

Role of research design in socio-legal research



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Introduction

Research is an organized, systematic and logical process of inquiry, using empirical information to answer questions or test hypotheses.[i]Research in common parlance refers to a search for knowledge.[ii]Research is a systematic and chronological effort of finding out a more appropriate solution to a common social problem.[iii]Research helps to push the frontiers of knowledge beyond horizon.[iv]The concept of research is thus closely linked with human endeavor for better understanding of his evolution, environment and growth through diverse stages of human history.[v]In a research, the most important being that the research problem should be researchable as well as manageable.[vi]All research is the collection of evidence or information for ascertaining an assumption or verifying some hypothesis. Research is a systemic attempt to push back the bonds of comprehension and seek beyond the horizons of our knowledge, some truth or some reality.[vii]The research is a critical and exhaustive investigation or experimentation having as its aims the revision of accepted conclusions in the light of newly discovered facts. In simple words, the research is any inquiry or search for fact or truth. Investigation of every kind which is based on original sources of knowledge may be said as research. Research is possible through observation of new facts and by the formulation of new thoughts and ideas.[viii]The aim or research is to find out the truth which is hidden and which has not been discovered so far. The purpose of research is to discover answers to questions by testing a hypothesis of a cause-effect relationship between variables through the application of scientific

procedures. One of the objectives of research is to gain familiarity with a phenomenon or to achieve new insights to it.[ix]Research has become an integral part, not only of academic pursuits, but of all the areas of human activity.[x]Every field and every educational innovation is bolstered by research and innovation.[xi]Although research activities are primarily conducted by the government, university, industry or railway, the government is the main body which plans research in a country, finds funds for it and enables utilization of the results for the betterment of society. [xii]Thus, the term ' Research' refers to a critical, careful and exhaustive investigation or inquiry or experimentation or examination having as its aim the revision of accepted conclusions, in the light of newly discovered facts. [xiii]

The nature and content of research can barely be grasped without an appreciation of the method, we designate as scientific. Research, simply stated, is an endeavour to arrive at answers to intellectual and practical problems through the application of scientific methods to the knowable universe.[xiv]Method is the way of doing something methodology is the science or study of particular subject. The concept of the research methodology is much wider. The method a researcher follows in pursuing a research is research methodology.[xv]A system of models, procedures and techniques used to find the results of a research problem is called research methodology.[xvi]Research methodology is a systematised investigation to gain new knowledge about the phenomena or problems. But in its wider sense methodology, includes the philosophy and practice of the whole research process. It provides standards which the researchers use for

integrating data and reaching conclusions.[xvii]Legal phenomena requires their own research methodology. Such research methodology may be applicable to subjects of International or Muncipal laws, evaluation of Acts of different countries, implementation and consequences of Codes and Acts of different nations. The methodology of legal studies involves their own rules, interpretations and criteria for admissible explanations as well as research designs, data collecting techniques and data processing routines. The systematic investigation of problems and of matters concerned with law such as Codes, Acts, Constitutions, etc is legal research. Judges, Lawyers, Law Commissions and Researchers constantly do research in law. They do make systematic research into the social, political and other fact conditions which give rise to the individual rules, acts or codes.[xviii]Research may be pursued to obtain better knowledge and understanding of any problem of law, legal institutions in society, legal doctrines, legal philosophy, legal history, comparative study of law, or any system of positive law-International or Muncipal.[xix]Law is an instrument of social control. It originates and functions in a society and for society. In a planned development of the society, law is playing the role of a catalyst to help in the process of social change. Co-operative inter disciplinary research is required to deal with the socio-legal problems as socio-legal research is all interdisciplinary approach which extends into the fields of an social sciences. Upendra Baxisays that, the lawyer must know much of sociology and the sociologist must know much of law.[xx]

Major Steps in Legal Research

The following are the major steps in doing legal research:

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1. Formulation of Problem,
2. Formulation of Hypothesis,
3. Analysis of Concepts,
4. Research Design,
5. Collection of Data,
6. Data Analysis,
7. Conclusions or Generalizations, and
8. Reporting.[xxi]

