the society to be in conformity with the law. In this instant, do we say that law is a social engineer?

### 1.5.1 Subject Matter of Legal Research

A legal research, as we have already said, is a research whose subject matter has to deal with law. We already said that the adjectival word "legal" qualifies what kind of research is in issue, namely, law.

The subject matter of a legal research is always or in most cases is zeroed to three important areas of research.

(1) When a lawyer is conducting his research as a barrister.

A barrister is someone who is acting as an agent to a principal. In other words, when somebody is standing in a trial, he can appoint a lawyer to stand for him in a court of law i.e., as a counsel. A barrister is a mouth organ, agent or representative of a principal, i.e., an accused person or defendant who has a court case to answer. To bring our case closer to our doorstep, supposing that A is accused of battery or assault of B. A is being tried by a competent court. C a barrister can be a counsel to A. In this respect, C a barrister (a lawyer who appears before the court) can act as A's agent or counsel in the court. The responsibility of C is to defend A. That is, he speaks legally on behalf of A. If C is briefed to defend A

legally, it is for C to prepare very well to understand the fact and law surrounding the case before he goes to the court to defend A. In order to seeing that C defends A efficiently in the court, C may undertake research in the area of battery or assault to understand the law well. He may undertake research to find out the relevant statutory law, case law, maxim (if any) and relevant facts to enable him represent the accused person, well in the court. A lawyer may find it necessary to embark upon a research when he is performing his duty as barrister. That is somebody who represents another in a court of law and argues for the course of that person.

(2) When a lawyer is performing his responsibility as a **solicitor.**

A solicitor is a lawyer who does not go to court to represent a client. He does all his practices in his office. He, (in some cases) has never seen the four walls of a court. As a solicitor, so to say, he can be briefed to write a will, to float a company, to draw a lease or sale agreement, and write a conveyance etc. As a lawyer- solicitor, he has many roles to play in a society. Supposing that, Mr. Tete, a retired, wealthy former Director-General of K.K.B. Investment Company Ltd. wants to write a will to guide the administrators of his estate after his death. He needs to have a lawyer who will write the will for him in conformity with the current laws governing the writing of a will. If Mr. Tete, chooses Mr. M. M. Ndunube Esq, to draw the will for him, if Mr. Ndunube accepts the brief, he is required to perform his duties diligently, skillfully and efficiently. To enable him do all these well, Mr. Ndunube has to do some research, most importantly, if he has not handled similar briefing recently. In this regard, Mr. Ndunube needs to conduct research into what is the extent law relating to wills in the jurisdiction where the property is situate. He would like to know what are the statutory requirements of a valid Will in the jurisdiction where the property is situate. In order to know these, he has to consult statutes, precedents, textbooks from which he will understand the law of wills properly. He may like to consult relevant foreign textbooks to shade more ideas on the writing of wills. If there are case laws, he may like to read them to widen his knowledge in the area. In this circumstance Mr. M. M. Ndunube, Esq, has to plunge himself into the stream of research fellows and do the research thoroughly in order to come up with a will not only acceptable to Mr. Tete, but acceptable to the law of the land. A good knowledge of research in this regard is indispensable.

(3) When a lawyer-researcher-academician wants to write conference papers-- national or international or preparing teaching materials such as this one. Or he wants to do his ordinary business of teaching and research.

It is obvious that he will conduct research. Supposing that he is to write an international conference paper on Internally Displaced Persons, he needs to understand the subject matter of the paper very well. This he can do by conducting researches on the relevant conventions, protocols and treaties on IDP. If there are case laws, journals, articles on the subject matter, he is to conduct research by using these tools to accomplish his objective or goal. To achieve this goal, he has to embark on a serious research in order to produce an internationally accepted conference paper on internally displaced persons. Knowledge of research of research as an academic is indispensable.

In summary, the subject matter of legal research depends on the nature of the subject matter a researcher is researching about.

### 1.5.2 Motivation in Research

In jurisprudence, we say where there is right, there is duty. We also say that where there is wrong, there is remedy. In legal research, the adage is that where there is research, there must be result or finding. Therefore, the motivation aspect in every research is the expectation for good research finding. It is the desire or the expectation to get good result that motivates a researcher to embark on research. Supposing that someone is an artisan engaged in drilling a well, the motivation to continue to drill is the desire or expectation that he will get water. When a researcher conducts research, his expectation is that he should discover some findings. Once this is done, a researcher gets satisfaction - i.e., reward. If the finding/result is good, the motivation becomes high. If on the other hand, the finding/result is not good, the motivation becomes low. It has been argued that one of the motivation aspects of research is its implementation. When a result of research is implemented, the researcher sees himself as a contributor to the development in the subject matter of the research. He becomes an innovator, a discoverer and in inventor. In the field of science and technology this is always the case. But in humanity or social sciences, researchers hardly make researches whose finding/results are conspicuously noticeable and implementable. This is because; in humanity researches have become saturated to the extent that not many researchers are novel and exciting to human conscience. In the science and technology findings have not reached saturating point. Moreover, most findings are still novel and exciting, for example, computer and its attendant fascinating applications. In the third world countries, implementation of research is problematic, likewise initiation of it. This is because, implementation of some research findings are capital intensive. It is advised that such research findings that are novel must be funded by government, corporate organizations, and if possible, recourse be had to foreign countries and organizations. Other incentives

are: monetary reward, reputation, social, political and economic reliefs of the masses in all ramifications.

### 1.5.3 Aim and Objectives of Legal Research

The **aim** of this research is to discuss in detail, with the view to knowing or discovering the truth or reality of this open-ended debate among judges, legal academicians, legal practitioners, jurists and law students whether judges make law or not.

Objective here means what a research wants to achieve, that propelled him to embark upon the research. It means the main or primary objective that necessitates the embarking of the research. The objective of any legal research is always contained in the research problem. Usually, the objective of a legal research is to solve the problem highlighted in the research problem. Before a researcher embarks upon research, there must be a problem which he has foreseen and which problem he wants to discuss and solve it. In the topic: Do Judges Make Law? The Recent Trend, the objective of the research is to research into the topic with the view to knowing whether judges make law. If yes; what is the recent trend? If the answer is no; why? Usually, in research, the aim and objectives of a research are enumerated one after the other, for example:

| **Self-Assessment Exercises** |
|---|
| 1. What is Legal research? |
| 2. In Nigeria there is the need to research into the following areas…… |
| 3. Motivation in research includes……. |

## 1.6 Summary

In summary, you have discussed legal research ,the need for legal research , law and society, the subject matter of legal research , motivation in research and the aims and objectives of legal research.

## 1.7 References/Further Reading/Web Resources

Introduction to Emperical Legal Research 2014, By Lee Epstein and Andrew D Martin
Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke.
Legal Reasoning, Research and Writing for International Student
The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994.
Legal Research Methodology By Yusuf Aboki.

## 1.8 Possible Answers to Self-Assessment Exercise 1

Research is the process of discovering new facts or information for purpose of solving certain problems or challenges. Many researches are embarked upon for developmental purposes, for example, medicine, engineering and environment. Legal research means a research solely planned or embarked upon for the discovery or getting of information in the field of law of certain problems or issues. It involves techniques for discovery or expounding of new laws, principles and legal ideology for the purpose of solving extant problems and challenges.

**1.** Knowledge of research methodology is needed by the following person
(a) Lawyer-academician
(b) Musician
(c) Carpenter
(d) Farmer

2. In Nigeria there is the need to research into the following areas.
(a) Cybercrime
( b) Forestry
(c) Mountain climbing
(d) Fish farming

3, Motivation in research includes
(a) Fame and cash reward
(b) Purchase of cars
(c) Hard work
(d) Charting with important persons

## Unit 2 Research Methods

### Unit Structure



### 2.1 Introduction

When a researcher is planning or designing his research, it is necessary, right from the onset to determine what kind of research method he will adopt in order to accomplish his research. There are several methods for him to adopt. He can use as many methods as possible.

### 2.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss Research Methods
- Explain Research and Scientific Method 2.3 Research Methods

Generally, in the legal research, there are three popular methods. These are: (i) doctrinal method (ii) empirical method (iii) teleological method.

### 2.3.1 Doctrinal Method

Doctrinal research method is sometime referred to as arm-chair research or library-oriented research. Doctrinal research is a kind of research whose materials are obtained from two differently classified kind of materials. They are:

### 2.3.1.1 Primary Source

These are materials of highest and most authoritative source. They are unquestionable or unimpeachable materials. Examples are: statutes, e.g., Constitution of the Federal Republic of Nigeria, 199 (as amended), Company and Allied Matters Act (CAMA), Evidence Act, Land Use Act. It includes case laws decided by the Supreme Court of Nigeria, Criminal Procedure Code, Criminal Code, Penal Code, repots of tribunals etc.

### 2.3.1.2 Secondary sources

These are materials which explain primary materials. For example, textbooks, journal, articles, seminar and conference papers, commentaries etc. These are not of high authority like primary sources.
In using doctrinal method of research, the researcher goes through voluminous research materials consisting of primary and secondary materials or sources to accomplish his research.

### 2.3.2 Empirical Method

This method is popularly known as field-oriented research. It is a method of research where the researcher goes out to gather relevant materials and comes back to office or library to write the project. For example, if a researcher is writing a project with this topic: **Do Judges Make Law? The Recent Trend**. The researcher would like to adopt two research techniques, namely, interview and questionnaire methods

### 2.3.2.1 Interview Method

In this regard, the target group will be honorable justices of the Court of Appeal and Supreme Court. Here, the researcher interviews the honorable justices one by one and solicit for their responses. Their responses are taken down for details analysis and discussion in the library, home or office.

### 2.3.2.2 Questionnaire Method

A researcher may adopt questionnaire method. In this method, a researcher may solicit for written answers or responses from his target group members which he will later analyze.

In these two methods of collecting data, the most important thing is to choose correct target group. In the topic above, explained above, it is wrong to select target group members who are not judges or lawyers. You cannot give a questionnaire with above topic to a political scientists or

business manager to answer. Always identify correct target group, if you adopt empirical method using above two ways of collecting data.

## 2.4 Teleological Method

This is a method of research where a researcher uses his experience in life to accomplish his research. In teleological research method, the researcher accounts vividly his experience in the area of research subject matter. Supposing that a retired Supreme Court Justice is a person writing on the topic: Do Judges Make Law? The Recent Trend, most of the materials which come from his experience, if he likes. He can cite several examples of cases which he handled while on sit as a justice. If he adopts this method of research, it is said that the Justice has adopted a teleological method of research. Nowadays, because postgraduate students come for postgraduate studies immediately or few years after call to bar or discharge from NYSC. it is hard for one to see students framing research topics which necessitate the adoption of teleological method. Perhaps, this is due to lack of knowledge. Can you explain the teleological method of research.

## 2.5 Research and Scientific Method

Generally, all researches are seen as scientific inquiries into the subject matter of research. This is because research is seen as beyond the ordinary imagination of man. Research is an act of inquiry into the inner caucus of the subject area of research. Research is something not within the ordinary thinking but enquiry into the refined and rare area. Research, whether in science or art, is considered as a science. In some quarters, research and science seem to converge at a certain point. In law, in the past, lawyers centered their researches in doctrinal method. This method believed that whatever a lawyer needs in his research, he can get it through combing of the relevant statutes, case laws, textbooks or maxims. If the research is relating to international law, opinion of jurists, textbooks, conventions, treaties and protocols are enough for good research. However, as time went on, lawyers become jealous and envious, too, of what pure scientists do in their laboratories, when they do research. In the laboratories they mix chemical re-agents, heat them and produce new substance(s). In the laboratories pure science scientists measure objects and weigh them to get accuracy. They mix chemical reagents proportionately to produce desire goods and services.

After a thorough research or scientific undertaking, they get results. In most cases the results are novels. Within no time, lawyers started to be jealous and envious in the way scientists do their research. In order to emulate them, lawyers evolved a research methodology which is called empirical. This research method entails the researcher going out of his

reading room, classroom, library or even bedroom to find information in connection with his research topic. He does not limit himself to legal research tools but go out to conduct interviews, administer questionnaires, make societal observations, take economic, political and social considerations and eventually come up with research findings. In this way, a lawyer-researcher is seen as a scientist --- social scientist and thus equates himself with pure scientists.

| **Self-Assessment Exercises** |
|---|
| 1. Mr. Sunday is writing his LL.M. dissertation on the Rate of Divorce in Nigeria. Which of the following methods is best suited for the research? |
| (a) Teleological method |
| (b) Doctrinal Method |
| (c). Empirical Method |
| (d) None of the above. |

2. Mr. Badaru Somson, a onetime, Permanent Secretary, in the Ministry of Finance is writing his memoir as an LL.M. dissertation. What kind of research methodology will he adopt?
   (a) Doctrinal Method
(b) Empirical Method
(c) Teleological Method
(d) Scientific Method.
3. Mrs. Ezenwa is an LL.M. student. He gathered heaves of books including:

Constitution of the FRN, 1999 (aa); CAMA, 1990; Elias, T.O., Nigerian Land Law; Orojo, Campany and Allied Matters Act, 1990.

Analyze the materials according to their sources.

4. Mrs Afia has the following materials to cite:
   (a) Efik Adoption of Child Bye Law, 1958
   (b) Nkom. A.A. Adoption of Child under Customary Law
   (c) Judgment of Grade I, Customary Court of Cross River State.

