Steps and Methods Involved in Legal Research Article Writing: An Analytical Study

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**ABSTRACT**

“Either write something worth reading or do something worth writing.”

- Benjamin Franklin.

Research is an integral part of human life and in context of academics it is an undetectable arena to our education system. The concerned research paper, “Steps and methods involved in legal research article writing: an analytical study”, is a doctrinal legal research and as the name suggests, tries to deal with two basic research problems i.e., firstly, the methods involved in drafting any legal research article and secondly, has depicted certain pedagogies to be adopted to avoid any kind of errors while preparing the same. Apart from that, in the introductory portion the researcher has also tried to depict a thin line of difference between Legal Research Article and that of any other form of work and subsequently has also depicted the importance of the same. And, conclusively the researcher has drawn the importance of drafting any flawless Legal Research Article by the research Scholars that often plays a great role in the advancement of legal education and also boosting a tendency of further research work.

1. Introduction

“If I have seen further, it is by standing on the shoulders of giants.”

- Sir Isaac Newton.

Research is indeed an integral part of human life. In fact, the ambit of research is not merely confined to human beings only; rather its scope is expanded upon all living organisms. It is just that, the approach varies corresponding to every organism and every discipline as well.

Almost all are well acquainted with the concept of research though it is unfair to say that all people have the same understanding of what research is. Even dictionaries may include more than one definition, making a distinction between:

1. A detailed study aimed at creation or discovery, and,
2. The simple task of looking up information.

For scientists it is the first meaning, where deliberate processes are followed and something original has been designed or discovered, which is most accurate. A scholar, on the other hand, would perhaps begin answering the same question by narrowing the search to trusted sources, collecting a large set of relevant information, analyzing and synthesizing, then finally creating a new definition based on justifiable criteria.

Research is thus an undetectable prerequisite in field of education and in all professions and for societal development. To a common man, “research, a careful study of a subject especially to discover new facts or information”\(^1\) is nothing apart from reading, observing and writing. “Reading and writing are quite essential for exchanging and evolving the knowledge of humankind. Research institutes play crucial role in shaping the research culture of the country.”\(^2\)

“Academic writing can further be dealt with categorization which may include general writing, business writing, personal writing and academic writing. Academic writing can further be classified as: Research writing (assignment, research paper, project, dissertation, thesis etc.); book writing: text book, reference book etc.; essay writing; article/journal writing; report/project writing; review writing including book and article reviews; review of literature/literature survey writing and synthesis paper writing. The distinguishing factors for academic writing are its purpose, audience, tone, and content.”\(^3\)

It is important to mention here that in this paper the researcher has kept the research confines within the scope of academic research only that too in the discipline of Law. Although, the result of any academic inquiry or research can be published in different forms such as essay, general article, research article, report, book etc., the usual form of research publication for academic purpose is ‘research article’ which the researcher has dealt extensively in this paper.

Research article forms a very vital pathway to exchange, argue and encourage ideas. Most articles of original scholarship have some sort of claim which the authors are making to the rest of the world. This could be an evocative

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claim about the world as it is, for instance, a historical assertion, or a fictional assertion or a political, social, cultural, legal assertion, or anything that the subject matter is pertaining to. It could also be a narrow claim, for instance, any analysis of current political or social structure or critical analysis of any present state of affairs or any law section elaborated with case judgments or a comparative study. There can also be an instance where the article could be a combination of both a descriptive claim and a prescriptive one.4

This researcher in this paper has tried to throw some light upon on how to make approach to a legal research article. It is divided into two broad parts apart from the introduction and conclusion.

The first part deals with the definitional aspect. Before understanding how to approach a legal article, a researcher must know what exactly a 'legal research article' means. This segment, therefore, exhaustively deals with the meaning of article, research article and a legal research article and how they are different from other forms of writings.

The next part discusses in detail the pedagogy to be adopted while reading an article. It extensively deals with the steps and mythology to be obtained while jotting down a research paper. And, finally the paper examines matters to be taken care of while authoring a research article for avoiding all the.

2. Research question
In this research paper the researcher has tried to deal and find out the answers relating to the following research questions:
(i) What shall be the steps and methods involved while writing a Legal Research Article?
(ii) What are pedagogies to be obtained to avoid errors while writing Legal Research Article?

3. Methodology
In this paper, the researcher has tried to make a doctrinal research. To jot down this research paper the researcher has thus collected all the data from certain Secondary Sources like Books, Journals, Articles, Research Papers, etc. and tried to conclude the paper with a answer for the pre-framed research questions.

