

Legal Research Methodology: Major Stages in Legal Research

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Abstract

Lawyers earn their living by solving real problems in the society mainly through researching and writing. In conducting legal research, contrary to the popular belief, lawyers follow the scientific method. They identify a research problem; formulate research questions; review existing literature with the aim of applying the principles of law discovered in cases and statutes to the facts of the present case; summarize the findings, draw conclusions and suggest (or take) appropriate action based on the findings. This underscores the crucial place that research occupies in legal practice. The aim of this paper is to examine the major stages in legal research. It examines the essential features of scientific research and applies them to the process of legal research. It identifies the major stages in legal research and discusses them with practical examples based on the NALT Guide. It posits that the end product of legal research is the research report. It suggests that there is need for the training of lawyers to conduct empirical research to enrich the range of research methodologies that can be utilized in legal research.

Keywords: Research Problem, Literature Review, Research Question, Data Collection

1.0 Introduction

It is the common belief in many disciplines that lawyers do not carry out any form of research that can be described as scientific research. But this is not true. The truth is that lawyers earn their living by solving real problems in the society mainly through researching, speaking and writing. Legal reasoning and oral advocacy are complementary to legal research and legal writing. Lawyers can only think through what they have discovered through research and they can only speak authoritatively on what they have written. This is true under the present brief writing system. Except with the leave of court, counsel cannot speak on what he has not written in his written address or brief of argument.

Contrary to popular belief, lawyers follow the scientific method in conducting legal research. They identify a research problem from the assemblage of facts; formulate research questions or issues for determination; collect and review existing primary and secondary sources with the aim of applying the principles of law discovered in cases and statutes; summarize the findings, draw conclusions and make appropriate recommendations or submissions. This underscores the crucial place that research occupies in legal practice.

The aim of this paper is to examine the major stages in legal research. It examines the essential features of the scientific method and applies them to the process of legal research. It identifies the

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major stages in legal research and discusses them with practical examples based on the NALT Guide.¹ It posits that the end product of legal research is the research report, which has been considered in a separate treatise.² Finally, it suggests that there is need for the training and encouragement of lawyers to conduct empirical research to enrich the range of research methodologies in the legal profession.

2.0 Major Stages in Legal Research

Legal research follows the scientific method. The **scientific method** is a step-by-step approach to problem-solving.³ There are several characteristics of the scientific method: it is rigorous; it is objective; it is logical; it is reliable; it is verifiable; and it is ethically neutral. It eliminates bias and personal opinion from the research process and findings.⁴

There are some basic steps in the scientific method. The researcher identifies a problem and follows a well-defined approach to find a solution to the problem. It proceeds from observation to identification and formulation of a research problem, review of related literature, collection and analysis of data, and findings and conclusion.⁵ Therefore, based on the scientific method, the essential steps in legal research are delineated as follows:

- 1 Identification and formulation of a research problem;
- 2 Review of related literature on the subject-matter;
- 3 Formulation of hypotheses or research questions;
- 4 Data collection, analysis and interpretation;
- 5 Findings, conclusion and recommendations;
- 6 Writing the research report.⁶

These stages are abridged for doctrinal research. In empirical research, more stages may be followed in conducting the research. For example, the researcher will need to formulate the design of the study which will be treated together with the methods for collecting, analyzing and interpreting the data under research methodology.⁷ The practical steps to research report writing have been treated in a separate treatise.⁸

4.1 Identification and Formulation of Research Problem

The **research problem** is the specific issue or problem which the researcher intends to address.⁹ The problem which the research seeks to address must be clearly articulated. The clarity of the research problem will lead to clearly stated research questions and objectives. Failure to state the

¹ Nigerian Association of Law Teachers, *NALT Uniform Format and Citation Guide* (NALT Guide 2021) (hereinafter simply referred to as "the NALT Guide").

² GG Otuturu, 'Legal Research Methodology: A Practical Approach to Research Report Writing' [2025] 10(1) *Journal of Law and Global Policy* 37-53.

³ GG Otuturu, 'Legal Research Methodology: Exploring Basic Concepts in Legal Research' (Legal Research Methodology Lecture Series, NDU, 2023) 3.

