

THE OPEN UNIVERSITY OF TANZANIA
FACULTY OF LAW

OLW 303: RESEARCH METHODOLOGY AND RESEARCH PAPER

STUDENT COURSE GUIDE-2008/9

Dear Student

This is a core course which carries a total of 3 units and is taken by a student when he/she has completed his/her OLW 100 and OLW 200 series' courses in the LLB Programme.

Objectives of the Course

- (i) To introduce you to fundamental themes of knowledge, research paradigms and research methodology
- (ii) To inculcate and impart to you research skills for accessing knowledge of general and specific nature.
- (iii) To equip you with the basic research methodology skills and tools to enable them conduct legal research in an interdisciplinary context and report writing skills.
- (iv) To impart on you the methodology, skills and tools that will enable students comprehend the intricacies of conducting research on pertinent matters and issues relating to the operation of legal processes and the social, cultural, historical and economic context in which law operates and is perceived in society.
- (v) To prepare and enable you for conducting research and eventually write your LL.B. Compulsory Research Paper.

Mode of Assessment

Unlike the other courses in the LLB Programme, this course is examined differently. It does not have assignments, Timed Tests and Annual Examinations to be written and submitted for marking. On the contrary, your performance in this course will be assessed from the quality of your final product of your research i.e Research Paper. Some times, if

mandated by the nature of student research paper and opinion of student supervisor, a student may be required to defend his/her research paper before a panel of academic staff. The marking of a Research Paper is out of 100%.

Requirement to Gain Knowledge of Research Methodology

To pursue this course successfully requires a student to grasp and gain knowledge and skills in Research Methodology. You are required to study carefully handouts on Legal Research Methodology issued by the Faculty and other texts on Research Methodology to gain the requisite knowledge and skills for successful completion of this course. You are also advised to read the existing study materials for the following Research Methodology courses offered by other Faculties in this University:

- (i) OEC 105: Social Science Research Method I
- (ii) OEC 111: Social Science Research Method II
- (iii) OED 303: Introductions to Educational Research
- (iv) OBS 210: Business Research Methodology

Legal Research

You should however note the peculiarity of legal research. Legal phenomena require their own research methodology. The nature of legal issues and the subject-matter of law are radically different from other sciences. The content of propositions and explanations is also different. The methodology of legal studies involves their own rules, interpretation and criteria for admissible explanations as well as research designs, data collecting techniques and data processing routine. Legal studies lack appropriate methods, tools and techniques suitable for legal issues. In most of legal investigations, qualitative data has to be analysed. Hence the study of legal research methodology. The systematic investigation of problems and of matters concerned with law such as codes, Acts etc. is legal research.

Formulation of Research Topic, its Approval and Allocation of Supervisor

You are advised to formulate a research topic on a topical area of your choice and interest and write to the Dean, Faculty of Law requesting for approval of the research topic and allocation of supervisor. **Your written request should reach the Faculty of Law or Director of your respective Regional Centre not later than 31st September 2008.** The Faculty of Law will scrutinize and assess the request, and where appropriate it will approve and allocate a supervisor. You will be notified of the outcome **not later than 30th November, 2008.** Any student who fails to abide by the set deadline faces a rejection of his/her research topic and will thus not be allocated a supervisor.

Once your research topic is approved and you are allocated a supervisor, you should arrange to communicate, by any means, with your supervisor. The Faculty will facilitate such communications by availing you contact addresses of your supervisor as well as his/her telephone number and email address.

The Research proposal

You will be required to write a proposal on your research topic under the supervision of your supervisor. The proposal should for record purposes be availed to the Faculty.

The proposal that you ought to formulate should bear the following among others subject to guidance and direction of your supervisor:

- (i) Title: Clear title of the research topic
- (ii) General introduction defining the problem area.
- (iii) Literature Review: Focus your attention on relevant literature on the problem.
- (iv) Statement of the Problem: delineating or identifying the problem, giving background to it, and its significance.
- (v) Objectives: spell out specific objectives of the study and advantages to be derived.
- (vi) Hypotheses: Summary of expected findings in the proposed research. Alternatively you may use research questions.
- (vii) Research Methodology

(viii) Bibliography.

At any rate do not undermine the role of your supervisor. Your supervisor will supervise you until you complete your research paper and submit a final compulsory research paper. The supervision shall entail provision of requisite guidance, advice, and direction to you, as the supervisor may deem fit and proper. Your supervisor shall guide, advice and direct you to develop and formulate an appropriate proposal for your compulsory research paper on a topic approved by the Faculty. You should however note that your supervisor may make any modification on your research topic or advise or direct you to change the research topic as he/her may deem fit and proper. He/She will monitor your progress throughout the research period and will keep close touch on your research progress.