Definitions
As referenced over, the motivation behind this paper is to give an instructive structure to approach an exploration article and not all types of articles. Be that as it may, before starting a discussion on the way to deal with the approach to be adopted while perusing an article it is essential to comprehend the distinction between an article and an research article and furthermore between an research article and different types of compositions in writings.

1) Article
"Article is a piece of writing on a given/chosen topic. Article can be defined as a written composition in prose on a specific topic. Generally, articles are published as independent part of a book or a newspaper or a magazine. An article is a creative and original work that conveys information or idea in a structured form. It is a general term used to describe a non-fictional write-up imparting knowledge on any subject. Article need not adhere to any length requirement Article is a piece of writing on a given/chosen topic. Article can be defined as a written composition in prose on a specific topic. Generally, articles are published as independent part of a book or a newspaper or a magazine. An article is a creative and original and can run in one paragraph or several pages. However, every published material imparting information does not qualify as an article.

For example, a user guide to products or a directory of address does not qualify as an article. Similarly, an article has to be distinguished from published work of fiction. Only a write up that conveys real information or an idea or opinion based on reality can fall within the definition of an article. An article does not create a parallel world like in fiction writing.5

For the purpose of examining whether any piece of literary work is an research article or not, it must be laid down though the following criteria, fulfilling which the work may be considered as one of this kind:
(i) published work
(ii) narrates information or an idea or an opinion and
(iii) non-fictional writing (i.e., the information provided or idea/opinion expressed is based on reality).

2) Research Article
Research article is the result of original study conducted by the author which can be referred as a primary source. It may have scholar’s analysis of both the primary and secondary data on a specific area. It is an original work that contributes to the expansion and development of knowledge on the subject. It is “scholarly investigation in search for truths, for facts and for certainties.”6 A research article provides new/original analysis and ideas based on comprehensive research within the conceptual framework of the subject. It is an authoritative text that explains an idea by thoroughly examining the available literature.

"It is a creative endeavour to make original contributions in developing the existing knowledge. A research article is important for maintaining the dynamics of a subject. It provides a means to the scholars to debate the theories propounded in the subject and examine their relevance in real life situation. The purpose of the research article is to question the present

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4 S. Sivakumar & Lisa P. Lukose, "How to Read, Assess and Write a Research Article" 59(2) Journal of Indian Law Institute 123-152 (2017)
7 S.K. Verma and M. Afzal Wani (eds.), Legal Research Methodology (Indian Law Institute, New Delhi, 2010).
literature and suggest the merits, demerits, advantages and loopholes so that the subject can evolve. The scholars engage in continuous discussion through them by continuously accepting and rejecting theories on the basis of their practical feasibility. In the absence of research work the subject will become dogmatic and will lose its objective approach. Thus, research article is an important tool to maintain the rationality of knowledge.

“A research article is not only a technically rigid document, but also a subjective intellectual product that unavoidably reflects personal opinions and beliefs.” 11 However, these opinions are substantiated by citing authorities.

A research article generally consists of the segments as mentioned below:

(i) Title - The title of a research article signifies the focus of enquiry. It helps the reader to ascertain the area of research.\(^\text{12}\)

(ii) Abstract - An abstract is a brief overview of the whole research paper. It enables the reader to understand the broad arguments advanced by the author.\(^\text{13}\)

(iii) Introduction - In the introduction, the author introduces the topic and provides the background of the issues raised in the article.\(^\text{14}\)

(iv) Issues and Analysis - The research article raises certain issues that are analyzed.\(^\text{15}\)

(v) Issues and Analysis - The research article raises certain issues that are analyzed.\(^\text{16}\)

(vi) Conclusion - This part provides the findings of the author and suggestions made to address the issues discussed in the article.\(^\text{17}\)

A research article is written with a motive to comprehensively examine an issue or a hypothesis. It is written for an academic purpose and is well researched. Every word in a good research article is used with careful deliberation. This signifies the intellectual gravity of a research paper. It is not a casual expression of opinion but a seriously deliberated reflection on the issue. It is important to note here that there lays a thin line of difference between the followings:

- Blog and research article
- Newspaper article and research article
- Essay and research article
- Report and research article
- Books and research article
- Book review and research article

3) Legal Research Article

“A legal research article deals with study of the relationship between the world of law and the world that law purports to govern.”\(^\text{18}\) A legal research article primarily examines the gap between the theory and the practice of law. It can be both doctrinal and empirical. A doctrinal legal research article analyses the theories and concepts of law and feasibility of applying legal rules in a given situation. A doctrinal legal research article is “concerned with the discovery and development of legal doctrines and its research questions take the form of asking ‘what is the law?’ in particular contexts.”\(^\text{19}\)