⁴ Maulana Azad Digital Library, 'Scientific Research: Characteristics, Types and Methods' <<http://macl-ustm.digitallibrary.co.in>> accessed 8 February 2026.

⁵ See American Museum of Natural History, 'Scientific Process' [2009] *Science Bulletins* 1.

⁶ See generally, Terry Hutchinson and Nigel Duncan, 'Defining and Describing What We Do: Doctrinal Legal Research' [2012] 17(1) *Deakin Law Review* 83, 112.

⁷ DV Jawale. 'Major Stages in Socio-Legal Research: Its Significance' [2012] 2(6) *International Interdisciplinary Research Journal* 205-210.

⁸ GG Otuturu, 'Legal Research Methodology: A Practical Approach to Research Report Writing' [2025] 10(1) *Journal of Law and Global Policy* 37-53

⁹ JW Creswell, *Educational Research: Planning, Conducting and Evaluating Quantitative and Qualitative Research* (4th edn, Pearson 2012) 281; PM Marzuki, 'The Essence of Legal Research is to Resolve Legal Problems' [2022] 37(1) *Yuridika* 37, 49.

research problem properly and clearly will lead to difficulties in formulating clear, researchable, open-ended, specific, simple, ethical and direct research questions as well as difficulties in identifying specific, measurable, achievable, realistic and time-bound objectives.¹⁰

Scientific research is goal-oriented. If there is no goal-post, the best footballer can dribble all the players but he cannot score any goal. It is a clearly defined research problem that will guide the researcher in finding the solution to the research problem and the answers to the research questions. According to Charles Kettering, 'a problem well defined is a problem half solved.'¹¹

Thus, the researcher should define the research problem in a systematic manner by selecting a specific research problem and stating it clearly, taking into consideration all the variables in the research problem. To achieve this feat, the researcher should have a thorough understanding of the research problem by extensive study of the available literature on the subject matter. As the investigation progresses, after discussions with colleagues and supervisors, the research problem could be redefined and the research questions could be rephrased in line with the available data.¹²

In fact, the success of a research depends upon the selection of an apt research problem and its proper formulation.¹³ A researcher, therefore, has to constantly remind himself that he needs to put his research problem and, by implication, the research question in a clear and precise manner and to phrase it in such a manner that it becomes viable and allows the discovery of new knowledge.¹⁴

Traces of the research problem are to be found in the background to the study. It is then articulated and restated clearly and precisely in the section on statement of the problem as a sentence or a couple of short sentences.¹⁵ When stating the problem, the researcher should indicate all the characteristics of the problem, including data from previous studies, the deficiency in the current literature about the problem, and why it requires investigation.¹⁶

4.2 Review of Related Literature

Literature review is a survey of the documents containing ideas, concepts, theories and methodologies about the topic of investigation. It is an examination, evaluation, analysis and synthesis of work done by other authors relating to the topic of the research.¹⁷ It sets the broad context of the study, clearly demarcates what is and what is not within the scope of the investigation, and justifies those decisions. It also situates an existing literature in a broader scholarly and historical context. It should not only summarize the claims made in the existing

¹⁰ GG Otuturu, 'Legal Research Methodology: The Nuts and Bolts of Research Proposal' [2024] 4(2) *International Journal of Civil Law and Legal Research* 56-66

¹¹ Jesus Gil Hernandez, 'The Thinking Wave' <www.jesusgilhernandez.com> accessed 16 February 2026.

¹² See generally AE Akhidime, 'The Importance and Development of Research Problem: A Didactic Discuss' [2017] 5(8) *International Journal of Economics, Commerce and Management* 631-640.

¹³ LI Ezeogu, 'Selecting and Defining a Research Problem' <www.oer.unizik.edu.ng> accessed 20 November 2025.

¹⁴ P Pardede, 'Identifying and Formulating the Research Problem' [2018] 7 <<http://www.researchgate.net/publication/329179630>> accessed 1 August 2023

¹⁵ JW Creswell, *Educational Research: Planning, Conducting and Evaluating Quantitative and Qualitative Research* (4th edn, Pearson 2012) 66.

¹⁶ Ibid 64; M Monroy, H Franco and JR Garcia, 'Criteria of Formality and Structural Elements of Research Proposals' [2022] *Education Research International* 1-6, 2.

