

A Critical Analysis of the Techniques for Data Gathering in Legal Research

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Abstract

Data is the supplied information of respondent on a specific area of research. The importance of data to research cannot be over emphasized as this enables accurate information on research work. Techniques for data gathering are the various methods of collecting data for research findings. The issue of data gathering starts after defining the research problem and after making the research design. Data gathering is equally very important to research work, as research findings will be affected by poor data collection techniques. This paper analyses various techniques of data gathering in legal research which include, survey sampling technique, questionnaire technique, mailed questionnaire technique, interview method, observation method, field work and diary studies technique with critical examination of the advantages and disadvantages of each of the techniques. The paper finally concludes that adequate care must be generally taken to ensure that data collection techniques are properly applied and managed so as to avoid collection of inaccurate and misleading information which may lead to poor research result.

Keywords

Techniques, Data Gathering, Legal Research

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1. Introduction

Research is a search for knowledge or scientific and systematic search for pertinent information, ¹ a research is a process of inquiry, investigation, close scrutiny and discovery, each time you think and find a suitable answer to a question, you are engaging in a research no matter how little.² Legal research is a systematic search for information on a specific field or area of law.³ To conduct a good research, there is need for data. Accordingly, data is the information, facts, observation, measurements or materials that are collected by a researcher for the purpose of generating results for his

research.⁴ To generate research result, there is need for data gathering through application of various techniques of data gathering. Data gathering is the process of collecting and measuring information on variables of interest in an established systematic manner that enables one to answer stated research question, test hypothesis and evaluate outcome while the techniques for data gathering are the methods and approaches that are used for data collection by a researcher⁵.

In every research, what every researcher craves to do, is to eliminate bias in his data collection and analytical approach, in a way that inferences or conclusions drawn from the

¹ Riyan S, Writing An empirical Legal Study Design: A Printer, Yale Law School, Lillian Goldsman Law Library, Yale 2014 at 2

² Oyebanji J.O, Research and philosophies, in A guide on Research Proposal And Report Writing, Saliu H.A & Oyebanji J.O (Ed) Faculty of Business and Social Sciences, University of Ilorin, Ilorin, 2004 at 34

³ Hunchinson T, Research and Writing in Law, 3rd edition, Lawco, Australia, 2010 at 20.

⁴ Olorunfemi J.F, Method of Data Collection, in A guide on research Proposal And Report Writing, Saliu H.A & Oyebanji J.O (Ed) Faculty of Business and Social Sciences, University of Ilorin, Ilorin 2004 at 36.

⁵ Ibid, 37.

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research work, will be a true reflection of the research result and not just per chance. Notwithstanding the above, it has been observed that the choice of research topic, the study area, the choice of methods of analysis and presentation can easily be influenced by personal desires, experiences and objectives of the project. For example, to study the techniques of estimating population in a country, may also have been influenced by in availability of reliable population data at a particular time, or for whatever use it is meant for. Since the choice of area of research to study is therefore subjective and also almost the exclusive choice of the researcher, once the research topic and study area are established, the data required for the study must be carefully collected.⁶ This paper carefully explores various techniques of data gathering in legal research with the aim of achieving effective research result. For ensuring a careful data collection and effective research result, this paper begins with a discussion on the importance of data gathering in legal research. It carefully analysed the various techniques for data gathering in legal research which include, survey sampling, questionnaires, mailed questionnaires, the interview method, observation method, field work and diary studies with a critical analysis of the advantages and disadvantages of each technique. However, the importance of this study is to assist researchers with an up to date knowledge on the technique for data gathering in their research, since efficient data gathering is a necessary condition for a good research work.

