LEGAL RESEARCH AT AHMAD IBRAHIM KULLIYYAH OF LAWS, INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA: TRENDS AND POLICIES[*]

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ABSTRACT

The primary function of Ahmad Ibrahim Kulliyyah (Faculty) of Laws, at the very beginning of its inception, was that of teaching civil law and Sharî'ah subjects. As it matured, its vision has been varied from teaching to that of research with the aim of attaining the status of a full research institution that

*provides both quality research and best legal
education in the region. Similar to other institutions
of higher education in Malaysia, the responsibility
of research is a shared function of both graduate
students and the academic staff. The research output,
on the part of the students is mostly composed of
either Master Dissertations or PhD Theses. The
academic members of the Faculty, however, are
involved either in direct research, individually or
jointly, supervision, and publications of their
findings. By investigating and analyzing factors
influencing research activities at AIKOL in the past
twenty years, the researchers will be able to identify
the general trends and development of research as it
unfolded over years. The researchers hope that the
policymakers, at both Faculty and University levels,
will use the findings to improve research quality by
boldly* addressing the problems hampering research
progress at AIKOL.

Keywords: Policies, Research Collaboration, Research Methods, Trends,
Research Funding.

INTRODUCTION

AIKOL the Kulliyyah (Faculty) of Laws, named after its founder,
Tan Seri Datuk Ahmad bin Muhammad Ibrahim, is as old as the
International Islamic University itself.[1] Currently, it consists of three
departments, i.e. Islamic Law, Private Law and Public Law respectively.
However, in addition to undergraduate programmes, the Kulliyyah also
offers postgraduate courses at both Masters and PhD levels. The year
1986 chronicles the first intake by the Kulliyyah of its postgraduate
students thus boosting the level of student-based research output. The

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[1]   For a critical study on legal education in Asia, see Tan Cheng Han *et
al*, "Legal Education in Asia" (2006) 1 *Asian Journal of Comparative
Law* 184.

function of the research at the Kulliyyah, which is comprised of theses/dissertations, reports and publications, therefore, is the shared responsibility of both the academics and the graduate students. The Kulliyyah has strived over the years to become "the best Law School in the region, with particular focus on the harmonization of civil Law and *sharî'ah.*"[2] This has been materialized by the size of the research output by the graduate students and a good number of the publications by the academics of the Kulliyyah. The ultimate goal and vision is to attain the status of a research institution. As of to-date, the Kulliyyah has produced over 730 postgraduate students in various legal fields. At present, it has about 99 students carrying out researches on burning legal issues under the supervision of committed academic staff.

This inquiry aims at studying the research policies and trends at the Ahmad Ibrahim Kulliyyah of law within these past years in order to measure the level of productivity and to determine areas of attraction to researchers. In addition, the work evaluates the quality of research in the Kulliyyah by considering the methodology employed by researchers and its connection to the research outcomes.

THE WORK FORCE

The work force at the Kulliyyah is comprised of a total number of 120 academic staff supported by a dedicated and hardworking administrative staff. As a matter of policy of the University, adopted by the Kulliyyah, all academics must be equipped with PhD degrees before their confirmation into the permanent service of the University. Thus, while the posts and the categories of Lecturers, Adjunct Professors, Very Distinguished Academic Fellow and Academic Fellows do not require a PhD qualification, all Professors, Associate Professors (except

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[2]   Syed Khalid Rashid, "Twenty-Five Years of Legal Education at IIUM," in Syed Arabi Idid, *25 Years of IIUM*, Kuala Lumpur: RMC IIUM, 2009, p. 155. Also, see Sharifah Suhanah Syed Ahmad and Roy Rajasingham, "The Malaysian Legal System, Legal Practice & Legal Education," *IDE Asian Law Series No. 4*, Judicial System and Reforms in Asian Countries (Malaysia), Japan: Institute of Developing Economies (IDE-JETRO), March 2001, 59-63, available at http://www.ide.go.jp/English/Publish/Download/Als/pdf/04.pdf

for few) and Assistant Professors must necessarily hold a PhD degree. Although the emphasis to carry out the research activity at the Kulliyyah is placed on the senior Kulliyyah members (Professors and Associate Professors); yet all of the above eight categories of the staff are expected to engage in research activities.

Below is the statistics showing the academic workforce of the Kulliyyah in Table 1 followed by a graphic explanation of the same in Figure 1.

Table 1: Statistics of Academic Staff in AIKOL

	Position	**Number of Staff**	**Percentage (%)**
1.	Adjunct Professors	3	2.3%
2.	Very Distinguished Academic Fellow	2	1.8%
3.	Senior Academic Fellow	7	5.8%
4.	Academic Fellow	2	1.7%
5.	Professor	10	8.3%
6.	Associate Professors	20	16.7%
7.	Assistant Professors	50	41.7%
8.	Lecturers	26	21.7%

Figure 1: Graphical Representation of the Academic Staff in AIKOL
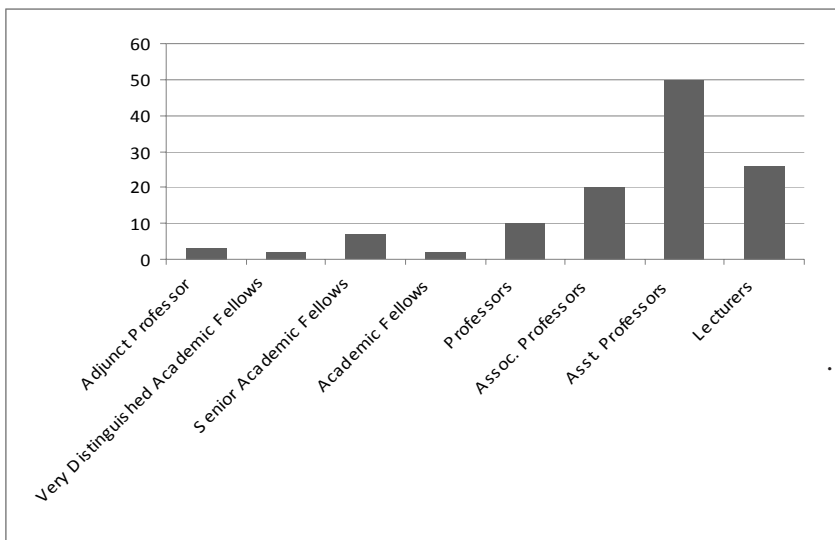
It is apparent from the above table and graphic explanation of the workforce of the Kulliyyah that assistant professors make the largest base workforce of the academic staff. The Professors form almost half of the total number of Associate Professors while the Lectures form about half of the Assistant Professors

METHODS OF RESEARCH

Successfully carrying out any research activity to its purposeful ends may at times require or rather be determined by the types of methods employed and methodology thus followed. Likewise, the purpose of a research may also at times, dictate the choice of a certain method to be used. One could possibly assert that the place of methodology is significant since it is through such process that the achievement of research purpose is attained.[3]

Research in law may, generally be classified into two broad categories. The first category is theoretical, doctrinal or pure legal research, while the second is socio-legal based research in which the study involves social problem or question. At a point, more than one type of method may be employed depending largely on the nature of the research itself. Similarly, the multiplicity of methods thus used or their variation depends largely on the category of the legal research.