¹⁷ C Hart, *Doing a Literature Review: Releasing the Social Science Research Imagination* (Sage Publications 1998) 13.

literature but also examine critically the research methods used to better understand whether the claims are warranted. Such examination enables the researcher to distinguish what has been accomplished in the area of the study and what still needs to be accomplished.¹⁸

There are several characteristics of a good literature review. It should be balanced, relevant, referenced, current, concise, clear, critical, convincing and contributive. These characteristics have been examined under research proposal.¹⁹ The types of literature review applicable to legal research, the frameworks for literature review under the NALT Guide and the process of literature review have also been considered in a separate treatise.²⁰

The literature review affords the researcher the opportunity to demonstrate his knowledge about a particular field of study, including vocabulary, theories, key variables and phenomena, and its methods and history. It also informs the researcher of the influential researchers and research groups in the field.²¹ It allows the researcher to analyze the existing literature and to synthesize it in a way that permits a new perspective.²² With some modification, the literature review can stand on its own as a legitimate and publishable scholarly document.²³

4.3 Formulation of Hypotheses or Research Questions

The word “hypothesis” is derived from two Greek words: “hypo” and “thesis.” “Hypo” means tentative or subject to verification. “Thesis” means statement, assumption, prediction or proposition about the solution to a problem. Put together, “hypothesis” means a tentative, testable or verifiable statement, assumption or guess about the solution to a problem. It is a conjectural statement of relationship between variables. If the testing of the relationship is not the purpose of the research, as in doctrinal research, hypothesis is not necessary.²⁴

Put in the plural form, “hypotheses” are assumptions or predictions that the researcher sets out to prove or disprove after analyzing and interpreting the data collected for the study. They are propositions that can be put to test to determine their validity. They may prove to be correct or incorrect.²⁵ They are the assumptions that underlie empirical research. In doctrinal research, the research questions take the place of hypotheses.

The **research questions** are specific objectives of the study converted into questions. They must, therefore, correspond with the objectives in number and content. Research questions help you to find answers to the research problem. Each research question must necessarily end with a question mark. A research question should be clear, researchable, open-ended, specific, simple, ethical and direct.²⁶ It should probe into a specific aspect of the research problem. It should not be answerable

¹⁸ David N Boote and Penny Beile, ‘Scholars Before Researchers: On the Centrality of Dissertation Literature Review in Research Preparation’ [2005] 34(6) *Educational Researcher* 3, 4.

¹⁹ GG Otuturu, ‘Legal Research Methodology: The Nuts and Bolts of Research Proposal’ [2024] 4(2) *International Journal of Civil Law and Legal Research* 56-66.

²⁰ GG Otuturu, ‘Legal Research Methodology: Frameworks for Literature Review under the NALT Guide’ (Legal Research Methodology Lecture Series, NDU, 2023).

²¹ JJ Randolph, ‘A Guide to Writing the Dissertation Literature Review’ [2009] 14(3) *Practical Assessment Research and Evaluation* 1, 2.

²² Boote and Beile (n 18) 4.

²³ Margaret D LeCompte and Others, ‘Editors’ Introduction’ [2003] 73(20) *Review of Educational Research* 123, 124.

²⁴ KO Ugwuele, *Research Methodology for Post Graduate Students: How to Write Research Proposal, Dissertation and Thesis Report* (Treasure Books 2022) 84.

²⁵ See D Singh, ‘Hypothesis: Meaning, Types and Formulation’ [2020] 6(6) *Journal of Legal Studies and Research* 145-163.

²⁶ M Alvesson and J Sandberg, *Constructing Research Questions: Doing Interesting Research* (Sage Publications Ltd 2023) 11.

with "No" or "Yes" answer. It should begin with such probing words as "what," "why," "how" and "to what extent".²⁷

The **research objectives** are the aims or purposes which the researcher has for carrying out the research. There are two types of research objectives. These are general objectives and specific objectives. There must be only one **general objective (or aim)** of the study and it is simply a restatement of the research topic. The **specific objectives**, on the other hand, address specific issues raised in the general objective or aim of the study.²⁸ Both the aim and the specific objectives indicate the key issues which will form the focus of the study.²⁹ They are expressed with the verbs "to investigate", "to examine", "to evaluate", "to assess", "to determine", "to develop", "to measure", "to explore" and so on.³⁰