Which of the materials would he cite first?

## 2.6 Summary

At the end this unit, you discussed Research methods, Doctrinal Methods, Primary source, Secondary Source, Empirical Method, Interview Method, Questionnaire Method, Telelogical Method and Research and Scientific Method.

## 2.7 References/Further Reading/Web Resources

Introduction to Empirical Legal Research 2014, By Lee Epstein and Andrew D Martin.

Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke.

Legal Reasoning, Research and Writing for International Student.

The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994.

Legal Research Methodology By Yusuf Aboki.

## 2.8 Possible Answers to Self-Assessment Exercises 2 a

Badaru will be advise to adopt doctrinal research methods to carry out the legal research.

Doctrinal research has the root word “doctrine” which means a principle or a basic governing tenet. That means, the legal doctrine would include legal principles and tenets that would govern the legal world. Therefore, it implies that doctrinal legal research would involve digging deeper into the legal principles and concepts from various sources like cases, precedents, statutes and others; to analyze them and reach valid conclusions.

Doctrinal research method is sometime referred to as arm-chair research or library-oriented research. Doctrinal research is a kind of research whose materials are obtained from two differently classified kind of materials

## UNIT 3 Types of Research

**Unit Structure**



### 3.1 Introduction

Research is divided into several types, depending on the purpose for which they are to serve.

### 3.2 Learning Outcome

By the end of this unit, you will be able to:

- discuss types of research
- distinguish between quantitative and qualitative research.

### 3.3 Types of Research

#### 3.3.1 Descriptive Research

The word descriptive means to say in word or in action what research is or it looks like. Sometime this kind of research is called narrative research. It describes the kind of research it is. For example, in our topic: Do Judges Make Law? The Recent Trend, what a researcher here does is to describe or narrate the situation. He will say:

"In discussion this topic I will say that judges in the performance of their constitutional responsibility, their duty is to interpret and apply law. I will say that it is not their duty to make law, because they are not law-makers. The law makers are those who make law, while judges are trusted with the functions of interpreting and expounding laws".

Though this topic is too technical, however, descriptive research is to say how the research looks like. The shortcoming of this research is that at times it does not address the problem of research properly. In legal parlance, this kind of research is not normally adopted.

### 3.3.2 Analytical Research

Analytical research is a kind of research where several elements that constitute law are critically examined and taken into consideration before determination or forming an opinion. Lawyers, judges, law-academicians resort to this kind of research a lot. Analytical research forms the fulcrum or basis of which many researches in legal field are based.

Analytical research is a research in which several disciplines are brought to bear or focus and examined for the purpose of shading more light on the subject-matter of research. The analytical approach becomes necessary because law is the melting pot of all disciplines. The subject-matter of research might need consideration of economic, religion, politics, science and technology, engineering, medicine, history and culture. Knowledge of these disciplines may be necessary for the exposition of facts of the subject-matter of research. They may shade lights on the direction or course which law may take for its proper application. The more the researcher is knowledgeable in these relevant areas, the better he is well equipped with the law and facts to apply for the solution of the problem. The more the researcher understands the problem of the research the better his findings and recommendations. This is the reason why analytical method of research is far better than several kinds of research. A good research topic where analytical method is suitable can be understood from this topic: “Rent Control as a Necessary Means of Affordability of Accommodation in Urban Cities in Nigeria.” In analytical consideration of this research, the researcher is to consider issues such as supply and demand theory, politic--- in the sense of national policy, technology--- in the sense of getting or provision of building materials, urbanization, population, etc. (student can contribute more here). In fact, to a lawyer this is the most important kind of research design. However, a lawyer-researcher often finds it difficult to adopt this kind of research because of their limited knowledge of research. To many lawyers, research in law is only a matter of reading statutes, journals, law textbooks, byelaws, case laws, conventions, treaties and protocol. It is far beyond these, as it is shown above.

### 3.3.3 Applied Research

This type of research is popularly known as functional research in legal parlance. A functional research or applied research is a kind of research which is designed in order to discuss whether certain laws are functioning or not. If they are not, why are they not functioning? If they are functioning, are they efficient and functioning to the expectation of the public or society? What is to be done if they are not functioning? May examples are available in this country. For example we have many laws that are not applied or functioning. For example, law of bigamy, slavery, drinking of alcohol, adultery and many traffic offences. Many of these offences are committed with impunity. Their enforcement is crippled with difficulty because of the problem of law and society which we have already considered in the course of this lecture.

## 3.4 Qualitative Research

This is a kind of research which aims at the grade or level of the subject-matter of the research. In this regard the research is measured per level, e.g., high or low quality, good or poor quality; standard or substandard quality. It is a method of rating research. For example, when we say, the quality of the analysis of the research is high or low; it is poor or high, it is of high standard or substandard, we are rating the quality of the research. Qualitative research aims at high or good research product.

***In-text Question: What is the difference between qualitative and quantitative techniques?***

## 3.5 Quantitative Research

Quantitative research is often compared with qualitative research. While qualitative research deals with good or bad products, quantitative research deals with numbers. It is research where the centrality of alteration is focused on quantity such as how many times or how much or what is the amount? While quantitative research deals with amount, how much or times, qualitative research aims at how good a product is rather than how many or what is the amount. The two kinds of research are sharply opposite and they are often compared with each other. They are all aimed at measurement. That is, while quantitative deals with number, qualitative deals with amount or number.

### 3.5.1 Conceptual Research

Conceptual research means research that is related to ideas or principles. For example, the idea of separation of powers, the principle of

inalienability of land under customary law, the idea of legal person, the principle of lifting the veil, the idea of the nature of man, the idea that the United Nations Organization is not the government of the world etc. This kind of research is embedded in abstractism, summation and priori. This kind of research is full of probabilities and devoid of certainty. The discussion of this kind of research is based on uncertainty, and the finding too is undertrained. This research is absolutely abstract, without much facts and law. Recently, instead of designing conceptual research, most researchers have at the introductory part or within the main body of research, a section usually devoted for discussing of conceptual terms. This section deals with explanation of conceptual terms or words used in research. Conceptual research is not much designed nowadays.

| **Self-Assessment Exercise** |
|---|
| 1. Amongst the types of research methods, which is more recommendable to adopt? |
| 2. The best type of research method to adopt by a lawyer is …….. |
| 3. A research which has to do with numbers, how much, and how often is called---…. |
| 4. A research which has to do with how poor or how good is called---------- |

## 3.6 Summary

At the end of this unit you discussed,Types of Research, Descriptive Research, Analytical Research Applied Research, Qualitative Research, Quantitative Research, Conceptual Research.

## 3.7 References/Further Reading/Web Sources

1. Introduction to Emperical Legal Research 2014, By Lee Epstein and Andrew D Martin
2. Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke
3. Legal Reasoning, Research and Writing for International Student
4. The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994
5. Legal Research Methodology By Yusuf Aboki

## 3.8 Possible Answers to Self-Assessment Exercises

Analytical research is a kind of research where several elements that constitute law are critically examined and taken into consideration before determination or forming an opinion. Lawyers, judges, law-academicians resort to this kind of research a lot. Analytical research forms the fulcrum or basis of which many researches in legal field are based.

Analytical research is a research in which several disciplines are brought to bear or focus and examined for the purpose of shading more light on the subject-matter of research. The analytical approach becomes necessary because law is the melting pot of all disciplines.

1. Amongst the following types of research methods, which is more recommendable to adopt?
   (a) Problem formation type
   (b) Descriptive type
   (c) Narrative type
   (d) Analytical type
2. The best type of research method to adopt by a lawyer is
   (a) Conceptual
   (b) Descriptive
   (c) Analytical
   (d) Narrative
3. A research which has to do with numbers, how much, and how often is called----------
4. A research which has to do with how poor or how good is called-

# Unit 4 Research Planning and Designing

## Unit Structure



## 4.1 Introduction

As a postgraduate student, the very day or even before you plan to undertake postgraduate study you might have a plan of your research. If you do not have, soon or after you have applied, you might have a plan for your research. Yet, if you have not planned your research, after admission, you need to plan for your research. Planning in this respect means thinking of a possible area where you will base the topic of your research. For example, is it in the area of international law or municipal law? If it is in international law what area of international law? Is it Customary International Law or International Humanitarian Law (IHL)? If it is a national law, similarly what area of national law is it? Is it land law or constitutional law? Or, it is Corporate Management Law? etc. This is what is meant by planning. This planning starts from the time when a student has decided or formed an opinion to undertake postgraduate studies here at home or abroad.

## 4.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss Research Planning and Designing
- Explain the Basic Tools of Data Collection.

## 4.3 Research Planning and Designing

### 4.3.1 Designing a Research

Just like an architect plan and designs a house through drawing, a law student who is undertaking a postgraduate study also needs to design his research. Designing a research entails the choice of an appropriate reasonable topic, designation of all chapters with relevant contents. It includes choice of research methodology to accomplish the research. Where will the research take place? Is it in the moon or on the earth planet? If it is on the earth planet where? What is the scope of the research? Why the research? That is, who may benefit from the research? These and several other things are part of the research design. The answers to these questions are necessary for inclusion in research design, so that the implementer of the research design are guided by it so that the research is executed to conform to the design. A good research design would obviously yield a good research product. Conversely, a bad research design will yield bad research product. It is like an architect, who designs a good house. The expectation is that the design if executed to the letter will obviously produce a good house. Similarly, if an architect produces a bad architectural design, the result is that if the design is rigidly followed, the building will be bad eventually. This is how research design is. In research design, all the necessary aspect of the research should be incorporated. The more comprehensive the design is, the better the research when executed.

Research design or planning is a wishful thinking or expectation until it is accomplished. It gives a glimpse of how research will look like. The design at any stage is not the final bus stop. That is, it can be altered. At any stage of the execution, it can be edited by way of addition or subtraction. This process continuous until the research is completed.

## 4.4 Research Tools

Research tools vary from one research to another. It varies from one discipline to another. Therefore, the nature of the research determines the kind of tools to be used for accomplishment of the research. In this regard, research tools in the field or realm of law stand distinctively clear from all other kinds of research. That is, substantial part of the tools are in the form of documents ---whether the research is municipal or international law.

### 4.4.1 Municipal Law Research

Some necessary tools for execution of domestic or municipal research may include:

(i) Statutes – all legislatures. This includes byelaws
(ii) Case laws – decisions or pronouncements of the Supreme Court of Nigeria.
(iii) Law journals – reviewed by peers.
(iv) Textbooks – (of high authority/opinion jurists).
(v) Dictionaries – e.g., Black's Law Dictionary, Webster, Longman's and Oxford dictionaries.
(vi) Law Reports – (all kinds – local and foreign)
(vii) Monographs – e.g., Ph.D. and LL.M. theses
(viii) Facts Findings – reports of tribunals – e.g., Failed Bank Tribunal, Maitatsine Tribunal, 1982.
(ix) Conference and seminar papers (local or foreign).
(x) Newspapers and Magazines – (Local or foreign)
(xi) Treatises – e.g., written by Locke, Plato and Aristotle.
(xii) Government Policies and Orders – e.g., Financial Orders, Civil Service Regulation or handbook.
(xiii) Technical Committee Reports
These and many others not mentioned here consist tools for legal research.

**In-text Question: Mr. Femi has approached you to assist him to design his research. What are the relevant factors to be taken into consideration?**

## 4.5 International Law Research Tools

Research tools for international law includes

(i) Dictionaries – of any type
(ii) Conventions
(iii) Treaties
(iv) Protocols
(v) Textbooks on International Law
(vi) Resolutions of the General Assembly of the United Nations Organizations
(vii) Resolutions of Security Committee
(viii) Judgments of the International Court of Justice
(ix) Judgments of all regional/sub-regional Committees etc
(x) Judgments of International Criminal Court.
(xi)

### 4.3.5 Basic Tools of Data Collection

It suffices to say that the basic tools of data collection are different from the above listed tools. When a researcher is faced with the responsibility to collect data, the tools we mentioned above are the pools into which he dips his hand to fetch data --- whether the research is of municipal or international law.

Data collection in legal parlance is not more than the gathering of all relevant documents--- whether fact or law for analysis with the view to achieving research goal or question. In this regard, document such as dictionaries, cases, legislations and textbooks, monographs, workshop and conference papers are tools for collection of data. Data collection in this regard may include going out to collect information in a statistical form or collection of figures such as--- counting and recording of numbers or figures.

| **Self-Assessment Exercise** |
|---|
| 1. Research designing is a wishful thinking. Why? |
| 2. Municipal research tools include |
| 3. International law research tools include |

4. Mr. Lapemi is doing research on: Do Judges Make Law? The Recent Trend. His tools should include?
5. Which is not data among the followings?
   (a) Conference and seminar papers
   (b) Monographs
   (c) Statistical and accounting figures
   (d) Animals specie

## 4.6 Summary

Research design is the framework of research methods and techniques chosen by a researcher to conduct a study. The design allows researchers to sharpen the research methods suitable for the subject matter and set up their studies for success. Creating a research topic explains the type of research experimental, survey research, correlational, semi-experimental, review and its sub-type (experimental design, research problem, descriptive case-study.