1.1. The Importance of Data Gathering in Legal Research

Data can be explained as available information, facts, observation or measurement that may be in form of numbers, letters or materials that are collected by a researcher and to be processed for achieving research result.⁷ Also, the Oxford Advanced Learners Dictionary of Current English defines data as the fact or information especially when examined and used to find out things to make decisions or information.⁸ The importance of data gathering in legal research is many. It enables researcher to secure accurate information on a research topic.⁹ In this regard, collection of data enables the researcher to understand the object of study, the events and the phenomena in the research. Data gathering enables researcher to know the extent and limitation on the information available on research topic¹⁰. By this, the amount of data collected will reflect the extent of knowledge of the researcher in his writing and publication on the research

topic. Data gathering facilitates the process and completion of a good research.¹¹ In this case, the collected data are considered as the essential component of the researcher like the pivotal point of a research and it is the main source of selection of the problems of the research through which the researcher can inquire about the phenomenon to be solved in the research. Also, it should be understood that data collection is an important element in the making of necessary decisions that are related to the research. Having known the above, the techniques of data gathering shall be discussed below:

1.1.1. Survey Sampling

Sample is a representative of people or selected respondents object to be researched upon while survey is the search conducted among the selected respondents.¹² So, survey sampling is the process of collecting sample opinion of a whole group or representative sample of the population over a phenomenon¹³. Survey sampling is a popular form of qualitative research. The method is used for collecting information from large number of people, it can be circulated to a whole population. The objective of survey may be to gather descriptive data regarding some issues, activities or group of people and it can also be used to establish opinions on a particular phenomenon.¹⁴ There are two types of survey sampling selection, these are probability (unbiased) and non probability (biased) sampling.

1.1.2. Probability Sampling

Probability based sampling allows designed based inference to be made about the target population.¹⁵ The inferences are based on a known objective probability distribution that has been specified in the study. There are several ways by which the researcher can choose an unbiased sample from the population, some of the methods of choosing an unbiased sample include:

1.1.3. Random Sampling

Under random sampling technique, you select “ a “sample units out of A (population) such that everyone in the population has an equal opportunity of being selected or drawn. In this case, you draw or select series of random numbers¹⁶. This is done without replacement and if the researcher is dealing with spatial data, he can still adopt random sampling technique in selecting these samples as points or areas.

⁶ Id 37

⁷ Kothari C.R, Research Methodology: Method and Techniques (2nd revised edition) New Age International Limited publishers, New Delhi 2004 at 95

⁸ Hornby A.S, Oxford Advanced Learners Dictionary of Current English, Oxford University Press, 2000 at 45.

⁹ Riyan S, n2 at 4

¹⁰ Kothari n7 at 96S

¹¹ Olorunfemi J.F, n3 at 36

¹² Hunchinson T Researching and writing in Law, 3rd edition, Lawco, Australia, 2010 at 37.,

¹³ Olorunfemi Jo.n3 at 36.

¹⁴ Kothari C.R, n6 at 38

¹⁵ Hunchinson J, n 9 at 77

¹⁶ Olorunfemi J ,F, n at 38

1.1.4. Stratified Sampling

In this case, the population A is first divided into sub population of A1, A2, A3 units based on some observed set of criteria. Every of the subpopulation is known as stratum and samples are drawn from each stratum randomly or systematically. Proportion sample can be selected from each stratum based on their relative population.¹⁷

1.1.5. Systematic Sampling

Systematic Sampling is the procedure whereby items or respondents are selected at regular intervals, for example, every second house on a street or lane or every second item.¹⁸ For example, if the first randomly selected sample is number 5 and k is 10, then the items or samples 5, 15, 25, 35 will be selected systematically.¹⁹

1.1.6. Non-Probability Sampling

This is often used when a target population is rare. In most cases, members of the target population recruit other members of the population for the survey. However, non probability sampling is also known to be a biased method.²⁰

1.2. Factors for a Good Survey Sampling

The following factors must be considered in order to make a good survey sampling design; Survey questions must be drafted in a simple form so that the people you are surveying will know the answers to the question asked and be willing to answer them.²¹ Also, the internal organization of the survey is very important so as to ensure the survey is properly conducted and effective result received. The survey sampling design must result in true representative of sample. However, Sample design must be viable in context of the fund made available for the study.