The **process of formulating research questions** entails five steps. The first step is for the researcher to identify the subject area with which he is interested. The second step is to identify a specific topic within the subject area. The third step is to formulate a research problem relating to the chosen topic. The fourth step is to formulate the purpose or aim of the study, which must clearly state what the study is all about. The final step is to formulate a set of research questions and corresponding objectives specifying the precise direction of the research.³¹

There are four main **types of research questions**. These are descriptive questions, comparative questions, explanatory questions and normative questions. **Descriptive questions** generate knowledge about what makes up a phenomenon such as its substance (what it is), its functions (what it does) and its rationale (why it has certain qualities). **Comparative questions** generate knowledge about the relations between two or more phenomena such as their similarities and differences. **Explanatory questions** generate knowledge about the relationship between phenomena such as the relationship between specific attributes of two phenomena. **Normative questions** generate knowledge about how something should be done such as what should be done to improve something.³²

4.4 Data Collection, Analysis and Interpretation

In research, **data** simply mean raw facts or figures which will need to be processed into meaningful and useful information through reasoning or calculation.³³ They are the raw materials for research. It is the available data that the researcher will process into information by analyzing and interpreting them.

There are two main **types of data** for legal research. These are primary data and secondary data. **Primary data** are original and firsthand data. In empirical research, original and firsthand data

²⁷ S Wa-Mbaleka, *Thesis and Dissertation Writing: Fear No More* (Oikos Biblios Publishing House 2016) 16-17.

²⁸ RT Abdullahi and A Owusu-Ansah, 'Essential Ingredients of a Good Research Proposal for Undergraduate and Postgraduate Students in the Social Sciences' [2014] 1-15, 3 <<http://www.uk.sagepub.com/aboutus/openaccess.htm>> accessed 22 July 2021.

²⁹ EE Lipowski, 'Developing Great Research Questions' [2008] 65 *American Journal of Health-System Pharmacists* 1667, 1668-1669.

³⁰ Abdulai (n 28) 6.

³¹ Mats Alvesson and Jorgen Sandberg, *Constructing Research Questions: Doing Interesting Research* (SAGE 2013) 21.

³² Ibid 14-15.

³³ Dawit D Alem, 'An Overview of Data Analysis and Interpretation in Research' [2020] 8(1) *International Journal of Academic Research in Education and Review* 1, 3.

are figures generated through observations, questionnaires, surveys and experiments.³⁴ They have not been used before in the sense that the researcher is collecting them for the first time for his study. In doctrinal research, original and firsthand data mean law itself and includes customs, cases and statutes including regulations and treaties.³⁵

Secondary data, on the other hand, are materials that aid the explanation, interpretation and analysis of primary data. They are research materials already produced by other scholars. Examples of secondary data include articles in journals, case reviews, textbooks, conference papers and internet materials.³⁶

There are different **primary data collection methods** in empirical research. The commonest primary data collection methods are questionnaires, interviews, observations, surveys, case studies and implemental methods such as laboratory experiments and field experiments.³⁷ The secondary data collection methods include published and printed sources such as books, journals/periodicals, magazines/newspapers; published electronic sources such as e-journals, websites and weblogs; unpublished personal records such as diaries and letters; government records such as census data/population records and public sector records.³⁸

The analysis and interpretation of data represent the application of deductive and inductive logic to the research process. Simply put, **data analysis** means changing the collected data into meaningful facts and ideas to be understood either qualitatively or quantitatively.³⁹ It involves identifying and interpreting relevant themes and concepts in the data.⁴⁰ The main aim of data analysis is to convert the available data into a format which is easy to understand and conclusive, which supports the process of decision-making.⁴¹

In empirical research, the data are analyzed and interpreted by means of **statistical tools** such as frequencies, percentages, averages and other statistical analyses to determine relationships.⁴² In doctrinal research, on the other hand, the data are analyzed by means of logic using **inductive reasoning** and **deductive reasoning**.⁴³

³⁴ Hamed Taherdoost, 'Data Collection Methods and Tools for Research: A Step-by-Step Guide to Choose Data Collection Technique for Academic and Business Research Projects' [2021] 10(1) *International Journal of Academic Research in Management* 10, 13.