## 4.7 References/Further Reading/Web Sources

Bouchrika, Imed. *How to Write Research Methodology: Overview, Tips, and Techniques.* May 2, 2021. https://www.guide2research.com/research/how-to-write-research-methodology (accessed July 4, 2021).

How to do legal research in 3 steps. https://legal.thomsonreuters.com/en/insights/articles/basics-of-legal-research-steps-to-follow.
Jain, S.N. "Doctrinal and Non-Doctrinal Research. *Journal of the Indian Law Institute*, 1982: 341-361.
Salim Ibrahim Ali, Dr. Zuryati Muhammad Yusoff, Dr. Zainil Amin Ayub. "Legal Research of Doctrinal and Non-Doctrinal." *International Journal of Trend in Research and Development*, 2017: 493-495.

## 4.8 Possible Answers to Self-Assessment Exercises 3

International Legal Research Tools are as follows or includes the following

(xii) Dictionaries – of any type
(xiii) Conventions
(xiv) Treaties
(xv) Protocols
(xvi) Textbooks on International Law
(xvii) Resolutions of the General Assembly of the United Nations Organizations

1. Research designing is a wishful thinking. Why?
   (a) It is static
   (b) It is flexible
   (c) It is subject to subtraction and addition
   (d) It is irremediable

2. Municipal research tools include
   (a) Convention
   (b) Manuals
   (c) Constitution
   (d) Protocols

3. International law research tools include
   (a) Conventions and protocols
   (b) CAMA and Penal Code
   (c) Judgment of Supreme Court of Nigeria
   (d) Judgment of Federal High Court

4. Mr. Lapemi is doing research on: Do Judges Make Law? The Recent Trend. His tools include
   (a) Case law and text books
   (b) Dictionaries

(c) Treaties
(d) Resolution of the United Nations General Assembly.

5. Which is not data among the followings?
(a) Conference and seminar papers
(b) Monographs
(c) Statistical and accounting figures
(d) Animals specie

## MODULE 2



## UNIT 1 How to Choose Research Topic

### Unit Structure



### 1.1 Introduction

Choice of research topic is always problematic for most researchers. Experience has shown that some students submit research topics for about four or five times before a research topic is approved. In choosing a topic of research regard should be had for the following which are not in fact exhaustive.

### 1.2 Learning Outcome

By the end of this unit, you will be able to:

- discuss how to choose a research topic
- analyse the topic
- able to design the topic.

### 1.3 How to Choose Research Topic

Choose a topic that you are interested in! The research process is more relevant if you care about your topic. Narrow your topic to something manageable. If your topic is too broad, you will find too much information and not be able to focus. Background reading can help you choose and limit the scope of your topic.

- Review the guidelines on topic selection outlined in your assignment. Ask your professor or TA for suggestions.
- Refer to lecture notes and required texts to refresh your knowledge of the course and assignment.

Talk about research ideas with a friend. S/he may be able to help focus your topic by discussing issues that didn't occur to you at first. Think of the who, what, when, where and why questions:

- **WHY** did you choose the topic? What interests you about it? Do you have an opinion about the issues involved?
- **WHO** are the information providers on this topic? Who might publish information about it? Who is affected by the topic? Do you know of organizations or institutions affiliated with the topic?
- **WHAT** are the major questions for this topic? Is there a debate about the topic? Are there a range of issues and viewpoints to consider?

### 1.3 The Topic should be Narrow

The old adage is that "the wider the research topic, the shallower the research is likely to be". Conversely, "the narrower the research topic, the more in-depth the research is likely to be." In view of this maxim it is suggested that a research topic should be framed in a restrictive manner. A student was asked: “what in the topic of your research?” He said, “the topic of my research is Land Law in Africa”. Everybody in the class laughed at him. This is because, the topic is too wide. If this topic is approved it means the student has to discuss the Land Law of every country in Africa. This is not a small task. More importantly, the research will not be indepthly and articulate discussed. The discussion will certainly be shallow. It is desirable that the topic be narrow so that it can be indepthly and articulately discussed, for example, Customary Land Law of the Kaje People of Southern Kaduna State. Or the “Law of Inheritance Under Customary Law of the Nupe People of Niger State of Nigeria”.

In the first topic, the discussion is limited to Kaje People in Southern Kaduna State. Not all the Kaje people wherever they are in Nigeria, but those in Kaduna State only.

In the second example, the topic is circumscribed by customary law of the Nupe people of Niger State. The topic does not include the Nupe people of Kogi and Kwara State or elsewhere in Nigeria.

## 1.3 Novelty of Research Topic

We have already said that the notion of research is the systematic study or investigation into some certain facts or information with the view to discover some specific goal. In planning and designing of research, effort should be made to seeing that the research element contains some element of novelty. This is why research is associated with the discovery of what is unknown or its advancement. This definition entails novelty- something that is new, or its advancement. In humanity courses, such as law, it is difficult to make discovery. In most cases, it is advancement of the existing discoveries. However, in science and technology discovery is easily noticeable, or can be easily achieved. Notwithstanding the difficulty that exists, it is expected that researcher in law should break new grounds or advance the course of the existing subject-matter of researcher.

### 1.3.1 Not recently Researched or Undertaken

In most academic research, such as Ph.D. and LL.M. programmes, many universities have the policy that a topic of research if not novel, must be one which is not recently researched. This brings in the question of time which the research topic was previously researched. In the field of law, some universities have argued that for a student to research into an area which was already researched, it must be shown that there is a new development in the area. In other words, some of the laws in the previous research have become obsolete and outdated because of the organic nature of law. For example, the Penal Code Law of Northern Nigeria, 1959 has many of its sections outdated. With the development of science and technology, modern offences such as cybercrimes, money laundering, and offences bordering economic and financial crimes are completely outside the realm of that Code.

***In-text Question: It is a well settled maxim that the wider the research topic, the shallower the research would be. Conversely, it is also a well established principle that the narrower the research topic the in-depth the research will be. Discuss.***

## 1.4 The Topic must be Elegant, Precise and cute

A research topic must be clear and short. The wording of the topic should not be more than 23 words, internationally. The topic must depict the main kernel of the subject-matter of the research. It must not be unambiguous, inelegant, or imprecise. The topic must manifest the content of the research This is to say, the content of the research must not be different from what the topic at the spine of the book or title page purports to contain. Furthermore, it is required that both the topic as found on the

spine or title page tally with the discussion in the book. For example, the topic: The Customary Marriage and Divorce of Kamuku People of Nigeria, it is expected that the research should deal with Kamuku Customary Law of Marriage and Divorce substantially, and not of the Gbagyi people.

## 1.5 The Topic must be Researchable

If we accept or agree with this topic, does it mean that there are research topics that cannot be researched? Experience has shown that there are some topic which cannot be researched into. This view raises two major issues. Firstly, non-researchable topic may arise from the fact that the relevant materials upon which the research is based are scanty. That is, the substantive law is scanty. Secondly, the subject matter of the research is not accessible. For example, when a student chooses to undertake empirical research in a war zone, or where information relating to the subject matter of the research is not accessible. These and many other factors are necessary to be considered when a student wants to choose a research topic.

| Self-Assessment Exercise |
|---|
| *1. Miss Ene, an LL.M. student has these topics from which to select her dissertation topic. Choose one that is most suitable for her.* |
| *(a) Land Law in West Africa.* |
| *(b) Customary Land Tenure of the Gbagyi people of Kaduna State.* |
| *(c) Marriage, Divorce and Custody of Children amongst the Efik of* |
| *Nigeria.* |
| *(d) The Nigerian Constitution of 1999 (aa) and Democracy.* |
| *2. Mr. Ndupe, a Ph.D. student wants to write on any topic. Which one is more novel?* |
| |
| |

## 1.6 Summary

In conclusion, you have discussed , how to choose a research topic . In choosing a research topic , ensure the topic is narrow, novelty of the topic, the topic is not recently researched , elegance, precision and cuteness of the topic and the topic is researchable.

## 1.7 References/Further Reading/Web Sources

1. Introduction to Emperical Legal Research 2014, By Lee Epstein and Andrew D Martin
2. Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke
3. Legal Reasoning, Research and Writing for International Student
4. The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994
5. Legal Research Methodology By Yusuf Aboki

## 1.8 Possible Answers to Self-Assessment Exercises 1 b

**The topic to choose for the students is:** *Customary Land Tenure of the Gbagyi people of Kaduna State because it is narrow down and specific;*
**Gbagyi** or **Gbari** is the name and the language of Gbagyi/Gbari ethnic group who are predominantly found in Central Nigeria, with a population of about 1 million people. Members of the ethnic group speak two dialects. While speakers of the dialects were loosely called **Gwari** by both the Hausa Fulani and Europeans during pre-colonial Nigeria[2] they prefer to be known as Gbagyi/Gbari.

1. Miss Ene, an LL.M. student has these topics from which to select her dissertation topic. Choose one that is most suitable for her.
   (a) Land Law in West Africa.
   (b) Customary Land Tenure of the Gbagyi people of Kaduna State.
   (c) Marriage, Divorce and Custody of Children amongst the Efik of Nigeria.
   (d) The Nigerian Constitution of 1999 (aa) and Democracy.
2. Mr. Ndupe, a Ph.D. student wants to write on any of the following topics. Which one is more novel?
   (a) Coronavirus: The Crashing Point of mankind.
   (b) History and Coronavirus: Any Precedent?
   (c) The earth and the Moon Planets: Which Place to be?

## Unit 2 Abstract

## Unit Structure



## 2.1 Introduction

Abstract is the summary of the totality of research work. It is the kernel or the York of a research in a summary form. Its purpose is to provide a curious or an eager reader to know the cardinal content of the research work without necessarily reading substantially the research work. It is an important part of a research work. Internationally, it is not supposed to be more than 1/7 of the totality of the work. However, in most Postgraduate Study Guidelines this international requirement has been modified substantially. For example, A.B.U, Postgraduate Studies Guidelines which is similar with the Guidelines many Postgraduate Schools, requires that an abstract should not be more than one page of single line spacing and it must italicized. It should be one block and not paragraphed. Similarly, the Uniform Research Citation and Referencing of the Nigerian Association of Law Teachers 2016, makes some provision with most universities requirement.

## 2.2 Learning Outcomes

By the end of this unit, you will be able to:

- define abstract
- discuss the essentials of a good abstract.

## 2.3 Abstract

### 2.3.1 Essentials of a Good Abstract

A good abstract has elements or essentials which make it good. The essentials or elements include the following:

### 2.3.2 Introduction of the subject matter

A good abstract should contain a brief introduction of the subject-matter of the research. It should be short, concise, precise but captures boldly, the background of the research.

### 2.3 Statement of the Problem

A good abstract should lay-bare the statement of the problem of the research. This means the statement of the research should be clearly disclosed or exposed, so that a reader knows at a glance the problem of the research without reading into the substantial part of the research works before he has a glimpse of the work. For example, in the topic: Do Judges Make Law? The Recent Trends, the research is expected to say that, in connection with the topic there are two schools of thoughts. One school has the view that the cardinal responsibility of judges is to interpret and apply laws. It is not their constitutional responsibility to make laws. They are not legislators. According to the second school of thought judges make law, though it is not their constitutional responsibility. It is undeniable that judges make law when they interpret, expound and apply laws. It is because of the fact that judges make law that the common law is developing. Nobody can deny that the common law which is applied in $15^{th}$ century is the same common law that is being applied. Great judges such as Lord Dennning had on several occasions said that "it may be that there is no law to apply in this case. If it were so, the earlier we make one, the better." A.G. v. Butterworth (1516). However, in recent time the doctrine of judicial precedent upon which the common law judges used to base their arguments have been serious attacked. It has been argued that there is no situation where two or more cases have similar facts and circumstances. There must be difference, however minute or small. That the common law judges were lazy and relied on assumption that there

could be a situation where two laws have similar facts and circumstances to warrant to law applied in an earlier decision could be applied to the case in hand. According philosophers of Critical Legal Studies law is underestimated. It differs from one case to another. There can be no two cases with similar facts and circumstances, this school argued that the judges of common law, apart from being lazy and assumption, are not critical in their analysis of cases before they apply the laws in the cases. The critical studies philosophers have advised judges not apply the doctrine of judicial precedence, because it is a distortion of law.

### 2.4.1 How the Statement of the Problem was Discussed and Resolved

A good abstract is supposed to contain a brief summary of the discussion of how the statement of the problem was discussed and solved. Here the researcher is required to summarize the content of the body of the thesis or dissertation. For example, in the above topic, the research can say the problem was discussed and solved by doctrinal and empirical methods. By doctrinal method all relevant principles such as the doctrine of precedent was discussed with all its ramifications. That is, the meaning of judicial precedent, why courts apply it, its advantages and disadvantages etc. By empirical method, two approaches were adopted, namely questionnaire technique and interview technique.

By questionnaire technique, these were paired and distributed to target group members. Their responses were analyzed and the result was obtained. Out of 100 questionnaires distributed 80 were returned. Out of 80, 65 respondents said judges male law. 15 respondents said that judges do not make law. The views of the respondents show that 81.25% agreed that judges make law, while 18.75% said judges don't make laws.

By the technique of face to face or one to one interview, 17 judges were interviewed. Eleven (11) judges agreed that judges do make law. This represents 65%. Six (6) judges said that they do not make laws. This view represents 35%. In all these techniques, the findings are that judges make law. This is a clear example of quantitative kind of research which we discussed while we are comparing qualitative with quantitative kinds of research.