Doctrinal method is the traditional approach to law research especially when the idea is to examine principles with the aim of suggesting law reform. There is, however, a growing tendency toward recognition of the value of socio-legal research with the aim of determining general responses of the society to law as an effective or an appropriate mode of social control.[4] In doing so it is important to note that there must be proper correlation between the methods of research adopted in a thesis/research and their findings. Lack of connection in this respect may cast doubt on the credibility of findings, thus making results unreliable.

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[3]   See McConville, Mike and Chui, Hong Wing (eds.), *Research Methods of Law*, Edinburgh: Edinburgh University Press, 2007, pp. 3-15.

[4]   Oyen, Else (ed.), *Comparative Methodology: Theory and Practice in International Social Research*, London: SAGE Publications Limited, 1990, pp. 63-80.

The methodology adopted in this research, for the collection of research data is, at all levels, multifaceted in nature. It involves a number of structured questionnaires to elicit necessary information from three different groups of people.[5] The first group consists of postgraduate research students in AIKOL (both Masters and PhD). The second group consists of the research supervisors who apparently, as academic staff of the Kulliyyah, wear two hats. They serve as the supervisors of the postgraduate research students on one hand and act as independent researchers in various aspects of law. Our third target group is the research administrators both at the Research Management Centre of IIUM and at the Research Management Unit of AIKOL. In administering the questionnaires to the three target groups, apart from using the self-administered surveys, we employed the interviewer-administered survey in order to clarify certain facts in relation to the research output.

RESEARCH ACTIVITIES AT AIKOL

A considerable number of research activities has taken place in AIKOL over the past twenty- six years; this includes a considerable number of postgraduate theses/ dissertations, and the lecturers-cum-researchers who produced and published a good number of books and research papers in both nationally and internationally refereed journals. Twenty- six years in existence is a milestone and a strategic point at which past activities and experiences could be reviewed for the purposes of generating new ideas for the future planning. In order to do that a close look becomes necessary into both students' research output as well of those research that are carried out by the academic staff.

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[5]   See generally, Bruce L. Berg, *Qualitative Research Methods for the Social Sciences,* Massachusetts: Allyn and Bacon, 1989; John Monahan and Laurens Walker, *Social Science in Law: Cases and Materials*, 5th Ed., New York: The Foundation Press, 2002; Puvenesvary, M. *et al.*, *Qualitative Research: Data Collection & Data Analysis Techniques*, Sintok, Malaysia: Universiti Utara Malaysia Press, 2008; and Frank Bechhofer and Lindsay Paterson, *Principles of Research Design in the Social Sciences*, London: Routledge, 2000.

POSTGRADUATE RESEARCH

Although the present researchers have no intention to closely analyze the nature of students' theses or dissertations; nevertheless, a word or two is necessary by way of explanation of the nature of the students' research output. It is, however, common knowledge that in the area of student research, theses are primary instruments for such review. According to Kaba Abdoulaye, a study of theses assists in assessing and evaluating the quality of students' researches, productivity level of supervisors and their departments. It also helps in identifying research trends and monitoring research activities. Moreover, it can help in determining areas that deserve closer policy attention, especially with regard to adequacy of research facilities, curriculum revision, students' welfare and appropriateness of research methodologies.[6] In a moderately scrutinized research survey conducted among the postgraduate research students undertaking the Master of Comparative Law degree at AIKOL, over 90% of the students agree that what motivated them to pursue a research degree is the quest for the improvement of their career prospects.

AIKOL affords great opportunities for those who want to pursue graduate studies into modern socio-legal problems particularly on such controversial problems hinging on concepts in which Islamic and Western jurisprudence interact. These research programmes are so unique, as they afford the students an uncommon opportunity to harmonize Islamic law concepts and that of common law precepts. The mediums of instruction in the postgraduate programmes are English and Arabic. In line with the policy of the Centre for Postgraduate Studies, all postgraduate students must write their theses/dissertations in English. There are exceptional cases in which a student may write in Arabic language if the Kulliyyah Postgraduate Committee is satisfied that the student has acquired adequate knowledge of Arabic language for research. In this situation, though it is not always the case, the student may be allowed to write most if not all, of the references used in the research in Arabic.

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[6]   Kaba Abdoulaye, "Research Trends in the Humanities: An Analysis of Master's Theses at the International Islamic University Malaysia," *Malaysian Journal of Library & Information Science*, Vol. 9, No.1, 2004, 34–36.

PH.D RESEARCH PROGRAMMES

Except for some prerequisite courses, such as law research methodology, students pursing PhD programmes must do so entirely as research projects. However, those students who intend to research Shari'ah related topics but do not possess good Shari'ah background may be required to take courses in *Shari'ah* for the purposes of upgrading their knowledge in that area. Likewise, candidates with inadequate civil law background may be required to take few civil law courses before they embark on a comparative research activity. The policy of the Kulliyyah is that research topics of law, that are comparative in nature, are generally encouraged as opposed to exclusive researches on aspects of *Shari'ah* or common law alone.[7]

A PhD student is required to prepare and submit a research proposal that presumably underlies or constitutes an original contribution to the area of research.[8] The PhD programme began in 1986 and the first two PhD theses, in the faculty, were produced only in 1991. Since 1991 until to-date over 80 PhD theses have been produced. Going by the available statistics, Table 2 gives a general outlook of the number of PhD candidates admitted between 2004 and 2008 with a comparison between researches conducted by international students and local students.

Table 2: PhD Candidates Admitted in AIKOL (2004 – 2008)

Years	2004	2005	2006	2007	2008
Local	53	53	56	49	55
International	32	33	34	37	47
Total	85	86	90	86	102

The graphical representation of the data in figure 2 pictures the number of PhD candidates admitted into the Faculty within the span of five years with a geometric increase of international students. This further confirms the new position the faculty is attaining as a legal research hub for the continent.

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[7]   Syed Khalid Rashid, n. 2 above, 151.

[8]   See the "Guide to Postgraduate Studies," Centre for Postgraduate Studies, International Islamic University Malaysia, p. 11.