³⁵ CM Bast and M Hawkins, *Foundations of Legal Research and Writing* (4th edn, Cengage Learning 2010) 131.

³⁶ Priya Verma, 'Doctrinal Legal Research in a Globalizing World' 6-9 <www.academia.edu> accessed 20 May 2023; Ian Dobinson and Francis Johns, 'Qualitative Legal Research' in Mike McConville and Wing Hong Chui (eds), *Research Methods for Law* (Edinburg University Press 2007) 23.

³⁷ Hamed Taherdoost, 'Data Collection Methods and Tools for Research: A Step-by-Step Guide to Choose Data Collection Technique for Academic and Business Research Projects' [2021] 10(1) *International Journal of Academic Research in Management* 10, 14.

³⁸ *Ibid* 33.

³⁹ Dawit D Alem, 'An Overview of Data Analysis and Interpretation in Research' [2020] 8(1) *International Journal of Academic Research in Education and Review* 1, 3.

⁴⁰ Hossein Nassaji, 'Qualitative and Descriptive Research: Data Type Versus Data Analysis' [2015] 19(2) *Language Teaching Research* 129, 130.

⁴¹ MK Bhatia, 'Data Analysis and Its Importance' [2017] 2(1) *International Research Journal of Advanced Engineering and Science* 166.

⁴² Dawit D Alem, 'An Overview of Data Analysis and Interpretation in Research' [2020] 8(1) *International Journal of Academic Research in Education and Review* 1, 7-9.

⁴³ Hossein Nassaji, 'Qualitative and Descriptive Research: Data Type Versus Data Analysis' [2015] 19(2) *Language Teaching Research* 129, 30.

In doctrinal research, the type of data, the method of data collection and the method of data analysis are stated in chapter one under research methodology.⁴⁴ In empirical research, however, chapter three is devoted to research methodology which includes the research design.⁴⁵ The **research design** gives a road map of the study. It is akin to the design of a house or a building plan. It depicts the entire process of planning and executing the research. It identifies the type of research methodology adopted by the researcher, area for the study, population of the study, sample and sampling technique, instrument for data collection, validity and reliability of the instrument and method of data analysis.⁴⁶ The actual presentation of data, analysis of data and discussion of the results constitute chapter four.⁴⁷

4.5 Summary of Findings, Recommendations and Conclusion

The concluding part in legal research contains three mandatory items. These are the summary of findings, recommendations and conclusion.⁴⁸ In higher degree research, most external examiners, readers and other researchers may gloss through the introductory and concluding chapters to determine whether the rest of the research is worth reading or not.

The three items that constitute the concluding chapter must, therefore, be well articulated and presented in a convincing manner. It is advisable for the recommendations to come immediately after the summary of findings to emphasize the nexus between them.⁴⁹

4.5.1 Summary of Findings:

The **findings** are the answers to the research questions. They are the direct outcomes of data collection and analysis that answer the research questions.⁵⁰ The findings indicate that the researcher has accomplished the objectives of the study. It is based on the findings that the researcher will make recommendations or suggestions for reform. Just as the research objectives must correspond with the research questions in number and content, the findings must correspond with the research questions in number and content.⁵¹ To satisfy this requirement, it is advisable for the researcher to present the findings succinctly in numbered paragraphs.

4.5.2 Recommendations:

The **recommendations** are the suggestions for improving the law or resolving specific problems highlighted in the findings. The researcher might suggest legislative reform, changes to judicial attitude or directions for future scholarly investigation. The recommendations must flow from the research and should be practical and strong enough to effect law and policy changes. They should address specific findings and include realistic suggestions on how the problems identified in the findings could be solved. Accordingly, the recommendations must be tied to the findings.

⁴⁴ NALT Guide (n 1) 29.

⁴⁵ Ibid 53-54.

⁴⁶ Ibid 53-54.

⁴⁷ Niger Delta University, *Research Guide: Guide for Preparation of PGD Project, Thesis and Dissertation* (Niger Delta University 2021) 14.

⁴⁸ Ibid 54-55.

⁴⁹ GG Otuturu, 'Legal Research Methodology: A Practical Approach to Research Report Writing' [2025] 10(1) *Journal of Law and Global Policy* 37-53

⁵⁰ JW Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, SAGE 2017) 184.