### 2.4.2 Findings

Finding is an integral part of design of a good research. All researches must have by necessity, the desire to get result…whether good or bad. Finding is the end of result of a good research. Finding is usually contained in the last chapter of research. It is required that a researcher

must state his finding at the end of his research. This is what everybody is eager to get or see after a long and difficult research was done.

In our research topic: DO Judges Make Law? The Recent Trend, the result of this finding in questionnaire technique in that judges make law. This represents 81.25%, totaling 65 respondents. Only 18.75% said judges do not make law. This represents 15 people. In the one on one interview, the mighty of respondent said that judges make law. Out of 17 judges who were interview 11 of them said judges make law. This represents 65%, while 6 judges said judges do not make law. This represents 35%.

### 2.4.3 Recommendations

It is important that recommendations be made at the end of every research. Recommendation is the view of the researcher informed by the findings of the research. It is deserved that the number of findings should be equaled to the number of recommendations. A good abstract should contain recommendations, equal to the number of findings.

### 2.4.4 Conclusion

A good abstract should contain concluding statement which must be also brief. It is cardinal principle that conclusion does not open new ideas or subject matters.

## 2.5 Use of Abstract

As we have earlier said, abstract is an important part of research work. It is a summary of the totality of the work. If one reads an abstract, it will be taken as if he has read the work from the beginning to the end of the abstract is good. Therefore, one important use of abstract is to provide a curious reader with the content of research work.

Most journal publishers such as universities, often request subscribers to include abstracts in their articles. In other words, all articles for publication often contain abstracts. Sometime, from abstract, editors may form the opinion of sending an article to external reviewer or moderator or not. Also, institution such as Carnegie Foundation, Ford Foundation, Social Science Research Council of Nigeria, IIE which give financial assistance to scholars or researchers, often request that applicants or candidates include abstract of their proposal in their applications. Abstract in this regard, aids the institutions to form or make decisions to either accept or reject award of scholarship or financial aid. Abstract helps to decide whether the topic of research is good, viable or researchable to warrant the institution award scholarship or financial aid.

### 2.5.1 Abstract Language

This is an area where semantism plays a great role in shaping research methodology. Perhaps logic is more appropriate to use. This is because logic is always irreversible or incontrovertible. In the frequency of occurrence of abstract, it is understood that abstract is best written when the totality of the subject-matter of research has been written. Though, the place of abstract is at the preliminary part, but it is mostly written when everything is said and done. Yet, some scholars have argued that the language of abstract is always in the past tense. This is why we say logic is more appropriate to use. For example, in relation to our topic: Do Judges Make Law? The Recent Trend, a researcher in writing the abstract is required to use present tense, but others said past tense. Thus, there are two schools of thought. In consonance with the well established rule of interpretation, where there are two interpretations and each is reasonable, any of the interpretations is acceptable. A student should not be punished or condemned because he adopts either of the interpretations.

## 2.6 Summary

At the end of this unit you discussed , abstract , essentials of a good abstract , introduction of subject matter , how the statement of the problem was discussed and resolved , brief statement of the findings,
brief statement of the recommendations , brief statement of the conclusion , use of abstract and abstract language

## 2.7 References/ Further Readings/ Web Sources


1. Introduction to Emperical Legal Research 2014, By Lee Epstein and Andrew D Martin
2. Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke
3. Legal Reasoning, Research and Writing for International Student
4. The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994
5. Legal Research Methodology By Yusuf Aboki

| |
|---|
| Self assessment exercise: ***What are the characteristics of a well written Abstract?*** |

## 2.7 Possible Answers to Self Assessment Exercises

1. If X reads an abstract, he would have considered to
   (a) Have read the totality of the project.
   (b) Have read the literature review.
   (c) Have read the preliminaries of the project.
   (d) Have read the body of the work.
2. Abstract is distinguished from organizational layout because;
   (a) Abstract is the summary of the totality of the project.
   (b) Abstract lists the major and subtopics of the project.
   (c) Abstract specifies the contents of the project.
   (d) Abstract deals with the layout of the project.
3. Which of these is not an element of a good abstract?
   (a) Single spacing
   (b) Single bloc
   (c) Written in italic
   (d) Written in capital letters.
4. Abstract language should be in the past tense because;
   (a) It is placed at the end of project.
   (b) It is placed in the middle of project.
   (c) It is one of the last bits of project.
   *(d) It is the kernel of project.*

**Possible answer to self Assessment exercise**

Abstracts contain most of the following kinds of information in brief form. The body of your paper will, of course, develop and explain these ideas much more fully. As you will see in the samples below, the proportion of your abstract that you devote to each kind of information and the sequence of that informationwill vary, depending on the nature and genre of the paper that you are summarizing in your abstract. And in some cases, some of this information is implied, rather than stated explicitly. *The Publication Manual of the American Psychological Association*, which is widely used in the social sciences, gives specific guidelines for what to include in the abstract for different kinds of papers for empirical studies, literature reviews or meta-analyses, theoretical papers, methodological papers, and case studies.

## Unit 3 Literature Review

### Unit Structure



### 3.1 Introduction

We have said that a good research is one which opens a new frontier of knowledge. In normal research language, a good research is one which "breaks a new-ground" or it advances a new ground." Furthermore, a good research is one which is novel.

Be it as it may, no matter what kind of adjective we use to qualify research, the truth is that at times, a researcher is provoked by what some other researchers have said or done in connection with the research topic which is being undertaken. In this regard, the research topic is not a novel one, but it can be pursued in order to advance the subject matter of research. That is to say, some other scholars or researchers have made research into that area previously. Literature review is the study of what other researchers or writers have said in connection with the topic of research to be undertaken. It is the study of relevant or connected literature with the research topic which is to be undertaken with the view to shade light on the topic of the research to be undertaken.

## 3.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss Literature Review
- Explain Literature and Research Questions

## 3.3 Literature Review

### 3.3.1 Purpose of Literature Review

The purposes of literature review are many. Firstly, literature review provides an opportunity to critically study what other writers have said in the area of subject matter of the research.

Secondly, it provides an insight into whether the research in hand is worth pursuing or not. Thirdly, it shows whether the topic in hand will break a new ground or advance the course of the broken new ground. Fourthly, it gives the legitimacy to continue with the research. Fifthly, the gaps and lacunae created by previous writers necessitate the research in order to feel the gaps or lacunae. Sixthly, if we want to know whether a research has broken a new ground or not, the answer is to be found from the literature review.

### 3.3.2 How to Write Literature Review

Literature review is the systematic study of what someone said previously in connection with the research topic in hand. The statement may be from textbooks, journals, provision of a statute or case laws. These materials---- i.e., books, statutes, case laws including conventions, protocols, treaties etc can be reviewed.

To write a literature review of a textbook, the relevant areas of the textbook is thoroughly and critically read, digested and well understood. The idea, principle, and law which triggered the review is mentioned and critically criticized. These are criticized for lack of merit, coherency, relevancy, or understanding or they are obsolete. The researcher is required to mention the shortcomings of the previous writers and say how he will remedy the gaps or lacunae.

In another way, the researcher can agree with what a previous writer on the area of research has said on some other aspects of the research. He will then proceed to disagree with some other issues, pinpointing the shortcomings of the previous writer, e.g. that the previous writer erred for not saying what he ought to have said in the work. He will then end the

criticism by saying that the error or mistakes will be corrected in his own research work.

It is important that criticisms should be limited to the views expressed by the previous writer. What he has not said should not be criticized or mentioned. If a reviewer does this, it is always referred to as a "wild attack" or "wild criticism." This should be avoided.

In literature review, all textbooks, journals, case laws, protocols, treaties, and conventions etc should be acknowledged. That is to say, the source of the material should be acknowledged at the footnote or end note. For example, according to Elias,T. O. gift of land is always subject to good behaviour. [Nigerian Land Law, Routledge and Kegan Paul, London, (1974) p.110]. The statement in brackets and underlined is what is called citation, acknowledgement or reference. It is always at the foot of the page where the statement was made. For example, see below.[1] It is ethically bad, among researches, not to have made acknowledgement or referencing when a book is reviewed. If non-acknowledgement or non-referencing is rampant, it may lead to accusation of plagiarism. This is a criminal offence.

It is important that when a researcher is reviewing a literature, he should find fault with the authors, laws, protocols, conventions, case laws, etc that are being reviewed. This is more acceptable to the situation where a researcher agrees wholesomely with the statement of the previous writers. For example, where a researcher reviewed many literatures and agreed with them, without any shortcoming at all. It means there is no basis for the researcher to proceed on, on the research. This is because, in a situation where there is no short-coming. It means there is no problem which necessitates the research. The legitimacy for embarking on a research is that, there is a problem which the research is to uncovered and recommendation is proffered to cure it. Where there is no problem, research is not needed. Where a researcher agreed with the previous authors, laws, protocols, treaties, etc which he reviewed, it means that there is nothing wrong for a research to be embarked upon.

### 3.3.3 Relationship between Literature Review and the Research Topic

Often when a research is to be embarked upon, the topic of the research determines the kind of literature review to be undertaken. The topic of the research manifests whether the literature review will include materials such as statute, case law, journals, protocols, conventions etc. The topic of the research determines which subject of law is in issue. For example, constitutional law, criminal law, law of torts, Islamic law or Public

[1] .Elias, T.O. Nigerian Land Law, Routledge and Kegan Paul,London,(1974)page 110.

International Law. Therefore, the topic of research shows the pattern of the legal materials to be assembled for purpose of review. A topic of research is always a precursor and guides the research on what relevant materials he will search, gather and review. A topic of research is a pointer to what subject or discipline the research relates and therefore deserve for review, for example, in our usual topic of Do Judges Make Law? The Recent Trend, the topic suggests relevant subject areas that the researcher will make enquiries to execute the work. He needs to critically read books relating to Nigerian Legal System jurisprudence, and Legal Method. A topic, therefore, may need more than one area of specialization before it is accomplished.

## 3.4 Literature Review and Research Question

Research question is a hypothesis made which is based on the revelation made in the statement of the problem. A research question always seeks to answer the question posed in statement of the problem in a different way. Research question is another version of the statement of the problem put forward by a researcher in a different way. Literature review is what previous writers said on the topic of research which is always directed to the answering, explaining or shading more light on the research question. For example, in our topic: Do Judges Make Law? The Recent Trend, a researcher may come out with a research question as follows: is the doctrine of judicial precedent still infallible in the development of law? In this regard, the relationship between the research question and the topic of the research is that the research question is indirectly soliciting the answer to the statement of the problem as posed by the research topic.

### 3.4.1 Quantitative Literature Review

Earlier on, we mentioned some research techniques. Prominent among them are quantitative and qualitative research techniques. Qualitative research techniques seeks to collect data in numeric form such as can be subjected to mathematical analysis - can be increased, divided, measured or presented in proportion etc [Roberts, F.O.N, Techniques of Data Collection. In: Solomon Akhere Bejamin, Enhancing Effective Legislative Research, A Publication of Policy Analysis and Research Project (PARP), National Assembly Abuja (2010) 64]. Quantitative research technique is used to quantify the size, distribution, and association of certain variables in a study population, the important question being: how many? How often? And how significant? The answers to these questions can be counted and expressed in numbers.

A quantitative literature review is one which deals with probing into numbers or measurements in a previous research. It seeks to find fault or agree with the data provided on a certain topic of research. It seeks to

verify the questions--- how many, how often and how significant the research problem is.

### 3.4.2 Qualitative Literature Review

A qualitative research technique which involves the identification and exploration of a number of often mutually related variables that gives insight into human behaviour (motivations, opinions, attitudes) in the nature and causes of certain problems and the consequences of the problems for those affected (Ibid). It is about perception and so the important questions to ask are why? What? And How?

Qualitative research technique produces qualitative data that are often recorded in narrative form. Qualitative data collection technique targets interpretative material practices that make the world visible (Ibid). Such technique seeks data that turns the world into a series of presentations design to interpret phenomenon in terms of what the phenomenon means to people.

Quantitative research technique deals with numbers or amounts of something rather than with how good it is.

While qualitative research technique deals with how good something is rather than with how much of it there is.

This quotation is to be taken to part 8.5 above.

A quantitative research technique is one which places high premium on number and amount. While a qualitative research technique places high premium on quality, e.g. good, high, low or bad.

The difference between quantitative and qualitative research techniques is that, in quantitative research technique, the researcher seeks the answer to his research by way of numeric form such as how many, how much and how often. While in qualitative research method, the researcher seeks answer to his research question by reference to good or bad rather than how much of it there is. Qualitative literature review emphasizes on the quality of the subject matter of the research problem, while the quantitative literature review finds fault with the quantitative or amount of the subject-matter of the research problem.

### 3.4.3 Evaluating a Literature Review

Literature reviews are always described to be high or poor. It is high when the literature review is rich with relevant materials. It is poor when the literature review is not rich, but rather poor or bad. That is to say the

materials are not relevant to the topic of the research. An evaluation of a literature review is high when the necessary materials such as statutes, case laws, journal articles, protocols, treaties, conventions and all other facts and information are fully discussed, criticized and shortcoming conspicuously pointed out. The evaluation is low when the indices enumerated above are poor or bad. It is always the responsibility of a reader to evaluate literature review. This is because a writer of a literature review will not evaluate himself well. It is another reader that can properly evaluate a literature review but certainly not the writer.