A doctrinal legal research article is, therefore, different from a scientific research because it does not deal with collection of data and defining the relationship between different variables. Doctrinal legal articles are normative as they examine what laws ought to be. Thus, to develop what law is, there must be a consensus in legal academia.\(^\text{20}\) A scientific research article on the other hand elucidates what the fact is through scientific enquiry and construing relationship between different variables. A legal research article that uses empirical methodology is similar to scientific research article as it also analyses the relationship between different variables. However, all legal research articles have a normative element and they not only inform as to what law is but also what it ought to be.\(^\text{21}\)

4. Importance

Law is an evolving discipline. It is never static. Law, being a method of formal social control, always molds and modifies itself with the evolution as well as revolutions happening in the society. Therefore, it is important for students to be aware of all legal developments. Also, in order to proceed with research, the legal scholar has to necessarily read the works of other scholars in his/her field of enquiry. And, in this age of internet there is no dearth of information on any field. The positive aspect of this free flow of information is that it is comparatively easier to access and collect facts and information for a researcher.

It has been opined by Robert Bigelow, “The computer captures the imagination of many researchers. It offers an opportunity to store vast quantities of data in a comparatively small space, the ability to search this data very rapidly and make selections there from and the ability to manipulate or ‘massage’ the data to produce a result in a format particularly useful to the individual researcher. One of the advantages of frequently touted for computerized legal research is the possibility of placing into computer’s storage


\(^\text{13}\) Ibid

\(^\text{14}\) Ibid

\(^\text{15}\) Ibid

\(^\text{16}\) Ibid

\(^\text{17}\) Ibid


\(^\text{20}\) Ibid

\(^\text{21}\) Supra 10.
area or memory banks the full text of whatever document is someday to be retrieved.22

Be that as it may, utilization of PCs and web likewise brings about 'writing over-burden'. There are various types of compositions accessible on the web that undertaking themselves as scholarly work. Online diaries enable researchers to transfer their work with no procedure of altering. These works need not really be very much inquired about and definitive. Thus, a specialist ought not to expect that all works that are accessible are quality compositions that can be eluded for scholarly purposes. Dependence on low quality articles essentially undermines the nature of one's own exploration. Along these lines, a researcher should take incredible alert in picking writing for examining. A decent article has the capacity of enlarging the skyline of one's understanding and giving reasonable lucidity.

It is in this manner significant for an analyst to have the option to sort the important substance from the immaterial and the veracious from the untrustworthy. This is an awkward and time taking procedure. Consequently, it is appropriate for a scientist to receive the correct approach and technique while perusing examination articles.

5. Steps and Methods

The most integral part of research article is all about drafting, not legal but academic. It basically refers to the drafting of "complex scientific ideas, methodological details, and statistical analyses into a tight manuscript." 23 Every research starts with an idea; an analytical and comprehensive reasoning; however, converting that idea into an article requires skill. "Reading makes a full man and writing an exact man."24 Writing an article is not only about writing but also about discipline, systematic approach and consistent approach. One needs to have a genuine interest in the subject and also the desire to share his idea with others.

The following seven steps provide a guideline as to things to be remembered while writing an article:

(i) Avoiding procrastination

Before starting the writing process, it is essential that the writer is free of certain common 'specious barriers'25 that obstruct the process of writing. These roadblocks are the commonly cited justifications for not writing an article, like, inability to find time, inability to access literature on the research topic, insufficient resources, waiting for an inspiration etc.26 It is important to overcome these roadblock as they are nothing but justifications for procrastinating writing.

Determination to start writing is the starting point and perhaps the most important step of writing.

(ii) Identifying area of research

An article expresses an idea in an analytical and logical manner. Therefore, before proceeding with writing an article, one has to necessarily identify the area on which one wants to write. While choosing a topic, the researcher must ask oneself the following questions: An article expresses an idea in an analytical and logical manner. Therefore one has to necessarily identify the area on which one wants to write. Attempt should be made to find a new insight or a claim and organize entire article around that claim.

Attempt should be made to “find a new insight or a claim and organize entire article around that claim.”27 While choosing a topic, the researcher must ask oneself the following questions:

- Why do you want to choose this topic?
- What is the relevance of this topic?
- Where can you get information on this topic?
- Who can you consult as the information providers on this topic?
- Why is your topic important?