1.2.1. Advantages and Disadvantages of Survey Sampling

The advantages of Survey Sampling are many. Surveys are simple to draw up and administer using available web or software. The results of surveys come out in a bulk of straight information that can be analysed. Also, surveys are good method of gathering opinion information and they are very useful in policy formulation by the government.²² Notwithstanding the above, survey sampling technique has many disadvantages. One of these is that Survey sampling is time consuming to prepare and test properly. Also, it should

be known that surveys have potential to be stuck with inaccurate responses arising from the respondents misreading the forms served to them²³. Further, it is difficult to find out additional information or further clarification on the subject of survey, once the survey materials are returned.²⁴

1.2.2. Questionnaires

Questionnaires are prepared, organized designed questions which are to be answered by respondents in the process of formulating general opinion about a phenomenon.²⁵ Questionnaires are common form of data collection and also common instruments of investigation in the social sciences. They are used for collecting information from a whole population or a representative population.²⁶ In some cases, the respondent fills or completes the questionnaire especially when dealing with literate respondent, but where respondents are largely illiterate, the researcher or his agent will complete the form based on response of the respondents. By nature, questionnaire is divided into structured/closed questionnaire and unstructured questionnaire.²⁷ In structured questionnaire, we have both the question and alternative answers provided.²⁸ In this case, respondent will pick from the list of answers provided i. e for a question on marital status, respondent is expected to pick from the answers provided in the questionnaire. The respondent is expected to pick an answer on whether he or she is single, married, separated divorced or widowed. Thus, differences in the answer will be a true variation in the respondents' individual characteristics. Suffice is to say here that inability of the respondent to introduce his own answer into the questionnaire apart from the answers provided makes a structured questionnaire. Unstructured questionnaire which is the second type allows the respondent to provide his own answer to the question asked.²⁹

For example, in answering a question about what mode of transport the respondent takes to work. It may interest you to note that the respondent will write and indicate in the questionnaire that he goes to work through the personal car of his friend if he does not go to work by option of taxi, bus or motor cycle as provided answers in the questionnaire. The fact that the respondent has the liberty of providing his own correct answer is the beauty of what makes it an unstructured type of questionnaire. However, questionnaire can be effectively used when you are making a decision to survey a group of people for specific information or people's response to contemporary issues such as evolving legislation on

¹⁷ Ibid 39

¹⁸ Nachmias D and Nachmias C, *Research Method in Social Science*, Edward Arnold London, 1997 at 35

¹⁹ Olorunfemi J F, n 38 at 39

²⁰ Ibid, 38.

²¹ Kawulich B. B, *Participant Observation as Data Collection method*, Forum Qualitative Social Research vol 6 no 2, 2005 Ar t 43, at 3

²² Hutchinson T, *Researching and writing in Law*, (2nd ed,) Law Book Co. Sydney, 2006 at 54.

²³ Ibid, 56.

²⁴ Ibid 57.

²⁵ Oyebanji J.O, n1 at 41.

²⁶ Hutchinson T, n20 at 54.

²⁷ Oyebanji J.O, n22 at 41

²⁸ Ibid, 42

²⁹ Ibid.

people's reaction to introduction of community police etc.³⁰

1.2.3. Advantages and Disadvantages of Questionnaires

Questionnaires are found to be effective for determining public opinion. Also, anonymous nature of questionnaire will lead to more candid responses from respondents. Importantly, it has been observed that independence and equality of opinion of each respondent guaranteed by questionnaire help a lot to enhance competence and reliability of data.³¹ The fact that questionnaire can be filled and completed at the respondent's convenient time makes it popular and generally acceptable for data gathering. However, one of the disadvantages of questionnaires is that anonymity of respondents in questionnaire may result in totally dishonest and inaccurate research result.³² Also, questionnaires are found to be expensive and time consuming to manage. Because questionnaires are involved in asking too many questions from respondents, they a times do not provide in depth information on some issues in the research.³³

