

LEGAL RESEARCH IN QUESTION: A SYSTEMATIC REVIEW STUDY

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ABSTRACT

This paper intends to verify to what extent the articles published in journals in the legal area present and make explicit methodological criteria recommended by the Brazilian Association of Technical Standards (ABNT). The study we performed is characterized as exploratory and descriptive, using a systematic review with a bibliometric approach. We found that from the 241 papers published in legal journals, 37% do not present their objective in their abstract, 61% do not explain the method and/or the methodology used to develop the research; and, at last, 61% do not present their result and/or their conclusion. On the one hand, the recurring absence of these founding elements of research, in any area, tends to weaken and project itself as an obstacle to legal publications with scientific intentions. On the other hand, it makes visible the need for refinement of research in the legal area.

PALAVRAS-CHAVE: legal studies; method; scientific paper.

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1. INTRODUCTION

It can be stated with little margin of error that the two decades of the 21st century were decisive in order to determine a real turn in the direction of legal research in Brazil. The context of that time is marked by global changes, with regional and local repercussions. This scenario imposes on men and women who work as researchers in the legal area the need to improve theories, methods and techniques so that is possible to follow the intense and complex flow of knowledge production (Liand e Horta, Almeida & Chilvarquer, 2014; Almeida, 2014).

This paper is part of this movement of understanding and explaining some limits of legal research, as well as its refinement. In this vein, questions such as "how to start a research?" or "how to start writing a paper?" are recurrent in the academic environment and concern students and professors. As several authors have already pointed out (Quivy & Campenhoudt, 2008), the first point to be defined is the research question. It means, in other words, to make clear what is intended to clarify, understand, discover or explain with the research that will be started or that is ongoing.

Sometimes the researcher does not know well the topic of interest. In this situation, it is difficult to define an appropriate question. To solve this impasse, the suggestion is to carry out what is called the "state of the art", which is a literature review in specific databases to understand how a particular topic is being discussed or studied. What are the most recurrent questions about the topic? What aspects are the most explored? What can still be explored and how can it be explored?

If, on the other hand, the researcher already has a reasonable knowledge of the topic to be examined, a "state of the art" can be carried out with well-defined criteria. In this case, the "state of the art" will work to check similar researches or those with purposes far from the interest of the study to be carried out, contributing to value and justify the new research (Minusi, 2018). This investigation can lead to interesting discoveries on the subject, such as the identification of gaps in the research that has already been done. It can also contribute to the elaboration

of a study that is unprecedented or that uses methodologies that have not been used yet.

This paper aims to verify to what extent the studies with the theme "health", published in AI periodicals in the legal area, present and explain, in their abstracts, the methodological criteria recommended by the Brazilian Association of Technical Standards (ABNT)¹. These methodological criteria, detailed by the Brazilian Reference Standard - NBR: 6028 (2003, p. 3), are "the objective, method, results and conclusions of the document".

The study we present here is exploratory and descriptive. It aims to contribute to the advancement of research that investigates the methods that are employed in scientific studies. In the first part we will present which are the most used techniques to carry out a state of the art; in the second part, we will describe the method used in this paper; in the third part, the analysis and results will be presented and, finally, the article will be concluded.

2. THE STATE OF THE ART: MOST USED TECHNIQUES

The so-called "state of the art" is taken here as a literature review whose purpose is to map what are the most explored aspects of a given area of knowledge or a specific theme, at different times. The "state of the art" also includes a review of how discussions on the subject are produced in papers, Master's thesis and Doctoral dissertations. Thus, this methodology aims to carry out a descriptive inventory of academic production, highlighting the most cited authors, the most used methodologies, the main aspects listed in the conclusions of the works, etc.

In order to accomplish the state of the art, it is suggested to use techniques of systematic literature review, bibliometrics and meta-analysis.

2.1 SYSTEMATIC LITERATURE REVIEW

¹ Translator's note: Free translation. In the original name, in Portuguese: *Associação Brasileira de Normas Técnicas (ABNT)*.

A systematic literature review is a rigorous synthesis method that intends to evaluate and interpret all the available research on a particular issue (Galvão & Pereira, 2014). Because it is developed based on well-defined criteria, a good systematic review can support decision-making. Although this technique is widely used in health research, this does not prevent other areas of knowledge from borrowing this technique in order to develop their research. In this paper, we present the method of systematic review as a literature review proposal to be used in research in the legal field.

This type of investigation foresees some steps for its fulfillment. These steps include: "(1) formulation of a research question; (2) search in the literature; (3) selection of papers; (4) data extraction; (5) evaluation of methodological quality; (6) data synthesis (meta-analysis); (7) evaluation of the quality of evidence; and (8) writing and publishing the results" (Galvão & Pereira, 2014, p.18)².