(iii) Brainstorming28

Planning what to write is the foundation of any research. Choosing a topic and defining an area is the preliminary step of writing an article. This process requires exploring the possibilities and narrowing it down to a specific topic. The first phase of brainstorming is writing whatever comes to one's mind. This allows the writer to piece together the scattered ideas and consequently give them specificity. After writing briefly about ‘what one wants to write on’, the research idea can be broken into the following levels.29

- The general topic - This progression includes expounding quickly on the picked point and its significance. This concise framework is useful in sorting out dissipated thoughts and considerations.
- Identifying issues - When the theme has been chosen, it is basic to distinguish the applicable issues that will be managed in the article. This progression enables one to comprehend the importance of the theme. In the event that the issues that are distinguished have been widely managed by different researchers, one should forgo continuing on the point, until and except if it is felt that there is extension for noting or breaking down at least one issues.
- Identifying contrary perspective - The author should offer time to comprehend a thought in opposition to the one proposed by him/her. This enables the scientist to consider various perspectives from the earliest starting point of the composition procedure. Following this progression will help the scientist in keep up objectivity over the span of composing.

25 Ibid
26 Ibid
29 Ibid
(iv) Choosing a claim
Once the second step is completed, the researcher shall be better equipped to explain what he/she wants to write about. This step has been called ‘choosing a claim’ by Volokh.30 This step involves “capturing your point in a single sentence to enable you to focus your discussion and communicate your core point to the readers.”31

(v) Reviewing the Literature
Literature review also known as literature survey is the foundation of any exploration paper. The current literature gives the structure squares to the specialist in his/her endeavor to write an article. By evaluating literature the analyst gets a comprehensive image of the subject, the alternate points of view and the lacunas in the exploration on the picked region. The analyst must go through this literature review to understand what the previous work in this field has been. In this manner, the researcher will also be in a better position to ascertain in which direction the author has proceeded and whether or not something new has been attempted in the course of the article or whether the piece is an assimilation of the previous works.

(vi) Strengthening the structure
In order to get across an idea, it is essential that the article is well structured and cohesive. Structuring an article requires arranging information and ideas in a manner that allows the reader to contextualize the idea presented. Wendy Laura Belcher has suggested the following ways of structuring the article. These are,32

- Researcher should go from what the reader knows to what they don’t;
- Researcher should go from simple to complex;
- Researcher should go from the uncontested to the more contested;
- Researcher should go from the general to the particular;
- Researcher should go chronologically;
- Researcher should go spatially through a succession of linked objects as if on a guided tour.

(vii) Introducing and concluding the article
The presentation of the article, as expressed somewhere else, lays the foundation for the thought being exhibited later. The presentation should, accordingly, be elegantly composed, rational and exact. It ought to give a thought regarding the contentions and thoughts being talked about in the article.

The presentation area establishes the framework for the paper. A few writers compose long, vigorously referenced presentations; however most writers spare the substantial detail and portrayal of past related research for the dialog area. It ought to likewise manage the reason and the entire goal. It ought to depict the hugeness of the examination, express the reason of composing the paper and the approach towards the point.

Additionally, end should aggregate up the whole article in a clear way. The end is a significant piece of the article. The scientist should peruse the equivalent altogether. The end to any bit of research work gives the last assessment of the creator after a careful research of the point, joining every one of the odds and ends of the riddle in order to decide the destiny of his speculation, and after fundamentally examining the plenty of data accessible to him on different stages. In this way, an end depicts the examination discoveries that fill in as a stage for further look into. It ought to give answers to the inquiries presented in the article. Additionally, one should avoid being dreary and ambiguous in the end.

6. Conclusion
The real purpose of research, writing and publication is search for and dissemination of true knowledge. A research thus should be able to expand the knowledge and contribute for development. Only a research that strives to maintain quality throughout the process can advance the knowledge in true spirit. Every research article must try to address the gaps in law and also pave way for further research. It should not only generate new ideas but also provide platform for new ideas to develop. A good researcher would need vibrant thoughts; envision as to what and how data must be used. Hence, a researcher by adopting the three phase test can ascertain whether the article is worthy of being used in research or not. The researcher should try to refer only those articles in research which can be considered quality work.33

Utilization of pertinent materials and evasion of pointless reference to low quality research builds the quality, validity and credibility of research. Thus, a quality research article ought fill the need of the essayist as well as be equipped for educating the pursuer on the applicable legitimate zones. In the wake of perusing an article the pursuer must feel that he has picked up ‘something’. In the event that an research article can give fulfillment to the pursuer, it fills its need.

Legal reading is both an art and a skill. A good researcher should possess the art of approaching legal literature. By adopting the correct approach to read a research article, the scholar enables oneself to comprehensively examine and analyze the law. This capability will automatically result in a good research work. While collecting material, if he restricts himself to the high quality, reliable and authentic material, the success of his research is guaranteed.

31 Ibid