1.2.4. Mailed Questionnaires

Mailed questionnaires are questionnaires sent to respondents and returned to the sender by postage or through electronic mail or the internet.³⁴ They are usually accompanied by a letter introducing the subject of study, the purpose and a return self addressed stamped envelope. The self addressed envelope is used by the respondent to return the completed questionnaire. Mailed questionnaires are also divided into structured and unstructured questionnaires. However, the natures of questions asked under mailed questionnaire are usually closed or structured question and open ended or unstructured questions.³⁵ By closed questions, this is concerned with a situation where respondents are provided with sets of answers from which respondent should choose one answer that mostly agree with their views. Under open ended questions the respondents have the liberty to give any reply considered appropriate to the question asked and the reply should be in the words of the respondents.³⁶

1.2.5. Advantages and Disadvantages of Mailed Questionnaires

Part of the advantages of mailed questionnaire is that electronic mailed questionnaire can accommodate and deal faster with a large number of data. In particular,³⁷ electronic

mailed questionnaires also promote anonymity of respondents. Electronic mailed questionnaire is faster and cheaper to maintain. Mailed questionnaire (electronic mail) promotes confidentiality and independence of the respondents to questionnaires. However, part of the disadvantages of mailed questionnaire is that anonymity of respondents in mailed questionnaires allows dishonest and inaccurate information to be provided by respondents in their answers on mailed questionnaires³⁸. Also, asking too many questions in mailed questionnaires makes it difficult to have an in depth information on a specific research matter. However, it has been observed that mailed questionnaires are equally expensive to administer.

1.3. Interview Method

This is a process in which the interviewer asks questions with the purpose of obtaining information and respondents answers.³⁹ Interview method involves presentation of oral verbal questions and reply in term of oral verbal response.⁴⁰ Interview method can be used in many ways: through personal or face to face interview, through telephone interview and through focused group interview.⁴¹

1.3.1. Personal or Face to Face Interview

Personal or face to face interview requires the interviewer to ask questions on face to face contact with the other persons. This may be in form of investigation on an issue. Under personal interview method, both structured and unstructured interview are often conducted. Structure interview is conducted when the researcher knows the exact information needed, which contains a set of questions arranged in a logical order. As for unstructured interview, the researcher does not usually frame questions in any specific sequence or in predetermined words before conducting the interview.⁴²

1.3.2. Procedure and Requirement for Conducting Personal Interview

The procedure for conducting personal interview involves initiating the interview, asking broad questions initially, asking questions as worded and prepared,⁴³ clarifying issues, avoiding leading questions, asking probing questions and recording responses.⁴⁴ The requirement for conducting personal interview include that the interviewer should have patience and tact, the interviewer should show real interest in the interview and should keep off his personal interest and opinion from the interview. The interviewer should be a good

³⁰ Kothari C.K, n 11 at 92.

³¹ Hutchinson n20 at 55.

³² Ibid 56

³³ Bechofer, Frank and Paterson Lindsay, Principles of Research Design in SOCIAL Sciences, Routeledge, London 2001 at 40

³⁴ Olorunfemi J.F, n17 at 41.

³⁵ Ibid, 42.

³⁶ Ibid, 43.

³⁷ Olorunfemi J.O, n30 at 41

³⁸ Hutchinson n27 at 56.

³⁹ Kothari C.k, n 26 at 97.

⁴⁰ Gill P, Method of Data Collection in Qualitative Research: Interview and Focus group, British Dental Journal London, 2007 at 6

⁴¹ Ibid.

⁴² Ibid 98.