Figure 2: A Comparison between the Local and International PhD Candidates in AIKOL
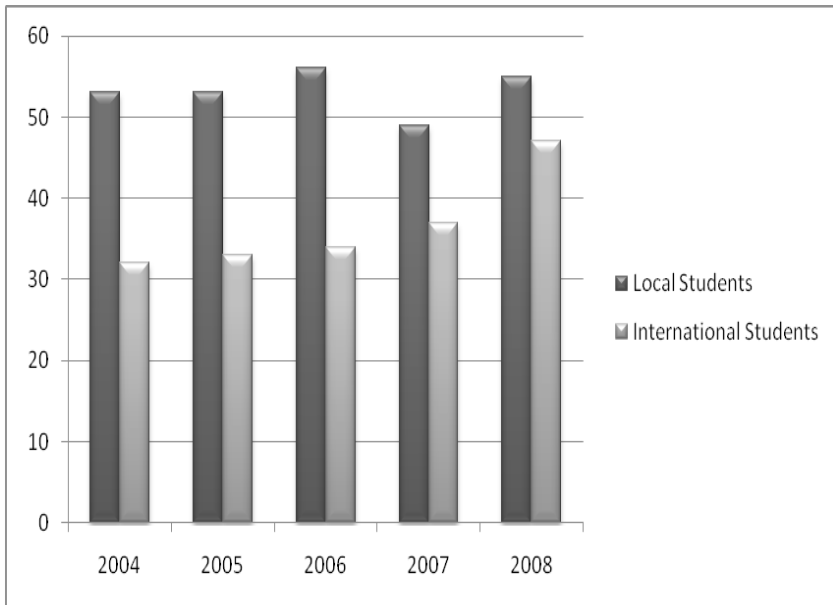
From the bar chart, the number of PhD candidates admitted in the faculty among the international students recorded in 2008 was the highest ever made in recent years.

Despite the above charts, one should point out that the difference in numbers between local and international PhD candidates are not that significant. In recent years, international students have steadily increased in numbers. The reason may perhaps be due to the wide publicity of the Kulliyyah activities on international forums such as mooting and debating contests. Other external factors such as the incidents of 9/11 in New York made foreign students from the Middle East and African countries, who find it difficult to find place in Western Universities, to seek haven in many Malaysian Universities including International Islamic University. It is also important to add that the opportunity offered by the Kulliyyah to write theses/dissertations in Arabic language is an attracting factor for students from Arabic speaking countries.

MCL RESEARCH PROGRAMME

Similar to the PhD programme, the Master of Comparative Law (MCL) programme was introduced in 1986. The programme incorporates both academic and practical aspects of legal training. In line with the International Islamic University's (IIUM) objectives, which lay much emphasis on the Islamization of disciplines, AIKOL offers common law and *Shari'ah* law courses on a comparative basis. The present researchers indentified three modes or ways by which a student could conduct an MCL programme at AIKOL:[9]

- Coursework alone
- A Combination of Coursework and Research and
- MCL by Research only

As a matter of research needs, the policy of the Kulliyyah is to offer a pre-requisite course in Law Research Methodology to all MCL and PhD students to instill in them the legal research culture. From the available statistics, over 650 students have graduated with MCL from AIKOL. A good number of MCL Dissertations and Theses produced in AIKOL are on different legal issues most of which are fundamentally comparative in nature.

From our surveys and interviews among the international students in the faculty, it was discovered that a good number of students who studied in non-common law jurisdictions where English was not the medium of instruction are facing difficulties in their studies when they join the faculty. From the analysis of the available data, we collected from students who fall under this category, over 70% of them encounter serious problems in expressing themselves in English language even after passing the English Placement Test I.

THE ROLE OF SUPERVISION IN RESEARCH

Supervision of postgraduate theses and dissertations forms an important element in furtherance of research activities at the Kulliyyah.

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[9]   See "Ahmad Ibrahim Kulliyyah of Laws," *Prospectus of the Centre of Postgraduate Studies*, IIUM, 2005, 45.

Therefore, writing an academic thesis/dissertation necessarily requires an experienced academic supervisor to direct and guide such writing.[10] The Post Graduate committee is the agent of the Kulliyyah regarding postgraduate research progress. The Committee, which comprises of senior Kulliyyah staff, must follow up and see that rules and regulations concerning graduate research are complied with in terms of proposal writing, presentation and its defence. The duty of the committee is to see that the members read and comment on the research proposals, generate appropriate objections to it and suggest useful approach and references to the candidate. Successful discharge of this duty on the part of the committee may depend on a number of factors including the candidates' cooperation and interpersonal relation skills. In addition, availability of an appropriate supervisor and his/her other commitments in addition to the volume of work, are all important factors for successfully seeing through a research proposal to its final destination.

APPOINTING A SUPERVISOR

According to the flow chart on "Registration of Proposal and Research and Appointment of Supervisor" obtained from the Postgraduate Unit of AIKOL recently, when the research student submits his proposal alongside the applicable registration form to register such proposal, the Postgraduate Unit forwards it to the relevant Department for recommendation. The recommendation of the Head of Department is accompanied with the assignment of a supervisor/advisor for the proposed research. Therefore, the Postgraduate Unit informs the research student of the appointment of a supervisor/advisor to assist him in the preparation of the research proposal in accordance with the required standard as set down by the Centre of Postgraduate Studies of the University. After the research student, under the guidance of the supervisor/advisor, has prepared the final proposal, such proposal will be submitted to the Postgraduate Unit, and if it meets the required standard, it will be sent to the relevant Head of Department for further vetting. The Head of Department forwards it again to the proposed supervisor for evaluation.

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[10]   See Abdul Rashid Moten, *Writing Research Proposals & Theses*, Kuala Lumpur: Pearson Malaysia, 2009, 7-11.

After such evaluation, the research student is invited to defend his proposal before an ad-hoc committee. This ad-hoc committee suggests the appointment of a supervisor for the research project after the student has successfully defended the proposal. However, the Kulliyyah Postgraduate Committee (KPGC) must endorse such appointment before it formally takes effect and the Deputy Dean (Postgraduate and Research) is required to issue a letter of appointment to the supervisor and simultaneously, sends a letter to the research student to inform him of the decision of the KPGC meeting and the appointment of a supervisor. In the majority of cases, the Postgraduate Committee may also suggest the appointment of a co-supervisor to help the student in case of the absence of the main supervisor.

The role of the supervisor in the furtherance of research activities at the Kulliyyah should not be underestimated. His/her job includes such things as assisting and guiding the student in the arrangement and management of the research project until final submission.