### 3.4.4 Samples of Literature Review

## 3.5 Case Law Review

At time there may be need for a researcher to review a case law which is one of his tools for research. Supposing that Mr. Senora, a Ph.D. student is writing his thesis on the topic: Do Judges Make Law? The Recent Trend, he may like to review the case of DPP. v. Shaw (1956) H.L. 105 as follows:

In this case, the issue before the British House of Lords (now Supreme Court) was whether the mere publication of a telephone directory of prostitutes was an act punishable under the U.K. law. The House of Lords critically reviewed the case before them and held that in U.K. statutes, mere publication of telephone directory was not an offence, because by virtue of rule of law, an act is not an offence unless there is a law prohibiting it. In this case, there was no law prohibiting the publication of the directory. However, it would be wrong for the accused persons to be set free, just because there was no law dealing with the subject matter of the case. To do so, would amount to corruption of public moral. The accused persons were accordingly convicted for "corruption of public moral," an offence which was not prescribed by any British law. The British House of Lords (Supreme Court) therefore made law in this case. The short comings of making law by courts are that firstly, the law is not popular because there is no much publicity as it is the case with laws made by parliament. Secondly, the law is not gazetted so as to give it wide publicity. Thirdly, the law is not signed in a ceremonious way like it is done when a parliament passed a new law. Fourthly, there was no public participation. In fact, laws made by judges in the courts are always hidden. This is against fair hearing.

### 3.5.1 Sample of Textbook Review I

M. G. Yakubu,[2] has argued that gift of land under Native Law and Custom by a head of family or by concurrence of head and principal members is permanent and irrevocable. According to him gift under customary law has the effect of conferring upon the person on whom the gift was made (donee) absolute title and it is not subject to good behaviour. This means that even if the person to whom the gift was made misbehaves, the gift cannot be revoked. The phrase subject to good behaviour was not defined, but it in some cases; judges have taken it to mean "challenge of the grantor's title". Any misbehavior which does not challenge the grantor's title is not misbehavior to warrant revocation of gift. According to M. G. Yakubu, misbehavior is not a ground for revocation of a gift validly made. Therefore, other minor misbehavior such as given evidence against the person who made the gift, or abusing his child as "bastard" or calling his wife "ashawo" will not warrant the revocation of gift. These are not challenges of the grantor's title. The short coming of M. G. Yakubu's position that gift under customary law is not subject to good behavior is too sweeping and can cause problem to some family members if not the person who made the gift himself.

### 3.5.2 Sample of Textbook Review II

Prof. T. O. Elias[3] has argued that gift of land under customary law is subject to good behaviour. According to the legal luminary, if a gift of land was made, it can be revoked if the person in whose favour the gift was made (donee) later misbehaves. The short coming of the author is that he did not clarify whether the rule "subject to good behaviour" applies both to a family member and a non-family member. This lack of clarification has introduced uncertainty and vagueness into the rule. In this work, the researcher will fill the gap or lacunae created by this erudite scholar.

In these samples, students are to try and find out the shortcoming which the author of this work has pointed out in the sample reviews. Always, the yardstick for a proper or correct literature review is that the reviewer should limit himself to what the writer said. The reviewer should point out the shortcomings of the work he viewed. At the conclusion of each review, he should say what he intends to do in his own work. For example, he can say, "the researcher intends to fill this gap or lacuna in the course of this research."

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[2] . Modern Land Law in Nigeria, MacMillan Publishers, Lagos (1984) 12

[3]. Op. Cit. at page 42

### 3.5.3 Sample of Review of Statute

Section 22 of the Land Use Act[4] provides that no alienation in urban land is valid until the consent of the governor of the state where the land is situated is sought and obtained. There is no limit in point of time when governor can continue to withhold his consent. Secondly, apart from lack of definiteness of time during which he can withhold consent, there is no mentioning of the type of transactions which he can withhold his consent. The importance of mentioning the type of transactions which he can withhold his consent is to let the public be aware of those transactions so that they keep off from them. Thus, the power to withhold consent is arbitrarily imposed. This does not accord with the modern concept of good governance. This work in an appropriate place will shade more light and proffer some solutions to the short coming.

### 3.5.4 What a Reviewer Needs to Do

In summary, in literature review, what the reviewer is to do are as follows:

(a) Identify where your work relates to the work which you want to review. In other words, the work you want to review must be connected or have nexus with your work e.g. principle, doctrine, maxim, legal substance or procedural substance etc.
(b) Review the doctrine, maxim, legal or procedural substances by finding fault with the previous writer(s).
(c) Comment on the faults you have found with the author that necessitated the review. The review should be in-depth, clearly and properly or articulately.
(d) Comment about what you intend to do with the fault you found with work.

### In-text Question

*Literature review is an important part of project writing. The more a reviewer agrees with previous writers, the more he strips himself the power to continue with the research. Conversely, the more the reviewer disagrees with previous writers, the more he legalizes the continuation of his research.*

[4] Cap. L5, LFN, 2004.

*Explain this statement.*

| Self | Assessment Exercise: What is the purpose of literature review? |
|---|---|

1. *The purpose of literature review is to:*
*a. Find out the shortcoming of the previous writers and recommend improvements*
*b. To agree with the previous writers*
*c. To praise the previous writers*
*d. To castigate previous writers*

1. *What a reviewer is to find out is.*
*a. Lapses, lacuna of the previous writers.*
*b. Imagine what the previous writers said.*
*c. Praise himself.*
*d. Promise to overcome the problem.*

2. *Wild literature review means:*
*a. The literature is in-depth*
*b. The literature is shallow*
*c. The previous writer did not discuss what he was criticized upon*
*d. The previous writer was wrong absolutely*

3. *The legitimacy of continuing with a research is measured by*
*a. The short-comings of the literature review*
*b. The efficiency of the literature review*
*c. Wildness of the literature review*
*d. The justness of the literature review*

4. *Qualitative Literature aims at:*
*a. Discovering the poor and good aspects of a project*
*b. How much the result of a literature will be*
*c. Discover how the research was conducted*
*d. Ignoring the quantitative aspect of a research*

5. *In reviewing a statute, case law and textbook, the cardinal principle is to:*
*a. Find out the fault in each of them*
*b. Agree with the materials*
*c. Legalize with the contents of the materials*
*d. They are reviewable*

6. *A reviewer needs to:*
*a. Comment about what he intends to do with the fault found with the previous writers*
*b. Castigate the previous writers*

*c. Praise the previous writers*
*d. Recommend to the previous writers what they will do.*

## 3.6 SUMMARY

**At the end of this unit , you discussed** , literature review , purpose of literature review , how to write literature review , relationship between literature review and research topic , literature and research questions , quantitative literature review , qualitative literature review ,evaluating a literature review, samples of literature review and sample of case law review

## 3.7 REFERENCES/FURTHER READING/WEB SOURCES

Introduction to Emperical Legal Research 2014, By Lee Epstein and Andrew D Martin
Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke
Legal Reasoning, Research and Writing for International Student
The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994
Legal Research Methodology By Yusuf Aboki

## 3.8 Possible answers to self-assessment exercises 1

The purpose of literature review is to:
e. Find out the shortcoming of the previous writers and recommend improvements
f. To agree with the previous writers
g. To praise the previous writers
h. To castigate previous writers

## Unit 4 Parts of a Thesis, Dissertation and Long Essay Project

### Unit Structure



### 4.1 Introduction

Like any other legal textbook, research work such as theses, dissertations and long essays have different parts. A complete research work such as a thesis, dissertation or long essay is normally divided into (a) preliminary pages, (b) main body of the research, always divided into chapters, (c) bibliography and (if any) appendices. In this part we are going to discuss these parts and what they constitute in details.

## 4.2 Learning Outcome

By the end of this unit, you will be able to:

- Discuss Parts of a Thesis , Dissertation and Long Essay Project
- Differentiate between Thesis and desertation

## 4.3 Parts of a thesis, Dissertation and Long Essay Project

### 4.3.1 Preliminary Pages

### 4.3.2 Title Page

A title page is the page which contains the title or topic of a research work. In dissertations, theses and long essays it includes the name of the student, and his registration number. For example,

> Critical Analysis of the Governor's Power to Grant Right of Occupancy in Nigeria
>
> By
>
> Matenmi Matundi Seko
> LLM/LAW/01971/2019-2020
>
> Being an LL.M Dissertation Submitted to the Faculty of Law, National Open University of Nigeria (NOUN), Abuja in Partial Fulfillment for the Requirements of the Award of Masters of Law (LL.M)

N.B. Nothing more should be added to the title page.

Title page is what differentiates one research work from all other works. It is the name by which the research is known. Just like individuals are known by their names, research works are similarly known by their title. It is to be added that, a title page should not bear the topic "Title Page". It is required that the title of a research is written just as it is exemplified above.

### 4.3.3 Copyright Statement

A copyright statement is a statement which prohibits other persons from producing someone's research work by way of electronic, mechanical, photocopying, recording or otherwise without the permission of the author. The legal historical background to this statement is long and checkered. But, briefly stated, a research work successfully completed is regarded as the property of the researcher such as his car, his house, his television, gown and cap etc. By law of property, the research work and all the other properties mentioned are to be used exclusively by the owner or author. Research work is an intellectual property which is subject to

stealing or any other form of crime. In order to protect commission of crimes against intellectual property, copyright law was devised to protect intellectual property rights. To protect a research work there is usually a formally written copyright statement as follows:

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form, or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of the copyright owner and the application for which shall be made to the author.

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With the development in science and technology, this statement is every day flaunted with impunity. It is a serious challenge to individual intellectual development and the economic benefit attendant to it.

P.S: Students to think how modern science and technology has watered-down the efficacy of the copyright statement. Does the inclusion of copyright statement in research work not inimical to propagation of knowledge in the work?

### 4.3.4 Dedication

This is the section or part of a dissertation, thesis and long essay where a researcher or writer expresses his thanks or appreciations to people who are intimately connected with him for their contributions. For example, a wife can dedicate her research to her husband or children. A researcher can dedicate his work to his father or mother. Recently, we have seen where students dedicate their research work to Allah or Jesus Christ.
Dedication is always made to intimate persons. The number of such intimate persons is supposed to be small. Usually, the persons for which the work is to be dedicated for in a research should not be more than three. If there are more, supervisors do not question them. It is part of preliminary section of a research.

### 4.3.5 Acknowledgement

This is another part of research work where a researcher expresses his gratitude to people (some may be intimate) who have contributed to his success during the course of his research. They may include husband, wife, father, aunt, uncle, friends, school mates, class mates, roommates, sport mates, scholarship boards, financial assistance institutions, etc. The number of persons to acknowledge is not as restricted as it is in dedication. Acknowledgement can run into several pages, e.g. five or six pages. One

of the purposes is that those who could not be accommodated in the acknowledgement can be accommodated under the dedication. There is no limit as to the number of persons to be acknowledged. The difference between dedication and acknowledgement is that in dedication very intimate persons are mentioned. Secondly, number of dedicatees is very few compared with acknowledgment which has no limit so to say.

### 4.3.6 Certification

This is the part of dissertation, thesis or long essay project where the writer vouched that he has complied with the guidelines, rules and regulation governing writing of theses or dissertations of one particular university, e.g. National Open University of Nigeria, Abuja (NOUN).

## 4.4 Sample of Certification

This dissertation titled Critical Analysis of the Governor's Power to Grant Right of Occupancy in Nigeria by Matendi Matundi Seko meets the regulation governing the award of the Degree of Masters of Law (LL.M.) of the National Open University of Nigeria, Abuja and is approved for its contribution to knowledge and literary presentation.
Certification is often signed by the following members of faculty and Dean of postgraduate school viz:

| | |
|---|---|
| Dr. Mimi, Tegu Serma | Chairman |
| Dr. Karma Udai | Member |
| Dr. Tsei-Tsei Si | H.O.D. Private Law |

Prof. Zindaga Uche Dean, School of Postgraduate Studies (NOUN)

### 4.4.1 Declaration

This is the part of a thesis, dissertation or long essay where the writer or researcher, makes a solemn statement (declaration) that he is the real author of the research work. In addition, some researchers do vouch to say that all the references in the research have been duly acknowledged and any error found in the research should not be attributed to anybody except the researcher.

### 4.4.2 Sample of Declaration

I Matendi Matundi Seko declare that this dissertation titled a Critical Analysis of the Governor's Power to Grant Right of Occupancy in Nigeria has been carried out by me in the Department of Private Law, Faculty of Law, National Open University of Nigeria, Abuja. No part of this dissertation was previously presented for another degree or diploma at this or any other institutions.

Matendi Matundi Seko
Name of student Signature Date

### 4.4.3 Forward

Students normally do not provide for forward in their research work. This is not part of the requirements in the guidelines of most universities. However, forward is usually provided in good law textbooks. Forward is written by a very important personality. If possible, it is written by someone who has knowledge of the subject matter of the book. The purpose of forward is to boost the image of the book and the writer. It also publicizes a book and enhance its value and estimation in the eyes of the public. It promotes the book. It always end with: "I strongly recommend this book for judges, legal practitioners, legal luminaries and students". This statement is aimed at promoting the book to its readers. It is usually signed by the writer followed by date, months and year.