⁴³ Gill P, n40 at 7

⁴⁴ Olorunfemi J.O, n 30 at 43.

listener and should avoid talking too much. Also the interviewer should pay attention to accuracy and details when asking questions and recording responses.⁴⁵

1.3.3. Advantages and Disadvantages of Personal or Face to Face Interview

Part of the advantages of face to face interview is that more information and more in depth discussion can be achieved. Also, there is flexibility to restructure questions under interview.⁴⁶ Under face to face interview, the interviewer can easily control the person to be interviewed, which is not possible under telephone interview. Further, personal information can be obtained freely under face to face interview.⁴⁷ There is high possibility of obtaining responses to all questions under face to face interview. There is also the possibility of asking probing complex questions and getting complex answers under face to face interview. Despite all the above, the disadvantages of face to face interview include the fact that face to face interview is a very expensive method to use especially finding money to go round the areas where people shall be interviewed. Also face to face interview is more time consuming than other forms of data collection. Face to face interview can also introduce some systematic errors into the interview report. Added to the above, there is possibility of bias in face to face the interview with the person to be interviewed and the interviewer. The presence of interviewer may a times stimulate the respondent to give some over bloated response and misinformation.⁴⁸

1.3.4. Telephone Interview

Telephone interview involves the process of conducting interview by interviewer over telephone and getting responses to questions asked from respondents.⁴⁹ Telephone interview has always been used as a convenient method of data collection. However, the conditions for conducting telephone interview require that the interviewer should have integrity and be honest. The interviewer should be patient and tactful so as achieve maximum success in the interview.

1.3.5. Advantages and Disadvantages of Telephone Interview

Telephone interview is faster to conduct in term of speed, telephone is less expensive to conduct.⁵⁰ Telephone interview can be used for a wider coverage of study. Absence of face to face contact in telephone interview makes it amenable to less

bias from respondents.⁵¹ However, part of disadvantages of telephone interview is that it can only be conducted within a limited duration of time. True identification of respondent can be more difficult to ascertain under telephone interview.⁵² Added to the above, there is limited representation of respondents under telephone interview. Lack of physical presence of respondents can as well influence bias and over bloated responses of respondents.⁵³

1.3.6. Focused Group Interview

Focused Group Interview is known as an interview style designed for small group of people.⁵⁴ It is more or less known as a discussion group conducted by a moderator.⁵⁵ Focused Group Interview is part of qualitative research technique which legal research also belongs to.⁵⁶ The process for conducting Focused Group interview requires the moderator to start by asking broad and general questions and finally end up with specific questions. Focused Group Interview is renowned for its in depth interview and has gained popularity in application to fields like communication, health, education and psychology.⁵⁷ The objective of Focused Group Interview is to get aggregate perception of people, manner of feeling and manner of thinking by people.

1.3.7. Advantages and Disadvantages of Focused Group Interview

The advantages of Focused Group Interview are many. Focused Group Interview offers opportunity for direct contact between the interviewer and the people to be interviewed.⁵⁸ The group interview design format also encourages direct contact between the interviewer and respondents. Focused Group Interview consumes less effort and time for preparation. It provides speedy research result and enables researcher to increase sample size as the interview goes on.⁵⁹ Despite the above, the weaknesses of focused group interview include the fact that the researcher has less control over the interview, unlike individual interview. It has been observed that the data obtained under group interview are more difficult to analyze. It has also been found that groups can be difficult to assemble for focused interview while it can be difficult to see that interview discussion is conducted in an environment that is conducive for conversation.⁶⁰

⁴⁵ Ibid, 44.

⁴⁶ Ibid.

⁴⁷ Kothari C. K n35 at 98.

⁴⁸ Ibid, 98

⁴⁹ Kvale S, Interviews: An Introduction to qualitative Research Interviewing, Thousand Oaks: Sage Publications at 40.

⁵⁰Thalisingan M ,Telephone Survey as a Method of Data collection in South India, Indian Journal of Community Medicine, India 2008 at 2.

⁵¹ Ibid 41.

⁵² Thalisingan n 50 at 3

⁵³ Ibid.

⁵⁴ Gill P n39 at 6

⁵⁵ Berg B.L, Qualitative Research Method For The Social Sciences (5th ed). Pearson education; Boston 2004at 132.

⁵⁶ Ibid, 132.

⁵⁷ Thorton J and Faisandier S, Preconference Workshop on Focus Groups, Evaluation, News And Coments.NTC,Illinois,1998 at40.