ACADEMIC STAFF AND RESEARCH

Similar to any other institution of higher education, assessing the quality of research requires an appraisal of the different types of researches carried out by the academic staff of a particular institution. This also includes looking into the nature and extent of research incentives available to the researchers at work. According to Molly Lee, there are two approaches to research; the first is the quantitative approach while the second is the qualitative approach.[11] For a comprehensive appraisal of the quality of the research works produced by researchers in a Kulliyyah or University, there is need for a combination of both approaches to create a legal research hub geared toward maintaining quantitative output without compromising qualitative efficiency.

One of the most important factors for research enhancement in an academic institution is the availability of appropriate funds for those who desire to conduct research. The present researchers have identified different types of research grants available for the academic staff at

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[11]   Molly N.N. Lee (ed.), *Research Assessment in Institutions of Higher Learning,* Malaysia: Penerbit Universiti Sains Malaysia, 2004.

AIKOL. All types of such funds must be channeled through the Research Management Centre (RMC) as a single body that manages all research funds but that has to be done in conjunction with the Finance Division of the University. There are different sources of grants. However, the Malaysian Government, through the Ministry of Higher Education, is by far the largest and constant funder for research.

The Research Endowment Fund established by the University may also provide research funds from its research budget. The research grants include the Intensification of Research in priority Areas (IRPA), Science Fund, Techno Fund, Fundamental Research Grant Scheme (FRGS), Scientific Advancement Grant Allocation (SAGA), Federal Land Development Authority (FELDA). Other grants available from time to time also exist and may at times be specially commissioned by the government or private agencies.[12] AIKOL has its Research Management Unit, which complements the role of the RMC. Funding sources for research can be summarized as follows:

- **Government**: Ministry of Science, Technology and Innovation. Ministry of Higher Education and Ministry of Health.
- **Private Sector**: There are various sources from this sector. Many private agencies directly go to the Consultancy and Entrepreneurship Bureau, which is considered as the business arm of the University. As a matter of University policy, all academic staff of the Faculty of Law are registered with the Bureau as consultants or experts each in his/her own field of expertise and are published as such in the University website.
- **IIUM**: Research Endowment Fund (Type A and Type B).
- **Non-Governmental Organizations**

The following chart gives a graphical illustration of the rate of research funding available from different sources.

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[12]   See the "Guidelines on Research Funding," Research Management Centre, International Islamic University Malaysia, p. 1.

Figure 3: Funding & Grants for Researchers in AIKOL
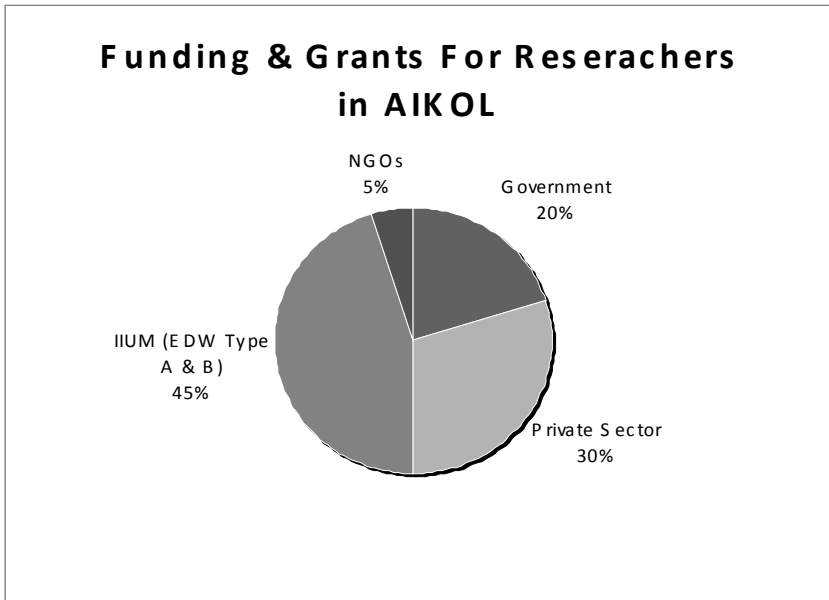
It is important to note that the percentages given in figure 3 are not fixed. The percentage may be varied depending on the year of a particular funding. This is just a diagrammatical representation of the funding and grants available to AIKOL researchers as provided by the Research Management Centre.[13]

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[13]   Compared with the United Kingdom, there are at least four common sources for research grants especially when it involves researching into the quality of higher education. The sources include relevant government departments, National Research Councils funded by government, some charitable organizations and private research foundations, and private companies. See Malcolm Tight, *Researching Higher Education*, Berkshire, England: SRHE and Open University Press, 2003, p. 214.

MANAGING THE RESEARCH FUNDS

The research grants normally cover travel expenses incurred in the course of research, workshops, conference expenses, and expenses of meetings between co-researchers, expenses of meetings between researchers and respondents, professional fees for technical advice, payment for research assistants and purchase of books or reports and photocopy expenses. It is however important to add that all researchers are required to abide by the financial policies and procedures of the university relating to the documentation of all reasonable expenses.

The RMC insists that it maintains a comprehensive record for expenses made by the researchers. On the part of the researchers, they are required to maintain a complete documentation of all expenses by keeping the necessary receipts. When asked whether the accounting procedure for research expenses on the part of the researchers is satisfactory, 80% of the research administrators emphasize that though some researchers' accounting procedure is highly satisfactory, a good number of them submit unsatisfactory receipt/claims to the RMC. In many cases, researchers fail to itemize purchased materials in the receipts presented for claims. In addition, if they did then, more often than not, such things may not be itemized according to the respective votes for which the funds were released.

Researchers themselves have their own complaints against the way the RMC manages research funds particularly as regards the length of time it takes to reimburse own moneys spent by the researcher. When confronted with this accusation the RMC personnel retort that the whole problem lies with the Finance Division since they take too long to sign reimbursement checks to the respective claimants.

There are, however, a number of limitation factors to the research performance. Sometimes, heavy workload on the part of the researchers and other administrative and academic commitments may limit the research performance and the amount of research output every year. In addition, lack of financial incentives, post expenses disbursement of funds and delay in the payment of claims may affect the level of research performance. From our survey, 90% of the research administrators agreed that heavy workload is a limiting factor in research performance. On the limiting factor of insufficient financial incentives for the researchers, the research administrators unanimously stated that they follow the

guidelines from the funding agencies. The researcher will get the financial incentives for a research only if the funding agencies allocate an amount for the researcher. Most government grants are specifically for the development of expertise and career advancement. Having said that, most government grants do not have incentives specially allocated to the researchers but most of contract/sponsored grants do have certain allocation for that purpose. This is, perhaps, due to the nature of the contract/sponsored/consultancy grants that requires immediate or short-term research findings for improvement of the status quo.

