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EXAMINATION OF LEGAL RESEARCH PROPOSAL AND THE NEED FOR LAW RESEARCHERS TO COMPLY WITH THE REQUIREMENTS

KEHINDE ADEOLA OLUFUNKE*

YAHAYA GANIYU**

Abstract

This paper examines what legal research is all about and how to write an acceptable legal research proposal. It focuses on some aspects of legal research proposal that needs to be understood by anyone who engages in legal research. To embark on a legal research is not something that can be dabbled into without having the proper understanding of what it is all about, thus, a proper understanding of the subject is required. This paper gives an insight into those things that needs to be done for a researcher to have a good and standard research proposal/work and the need to comply with them. It has been observed that so many law researchers especially at the masters and doctoral level find it a bit difficult and do exercise some kind of fear as to how to go about their proposal so as to make it acceptable to their supervisors, this paper basically addresses this issue. Success in legal research cannot be achieved without a good proposal, thus, this paper gives some hints on how to write a good proposal that will

* Dept. of Public and International Law Federal University, Oye Ekiti Email: olufunke.kehinde@fuoye.edu.ng

** Faculty of Law University of Ilorin Email:yahayaganiyu2012@gmail.com

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enable the researcher come up with a good research work at the end of the research.

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Introduction

This paper will focus mainly on the essentials of a good research proposal, what are those things that are needed to be included in a standard legal research proposal and how to go about writing an acceptable legal research work.

Research has been defined as the systematic search for facts or a scientific investigation.[2] It has also been defined as the systematic investigation into and study of materials, sources, etc in order to establish facts and reach new conclusions. It is further defined as an endeavor to discover new or collate old facts etc by the scientific study of a subject or by a course of critical investigation.[3]

Research has also been defined as the act of searching into a matter closely and carefully, inquiry directed to the discovery of truth and in particular the trained scientific investigation of the principles and facts of any subject, based on original and first hand study of authorities or experiment. Investigations of every kind which have been based on original sources of knowledge may be styled research and it may be said that without research, no authoritative works have been written, scientific discoveries or inventions made, no theories of any value propounded.[4]

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[2] The New Lexicon Webster's Dictionary of the English Language, Deluxe encyclopedic edition, (Lexicon Publications, inc., New York, 1988

[3] The Concise Oxford Dictionary 9th Edition, Oxford University Press Inc., New York

[4] The Cambridge edition of Encyclopedia Britannica, 1911

Legal research on the other hand can be referred to as any research that is carried on the legal basis. Legal research comprises primary fact finding, fact ordering, fact systematizing and studying and predicting legal trends. Sometimes when laws are made, ambiguous words are used by the legislature which creates a lacuna that needs to be filled, a good researcher needs to work on how the law is to be interpreted and the lacuna so created filled accordingly,[5] thus, legal research is important. It is also important because law is not static; this is one of the characteristic/features of law in a given society. As the society changes/develops, the law also changes so as to meet up with the latest development of a particular society. In any standard legal research, it is expected that knowledge is added to, problems solved, inadmissible viewpoints are refuted and scholarly conclusions formulated. Research is the search for truth and knowledge.

The ability to conduct legal research is essential for lawyers regardless of the area or type of practice. Finding the law is an important part of legal research; the ability to analyse what one has found and reach a conclusion or formulate an argument based on it is just so essential. Kunz and Schmedemann[6] expressed this view by stating that as a beginner, one of the bigger mistakes one can make is to envision legal research as a bibliographic checklist of sources to consult. Clearly a researcher needs to be familiar with the various sources and their location in the library, but that's not all, he needs to formulate

[5] Martin O. U. Gasiokwu, *Legal Research and Methodology* (Chengo Limited),3

[6] Kunz and Schmedemann, *The Process of Legal Research* (Little Brown and Company:Boston,1989)Pp6-7

research strategies that tell which source, of several sources he should consult while the strategy incorporates flexibility. Successful researchers continually re-evaluate their research methodology and consider alternative research approaches as they find that various sources or research approaches are helpful or fruitless. More importantly, a researcher needs to learn how to advance analysis of a law-related problem by means of research; even the most diligent researcher armed with the latest technology will not arrive at a successful result if he approaches a legal research as a mechanical process devoid of analysis; thus, legal research is really just a portion of legal problem-solving.