⁵⁸ Vaughan S, Schumm J.S & Sinagub J, Focused Group Interviews In Education and psychology Thousand Oaks, Sage publication, Thousand Oaks 1998 at 39.

⁵⁹ Ibid

⁶⁰ Ibid, 41.

1.4. Observation Technique

Observation is a scientific look at the object of research. This involves a systematically planned and recorded look at the subject of study. Observation technique is however subjected to checks and control on validity and reliability.⁶¹ Under observation technique, information is sought directly by way of investigator's own direct observation without asking from the respondents, for example, investigation about the attitude of an accused rapist while giving evidence in a case of rape in court, may require the investigator to be present in court to observe the accused person. Many people are believed to engage in observation, as this involves making judgment about what is seen. Observation is often made by people on natural environment,⁶² the behaviour of people on anything surrounding them. For example, while crossing the high way, people are told to cross road safely by carefully observing the traffic light signals.⁶³ Therefore careful observation is very important in data gathering. Application of observation technique is available in empirical research to obtain and accumulate data and to provide evidence. It can also be used as a precursor in exploratory study including legal research but it is a must in experimental research. It can further be used for many other purposes as primary method of data collection or a supportive and supplementary method. Observation can be part of qualitative and quantitative research depending on how data will be analysed. However it has been found that, observation method can be adopted on many types of research programmes which include: description of programme settings or physical environment, Description of social environment and perception of environment., capturing historical perspective of a community or organization, description of implementation of activities and structured interaction of a programme, observation of informal interaction and activities and observing oneself and analysing documents, files and records.⁶⁴

1.4.1. Types and Forms of Observation Technique

The major types and forms of observation technique include,⁶⁵

- i Participant and non participant observation which depends on if the researcher chooses to be part of what he studies.
- ii Obtrusive and unobtrusive observation based on whether the object being studied can detect the environment.

⁶¹ Kothari K .C ,n41 at 99.

⁶² Tilstone C (ed), *The Technique of observation learning; Principle and Practice*, David Fulton Publishers, London, 1998 at 19.

⁶³ Bodgan R .C, and Biken S .K, *Qualitative Research for Education; An Introduction to Theory and Methods*, Boston Allyn Bacon, 1992 at 40.

⁶⁴ Bodgan R C , n 48 at 56.

⁶⁵ Cohen L, Manion L & Morrison K, *Research Method in Education*, Routledge Falmer, 2003, at 57.

- iii Observation in natural contrived settings which include observing behavior where and when it is occurring.

The following factors must be considered in order to make a good survey sampling design.⁶⁶

1. Survey questions must be drafted in a simple form so that the people you are surveying will know the answers to the question asked and be willing to answer them. Also, the internal organization of the survey is very important so as to ensure the survey is properly conducted and effective result received.
2. The survey sampling design must result in true representative of sample. However, Sample design must be viable in context of the fund made available for the study.
3. Eyed settings which include observing one behaviour, where and when it is occurring
4. Distinguished and non distinguished observation based on whether or not the subject being observed is aware of being observed or not.
5. Structured and unstructured observation which involves check list being used for the aspect of behaviour under study.
6. Direct and indirect observation based on whether the behaviour is being observed as if occurs after the fact.

The techniques for gathering observational data however include; the precise design which can be subdivided into observation schedule rating and category scale and checklist, description which include field notes, logs, diaries etc and method and other observation.⁶⁷

1.4.2. Advantages and Disadvantages of Observation Technique

A major advantage of observation technique is its directness which can usefully complement information obtained by primary methods like interview and questionnaire.⁶⁸ Directness also permits observer to understand situation under study and to identify unanticipated outcome. Also, observation provides direct information about behaviour of an individual or group. It rules out bias if observation is done directly and accurately.⁶⁹ Observation makes it possible for information obtained to relate to what is currently happening. This technique also guarantees independence of respondents who are not subjected to any sort of cooperation

⁶⁶ Ibid 57.

⁶⁷ Silverman D, *Doing Qualitative Research*, Thousand Oaks Sage Publications London, 2011, at 58.