In the mid-year review of IIUM Research Performance (January – June 2008), the achievements of the respective Kulliyyahs in the University were appraised based on a comparison of the number of staff, active researchers and amount of approved research per Kulliyyah. The following Figure shows the number of active researchers in the respective Kulliyyahs.

Figure 4: Mid-Year Review of IIUM Research Performance (January – June 2008)
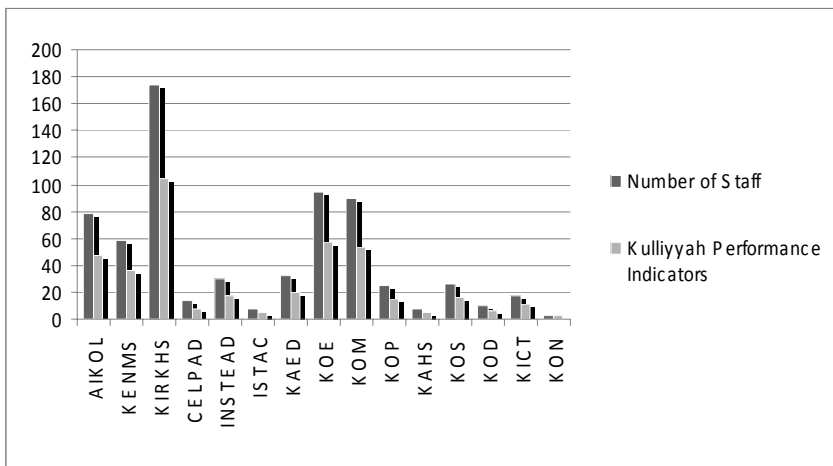
A close look at the above figure shows that AIKOL is comparatively doing well in its research performance considering the

number of researchers on ground.[14] The usage of performance indicators is regarded as one of the most common methods of quality assessment in the academia particularly when it relates to research. Numerical values which provide a specific measurement for "assessing the quantitative or qualitative performance of a system," an institution, a faculty or department are described as performance indicators.[15]

However, in measuring the quality of research output of a Faculty, certain performance indicators are used. Since the case study of AIKOL focuses on the research activities of both lecturers and postgraduate students, we shall briefly enumerate the performance indicators that relate to research. These include:

(a)   Number of research students
(b)   Number of academic researchers
(c)   Output of research
(d)   Quality or impact indices
(e)   Research incomes
(f)   Peer review
(g)   Reputational rankings[16]

To recapitulate, a major problem experienced during the carrying out of this research, similar to most researches that receive funds through the University and thus managed by RMC, is the unnecessary delay encountered in the release of the research grants already approved for a particular research activity. In a very good number of situations, we find that the cheque for the first allocation would be released over a month or so after the approval of the research proposal. This is a major limiting factor in research performance. It is expected that once the research proposal for a grant is approved, the payment should be processed within the shortest possible period. This delay in payment, probably caused by

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[14]   The data used for this chart was captured from the Research Management Centre database, and SBUs, and IEC (IIUM Research Entrepreneurship & Consultancy Sdn, Bhd.).

[15]   Molly N.N. Lee (ed.), n. 11 above, p. 26. For a general study on reporting higher education results, reporting indicators and performance reports, see generally Joseph C. Burke and Henrik P. Minassians, *Reporting Higher Education Results: Missing Links in the Performance Chain*, New Jersey, USA: Wiley Periodicals, Inc., 2003.

[16]   *Ibid.*

unnecessary bureaucratic bottlenecks, needs to be controlled to facilitate immediate disbursement of research funds, which will invariably enhance research performance.

RESEARCH FOCUS

The complexity of modern societies, in which legal systems operate, may dictate upon any legal researcher the application of variety of frameworks and methodologies. In order to be able to leverage past works for the sake of arriving at credible findings, the researcher needs to possess the necessary awareness of other theories.

One of the characteristics of an academic research is that it operates within a large diversity of theories, paradigms and frameworks. This is more so especially when researchers come from heterogeneous background like that obtains in the case of AIKOL. This feature constitutes a major challenge to the research community in a number of ways. One obvious example of such challenges is not only how a particular paradigm in a legal theory is investigated, exposed, or even conceptualized but also how a particular researcher arrives at results and conclusions of his/her investigation.

Admittedly, all theoretical exercises in the field of legal research are based on the principles of any one or more of the jurisprudential schools i.e. the economists, the naturalists, positivists, sociologists or any other such schools of law. This being the case, then one has to acknowledge that personal orientations of the researcher with a different socio-political, theological etc. background would certainly affect the research findings or outcomes of the work undertaken by such a researcher. In this respect, it is noteworthy to point out that personal or group prejudice toward a particular school of thought would certainly raise several methodological problems. In such a situation, the normal conclusion would be that the outcome of such research might suffer from biasness. Furthermore, the legitimate question relating to the appropriateness of the adopted research methods or processes, for the purpose of theoretical communication, and hence the overall validity of such research may come to the fore.

It is therefore, the sound belief of the writers that the perspectives of the various theses/dissertations and any research findings by the academic staff should constantly or periodically be tested or rather

assessed in order to determine not only their objectivity and integrity but also their effectiveness. A complete analysis of theses/dissertations and research output by the academic staff, though not intended now, is possible only if factors such as the source of the grant and the opinion of the grantor/funder or the purpose and objectives of the research are taken into considerations. Other factors such as the nature of research focus, whether broad or narrow, and the duration of the research may prove crucial.

RESEARCH UNITS AND CLUSTERS

Generally, the research focus of AIKOL includes the Common law, Islamic law and comparative researches on different legal issues. At present, researches that relate to harmonization of laws are being encouraged. As a matter of policy, the AIKOL regards harmonization of civil law and Shari'ah its basic niche area for PhD research studies. In order to achieve its policy objectives, the Kulliyyah established a number of research units to carry out research and consultancy works on specific areas of law. Each of the various research units must have a coordinator to lead the team. The coordinator is supposed to be a senior and an experienced researcher in the respective field. The following are the research units in AIKOL:

- LATEM –Land Tenure and Environmental Management
- IBFU –Islamic Banking and Finance Unit
- ADRU –Alternative Dispute Resolution Unit
- MELEU –Medical Law and Ethics Unit
- CLU –Corporate Law Unit
- International Law and Maritime Unit (ILMU)
- Family Law Unit (FLU)

RESEARCH CLUSTERS

A research unit may apply to the Research Management Centre to become a Research Cluster. To achieve the status of a research cluster, the coordinator of the unit must use a special application form which requires the intended members to fill in particulars relating to their expertise, research and publications within the span of last three years

preceding such application. The application must be vetted by the University Research Committee composed of senior academics from different Kulliyyahs headed by the Dean of the Research Management Centre. The Head of the respective Kulliyyah Research Unit must represent each Kulliyyah.