### 4.4.4 Preface

Preface is not part of the requirements for dissertation, thesis and long essay. However, a good law textbook always contain preface. Preface is a part of a book which explains the underlying fact or motive which necessitated the writing of a book. It also explains how a book is to be used. It is written by the author of a book himself. It is usually signed and dated with year and place of writing.

### 4.4.5 Table of Statutes

This is peculiar with legal research. A table of statutes is an arrangement of all statutes cited in a research work in alphabetical order with the pages where they are cited against each statute.
It is important to differentiate table of statutes from list of statutes. List of statutes is a list of statutes arranged alphabetically without the pages in which they appear in the work. Table of statutes is more useful than list of statutes because, in legal research, time is the essence of finding information. In a book where table of statutes are provided, it is easier to

locate the statutes in the work. Whereas it may take a long time to locate such statutes in the work, if it is a list of statute if not impossible. Here is an example of table of statutes:



### 4.4.6 Table of Cases

Table of cases is also a peculiar part of a law textbook or research work. It is the part of research work which contains names of cases alphabetically arranged with the page numbers of where the cases are cited. For example:



Similarly, there is a difference between table of cases and list of cases. A list of cases is a list of cases arranged in alphabetical order, without the number of pages where they are mentioned or appeared. In table of cases, the pages where they are cited is shown, while in list of cases the pages where they are cited are not shown.

### 4.5.1 Table of Contents

A table of contents is the list of all major and subtopics discussed in a research work with the pages where they appear indicated against each topic or subtopic. In this regard, no subtopic or under-stubtopic (sub-sub topic) should be left without being captured in the table of contents. The advantage of the table of contents is that it facilitates in finding information in the text. What a researcher needs to do is to find under what major or sub-topic the information instead. Once the major or sub-topic is known, the researcher will go direct to the page shown against the topic and get the information. In some cases, a subtopic is shown right from the page where discussion started to the page where the discussion ended. The purpose of table of contents is to seeing that all major and minor topics are recorded for easy reference, for example:

### 4.5.2 List of Abbreviations

A list of abbreviation is a list that contains all abbreviations used in a research project. It is a list because in most cases, the pages where the abbreviations appear is not shown against each abbreviations. The list of abbreviations must be arranged in an alphabetical order. For example:

**C.L.O.** - Civil Liberty Organization
**I.C.C.** - International Criminal Court
**I.C.J.** - International Court of Justice
**S.C.** - Security Council
**U.N.O.** - United Nations Organization

### 4.5.3 Bibliography

This is a part of dissertation, thesis and long essay project where the author or researcher lists all materials consulted during the writing of the project. This includes textbooks, journals, magazines, newspapers and internet sources with their citations. We reiterate that materials listed under bibliography must bear their full citations. The materials should be arranged in alphabetical order. It is suggested that students should enhance their table of bibliography.

This is to say, a table of bibliography may be categorized into:

A - Textbooks
B - Journals
C - Magazines and Newspapers
D - Internet Sources

In each category materials should be arranged in alphabetical order except internet sources. However, for internet sources, the date the source was consulted should be provided. The common mistake some researchers do while comparing table of bibliography is the inclusion of cases and statutes in the table of bibliography. It is here reiterated that in the table of bibliography cases and statutes are excluded. This is because; they have their own table in the project.

### 4.5.4 Glossary

This is the part of research work which contains words with technical meanings. The purpose of glossary is to facilitate the understanding of the text of the research or generally the content of the research. The understanding of the technical words will increase the understanding of the totality of the research work. For example,

Fee simple--- (highest interest in a property) _____page i0

Fee tail--- (limited to direct offspringof the heir) _____21

Null ---(having no legal effect) _____4

Nullapeona sine lege ---(no punishment without a law authorizing it)__20

Quic quid, plantatur, solo solocedit ---(he who owns land own what is naturally standing on the land and what is beneath it) _____15

There should be a table containing these technical words with their meaning shown against them. The technical words should be arranged alphabetically with the pages where they appear shown by their side.

### 4.5.5 Appendix

This is a document which shades light or increase the understanding or meaning of research work, but cannot be placed inside the text. Instead, it is placed at the end of the work. It was argued that if such document is placed inside the text, it will make the text clumsy and detract the attention of a reader. For example, a student writing a thesis on Fundamental Rights can reproduce Chapter Four of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and attach it at the back of the work for easy reference by readers. Recently, many authors who wrote on the Nigerian Land Use Act, have reproduced the text of the Land Use Act, 1978 and attached it to their work for easy reference. Legal practitioners often enclose appendixes when making submissions to court. Sometimes, maps are placed at the end of research work for easy references. Students are advised to attach questionnaires of the researches as appendixes.

### 4.5.6 Index

Index is not required as part of student's project such as thesis, dissertation or long essay. But it may be an added portion of a research project. In many legal textbooks, index is usually included. The advantage is to enable researcher gets information very timeously. This is because; words that are listed in the work have beside them, the pages where those words appear. With this information, if a word is found in the index, the

user will go straight to the page which is indicated beside the word and get information about that word. Index is arranged in alphabetical order in order to ease the rigour of getting the word whose information is sought. For example,

A
Abbreviations 27

B
Bibliography 39,41

C
Chapterization 98, 10

D
Dedication 20

E
Endnotes 35

| |
|---|
| **Self assessment exercise** |
| It has been said that a man without part of the body is like a log without head or feet. Similarly, a project without parts is like a log. Differentiate parts of project (if any) and mention their constituents. |

**Self-Assessment Exercise**

*1. Title page is what differentiates*
*a. One project from others*
*b. Is a means of knowing the contents of a project*
*c. Is Alpha and Omega of a project*
*d. It reveals all the secrets of a book*

*2. The difference between dedication and acknowledgement is:*
*a. The limit of names and their relationship with a writer*
*b. Their intimacy with the writer*
*c. Their contributions to the writer*
*d. Their importance with the writer*

*3. In LL.M. Certification, the following is not a certifier*
*a. H.O.D.*
*b. Dean of Postgraduate School*
*c. Co-ordinator of Postgraduate Programme*
*d. Member, Supervisory Committee*
*e. Chairman, Supervisory Committee*

*4. The difference between forward and preface is:*
*a. Forward is written by the author*
*b. Forward is written by a third party*
*c. Preface is written by Dean of Law*
*d. Preface is written by a very important personality*

*5. Which of these is not part of table of statutes*
*a. Land Use Act, 1978*
*b. Penal Code of N.N., 1960*
*c. Orojo, Cases and Material on CAMA, 1990*
*d. Married Women Property Law, Kaduna State, 1991*

*6. Which of these is not part of bibliography*
*a. Meek, Land Law in Nigeria and Cameroon*
*b. Elias, T.O. Nigerian Land Law, 1974*
*c. Coker, G.B. Property Law Among the Yorubas*
*d. Amadu Tijani V. Secretary, Southern Provinces (1921) 2, A.C, 399*

*The difference between table of Cases and list of Cases is that*
*a. Cases are arranged alphabetically with pages where they appear*
*b. Cases are written in capital letters*
*c. Facts of cases are given*
*d. Cases are not arranged alphabetically but their pages are shown*

*7. Index and glossary serve same purpose, in what way?*
*a. They show the pages where words appear*
*b. Glossary is a table of special words*
*c. Index is a table of words, places, things etc*
*d. Glossary is superior than index*

*8. Mr. Dadi is writing on the Fundamental Objectives of State Policies. In order to make the text of the law easily accessible, what can he do?*
*9. Mr. Sule, a supervisor said to an LL.M. student, "Please, enhance the table of bibliography. Show to the student how to do it.*

## 4.6 Summary

At the end of this unit, you discussed, parts of a thesis, dissertation and long essay project , preliminary page , title page , copyright statement , dedication acknowledgement , certification ,sample of certification declaration ,sample of declaration , forward , preface, table of statutes , table of cases , table of content , list of abbreviations and bibliography.

## 4.7 References/Further reading/Web Resources

1. Introduction to Emperical Legal Research 2014, By Lee Epstein and Andrew D Martin
2. Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke
3. Legal Reasoning, Research and Writing for International Student
4. The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994
5. Legal Research Methodology By Yusuf Aboki

4.8 Possible Answers to Self-Assessment Exercises

The primary difference between a thesis and dissertation is the time of when they are completed. As mentioned earlier, a thesis is presented at the culmination of a master's program, whereas, a dissertation is presented to earn a PhD.Degree

## MODULE 3

Unit 1 Citations
Unit 2 Footnotes, Endnotes and Quotations
Unit 3 Conclusion

## Unit 1 Citations

### Unit Structure



### 1.1 Introduction

Research reports such as thesis, dissertations and long essays which are submitted to postgraduate schools in partial fulfillment of the award of Ph.D. LL.M. and Postgraduate Diplomas are written in compliance with approved guidelines. The guidelines are made to imbibe ethos of academic writing into students. Here, in the legal parlance, it is required that if students make reference to statutes, case laws, journals, textbooks, magazines, newspapers, international instruments such as treaties, conventions, protocols or articles, they must acknowledge the sources where the information were obtained. In addition, all assertions of facts

must be acknowledged. This section deals with citations and acknowledgments.

## 1.2 Learning Outcomes

By the end of this unit, you will be able to:

- discuss citations
- distingusish between citation of textbooks written by several authors and citation by a single author.

## 1.3 Citations

### 1.3.1 Citation of Statutes

It is required that all statutes cited in a research work must bear full citations for easy of reference by researchers if they want to verify the wordings of the statutes. For example, if a researcher says Section 1(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides,

If any other law is inconsistent with the provision of the Constitution, this Constitution shall prevail, and that other law shall to the extent of the inconsistency be void -- Cap. C23, Laws of the Federation of Nigeria, 2004

The underlined is the full citation of the Constitution. It is always cited at the foot note as follows:[5]

This information helps a reader or another researcher to trace the law quickly and find out the correctness or otherwise of the law quoted.
Citation therefore helps a reader or researcher to locate the law and to know the authenticity of the law or otherwise.

### 1.3.2 Citation of Facts

Similarly, all assertions of facts must be authenticated. For example, a statement that the World Bank approves $22.2b for six projects in Nigeria, it is expected that if a student makes this statement or assertion in his project, he will be required to show sources where he got the information. For example, he is required to say that he got it from the Daily Trust, Thursday, February 20, 2020, columns two and three, page 16. These particulars are to be shown at the footnote of the page where the information was provided as follows[6]

[5] .Cap. C23, LFN, 2004.

[6] .Daily Trust, Thursday,February, 20, 2020, columns 2 and 3, page 16.

### 1.3.3 Citation of Textbooks

In a standard library, textbooks are shelved according to the surname of the writers. Supposing that you want to cite the book "The Defendant's Rights" by David Fellman, published by Rineheart & Company, Inc. New York, (1958) page 80, you have to follow the steps or format below.

(i) Name of the author
(ii) The title of the book
(iii) The name of the publishers
(iv) Place of publication
(v) Year of publication
(vi) Page that was consulted

At the foot noe, it will appear as follows:

- David Fellman (158) *The Defendant's Rights,* Rineheart and Company Inc. New York, 80.

This is the format of citing any textbook, writing by one author.

### 1.3.4 Citation of Textbooks Written by Several Authors

To cite a textbook written by more than one author, the format as shown below is the same, except that you add the word *et al*. The Latin word *et al* means and others. For example:

1. Introduction to Legal Method by John H. Farrar and Anthony M. Dougdale.
   To cite this book you simply write:

1. Farrar, J. H. and Dudgate, (1990) *A. M. Introduction to Legal Method,* Sweet and Maxwell, London, p.132

This example conforms to the format above. Or you can cite the book as follows:
1. Farrar, J. H. et al, (1990) *Introduction to Legal Method,* Sweet and Maxwell, London, p. 132

The word *et al* is used to include other names even if they are more.

### 1.3.5 Citation of Case Law

By case law, we mean laws that are contained in previously decided cases that are expounded and applied to a case in hand. It is traditional that judges cite case laws when they interpret and expound cases and apply the *ratio decidendi* to the case in hand. For example, a court can apply the

law contains in the case of Lewis v. Bankole (1908) NLR, 82 to a case with similar facts and circumstances with the case at hand. This, judges, do so, through the doctrine of judicial precedent.

Similarly, students are enjoined to cite cases when the need to cite them arises. At the postgraduate level, there is a maxim which says "do not cite cases out of the blues". This means, before a case is cited, its proposition should be given. That is to say, the gist of the fact or principle should be given. In the example we gave above, i.e. the case of Lewis v. Bankole (1908) N.L.R. 82, a student may give its proposition as follows:

Native law and custom varies from place to place and from family to family. It is flexible and not always immutable.
This is what is called proposition.

It is after this proposition that the fact of the case is given. The holding which is congruent or incongruent (as the case may be) is selected and applied. The citation of Lewis v. Bankole is (1908) N.L.R. 82.
Where one case is cited several times, at the table of cases, it will be written once. The pages where they appears are shown against the first citation. For example:

Lewis v. Bankole (1908)1, NLR, 82, 21, 25, 50, 70.
This means that Lewis v. Bankole was cited at pages, 21, 25, 50 and 70. Therefore, you do not need to write it four times to show that the case was cited four times.

