

Practical introduction to literature research

I. The need of comprehensive literature research in legal writing

1) The fundamental scientific standard of *scientific thoroughness*

- scientific work takes account of *all* relevant jurisprudence and legal literature on a topic
 - however, only of professional legal literature with a scientific approach, not of non-scientific publications
- ignoring relevant publications is unscientific and may in serious cases even be considered as scientific fraud - as serious as plagiarism

2) The need to also identify, present and discuss publications that express opposing views

- scientific work requires not only to process those publications that support one's own position but also to identify, present and discuss - at least briefly - those with opposing views
 - otherwise, the reader will only receive a fragmented, distorted picture of the discussion
 - this is also a standard of *scientific honesty*
- *concealing opposing views is scientific fraud* - but still common in Southeast Asia
 - even at the conference INGRACE 2025 at UGM

3) Limited standards for research with a comparative approach

- research with a comparative approach faces the problem that most sources about the foreign law will not be available in the country
 - with the rise of legal publications in the internet, the problem is slowly decreasing
- nevertheless, it is still *important to identify* the existing foreign legal literature to get a realistic impression of the discussion in legal science
 - read the abstracts of foreign journal articles on the websites of the foreign law journals!
 - read the descriptions and tables of contents of foreign books in the online catalogues of bookstores and publishers!
- research with a general comparative approach also faces the problem that there are too many foreign sources to process for a single researcher in a limited research project
- therefore, comparative research is often limited to the available or best available relevant sources on the foreign law

II. Practical tips for a comprehensive literature research

1) Do not only look for journal articles but browse textbooks, commentaries, handbooks and anthologies

- this classical legal literature is usually of the highest scientific quality
 - usually written by best qualified authors under a strict quality control by the editor or publisher
- in countries with highly developed legal science, it is still dominating the scientific debate
- *pay attention to quality when browsing law journals and conference proceedings*
 - some of them accept papers that do not meet scientific standards
 - authors may not always be so qualified
 - articles are often superficial because their topic is too broad to be discussed appropriately in a short paper

2) Search for books in online catalogues of bookstores and publishers

- they often provide a description and the *table of contents* of the offered book
- a practical tool: the catalogue of *Amazon*

3) Search with Google Scholars

- allows to filter by time period and thus to start with the newest publications

- 4) **Browse scientific web repositories for online duplicates of important publications**
 - [JSTOR](#), [ResearchGate](#), [SSRN](#)
- 5) **Ask fellow students and lecturers studying abroad to help you with scans from selected print publications**
 - they can send you these scans as pdf files
 - only appropriate to a limited extent; requires thorough preparation
- 6) **Be prepared to work with an abundance of sources even for a small legal paper**
 - unlike in social and political sciences, the lawyer needs to work with a high number of publications but often only a small part of them
 - citing 5 or more sources in a single footnote is not unusual...
 - use a sophisticated *literature database software* for bigger research projects
- 7) **Note down all necessary bibliographic details from the beginning.**
 - avoid the unnecessary hassle of having to go back to the library or download a document again because you forgot to note the data you need for the bibliography!

III. Avoid the pitfalls of online literature searches

- 1) **Do not consider internet publications representative for the discussion in legal science**
 - most prominent legal scholars still refuse to publish in the internet...
 - internet publications are often not of the highest quality, but this is changing
 - print textbooks, commentaries, handbooks and monographies are still dominating, but this is also changing
 - there is a tendency to publish more books in both print and online formats
 - there is a tendency to include important law books in commercial online legal databases
- 2) **Do not consider contributions from common law countries to reflect the state of legal science just because they are published in English**
 - publications in English from common law countries are not necessarily meant for the international debate
 - they often have a local context, are addressed to the local audience, refer to the not so developed local law and may emanate from a not so qualified local lawyer
 - compared with recent developments of continental law in Europe, the common law in many countries is rather backward
- 3) **Be aware that many of the most sophisticated discussions in legal science are conducted in French, German or Spanish**
 - and in Arabic (in the field of Islamic law)
 - if you are able to do so, explore the legal literature in these languages too!
 - English has only recently become a general lingua franca in legal science
 - however, today more and more prominent legal scholars in many countries also publish in English

IV. The assignment

- your examination assignment for my part of the second half of the course
 - counted with 10 of 100 points for the course

1) The background

- cyberbullying and cyberintimidation (also called "cyberviolence") is a modern form of online harassment and a threat to democracy
 - see my conference lectures "[New Threats to Democracy in the Era of Digitalisation](#)" (Surakarta, ICDNR 2022) and "[Restoring and Preserving an Undistorted, Open and Rational Broad Public Discourse as a Precondition for Reclaiming Democratic Lawmaking](#)" (Surakarta, ICDNR 2025)
- the *European Union's Digital Services Act* of 2022 is Europe's most advanced answer to disinformation, hate posts, cyberbullying, cyberintimidation and other threats caused by the misuse of social media and online platforms
 - it obliges online platforms to moderate content, delete illegal content, provide easy complaint mechanisms and report serious offences immediately, but...
 - it is currently not effectively enforced
 - the EU is under pressure of the Trump Administration in the USA to revoke it

2) Your task

- read the text, including the attached note, and analyse your tasks very carefully
 - avoid misunderstandings, such as in the mid-term exam!
- do exactly - and only - what you are asked for
 - inform Sophia about what she has asked for (nothing else!)
 - prepare this meaningful and comprehensive, well-structured and well-formatted literature list, which shall be helpful for research, following all given instructions
- ensure a clear, consistent and appealing professional design of your short paper
- be aware that this is a typical task for a lawyer, which could also be assigned to you
 - as a research assistant at university
 - as a junior employee in a law firm by the senior partner or
 - as a young professional in a ministry by your head of department