After the research unit has been approved as a cluster a seed money of fifty thousand dollars (RM50k) will be put aside to be used by the cluster to further its research activities. It is also expected that research units and or clusters must try their utmost to generate their own income from consultancies or otherwise. Most of these research clusters are interdisciplinary in nature. This means that the membership may include members from other Kulliyyah who share similar research interests. Currently there are three research clusters in the Kulliyyah:

1.   Land Tenure and Environment Management (LATEM)
2.   Globalization and World Trade Organization (WTO)[17]
3.   Harmonization of Laws

The organogram of the research management and areas of focus in AIKOL appears in figure 5 below.

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[17]   This research cluster is an interdisciplinary in nature and is composed of researchers from both AIKOL and Kulliyyah of Economics and Management Science (KENMS).

Figure 5: Research Administrative Structure in AIKOL
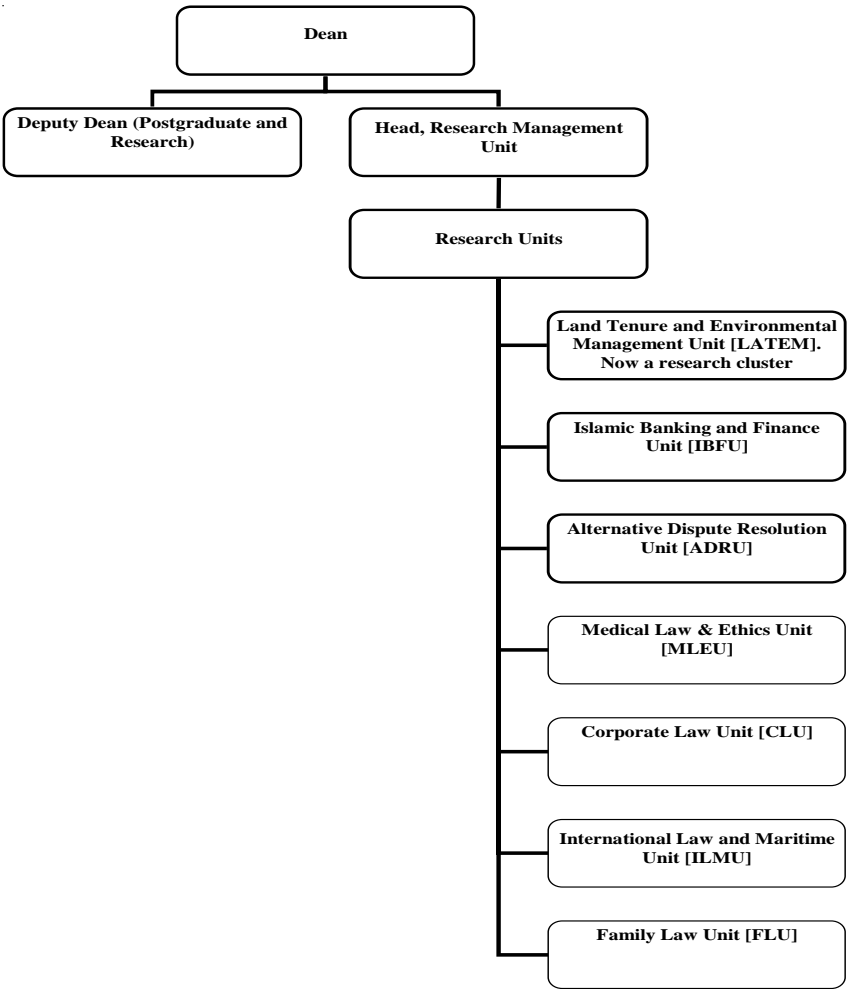
AREAS OF SPECIALIZATION

The following table gives a fair picture of the diverse areas where the Kulliyyah researchers specialize in.

Table 3: Areas of Specialization of in AIKOL

Islamic Law	Private Law	Public Law
Islamic Law & Jurisprudence	Building Contract	Constitutional law
Islamic Law of Transaction	Carriage of Goods by Sea	Criminal Law & Procedure
Islamic Law of Zakat	Consumer Protection	Dangerous Drug Law
Administration of Islamic Law in Malaysia	Contract Law & Commercial Transaction	Court Procedure & practice in Malaysia
Islamic Banking, Finance and Takaful	Corporate, partnership & Securities law	Employment Law & Industrial Relations
Islamic Commercial Law	Equity And Trust	Environmental Law
Islamic Medical Law	International Trade Law	Evidence and Procedural Law
Islamic Family Law & Social Welfare	Malaysian Family Law & Social Welfare	Human Rights and Constitutional Law
Islamic Agricultural Law	Malaysian Agricultural Law	Administrative Law
Islamic Legal Maxims & Islamic legal Theory	Law of Banking & Negotiable Instruments	International Criminal Law & Justice
Islamic Law of Trust (*Waqf*)	Law of Property	Land Law
Islamic Law of Succession	Law and Society	Law of Torts
Islamic Law of Obligations & Contract	Malay Adat Laws & Malay legal Texts	Public International Law
Islamic Criminal Law	Maritime Law	Money Laundering
Islamic Law of Evidence	Medical Law	Malaysian Legal System
Fundamental Rights in Islam	Succession and Probate	Taxation
Islamic Constitutional Law	Alternative Dispute Resolution	Cyber Law
Islamic Legal System	Law and Biotechnology	

RESEARCH FACILITIES

Research facilities such as resource materials, library, books, and information and computers are indispensible aids for engendering

quality research. Research in law, similar to other disciplines, requires comprehensive literature review in the sense that the researcher needs to be guided by previous written works and similar researches on the related topic. These may include judicial opinions, academic writings and government reports etc. to unravel the hidden and untapped areas for further discussion. Such a process may involve both cost and space. Availability of funding or adequacy of resource materials are necessary not only for thesis/dissertation writing but also for other serious academic research. In writing theses/dissertations one finds that, the issue extends beyond material and electronic resources to that of human infrastructures like the existence of good networking for public discussions of thesis progress.