⁶⁸ Puvenesvary M, Radziah A.R, Sivabala R.N et al, *Qualitative Research: Data Collection & Data Analysis Techniques*, University Utara Malaysia press, Sintok 2008 at 61.

⁶⁹ Ibid,

unlike the interview system. It is also suitable for dealing with respondents who are not capable of giving verbal report.⁷⁰

On the other hand, one of the shortcomings of observation technique is that it is time consuming and expensive as the technique is not practically suitable for applied research studies that necessarily require a short period of data collection.⁷¹ Further, it may be difficult to write down everything that is important while you are in the act of participating and observing while, unforeseen factor may sometime interfere with the observation task⁷². Therefore, the above limitations must be put into consideration when collecting research data under observation technique.

1.5. Field Work

Field work is a primary research that transpires in the field, this is outside the control of library or laboratory and it includes field experiment.⁷³ Field work involves working, listening, recording, participating and even living in a particular place where research is being conducted. Field work explains the activities that take place in a particular research location over a period of time.⁷⁴ The researcher conducts his research in a location through repeated visit to the location and records his observation. Under fieldwork, the researcher interacts from time to time with those being observed so as to clarify certain things.

1.5.1. Tips to Successful Fieldwork

Tips to successful conduct of field work include asking the right questions so as to avoid misleading results, talking to the right people so as to get the real answer from the people observed.⁷⁵ For example, good answer can be sought for information on the effect of torture by asking relevant questions from a prisoner, a lawyer or a human right activist than any other person. Also, there is need to talk with many people so as to get enough information on the subject of research. For example, if a researcher conducts field work by interviewing or observing few people, he will get less information than when he interviews about two hundred people on the same subject matter. There is need for the researcher to be realistic by picking the result relevant to his research only and ignore the less relevant ones.⁷⁶ Further, the researcher should be observant while conducting field work so as to get relevant information from the surroundings and unspoken actions of the people in the area observed.

⁷⁰ Ibid , 62

⁷¹ Robson C, Real World Research, Oxford Black well, 1993, at 35

⁷² Ibid 36

⁷³ Henry F. Walcot, The Art of Fieldwork, Atamitta Press, 1995 at 16.

⁷⁴ Hobs and Richard Wright (ed), Handbook of Field Work, Sage Publications, London,2006, at 50

⁷⁵ Ibid..

⁷⁶ Ibid , 51.

1.5.2. Advantages and Disadvantages of Fieldwork Technique

Fieldwork has many advantages such as providing the researcher opportunity to experience real research and development of wide range of skills such as observation skill, data collection skill, data analysis and investigation skill.⁷⁷ Fieldwork enables researcher to have a good understanding of different perspectives of socio-political values of other people under study. In fieldwork, the researcher will learn about the impact of taking personal liability for his research and it builds researcher's confidence against challenges. It also helps to build on soft skills such as leadership skill, teamwork and communication skill.⁷⁸ Fieldwork method leans heavily towards observation method and it makes observation on research easy. It allows research study to be empirically ascertained. Fieldwork is found to be more naturalistic and regarded as a more open ended style of observation in social science.

However, the limitations of using field work as a technique for data gathering include the fact that personal presence of researcher may encourage bias from the researcher.⁷⁹ This is because, personal influence of the researcher may affect report of research .Also, the expensive and costly nature of field work will require a serious personal commitment from the researcher which may affect achievement of good result from the research.⁸⁰ Therefore, all the above limitations of field work technique must be carefully taken care of in order to ensure achievement of effective result in legal research.

1.6. Dairy Studies

In qualitative research such as legal research, diary studies have become an accepted method for collecting data. This method is also known as journal writing and it serves as a very useful enquiry tool for understanding language learning, teaching and other areas including nursing and psychology.⁸¹ A first person account of a language learning or teaching experience regularly documented in persona journal and then analysed for recurring patterns or salient events is known as diary study.⁸² The first hand experience of the document recorded which is personal and genuine forms the main basis of this method. This style of research provides a more personal and detail account of actual happenings in the classroom or the research place. It can also give first hand information and make an in depth inquiry into issues not normally available through outside information. It further reveals the hidden process of the participants and the

⁷⁷ Henry F. Walcot n58 at 17.