Thus, it can be safely concluded that to embark on a legal research, one has to be diligent and thorough with the research.

A proposal on the other hand has been defined as the act or an instance of proposing something.[7] It is a cause of action put forward for consideration.[8] A research proposal is a concise and coherent summary of a proposed research. It sets out the central issues or questions the researcher intends to address in the course of the research. It outlines the general area of study within which the research falls, referring to the current state of knowledge and any

[7]The Concise Oxford Dictionary 9th Edition, Oxford University Press Inc., New York

8 The New Lexicon Webster's Dictionary of the English Language, Deluxe encyclopedic edition, (Lexicon Publications, inc., New York, 1988

recent debates on the topic.[9] A research proposal is to show that that the problem proposed to investigate is significant enough to warrant the investigation, the method planned to use is suitable and feasible, and that the results are likely to prove fruitful and will make an original contribution. The proposal is a major document that an applicant to a postgraduate program needs to submit along with his/her application. It gives the researcher an opportunity to demonstrate that he has the ability to communicate complex ideas clearly, concisely and critically, the proposal submitted will enable those in charge award an appropriate supervisor who will supervise the student throughout the research work. The length of the proposal may vary from one institution to the other but generally, a proposal should be around 2,500 words.

The first thing to do while embarking on a legal research is to choose a topic. The topic to be chosen must be the one that is researchable; otherwise the researcher will get stuck along the line which may necessitate the change of the topic. The topic must be properly examined and re examined if possible to ascertain that such is researchable and that the research will see the light of the day. Thus, there is a need for careful consideration of technical details of the topic in question. A lot of law researchers find it difficult to complete the research they embarked upon not because they are not intelligent

[9] Krathwohl (2005) Research Methods for the social science: An Introduction. https://pressbooks.bccampus.ca. accessed 10 October 2021

but because the topic they chosen is a wide one and probably not suitable for research.[10]

There are two major ways a researcher arrives at a topic to be examined. Firstly, the topic may be given by the department or the lecturer in charge or the researcher makes his own choice of topic. The former is considered the best in the sense that the topic suggested/given by the department must have been properly considered by those in that department to ensure that such is researchable.

While embarking on a research, the researcher must ensure that the following in put into adequate consideration:[11]

(a) Examine the topic thoroughly and ensure that it is researchable. Once the topic is not researchable, the whole essence of the work will be defeated as earlier explained.

(b) Ensure that the topic chosen is not too wide so as to complete the work within the stipulated period of time. If the topic chose is too wide, there is every possibility that the research will not be completed as and when due.

(c) Ensure that the topic chosen is challenging and that it is a topic of his interest; it should be the one that gives him pleasure so

[10] Legal Dissertation: Research and Writing Guide. https://law.indiana.libguides.com/dissertationguide. Accessed 8 October 2021

[11] Frank Pajares, Emory University. www.uky.edu.eushe2>pajares>proposal. Accessed 10 October 2021

as to enable him derive pleasure from the research when such is carried out.

(d) The financial implication of the research should be considered while choosing the topic. If it is self-sponsored, he should ensure that such falls within his budget for the entire research so as to avoid indebtedness and frustration.

Parts of a research proposal:

Before one can be offered admission in any university for a postgraduate study, a proposal is usually required alongside the application. In effect, proposal constitutes an integral part of the application and serves as the basis for the applicant's consideration for admission.[12] The quality of the proposal determines whether or not the researcher can be supervised by anyone in that department. In instances where scholarships are offered, the quality of the proposal will determine whether the scholarship will be granted or not.

These basic parts of a research proposal will be considered one after the other.