Access to Information:
a)   The Library and the Researcher

Access to information in the library at anytime of the day is a *sine qua non* to good research output.[18] The use of library card in some advanced universities has really assisted researchers and postgraduate students since the card allows them unhindered access to materials and references anytime of the day. This is one of the first steps towards attaining the position of a research library.[19]

In order to ensure credibility and veracity of the researchers' findings, one needs to rely on related references in the form of existing literatures in the area of research. Generally, a researcher must always have access to information, materials, and references relating to his work at any point in time. In relation to this current research, our concern is to appraise the extent to which the faculty researchers effectively use the library in carrying out their research works.[20] The legal researchers get their materials from the Library particularly when they need to refer to statutes and law reports that are readily available in the law library.

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[18]   See Muhammad Sadid, "Role of Library in Research," *Gomal University Journal of Research,* (2005), 115.

[19]   *Ibid.*

[20]   See a similar study in Stephen K. Stoan, "Research and Information Retrieval Among Academic Researchers: Implications for Library Instructions," *Library Trends*, Winter 1991, at 239–258.

The library has both soft and hard research facilities to enhance research activities among the legal researchers. Among the soft research facilities are the online databases that provide ample access to internationally refereed journals as well as statutes and law reports of different jurisdictions across the world. In fact, most researchers do not even need to travel for research materials with the regular updating of the available databases. Furthermore, and in line with facilitating research activities, the library has procured designated wireless areas within the law library for easy to internet services.

While writing this report it came to our knowledge that the Law Information Section of the IIUM Library is at the verge of buying another legal database to augment the available ones and boost the legal research in the University. In addition, there is a privileged provision for lecturers, who are conducting either their personal researches or commissioned research works, to request for the books needed through the library and as a matter of duty, the library acquire those books within the shortest period to further improve the research output of the lecturers and postgraduate students alike.

On the other hand, the hard research materials provided as incentives for researchers include research rooms specially designed for the lecturers-cum-researchers within the library to enable them keep some useful materials and work within the library as an extension of their offices at the Kulliyyah. They can always make reservations for such research rooms and the postgraduate students have similar chances with the opportunity to request for Carrel rooms within the library to serve as a workstation for the period of their research work.

The Online Public Access Catalogue (OPAC) was launched in December 1991 in the IIUM Library using the DOBIS LIBIS integrated library system. OPAC has been in operation and has been used in many private and public libraries about four decades ago.[21] The online databases available in OPAC include LexisNexis, Westlaw, Law Net, CLJ Law, and UN Treaty Collection.[22] There are other links where research students can get access to theses produced in the Universities abroad

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[21]   John Akeroyd, "Information Seeking in Online Catalogues," *Journal of Documentation,* Vol. 46, No. 1, March 1990, p. 33.

[22]   For a detailed description of how to use these databases, see generally Nick Holmes and Delia Venables, *Researching the Legal Web*: *A Guide to legal resources on the internet*, 2nd Ed., London: Butterworths, 1999;

like the *Proquest Dissertation/Thesis*. Researchers on a daily basis use these online resources because most of them contain what they need for the research. These range from international refereed law journals, statutes of different jurisdictions across the world, law reports including unreported cases to online law dictionaries of legal maxims. In addition, many other legal databases are available online but can only be accessed after the payment of a fee through one's credit card. Some of these databases are quite expensive. These should be well coordinated, subscribed, and subsidized by the government through the National Library to encourage legal research as part of the national development of the country.[23]

To improve maximum exploitation of the library resources, the law section of the IIUM Library frequently organizes library seminars as well as Legal Research Skills Workshops for postgraduate students. These programmes give the researchers a rare opportunity to enhance their understanding of legal research techniques and the use of the library as an important place for data collection. Above all, the training workshops afford the researchers an opportunity to learn how to find valuable internet resources and the use of online data collection.

From our field research and interviews, one thing complained about by a number of graduate research students is the non-convenience of the time fixed for such training workshops. Apart from the regular library seminars for fresh graduate students every semester, other specialized programmes like the Library Legal Research Skills are organized during lecture hours when the students are expected to be in their lecture rooms.

Similarly, the library organizes training sessions and workshops for the academic staff on recent upgraded and newly subscribed research databases. The nature of the training programmes takes two forms: firstly,

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Sue Milne and Kay Tucker, *A Practical Guide to Legal Research*, NSW: Thomson Legal & Regulatory Limited, 2008, p. 6.

[23] See the Australian experience and the efforts of the National Library of Australia in encouraging research works as part of its national research infrastructure in Warwick Cathro "The Role of a National Library in Supporting Research Information Infrastructure," a paper presented at the World Library and Information Congress: 72nd Ifla General Conference and Council, held between 20 and 24 August 2006 in Seoul, Korea.

the lecturers are trained on how to conduct legal research and secondly, they are taught how to use the law collection itself. The programmes include basic skills training classes, training on navigating the internet, and training on how to use the in-house databases. The programmes are either compulsory for the academic staff or specially arranged based on popular requests. From our on-the-field assessment, most of the lecturers, particularly the senior professors, do not attend such programmes. Those training programmes are scheduled in the evening when most of the senior professors are busy in lecture rooms with their graduate students.

We asked the head of the law section of the library on the inconvenience encountered by the lecturers because of the time scheduled for the training programmes. Her response was that if the researchers find the timings of the scheduled programmes inconvenient, they could request for a special programme to meet their normal weekly schedules. In other words, the legal researchers can request for special training sessions on the newly subscribed databases and other legal resources that will enhance their researches at their collective convenience. However, an alternative option is to schedule training sessions on weekends when everybody may probably have enough time; but many researcher-cum-lecturers will still find it difficult to attend as many would prefer to take off time to relax during the weekends or semester breaks.[24]

b)   Effective Use of the Library

Though law research shares the social science methods of research, it still has some uniqueness, which gives its distinctiveness. Many legal researchers have their own private mini-libraries at their offices and many tend to rely on their own collections for their research works. Based on the information received from the Law Information Section (LIS) of the IIUM Library, only about 60% of the lecturers-cum-researchers in AIKOL visit the library and exploit the library resources for their researches. In a recent study conducted by the LIS, it found that young researchers among the academic staffs prefer to use

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[24]   This is based on our interview with the Head of the Law Information Section, IIUM Library, Mdm Yusrina Abu Bakar, on the operations and day-to-day patronage of the Law Library conducted on Wednesday 2nd December, 2008.

the online search engines to source for references and research materials rather than following the traditional mode of collecting research materials. Though one cannot really dispense with online search engines for reference materials, there is still need to use the available materials in the shelves and particularly, journals that are available in the library. The information-retrieval technique that suits a standard legal research is the multidimensional technique, which allows the researcher to exploit all online databases, CD-ROMS and OPAC for references in the library shelves, online search engines, and go through statutes and law reports available in the library.[25]

RESEARCH COLLOQUIUMS

As a matter of policy, the Faculty organizes research colloquiums for the postgraduate students where the PhD candidates get opportunities to present their research findings in the form of progress reports. In this forum, a good number of the academic staff is always present to render an on-the-spot guide to the research students. Methods of improving the research process are suggested and certain obscure areas are clarified. The research students are given a unique opportunity to exchange their views and the forum allows for cross-fertilization of ideas, which further fortify and enhance their research outputs. From experience, though the idea of organizing the research colloquiums is primarily to appraise the progress of research works of the PhD candidates, they afford the postgraduate students an opportunity to be involved in a hands-on research scrutiny.