⁷⁸ Ibid.

⁷⁹ Ibid 18

⁸⁰ Hobs and Richard Wright (ed) n59 at 52.

⁸¹ Puvensvary M, Radziah A.R, SIVABALA R.N etal, n 53 at 67.

⁸² Ibid.

unknown learning experience and process of learners through observation from investigators⁸³. Though, commonly used in language learning and for qualitative research, it can also be used for legal research.

1.6.1. Types of Diaries

Various types of diaries include hand written entry which contains written entries in a book or journal. The items in this entry are read by the researcher and comments given to the respondents as feedback. Another type is known as dialogue journal in which the researcher takes a more active role in responding to entries.⁸⁴ Also, the journals are read by the researcher and a written discussion between the participant and the researcher is conducted. The other type of journal is the on line diaries or blogs which serves as another type of journal for researchers to use. The necessary procedure for ensuring that data is effectively collected under diary studies include; identifying your audience., making entries on observation regularly, taking time to critically evaluate what to be written about and having a regular review of the journals by asking pertinent questions on the research.⁸⁵

1.6.2. Advantages and Disadvantages of Diary Studies

Part of the benefits of diary studies is that they provide good understanding about how teachers can effectively teach and how students can effectively learn about legal research.⁸⁶ Diary studies also provide excellent account of teaching and learning experiences on legal and social research. They serve as good instrument for reflection, growth and improvement in social research⁸⁷. Diary studies provide opportunity for researcher to see the link between the events in the class rooms and the issues emerging in the diaries. They also assist to provide record of classroom events or record of on -going events in legal research. They promote the idea of autonomous learning and autonomous conduct of research by researcher, this is made possible by giving opportunity to students and researcher to assess and reflect on their actions.⁸⁸ Diary studies enable researchers to recognize specific areas of research that are difficult for students.

However, the weaknesses of diary studies include the fact that the technique consumes a lot of time of the researcher and the observed. They are not suitable for non literate and those who cannot explain their experience through journal diary studies are observed not to be specific and focused in

comments.⁸⁹ They are observed to be difficult to analyse and interpret for social and legal research. Although found useful and interesting, in diary studies, researchers are found to be engaged in the same activities all the time and this is found to be a tedious activity.⁹⁰

2. Conclusion

This paper has discussed the meaning of research, the meaning of legal research, the meaning of data, the meaning of data gathering and the importance of data gathering. The paper also analyzed the various types of data gathering techniques for legal research and critically examined the advantages and disadvantages of each technique. Analysis of survey sampling technique was made with critical examination of its advantages and disadvantages. Analysis was made on questionnaire technique, mailed questionnaire technique, interview method, observation method field work and diary studies with critical examination of the advantages and disadvantages of each technique. Generally, adequate care must be taken to ensure that the techniques for data collection are carefully applied and properly managed so as to avoid collation of inaccurate data which may bring about misleading information and poor research result.

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⁸³ Bailey K ,The use of diary Studies in teacher Education Programme,In Richards J.C& Nunan D (Eds), Second Language Teacher education,Cambridge University Press, 1990, at 216.

⁸⁴ Ibid

⁸⁵ Puvenesvary M, Radziah A.R, Sivabala R.N etal n 66 at 68..

⁸⁶ Ibid

⁸⁷ Ibid , 69.

⁸⁸ Bailey, K, n 68 at 2i17.

⁸⁹ Brock, M, Yu .B & Wong M 'Journaling' together: Collaborative Diary Keeping and Teacher development, In Flower dew J Brock, M & Hsia, S (Eds) Second language teacher education, City polytechnique of Hong.,1992, at 297.

⁹⁰ Puvenesvary M, Radziah A.R and Sivabala R N et al, n70 at 73.

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