The Role of Research Design in Socio-Legal Research:

A research design is the conceptual structure within which research is conducted. It is the blueprint for the collection, measurement and analysis of data.[xxii]A research design is a plan comprising the researcher's decisions about the procedures of sampling, data collection and analysis of data in respect of a given study, which aims to fulfill the objects of the study. The process of working out a research design involves, making designs about the techniques to be employed for collection of relevant data, the safeguards to be employed to safeguard the validity, reliability and precision, the mode of drawing the sample, analyzing the data, interpreting the results. Through designing the research, the investigator achieves his research objective with the economy of amount, time and energy.[xxiii]

Meaning of Research Design:

Research design means the exact nature of the research work in a systematic manner. It involves the information about the research work in view of, framework of study, availability of various data, observations,

analysis, sampling, etc. Research design includes the structure of research work.[xxiv]To design is to plan, that is , designing is the process of making decisions before the situation arises in which the decision has to be carried out. Designing is thus a process of deliberate anticipation directed towards bringing an expected situation under control. The socio-legal research guided either by desire to gain knowledge or by an urgency to solve a problem scientifically, works out a plan of study. While conducting inquiry one may anticipate various difficulties that may have to be encountered in the course of study and decide what to do under such circumstances. He records his decisions in advance. This type of logical and systematic planning to direct the research is called a research design.

Research Design has been defined by different authors in different terms.

They are as follows:

1. According to Pauline V. Young, Research design is a plan of action, a plan for collecting and analyzing the data in an economic, efficient and relevant manner.
2. According to Miller, Design research is the planned sequence of the entire process involved in conducting a research study.

Thus, research design refers to the entire process of planning and carrying out a research study. It is a frame within which research is carried out and it is a blue print for the collection, measurement and analysis of data.[xxv]

Objects of Research Design:

1. For a systematic and logical study
2. To remove problems encountered in research

3. To clearly described the direction of research study
4. To discover the solution to the research problem
5. To get funds
6. To rises the reliability of measurements.[xxvi]

Idealised or Good Research Design:

A good research design eliminates confounding of variables or kept it to a minimum so the results can be interpreted separately.[xxvii]After formulation of research problem, the researcher is in a position to consider how he will work out to solve the problem. The procedure that the researcher would have liked to adopt for solving a problem if he was completely unrestricted by practical exigencies and limitations is the idealized research design. The idealized research design comprises the specifications of the most efficient conceivable conditions and procedures for conducting the research. The step of designing an idealized plan might seem very impracticable and even an unnecessary one. The researcher may be inclined to follow the ideal procedures to evaluate the practical research conditions and determine the shortcomings. An idealized design should maintain a balance between scientificity, sufficiency, and economy. The making of a research design is a science as well as an art.[xxviii]

Parts of Research Design:

The researcher has to translate the idealized research model into a practical one. The practical research design may be conceived of as comprising the following four phases:

1. The Sampling Design: which deals with the method of selecting the subjects to be observed for the given study.
2. The Observational Design: which relates to the conditions under which the observations are to be made or the data are to be secured.
3. The Statistical Design: which deals with the question of how many subjects are to be observed and how the observations are to be organized with a view to securing answer to the research problems.
4. The Operational Design: which deals with the specific techniques by which the procedures specified in the sampling, statistical and observational design can be carried out.[xxix]

Contents or Important Features of a Research Design:

Generally, a research design includes the following points:

1. Title of the topic and determination of its scope;
2. Background knowledge and introduction of the problem;
3. Nature of study descriptive, explanatory or experimental;
4. Description of short-term and long-term objectives;
5. Awareness regarding context;
6. Making of hypothesis and using of appropriate concepts and variables;
7. Appropriate time-schedule for research;
8. Basis of data collection and appropriate tools and techniques;
9. Analysis and interpretation of data collected, along with decision regarding the problem of generality and validity; and
10. Nature and amount of resources at ones disposal.[xxx]

Components or Steps or Procedure of a Research Design:

A research design is not a highly specific plan to be followed without deviation, but rather a series of guide posts to keep one headed in the right direction. It is tentative. As the study progresses, new aspects, new conditions and new connecting links in the data come to light and it is necessary to change the plan as circumstances demand. The most meaningful and revealing studies are those that are connected from a definite point of view.