## 1.4 Citation of Journals

Citation of journals is similar to the citation of books. Supposing that a student wants to cite an article titled Boko Haram and the Law: An Appraisal of the Rule of Law-Based and the Security-Based Approaches to Counterterrorism by Nuradden A. Ayagi. (2016) *The article was published in Ahmadu Bello University Law Journal, Zaria, Vol. 36,* p. 88. How will a student cite this correctly? The correct citation is as follows.

Ayagi, N. A. (2016) *Boko Horom and the Law: An Appraisal of the Role of Law-Based and the Security-Based Approaches to Counterterrorism,* Ahmadu Bello University Law Journal (ABULJ) Zaria, Vol. 36, 88.

If you want to compare this citation with that of textbook, your comparison will look like the following:
Surname: Ayagi
Initials: N.A.
Topic of the article: Boko Haram and the Law: An Appraisal of the Role of Law-Based and the security-Based approaches to Terrorism.

Publisher: ABU Law Journal.
Place of publication: Zaria.
Volume of the journal: Vol. 36
Year of publication: (2016)
The page that was consulted: 88
This is very similar with the way textbooks are cited.

### 1.4.1 Article Cited in an Edited Book

This is usually called double citation. It is a citation within citation. For example a student wants to cite an article written by Prof. F. C. Nwoke and Dr. A. O. Alubo in a edited book. The article is titled Re-Inventing State Responsibility for Expropriation/Nationalization of Alien Property. The article was published by the Department of Public Law, Faculty of Law Zaria, in a book edited by Dr. S. M. G. Kanam and A. M. Madaki. It was published in the Contemporary Issues in Nigerian Law, Legal Essays in Honour of Hon. Justice Umoru Faruk ABdullahi, CON, President, Court of Appeal, Abuja (2006) 345. How can this article be cited correctly? The correct citation of this article is as follows:

Nwoke, F. C. and Alubo, A. O. (2006) *Re-Inventing State Responsibility for Expropriation/Nationalization of Alien Property.* In: Kanam, S. M. B. and Madaki, A. M. Contemporary Issues in Nigerian Law. Legal Essays in Honour of Hon. Justice Umaru Faruk Abdullahi, CON, President, Court of Appeal, Abuja, p.345

The format of this citation looks as follows:

1- Surnames of the authors
2- Initials of the authors
3- Title of the article by the authors
4- This is followed by the word In:
5- Surname of the editors of the book
6- The initials of the editors
7- The title of the book
8- Publishers of the book
9- Place of publication
10- Year of the publication
11- The page consulted

You can see that the first segment of the citation is similar to the second segment of the citation. This is why we say it is a double citation. You try to analyze the citation according to the format.

### 1.4.2 Citation of Conference and Seminar Papers

Conference and seminar papers are good materials for consultation when writing thesis and dissertation. They contain current issues. Supposing that a student wants to cite the following conference paper, how will he do it? The paper is as follows:

National Conference on Peace, Security and Human Rights in Nigeria: The Challenge of Land Tenure System in Curbing Unsavoury Relationship between Herdsmen and Farmers in Nigeria. The paper was written by Prof. S. Y. Shangayi of the Centre for Land Tenure and Land Use, University of Dakar, Senegal. The conference was organized by Faculty of Law, ABU, Zaria. It was held at ABU Hotels and Suites, Kongo, Zaria from 31st July – 2nd August, 2018. The student consulted the paper at page 15. As complicated as this paper is, it can be correctly cited as follows:

Shangayi, S. Y. (2018) National Conference on Peace and Security in Nigeria: The Challenge of Land Tenure System in Curbing Unsavoury Relationship between Herdsmen and Farmers in Nigeria. Being a paper, presented at the National Conference on Peace, Security and Human Rights in Nigeria Organized by Faculty of Law, Ahmadu Bello University, Zaria, held at ABU Hotels, Zaria from July 31st, 2018 – 2nd August, p. 15.

In conferences and seminars, the format will take this form:

- Surname of the presenter
- Initials
- Title of the paper
- Name of the conference
- Organizers of the conference
- Venue of the conference
- Date of the conference
- Time of the conference
- Year of the conference
- Page consulted

**P.S.** Students should try and match the citation with the format.
In universities and some tertiary institutions, there is the requirement that before a student graduates, he must submit dissertation, thesis or long essay project. It is expected that these research works would contain information which will be helpful to some research students, lecturers, and other persons outside universities.

### 1.4.3 Citation of Thesis

A thesis is a supervised research work written by a student for the requirement of conferring a Ph.D. degree for a university or research institute. As a research work, a thesis is often cited, if information was obtained from it.

The method of citing thesis is similar to the method of making double citations. For example, to cite a thesis with the following title:

"An Appraisal of the Legal and Institutional Framework for Mortgage Finance in Nigeria", a student must make sure that the relevant information is captured in the citation as follows:

- The surname of the writer of the thesis
- The initials of the writer
- The year the thesis was submitted
- The title of the thesis
- The title must be followed by the word (unpublished)
- Then, a long statement as follows:

Being an (unpublished) thesis submitted to the school of postgraduate studies, National Open University of Nigeria, Abuja in partial fulfillment of the Requirements for the Award of the Degree of Doctor of Philosophy (Ph.D) in Law, January, 2019 page 320.

Students should try to write the citation.

P.S. If you write it properly, your citation will look like this:
Ma'aji, S.M. (2019), An Appraisal of the Legal and Institutional Framework for Mortgage Finance in Nigeria. Being an (unpublished) Thesis submitted to the School of Postgraduate Studies, National Open University of Nigeria, Abuja, in partial fulfillment of the award of the Degree of Doctor of Philosophy in Law (Ph.D.) page 320.

### 1.4.4 Citation of Dissertation

Dissertation is a supervised research work written for the purpose of meeting the requirements for the conferment of Master's degree e.g. LL.M. It is cited in the same way just like Ph.D. thesis. For example, in our topic: Do Judges Make Law? The Recent Trend, the dissertation was written by Mr. Olawole Ganiyu and it was submitted in 2015. The citation should contain the following information:

- The surname of the writer
- The initials of the writer
- The year, the dissertation was written in brackets (1990)

- The title of the dissertation, followed by the word (unpublished) in brackets
- Then a long citation as follows:

Being an (unpublished) dissertation submitted to the School of Postgraduate Studies National Open University of Nigeria, Abuja in partial fulfillment of the Requirements for the Award of the Degree of Master's Law (LL.M.) page 175.

P.S.: Students to write the citation properly.

### 1.4.5 Citation of Long Essay

As from the year 1975, the National Universities Commission made it compulsory for all students to write long essays before they graduate. In conformity with this requirement, nearly all universities in Nigeria have made it compulsory for students to write long essays before they graduate. A typical citation of a long essay may look like this:
Gali, M. A. (2018) An Analysis of Revocation of Right of Occupancy under the Land Use Act, 1978 (unpublished) being a Long Essay Project Submitted to the Faculty to the Faculty of Law, National Open University, Abuja in Partial Fulfillment of the Requirements for the Award of Bachelor of Law Degree (LL.B) with Specialization in Islamic Law, page. 105.

P.S. Students are to analyze the citation to see whether it has conformed with the requirement set out in the citations of Ph.D. and LL.M. above.

### 1.5 Citation of Information Obtained from the Internet

With the development of science and technology, the world as a whole is witnessing a very sophisticated and the fastest means of communication call "internet". With the use of internet one can get information from a very far distance easily. Once the source of information is used, and the information is obtained, according to research ethic and norm, the user is required to acknowledge the source. For example, if a researcher sees this: ONLINE: To learn more about events in your area, go to: **bit.ly.HLSalumnievents.** If one uses this information and accessed research facts or data and made use of it, he has to acknowledge the person who posted the information which he makes use of it in his research. Usually, the person who provided the information will give his e-mail. This e-mail will give him a source of acknowledgement. It is required that the date of accessment and time be quoted. This is necessary because soon after the accessment, the information may not be there again. If another person goes there to get same information or data he will not find it.
**P.S.** Try this: Log in at **amicus.law.harvard.edu**

The information you get after having accessed the internet is the one you will acknowledge.

### 1.5.1 Application Cross References

In order to avoid repetitions in citing of documents, experts of research methodology have devised what is called cross references. They include Ibidem (Ibid), opere citator (op.cit.), loco citator (loc.cit) and supra (as above).

### 1.5.2 Ibidem

The abbreviations of this word are Ibid, Ibd and Id. This Latin word means this citation is the same with the one immediately preceding it or above it. For example,

1. Amodu Tijini v. Secretary Southern Provinces (1921) A.C. 399
2. Ibid.
   This means the footnote number two is the same with footnote number one.

Exception

(a) Where there is an interception of citation, ibidem (Ibid) cannot be used e.g.

1. Amodu Tijini v. Secretary Southern Provinces (1921) A.C. 399
2. Lewis v. Bankole (1908) NLR 82
3. Amodu Tijini v. Secretary Southern Provinces (1921) A.C. 399

Because of the interception of the case of Lewis v. Bankole in footnote No. 2, Amodu Tinaji v. Secretary Southern Provinces in footnote No. 3 has to be rewritten in full.

(b) Where there are multiple citations
Where there are multiple citations, the citation following them cannot be Ibid or Id. For example,

1. Amodu Tinaji v. Secretary Southern Provinces (1921) A.C. 399, see also Caucrick v. Harding (1926) 7, NLR 48, Ogumefun v. Ogumefun (1930) 10, NLR 82
2. Amodu Tinaji v. Secretary Southern Provinces (1921) A.C. 399. Footnote No. 2 cannot be Ibid. this is because footnote No. 1 has multiple citations (many citations) ---i.e., more than one citations. Ibid is mostly used when citing statutes.

The advantage of Ibid., Ibd. and Id. is that it makes the work neater and it saves space and time. It also saves a reader from boredom which will result from monotonous reading and writing.

### 1.5.3 Op. Cit.

The full meaning of this abbreviation is Opere Citator. This means "in the work cited or referred to". It means the present citation is the same with the one previously cited in this work or referred to in this work. For example:

James, R. W. Modern Nigerian Land Law, Op. Cit. This means this citation is the same with one previously cited somewhere in this work. It is because of the simplicity of this citation that student often cite it. It is a lazy student's citation. It has little advantage. However, if maximum advantage is to be derived from this citation, further information has to be supplied. For example:
James, R.W. Modern Nigerian Land Law, Op.cit, p. 19. This means, the citation of this book is the same with the citation given at page 19. Yet, to make it simpler for readers, more information can be given, for example,

James, R. W. Modern Nigerian Land Law, Op. Cit f. n. 5, p. 19. This means, the citation for this book is the same with one previously given in footnote No. 5 at page 19.

It is hoped that students will take pain to write this citation properly when it becomes necessary to use it.

### 1.5.4 Loc. Cit.

The full spelling of the words is loco citato. It means in the place cited or quoted in the work, for example,

1. Constitutional Law: Cases and Materials, 10th Edition. Loc. Cit.

If cited as it is, it has no any advantage at all. To be more advantageous it should be cited as follows:

1. Loc.cit, page 5, f. n. 10.

The additional information makes the citation more useful. It is recommended that students who adopt this type of citation should supply more information in order for it to be more useful.

### 1.5.5 Supra

The word supra is used when same case is cited often, successively or when there are some interceptions of other cases, provided that the same case can be located easily. The word supra means the citation of this case is the same with the one cited above or somewhere in this text or report. However, it is traditional in legal writing to use supra only when citing cases. That is to say, it is not usual to see supra being used when we cite statutes, textbooks and facts.

Query: Can supra be used instead of loc. cit., op. cit.?

| **Self assessment exercise** |
| --- |
| ***Write proper citation of the following laws:*** |

*Married Women Property Law of Kaduna State, Section 64, Cap .69, 1991, Law of Kaduna State, page 12.*
*Page 112, Oxford Advanced Learners Dictionary of Current English. Six Edition, Oxford, 2004.*

**Self-Assessment Exercise**

*1. It is preferable that whenever you want to cite a case, you should start with:*
*a. Proposition*
*b. Ratio decidendi*
*c. Ruling*
*d. Judgment*

*2. Do not cite a case out the blues. This means:*
*a. Do not ambush your reader*
*b. Make a proposition first*
*c. Do not look strange when citing a case*
*d. Be very familiar with the facts of your cases*

*3. Which is the best formula to use when citing a textbook?*
*a. Surname, Initials, title of the book, place of publication, year and page consulted*
*b. Initials, surname, place of publication, year and page consulted*
*c. Surname, initials, place of publication, year of publication*
*d. Initials, surname, title of the book, page consulted*

*4. One of the exceptions to the Use of Ibid is*
*a. When the Citation preceding it is multiple*
*b. When the one preceding it is op.cit.*
*c. When the one preceding it is Supra*
*d. When the one preceding it is loc. Cit.*

*5. Which one of the following cross-references is not popular?*
*a. Supra*
*b. Infra*
*c. Ibid.*
*d. Loc-cit.*

*6. The lazy student way of citation is:*
*a. Op. cit.*
*b. Loc. Cit.*
*c. Supra.*
*d. Ibid.*
*e. All of the above.*

*7. Write this citation correctly*
*a. Usman, A – meaning of Law*
*b. Usman A – meaning of Law*
*c. Galadima M – meaning of Law*
*d. Usman A – Ibid.*

## 1.6 Summary

At the end of this unit , you discussed, citations ,citation of statutes , citation of facts citation of textbooks , citation of textbooks written by several authors , citation of case laws ,citation of journal ,citation of articles cited in an edited book and citation of conference and seminar papers , citation of thesis , citation of dissertation , citation of long essay , citation of information obtained from the internet ,application of cross-references , ibidem , op. cit., loc.cit. and supra

## 1.7 References/Further Reading/Web Resources


1. Introduction to Emperical Legal Research 2014, By Lee Epstein and Andrew D Martin
2. Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke
3. Legal Reasoning, Research and Writing for International Student
4. The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994
5. Legal Research Methodology By Yusuf Aboki


## 1.8 Possible Answers to Self-Assessment Exercises

It is preferable that whenever you want to cite a case, you should start with:
e. Proposition
f. Ratio decidendi
g. Ruling
h. Judgment

Do not cite a case out the blues. This means:
e. Do not ambush your reader
f. Make a proposition first
g. Do not look strange when citing a case
h. Be very familiar with the facts of your cases

## Unit 2 Footnotes, Endnotes and Quotations

### Unit Structure



### 2.1 Introduction

In advanced research, sometime, it may be necessary to give further explanation on the information or data provided in the report or text of the research work. To do this efficiently and effectively, resort may be had to the use of footnotes, end notes.

