

Comprehensive Framework and Methodology for Academic Writing in Legal Studies

First lesson

The transition from reading about legal knowledge to actually creating new legal ideas is a big step in becoming a good legal researcher. Legal research is not about finding information; it's about deeply understanding, combining and clearly presenting complex ideas. The study of law with its history of careful writing and logical reasoning needs a strict method to make sure any new ideas or solutions are based on real evidence, logical thinking and important sources.

In universities those with a civil law tradition like Algeria mastering this method is the key to success.

This lesson on how to write a research paper in legal studies tailored to the civil law tradition. It provides advice for systems based on codified law and administrative rules. The lesson is divided into two parts: preparing and gathering data , and then the second part about drafting and organizing the paper. Each part is further divided into two sections offering a step-by-step guide to producing quality legal research.

Part 1: Foundations and Preparation of Legal Research

The foundation of any research paper happens long before writing starts. It involves a change in how you think about research moving from general ideas about justice to a more objective scientific approach. This part explores the basics of research how to formulate a central research question and how to gather and evaluate legal data within the civil law tradition.

Section 1.1: Epistemology, Topic Selection and Formulating the Research Question

research in any field including law and politics is about systematically examining issues solving complex problems and finding precise answers to advance knowledge. Legal research transforms ideas into evidence-based studies to ensure credibility and serve a goal, whether academic or practical.

The framework for research can be understood through traditional scientific methods adapted for the unique environment of legal studies. One framework is the OHERIC method, which stands for Observation, Hypothesis, Experimentation, Result, Interpretation and Conclusion. However in studies,

where experimentation is replaced by logical deduction and analysis philosopher Gaston Bachelards framework is more applicable. Bachelard sees research as a process of Rupture, Construction and Constatacion.

- **Rupture** involves breaking from personal biases and superficial understandings of legal issues recognizing law as a complex social phenomenon.

- Construction** is about selecting a topic defining it and building a framework. This includes formulating a research question and hypotheses.

- **Constatacion** involves testing hypotheses against empirical reality, specifically primary and secondary legal data.

To formalize these elements a comprehensive research proposal is needed. This proposal must include the background of the study a statement of the problem aims and objectives, methodology and definition of terms.

The methodology could be doctrinal research, socio-legal studies, qualitative, quantitative or mixed methods. It's crucial to evaluate the chosen methodology

Section 1.2: Information Gathering, Source Hierarchy and Data Evaluation

With the research question defined and hypotheses constructed the next step is data collection and source evaluation. The nature of this data and where its found depend on the tradition. The global legal landscape is divided into law and civil law traditions.

- Common Law relies on precedent and judicial decisions emphasizing finding cases.

- Civil Law is centered on compilations of legal rules and statutes (codes) with legislative decisions being the primary basis of law.

In civil law systems, like Algeria legal research prioritizes legislative sources, such, as the Official journal of the République Algérienne Démocratique and Populaire (JORADP) which publishes all binding legal texts. A thorough legal analysis requires tracing legislative texts and their amendments.

While civil law mainly relies on laws made by the government higher courts help interpret these laws creating a secondary layer of information known as jurisprudence.

In Algeria the Supreme Courts decisions are final and authoritative ensuring application of laws across the country.

Analysing Supreme Court decisions helps researchers understand how abstract laws are applied to disputes.

It also reveals how the high court resolves conflicts between laws and navigates the intersection of written laws and customary practices.

To find case law researchers must navigate complex judicial archives and correctly identify the specific court, case number and date.

- * Beyond sources researchers must gather secondary sources, including scholarly articles, law books and legal encyclopaedias.

- * These sources provide analysis and theoretical commentary from respected legal scholars.

- * When engaging with sources researchers may start with subject indexes finding sources and digital library catalogs using advanced search parameters to find relevant debates.

During data gathering researchers must conduct a "preemption check" to ensure the topic hasn't been exhaustively covered by another scholar.

They must also verify that cited laws and cases are still valid and haven't been overturned.

The process of note-taking and data synthesis must be highly organized with every fact recorded meticulously.

As data accumulates researchers will use forms of legal reasoning to analyze collected texts.

This process transforms data into cohesive evidence required to support hypotheses.