According to Pauline V. Young , A study design includes the following components parts which are inter-dependent and not mutually exclusive:

1. Source of information i) documentary sources ii) personal sources iii) library sources,
2. Nature of study,
3. Objectives of study,
4. Socio-cultural context of study,
5. Geographical area to be covered by the study,
6. Period of time to be encompassed, (Socio-temporal context)
7. Dimensions of study and sampling procedures,
8. The basis for selecting the data,
9. Definition of terms,
10. Working or exploratory hypothesis, and
11. Techniques of study.[xxxii]

Characteristics of a Good Research Design:

Every design has its own strengths and limitations and at the same time there is no such thing as a single correct design.[xxxii]A good research

design should satisfy the following four conditions: objectivity, reliability, validity and generalizability of the findings.

1. Objectivity:

The objectivity of the findings pertains to the methods of collection of data and scoring of the responses. The objectivity of the procedure may be judged by the degree of agreement between the final scores assigned to different individuals by more than one observer. Any research design should permit the use of measuring instruments which are fairly objective in which every observer seeing a performance, arrives at precisely the same report. This ensures the objectivity of the collected data will be used for the analysis, inferences and generalizations.

2. Reliability:

Reliability refers to consistency throughout a series of measurement. That is to say, if a respondent gives out a response to a particular item, he is expected to give the same response to that item whenever he is asked subsequently. There are different methods in determining the reliability of the responses given out by a respondent. Some of these methods are using check item, administering the same test repeatedly; using a series of parallel form, etc.

3. Validity:

Any measuring instrument is said to be valid when it measures what it purports to measure. There are a good number of procedures for establishing the validity of test. Some of such procedures are validating the

present data against a concurrent criterion or a future criterion or a theory, etc.

4. Generalization:

Generalizability represents the valid application of the findings of the sample to the population. In other words, with how much authority and confidence, an investigator can say the same findings will be obtained even though the data is collected from the total population from which the sample is selected. A good research design should ensure that (i) the measuring instruments can yield objective reliable and valid data, (ii) the required size of the sample is collected, (iii) the appropriate statistical analysis has been employed, and (iv) the findings of the present study can be generalized.[xxxiii]

Significance of or Need for Research Design:

Research design is a must for any research problem since it helps to carry out the various research operations very smoothly, thereby making research as efficient as possible by giving maximum information by economizing or minimizing time, energy and cost. Research design stands for advancing planning of the methods to be adopted for collecting the relevant data and the techniques to be used in their analysis; keeping in view of the objective of research and the availability of time, physical and financial resources.

Research design helps to know how much inaccuracy his method of research will produce. Then the researcher decides whether the method is suitable to the required accuracy in order to be useful.[xxxiv] Research design tells the investigator what to observe, whom to observe, how to observe, why to observe, how to record the observations, how to analyze the observations?

What inferences can be drawn?[xxxv] Thus, research design provides a particular direction to the research work.[xxxvi] No researcher can disregard and overlook the significance of research design.[xxxvii]

Types of Research Designs:

Research design differs depending on the research purpose. The research purpose may be grouped under the following four categories:

1. Exploratory or Formulative studies: To gain familiarity with the phenomena or to achieve new insight into it often to develop hypothesis.
2. Descriptive studies: To portray accurately the characteristics of a particular situation or group of individuals.
3. Diagnostic studies: To determine the frequency with which something occurs or with which it is associated with something else.
4. Experimental studies: To test a hypothesis suggesting a causal relationship between variables.[xxxviii]

Conclusion

Research is a complex process as well as an important plan. The word Research means to search again and again and it is composed of two words- Re + Search, where Re-means again and again and Search -means to find out something. After deciding and explaining the problem, comes designing. Research design is a systematic way of doing research. It helps the researcher to avoid the deviation. Also it helps to minimize time and money and remove any errors and omissions.

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