⁵¹ GG Otuturu, 'Legal Research Methodology: The Nuts and Bolts of Research Proposal' [2024] 4(2) *International Journal of Civil Law and Legal Research* 56-66.

4.5.3 Conclusion:

The **conclusion** involves synthesis and interpretation of the findings. It is akin to “re-examination” of witnesses in courtroom practice. It presents the researcher with an opportunity to refresh the memory of the readers with the core arguments and resolutions of the study. It should not introduce any new issues, but it should bring the entire research to a clear and definite end.⁵²

The conclusion is like saying “goodbye” to your readers. However, it must link the findings to legal principles. In other words, it must locate the findings within doctrinal debates.⁵³ You should keep your conclusion brief. Why? The answer is simple. The reader is looking forward to being done.⁵⁴

4.5.4 Contributions to Knowledge:

In higher degree research, the researcher may be required to include contributions to knowledge. This requires the researcher to outline the specific areas in which his research has contributed to the existing body of knowledge. Has it opened up new frontiers in the particular field of study?⁵⁵

4.5.5 Suggested Areas for Further Research:

As no single research can address all the issues related to a research topic, the researcher is also required to suggest areas for further research. This gives the researcher and any other researchers in the field the opportunity to address those issues in subsequent research studies.⁵⁶ This also justifies the fact that research is a continuum.

5.0 Conclusion and Suggestion

Legal research follows the scientific method. It begins with the identification and formulation of a research problem. This is followed by a review of related literature which is aimed at spotting the gap in the existing literature to justify the new research.⁵⁷ Based on the gap in knowledge that has been identified, the researcher will formulate hypotheses in the case of empirical research, or research questions in the case of doctrinal research.

The research questions will guide the researcher in collecting, analyzing and interpreting the data. In empirical research, the researcher will generate quantitative data from the field or laboratory depending on his research design.⁵⁸ In doctrinal research, the literature review is part of the data gathering, analysis and interpretation. This is because doctrinal research entails the collection, analysis and interpretation of legal documents.⁵⁹ Finally, based on the analysis and interpretation

⁵² Funmi Bammeké, ‘Research Findings and Report’ in E Azinge, F Nlerum and GK Amadi (eds), *Legal Empiricism and Writing Skills* (Nigerian Institute of Advanced Legal Studies 2014) 134-140.

⁵³ Peter Cane, *Legal Method and Legal Reasoning* (Butterworths 1987) 98-101.

⁵⁴ Eugene Volokh, *Academic Legal Writing* (4th edn, Foundation Press 2010) VI.

⁵⁵ NALT Guide (n 1) 44; NDU Research Guide (n 29) 4.

⁵⁶ S Wa-Mbaleka, *Thesis and Dissertation Writing: Fear No More* (Oikos Biblios Publishing House 2016) 16-104.

⁵⁷ MN Ajemba and EC Arene, ‘Research Gaps for Future Research and Their Identification’ [2022] 16(01) *World Journal of Advanced Research and Reviews* 575-579.

⁵⁸ Hamed Taherdoost, ‘Data Collection Methods and Tools for Research: A Step-by-Step Guide to Choose Data Collection Technique for Academic and Business Research Projects’ [2021] 10(1) *International Journal of Academic Research in Management* 10, 13.

⁵⁹ P Chynoweth, ‘Legal Research’ in A Knight and L Ruddock (eds) *Advanced Research Methods in the Built Environment* (Blackwell Publishing Ltd 2008) 28-38; T Hutchinson and N Duncan, ‘Defining and Describing What We Do: Doctrinal Legal Research’ [2012] 17(1) *Deakin Law Review*; 83, 116.

of the data, the researcher will state the findings and make appropriate recommendations or suggestions for reform.⁶⁰

It is to be emphasized by way of suggestion that there is need for the training and encouragement of lawyers to engage in empirical research. This will enrich the range of research methodologies that can be utilized in conducting legal research. The encouragement may be in the form of incentives such as research grants by employers, institutions of higher learning and research funding organizations.

⁶⁰ S Ambekar, 'A Guide to Writing an Effective Legal Research Article' [2023] 5(4) *International Journal for Multidisciplinary Research* 1-3.