CONCLUSIONS AND FINDINGS

a) Research Grants and Accountability

One of the central problems, which all researchers complain about, is the bureaucratic bottlenecks summarized in the delay or length

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[25] For a general study of the research techniques and information retrieval among academic researchers in the Humanities, Social Science and Science, see Stephen K. Stoan, *supra*, note 20 above.

of time it takes before the approved funds are released to the researcher. In addition, almost all those staff of the Kulliyyah, interviewed by the writers of this report, agreed that the system of accountability after spending research funds need to change or at least eased up. In fact, in one of our interviews, a senior professor in the faculty was of the opinion that it is easier and less hectic to apply for research grants from bodies outside the university than applying through RMC. Of course, some sort of accountability is necessary; but at the same time the stringent procedures whereupon accountability and keeping the receipts for an allocation of e.g. RM 20,000.00, to the last cent, is obviously very time consuming. Another serious impediment in the way of conducting smooth research is the system of refunding monies spent buying materials such as stationary or other payments including photocopying, transportation, entertainments etc. necessary for conducting the research. The researcher is required to pay from his own pocket and then claim it later by filling a special form provided for that purpose. The refund itself might take months before the researcher gets back his money.[26]

b)   Research Incentives for the Postgraduate Research Students

Our review and analysis of the data collected from majority of the postgraduate students reveal that certain research incentives, which are necessary for the successful completion of their theses/dissertations, are not available in AIKOL. An overwhelming majority of the students totaling up to 95% of respondents recommended that the management of the Kulliyyah should provide not only an adequate workspace but also a common room for all postgraduate research students within the Kulliyyah. Furthermore, the once available funds, about RM 10,000, to both full-time and part-time research students[27] and that has now been discontinued, should be reactivated to help postgraduate students.

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[26]   After the approval of the research funds RMC will release first installment to the researcher to pay for his/her research assistant/s. The researcher, should pay for the rest of the research items and claim for refund later.

[27]   See Form CPS – SAGA/1/2006 (Research Grant Student - RM10,000). The form is still available at http://www.iiu.edu.my/pgstudy/forms.php

c)   More Incentives

In order to attain the position of a research institution, IIUM should provide incentives to encourage the supervisors to spend more time with their supervisee. This will improve the research output of the research students when the much needed guidance is provided as at when required. It is thus, the view of the writer that senior academic staff should spend more time with supervision and research and less time with teaching undergraduates.

It has come to our knowledge that some Malaysian research universities do offer pecuniary incentives for those professors who publish in academic journals. The amount payable varies and depends on whether the journal is local or international, and the type or the standing of the journal.

It is further suggested that Associate Professors should be given less teaching engagements while the Professors should just be made to give weekly Public Lectures within and outside the University in their respective fields. Furthermore, for the University to develop into a research institution, the faculty should play a positive role in securing research consultancies for the professors in their respective fields. This will engender a more positive relationship between academia and industry.

d)   Access to Library

In the light of the foregoing, the writers suggests that the Kulliyyah management submit a proposal to the Library to provide a twenty-four hours self-service, similar to some leading western universities, where library coded cards are used by the academics and postgraduate students to access the library any time of the day. This, undoubtedly, will enhance the research output of the Kulliyyah.

e)   Writing Skills Programmes

The writers recommend that workshops on writing skills need to be organized more frequently for the research students. We believe that such programmes would improve the research output of the students.

f)   Restructuring the MCL Programme

From a guided observation of the graduates of the Masters of Comparative Law (MCL) programme for close to two decades in the faculty and through personal experience in teaching Law Research Methodology, many students lack research skills. There is need for a rethinking of the whole MCL programme. Traditionally, the Masters programme is a bridging programme where graduate students are prepared for the Ph.D. programme. If the students are not well grounded at this level, they encounter serious problems when they start preparing their Ph.D. proposals. In order to remedy this critical problem, there may be an urgent need to revert to the old system where the coursework in the MCL programme is just a partial fulfillment. There are two possibilities in this regard. The first is to have a one year MCL programme where the first semester is utilized for coursework alone and the students should be required to take not less than four courses, and the second semester should be used in preparing the dissertation. Alternatively, the normal period of two years should be upheld where the students should be required to take the normal coursework for two semesters, and the remaining two semesters be used for the preparation and writing of the dissertation. Either of these proposals will give the students the opportunity to conduct a guided research work under the supervision of an academic staff. Such opportunity will expose the MCL students to research activities as well as provide an avenue for them to, at least for once, rely on themselves in their research endeavours. This will produce better candidates for the Ph.D. programme in the faculty or elsewhere.

g)   Students from non-common law background

The writers suggest that students from non-English speaking countries or those without common law background be subjected to a pre-postgraduate crash course in Legal English, writing skills and a general introduction to legal methods. This will give them good opportunities to be able to blend with their colleagues in the MCL class when they are eventually admitted to the programme.

h) **Workshops on Research Supervision**

The faculty should improve its quality of supervision of research projects by frequently organizing supervision workshops for the academic staff. Such workshops, which may be annually, will provide a forum to highlight specific issues for the supervisors and discuss supervisory approaches and experiences among the supervisors. The forum will also serve as a learning continuum for the junior supervisors in the faculty. In most Universities in the United Kingdom, United States of America, Australia and New Zealand, research supervision workshops are always mandatory for new supervisors.[28] This will really enhance the research output of the postgraduate students, and gradually, the IIUM will be assuming the enviable position of a research institution.

Finally, the writers would like to stress the importance of more intra-faculty and inter-faculty collaborative researches since the new trend in legal research is a multidisciplinary approach that tries to mould legal studies with other social sciences on unlimited issues of human concern. In a similar vein, research findings of postgraduate dissertations and as well as the outputs of research conducted by the Kulliyyah academics and researchers should always be made available to the policy makers for possible consideration.

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[28] The University Centre for Teaching and Learning (UCTL) at the University of Canterbury in New Zealand organizes the research supervision workshop on an annual basis for its academic staff. See Ph.D. Booklet, University of Canterbury, available at http://www.canterbury.ac.nz/acad/phd/docs/booklet2009.pdf