(a) Introduction

(b) Background to the study

(c) Statement of the problem

[12] Adewale Taiwo, Basic Concepts in legal Research Methodology: A Practical Guide on Writing Excellent Master's And Doctoral Theses (St. Paul's Publishing House,2011), 34

(d) Aims and objectives of the research

(e) Research questions

(f) Research methodology

(g) Scope and limitation of study

(h) Literature review

(i) Significance of research

(j) Envisaged contribution to knowledge

(k) Conclusion

(l) Provisional table of contents and chapters.

Introduction: The introductory aspect is very essential in any research proposal. This will acquaint anyone who reads it with what is expected to be done in the researched. Anyone who reads the introduction should have an idea of what the work is all about. It should be a summary of the subject or topical area to be covered in the course of the work and the importance/relevance of the proposed research to substantive law or to a study of law in some other multidisciplinary context. In essence, inform the reader what the study is all about and why the research is necessary/apt at that time. It should create an interest in the reader that will make him desirous/anxious of seeing the outcome of the research when it is eventually completed.

Background to the study: This is a section that addresses why the proposed work is important in the field and answers the question "so what?, here, the researcher states the status quo of the relevant work field and identify a gap in knowledge and activities that needs to be filled to move the field forward.[13]It identifies and describes the history and nature of a well defined research problem with reference to the existing literature. It should indicate the root of the problem studied, its scope and the extent to which previous studies have successfully investigated the problem, noting in particular, where gaps exist that study attempts to address. Introductory background information differs from literature review in that it places the research problem in proper context rather than provide a thorough examining pertinent literature. The background should describe the conceptual and theoretical basis of the research, status of research in the field, including significant publications, preliminary result if available, remaining information gaps including those that the research will address, key assumptions and methods that make the research possible.[14]

Statement of the problem: This is the most important aspect of the research proposal and it is a short section. Once accepted, the statement of the problem will be the problem for the researcher to resolve and he will have to live with the problem until the mission is

[13] What is a Research Proposal?- Components & Examples. study.com>courses>business courses. Accessed 10 October 2021

[14] What to include in a research proposal. https://www.birmingham.ac.uk/schools/calgs/cal-research-proposals/include.aspx. Accessed 9 October 2021

accomplished.[15]In doing this, the researcher must be familiar with the literature works that are in existence on the topic chosen and articulate the specific problem he intends to address/investigate. In effect, this should be done after literature review. The research problem has been likened to the engine of a car;[16] of course the car cannot work without the engine; so also a research cannot be carried out without the research problem. It is the engine of the thesis which drives the various sections, directs the discussions towards the destination desired and informs the way and manner in which the thesis will be developed. In effect, it is imperative for the researcher to spend quality time in framing a clear, focused and interesting academic research problem that is researchable.

Aim and Objectives: The main aim of the research has to be clearly stated. What the research intends to achieve at the end of the day must be clearly stated. Aim and objectives do identify the researcher's desires and likely achievements.[17] The researcher should be careful while listing the objectives because they should not be enormous as it may seem unrealistic.

[15] Adewale Taiwo, Basic Concepts in legal Research Methodology: A Practical Guide on Writing Excellent Master's And Doctoral Theses (St. Paul's Publishing House,2011)39

[16] Frank Pajares, Emory University. www.uky.edu.eushe2>pajares>proposal. Accessed 10 October 2021

[17] Components of a research proposal-iEduNote https://www.iedunote.com/components-of-research-proposal. Accessed 10 October 2021.

Research questions: The major aim of any research is to solve a particular problem or answer a question. In a research proposal, the questions to be answered should include what the research is all about, the questions it seeks to answer and what it seeks to communicate to the general public and this should be definite.