It has to be noted that the Faculty of Law no longer issues broad research areas from which you could formulate your research topic as it was the case in the past. This has been done to necessitate students come with areas of their own choice given the broad range of students' disciplines and areas of specialization and taking into consideration that Universities are fountain of knowledge.

Change of Research Topic and/or Supervisor

You will not be allowed to change your research topic unless you have consulted and obtained consent of your supervisor prior to the approval of the Faculty.

Any request for a change of supervisor must be submitted to the Dean of the Faculty through the student's supervisor. It is noteworthy that you will not be allowed to change your supervisor unless there are compelling reasons that warrant change of supervisor. This however will be subject to availability of another supervisor competent to supervise you on your research topic.

Where on good cause a supervisor is unable to continue to supervise you, he/she shall request from the Dean of the Faculty for his/her withdrawal from supervision. The Dean,

upon receiving such request, shall cause the Faculty to inquire into the request and if satisfied may approve the change of the supervisor and in so doing shall see to it that the change does not affect your progress.

Cheating and Irregularity in Research Paper

Cheating in compulsory research paper **carries the same consequences as cheating in any other examination of any course in the LLB Programme.** Your supervisor is mandated to report to the Dean of the Faculty any thing from your research paper that in his/her view amounts to cheating in examination or examination irregularity. This will render you subjected to examination regulation and charged for cheating in examination.

Procedure for Submission of Research Paper

Once your supervisor is satisfied with your research paper produced, he/she will require you to produce three copies of final version of your research paper for submission to the Faculty of Law for examination purposes. Your supervisor must sign the three copies of the research paper to satisfy that he/she has read the final research paper and recommends the same for submission for examination purpose. Your supervisor must ensure that the three copies submitted are hard cover bound.

Your research paper must be word-processed and double-spaced and should not exceed 50 pages of A-four size paper unless otherwise approved by the Dean in consultation with your supervisor.

You will submit three copies of your final research paper duly certified by your supervisor to the Dean of the Faculty. Where the circumstances so permits and upon consultation with the Dean, you may submit the copies to your supervisor for onward transmission to the Dean of the Faculty.

Under no circumstances will the student submit to the Faculty a research paper which is not certified by the supervisor. Any research paper which is not certified by a supervisor will not be marked.

Need to Look for Other References on Research Methodology and Writing Skills

You will need to look for and study many readings in Research Methodology in addition to handouts issued by the Faculty and study materials on research methodology courses offered by other Faculties. Some references are listed hereunder for your ease of reference:

Block, G. Effective Legal Writing - A Style Book for Law Students and Lawyers, The Foundation Press, New York, 1988

Boruch R and Cecil J. (Eds) Solutions to Ethical and Legal Problems in Social Research, Academic Press, London, 1983

Gibaldi, J, and Actert, W.S., *MLA Handbook for Writers of Research Papers*, 3rd Ed., Modern Language Association of America, Newyork,1988

Greenshields, A. and Young, A., 'Legal Guide', Murdoch University Law and Business Library, 3rd Ed., July 2003 (wwlib.murdoch.edu.au/find/citation)
(4th July 2006)

Gold N, Mackie K and Twinning W, (Eds) Learning Lawyer Skills, Butterworths, London, 1989

Hellen Shapo (Ed), Writing and Analysis in Law, Westbury, The Foundation Press, New York, 1989

Kothari, C.R. Research Methodology, Methods and Techniques, (2nd Edition) Wiley Eastern Ltd, New Delhi 1980

Library.queensu.ca/law/ledermanlegalcit.htm (14th July 2006)

Martin, P. W., 'Introduction to Basic Legal Citation' (LII 2006 ed.)
www.law.cornell.edu/citation (4th July 2006)

Voigt, B. L. et. al Communication Skill for Law: Students' Work Book, UDSM
Communication Skill Unit, 1985

----- Communication Skill for Law: SourceBook, UDSM
Communication Skill Unit, 1985

Masoud, B.S 'Guideline on Legal Citation, Treatment and Use of References
And Authorities' Mimeo, Faculty of Law, OUT, 2005

N.B

Your Address and other relevant Particulars

You are reminded always to write your address and other relevant particulars in your research work whenever you send it to the Faculty of Law or to your supervisor. This also applies to any correspondence that you make to the Faculty regarding your research.

Best wishes!

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31st JULY 2008*