### 2.2 Learning Outcomes

By the end of this unit, you will be able to:

- discuss foot notes and end notes
- discuss quotations
- discuss use of computers.

### 2.3 Footnotes, Endnotes and Quotations

#### 2.3.1 Foot Notes

These are further information, explanations, elaborations and adumbrations given at the bottom of the page where the related information or data was given in the main text. It is usually shown by indication of a figure or letter. For example, in the case of Lewis v. Bankole[7], it was held that customary law is flexible and not immutable. In this regard, if a correct command is given to computer, it will automatically create a footnote at the bottom of the page where Lewis v. Bankole appeared or cited. See it below..

[7] . (1908) NLR, 82

Another example of foot note can be given in relation to citing of statutes. For example, where the statement "the supremacy of the constitution is contained in Section 1(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)[8]. See it below. It was argued that the information below is better written at the foot-note than in the text of the book or research report.

. According to the spirit and tenor of the Research Methodology, foot notes make a research work neater and beautiful.

### 2.3.2 End Note

The twin sister of foot note is end note. In the same vein, end notes similarly explains, elaborates and adumbrates further information which a research found it necessary to be included at the end of every chapter of a book, or at the end of a conference or seminar paper. End note shades more light on what was written in the content of a book, seminar or conference paper. It serves the same purpose with foot note. Nowadays, with the coming of computer software e.g., Microsoft, the difference between end note and foot note is the command. If a researcher in the process of typing his research work, commands references, he will see end note and foot note. If he chooses end note, the details will appear at the end of the chapter, conference or seminar paper. Similarly, the idea of adopting end note is to make the references tidier, neater and easier to read without much detracting by that detailed information.

## 2.4 Quotations

Academic lawyers, judges and legal practitioners are fond of quotations. Quotation is used when a researcher wants to write what a third person has said exactly, without mixing words. Quotation is what the men of wisdom referred to as "hearing from the host's mouth". This means from the person who said it directly and exactly. In legal parlance, quotation is used to quote judges, statutes, jurists and any information that is necessary to be quoted. For example, Section 2(1) Constitution of the Federal Republic of Nigeria provides:

"Nigeria is one indivisible and indissoluble sovereign state to be known by the name of the Federal Republic of Nigeria."

According to some universities' guidelines quotation of one line or less than one line needs not be brought to the centre of a page, while quotations more than two lines are to conspicuously bring to the centre of a page with

[8] .Cap. C23, LFN. 2004.

open and close inverted commas. In quotation, at least there should be one inch gap from the right and left hand margins as shown above.

The purpose of quotation is to separate the words of the researcher from those of the third parties such as judges, statutes, jurists and other necessary statements. Research works with quotations rightly provided, make the work neat and beautiful.

## 2.5 Use of Computers

The present generation of researchers should thank the development of science and technology as a result of which computer was invented. Nowadays computer is used to do work which were manually or analogically done before. For example, one can access a document in New York, Beijing or Tokyo from his sitting room. He can similarly send messages at a twinkle of an eye to some other persons in far away countries at speed light. Document which could be seen in about one or two books before, can be accessed in plenty copies from the internet. In fact many researchers are having their hay-days.

However, the way the present researchers are using information or data generated through internets is worrisome and it is a matter of great concern to the older generation of researchers. The concern lies with the activities of the present generation of researchers who search for materials or data. copy, cut and paste the data or information without studying their suitability or relevance. Nowadays, some researchers download materials from computers and present them to their supervisors without studying them to know whether the downloaded materials are relevant or not. If they are relevant, they do not take time to read them before they present them to their supervisors or examiners. The present researchers are not patient and painstaking to read downloaded materials with the view to winnowing or jettisoning the irrelevant part of the downloaded materials before they present them for supervisors or examiners. As a result of this, an examiner or supervisor hardly reads from students materials whose originality stem from them. They copy, cut and paste.

| **Self Assessment exercise** |
| --- |
| *With the advent of science and technology, computer, the most sophisticated means of gathering information and dissemination same was invented. However, the abuse of this system is as much as disabuse of it. Allegations have been made against present generation of researchers for being lazy. What they do is to download, cut and paste information whether relevant or not. Discuss.* |

**Self-Assessment Exercise**

*1. The use of quotation becomes necessary when a researcher wants to:*

*a. Say what a third party said exactly and correctly*
*b. Say what he wants*
*c. Differentiate what he said from what others said*
*d. Make emphasis on what he said*

*2. The sister twin of end note is foot note. It is used when:*

*a. There are relevant information which shade more light to report or text of the research*
*b. Facts are to be brought at the end of a page*
*c. Information in the text is to be written at the end of the chapter, end of seminar or conference paper*
*d. Information are to be synchronized*

*3. Most postgraduate studies guidelines emphasize that:*

*a. Foot note is preferable than end notes*
*b. End notes is preferable than foot notes*
*c. The choice is left for student to adopt which one he/she prefers*
*d. End and foot notes are used when the research has reached fixation stage.*

## 2.6 Summary

At the end of this unit, you discussed , footnotes, endnote quotations and use of computer.

## 2.7 References/Further Reading/Web Resources

Introduction to Emperical Legal Research 2014, By Lee Epstein and Andrew D Martin
Methodologies of Legal Research: Which kind of method for what kind of Discipline, Oxford 2013 By Mark Van Hoeke.
Legal Reasoning, Research and Writing for International Student.
The Emergence of Latin America in the 19th Century 2nd edit. Oxford 1994.
Legal Research Methodology By Yusuf Aboki.

## 2.8 Possible Answers to Self-Assessment Exercise

Copy and paste is a brilliant tool for designing labels - but it has its drawbacks as well as its benefits. Copy and paste is a tried and tested part of life; whether you're moving information between documents, copying information from a useful resource, or you simply want to avoid typing the same information over and over and over and over and over and over again.Of course, while copy and paste is one of the most useful tricks of

the digital age, it (like everything else) has a darker side – we've all experienced the problems of finding out that you've copied the wrong bit of information and you can't find the original source, you've copied a perfectly laid out page and the minute you hit paste it rearranges itself into an entangled mess that only vaguely resembles the original, or you've copied something only to find out that it comes with all sorts of extra bits that you don't want and now have to delete one by one. From the tone of the first part of this blog, you might well be wondering "well, if copy and paste is so bad, why should I use it at all?" – but it's definitely a tool that we wouldn't be without. Unless you're creating a set of labels that are entirely different from one another, most templates are designed to create one set of labels that are (pretty much) all the same. Some may want to have slightly different details on each label (e.g. product numbers or addresses), but the bulk of the design will be the same.

## Unit 3 Conclusion

**Unit Structure**



### 3.1 Introduction

The word “Conclusion” is used here from two perspectives. One, it means that after this chapter, there will be no more chapter. In other words, this is the last chapter. Secondly, when conclusion is used in a write-up, for example, in findings, recommendations and conclusion, it means, after conclusion, there will be no more topic or subhead to be discussed. Logically, conclusion seals up any further writing. If a researcher continues with discussing more topics or subheads, it means that, that is not a conclusion but something else.

Usually, the last chapter of a research may be headed conclusion simpliciter. Sometimes it is headed findings, recommendations and conclusion. More recently. we see summary, findings, and recommendations. In all these topics, the last one is to be discarded. This is because, in the last chapter if one starts with summary, it means he will not capture the contents of findings and recommendations. Findings and recommendations will be excluded in the summary. This is bad, because; findings and recommendation are to be included in the summary.

## 3.2 Learning Outcome

By the end of this unit, you will be able to:

- discuss conclusion
- make recommendations.

## 3.3 Conclusion

### 3.3.1 Findings

This is where a researcher enumerate one by one what he discovers during his research. The best way to write a finding of a research is to number each finding and if possible give each number a subhead. For example, we may have as follows:

### 3.3.2 Lack of Funding

In the course of this research, it was discovered that the organization is not adequately funded. This contributes to non-performance of the object-clause of the organization.

### 3.3.3 Lack of Awareness

One fundamental finding or discovery in this research work is that the community is not aware about the existence of the organization. The consequence of this is that no complaint is reported to it frequently as it ought to be. The organization handles very few cases in a year due to the fact that members of the community do not know of its existence.

## 3.4 Recommendations

Findings are like illness or ills. Recommendations are the cure or solutions to the ills or illness. The fundamental aim of every research is to discover the problems and to solve them. Recommendations are the solutions proffered to solve the problems. When this happens it means the research is successful.

The best way to proffer solution or recommendations for each problem identified is to use subtopics which were used for findings For example, in the above findings, the recommendations will be written as follows:

### 3.4.1 Lack of Funding

It is recommended that the state government should see to it that the organization is well funded to enable it perform to the optimum capacity. Lack of enough funding may lead to redundancy and truancy of staff of the organization.

### 3.4.2 Lack of Awareness

It is recommended that the organization should arrange public enlightenment programmes twice every year. The purpose of this is to let the public knows about its existence, duties and activities.
Therefore, conclusion is a response to findings. The subtopic used for findings should be used for recommendations, and ultimately the numerical number. This should be adopted as much as possible. But where there is the need to change, it should be done very sparingly and understandable.

Findings and recommendations are always connected with the statement of the problem. Findings aim at what comes out from the research problem. Recommendation aims at solving the problem identified in the research.

## 3.5 Summary

This means the nutshell of what was discussed in the totality of the research work. It is the summary or review of the work in a concise way. If possible, pages, major topics and subtopics should not be referred to. This is because there is no particular topic or subtopic for which the summary is written. If there is the need to make particular reference to such topics, there is no problem.

### 3.5.1 Conclusion

This may be added to the last chapter if, the last chapter is arranged to include it. As we have already said, after the discussion under conclusion, there should be no more discussion of any major or subtopic. After the discussion under conclusion, the researcher should put away his pen. Legally, he is foreclosed or barred from further discussion. Conclusion marks the end of the research work, seminar or conference paper.

| **Self-Assessment Exercise** |
| --- |
| *Describe two instances when the word "Conclusion" can be used.* |

**Self Assessment Exercise**

*1. Which of the format for conclusion is most preferred?*
*a. Summary, conclusion, findings and recommendations*
*b. Conclusion, summary, findings and recommendations*
*c. Findings, introduction, and recommendations*
*d. Introduction, findings, recommendations, summary and conclusion*

*2. The best way to write findings is:*
*a. Every finding be given subtopic and explanation*
*b. To enumerate the findings*
*c. Each finding has solution*
*d. Findings are usually defined*

*3. The best way of writing recommendations is:*
*a. Give subtopic for each recommendation and explain*
*b. Proffer solution to each finding*
*c. Enumerate findings*
*d. Number of recommendation to be equaled number of findings.*

## 3.7 Summary

- Discussed conclusion
- Findings
- Make Recommendations in a research for policy consideration.

## 3.7 References/Further Reading/Web Resources

Aboki, Y. Introduction to Legal Research Methodology, Ajibaye Printing, Kaduna (2013).
Ajala, A.O., Data Analysis Techniques. In: Solomon Akhere Benjamin, Enhancing Effective.
Legislative Research. Policy Analysis and Research Project , National Assembly, Abuja (2015).
Ibrahim Adamu, Preliminary Steps in Research Project for Students of Graduate Studies, Dpt. of Public Administration, Institute of Administration, Ahmadu Bello University, Zaria (1999).
Nigerian Association of Law Teachers' Uniform Citation Guide (NALT) (2015).
Nyemutu Roberts, F. O. Techniques of Data Collection. In: Solomon Akhire Benjamin, Enhancing Effective Legislative Research, Policy

Analysis and Research Project (PARP), National Assembly, Abuja.

## 3.8 Possible Answers to Self-Assessment Exercises 1

The format for conclusion is most preferred is as follows.

- Summary, conclusion, findings and recommendations
- Conclusion, summary, findings and recommendations
- Findings, introduction, and recommendations
- Introduction, findings, recommendations, summary and conclusion.