Research methodology: This addresses the way a researcher intends to go about the research. It means giving a clear cut idea on what methods or process a researcher intends to use in his or her research to achieve research objectives. In order to plan for the whole research process at a right point of time and to advance the research work in the right direction, carefully chosen research methodology it maps out the whole research work and gives credibility to efforts of the researcher; research methodology drives the researcher and keeps him on the right track as the entire research plan is based on the concept of right methodology. Research methodology in law means the exposition, description, explanation, and justification of methods used in conducting research in the discipline of law;[18] here, an outline of the proposed research method should be provided, for example, research methods may include visits to a library, archives proposed fieldwork, interviews, or sociological or other enquiry. Those who embark on a legal research have a wide range of research methods and these could be empirical or legal, quantitative or qualitative, evaluative or

[18] Shona McCombes 'How to write a research proposal' published May 2 2019. https://www.scribbr.com/dissertation/research-proposal. Accessed 8 October 2021

semiotic. However, the choice of the research method must relate directly to the research problem.[19]

Scope and limitation of study: In a research, the scope is how widespread the study is, while the limitations are aspects the researcher cannot control.[20]For instance, where a researcher makes use of a questionnaire in the course of the research, the limitation he is likely to encounter is the willingness and ability of the individuals to respond to the questions and/or to respond accurately. These are limitations on the study, they may have effects on the outcomes of the research and they are not controlled by the researcher.

Literature review: This is very essential part of any research work as it helps the researcher in arriving at basic conclusions that will assist his work even at the preliminary stage. Literature review should be selective and critical, while bringing out the pertinent works and their evaluation by the researcher. Discussions of works done by other scholars in the field should therefore lead the reader to a clear impression of how the researcher intends to build upon the existing literature and how the current research differs from theirs. A researcher should show that he has adequate knowledge and information on the topic of research after exploring relevant literature

[19] Adewale Taiwo, Basic Concepts in legal Research Methodology: A Practical Guide on Writing Excellent Master's And Doctoral Theses (St. Paul's Publishing House,2011) 45

[20] Components of a research proposal-iEduNote. https://www.iedunote.com/components-of-research-proposal. Accessed 10 October 2021.

in the field. The information gathered would furnish the researcher on how the earlier researchers responded to the problems encountered thereby enabling him to think ahead of time on how to solve the current problem he intends to address.[21]

Significance of research: This section examines why the research is apt at that period. Which problem does the research seek to address, what question does it seek to answer and what solution does it seek to proffer. It should include how the research benefits or impacts others in part or whole.[22] This section is important because this is where the researcher tries to convince the audience that the research is worth doing and could persuade someone to support, or fund a research project.

Envisaged contribution to knowledge: Just as stated, the proposal is to highlight the envisaged contribution to knowledge. What addition does it seek to add to the existing knowledge in that field of research? This is the major task to address here. It is also important to acknowledge gaps in the existing literature which the research to be embarked upon seeks to fill.

[21]Adewale Taiwo, Basic Concepts in legal Research Methodology: A Practical Guide on Writing Excellent Master's And Doctoral Theses (St. Paul's Publishing House,2011) 39

[22] Components of a research proposal-iEduNote. https://www.iedunote.com/components-of-research-proposal. Accessed 10 October 2021.

Conclusion: This is also as important as the introduction.[23] This should reflect how passionate a researcher is in respect of the research to be embarked upon. He is expected to present all facts and a summary of the research while stating the rationale behind the entire research and the overall view on the subject matter of the research.

Provisional table of content and chapters: This is a section that brings out the table of content for the thesis. It reveals how a researcher has taken time to think about the subject matter and provides for initial structure for the work to be done while stating the proposed length of each chapter of the work.

Conclusion

As earlier mentioned, it has been discovered that so many researchers find it difficult to come up with an acceptable proposal which will aid their research work, this paper has identified the problem and proffers solutions for scholars having difficulty in writing their research proposals. It states parts of a research proposal and how they can be achieved by the researcher. A research proposal is the engine of any research to be embarked upon. Without it, nothing can be achieved not even an admission to any postgraduate school. Thus, a good proposal is a sine qua non for a good research work; once the proposal is faulty, the purpose of a research is automatically defeated.

[23] Components of a research. https://researchwriting.unl.edu/components-research-proposal. Accessed 10 October 2021

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