Systematic review requires the involvement of two or more researchers in the work of selecting papers. This is necessary to ensure the verification of the methodological quality of each selected work. In this sense, researchers should develop a research protocol in which all steps to be followed are included, as well as the inclusion and exclusion criteria and also the strategies on how to verify and validate the gathered data (Sampaio & Mancini, 2007; Galvão & Pereira, 2014).

The synthesis that comes from the systematic review allows the researcher to incorporate a greater number of relevant results. This helps to freshen the discussions in the area of interest, with the perspective of finding gaps able to support and justify future research.

2.2 BIBLIOMETRICS

Bibliometrics is a quantitative and statistical evaluation technique. It is used to measure knowledge production and dissemination indices through journals and

² TN: Free translation based on the Portuguese reference consulted in this work.

scientific papers. It can be used to systematize the data gathered by the systematic review. According to Vanti (2002, p. 155), the main applications of this technique are:

- Identify trends and knowledge growth in a given area;
- Identify the core journals of a discipline;
- Measure the coverage of secondary journals;
- Identify who are the users of a discipline;
- Predict publishing trends;
- Study the dispersion and obsolescence of scientific literature;
- Predict the productivity of individual authors, organizations and countries;
- Measure the degree and patterns of collaboration among authors;
- Analyze the citation and co-citation processes;
- Determine the performance of information retrieval systems.
- Evaluate statistical aspects of language, words and sentences;
- Assess the circulation and the use of documents in a documentation center;
- Measure the growth of certain areas and the emergence of new themes.

Bibliometrics makes it possible to draw an evaluative framework on academic production, on a certain theme or on certain graduate programs. This contributes to the diagnosis of possible weaknesses and/or potential of what is being assessed. According to Costa et al. (2012, p. 2), bibliometric indicators are assessment tools. They can be divided into “indicators of scientific quality; indicators of scientific activity; indicators of scientific impact; indicators of thematic associations”³.

Indicators of scientific quality focus on the content of publications. Indicators of scientific activity enable recording the number of published works, the authors involved, the most cited references, etc. Indicators of scientific impact, in turn, can measure two different situations: the first one is how many times a paper is cited in the academic field; the second situation concerns the average number of times papers of a journal have been cited, in a certain period of time. In the academic

³ TN: Free translation based on the Portuguese reference consulted in this work.

environment this is called the journal's impact factor. Finally, indicators of thematic associations are related to the analysis of citations and references that are common among academic works (Costa et al., 2012).

The authors also emphasize that bibliometric results must be publicized through formal communication. In addition, the works consulted must be indexed in databases, so that access to them is possible (Costa et al., 2012).

2.3 META-ANALYSIS

In this work, meta-analysis is understood as a statistical analysis of a series of results, whose purpose is to integrate them. It aims to combine the results of several studies that have already been published in order to extract additional information from pre-existing data, using one or more statistical techniques. In this type of analysis, each study is synthesized, encoded and then inserted into a database. This database, in turn, is used to summarize conclusions or to formulate a different conclusion, based on the joint analysis of the works (Botelho, Cunha & Macedo, 2011). This technique usually performs the analysis under a quantitative approach, using statistical methods to define trends and draw conclusions.

3. THE METHOD USED IN THIS PAPER

In order to help in understanding how to perform a state of the art, this paper is developed through a systematic literature review, with a bibliometric and meta-analysis approach. This was done through searches, in selected journals, of papers available online. Because it is a methodological exercise, some stages of the systematic review will not be used here.

The gathered data are part of a broader research, developed within the scope of the Research Group Observatory on the Right to Health and Citizenship - CNPq⁴.

⁴ TN: Free translation. The original name, in Portuguese, is *Grupo de Pesquisa Observatório do Direito à Saúde e Cidadania*, financed by the National Council for Scientific and Technological Development (CNPq).

The original aim of the systematic review was to map the conceptions of health used in the scientific production of researchers in the legal field. However, beyond this initial goal, it was also possible to raise some questions about the methodological criteria used by the evaluated articles. Therefore, the data presented here are illustrative of this broader research.

The construction of the systematic review followed this path:

- (1) Formulating the research question.** The systematic review was carried out in 2019 to answer the question: do the papers published in Law journals include, in their abstract, the methodological elements recommended by the Brazilian Association of Technical Standards (ABNT)?
- (2) Search in the literature.** Twenty-six scientific journals in the area of Law were selected from the Sucupira Platform⁵. These journals were classified as Qualis A1 (quadriennium 2013-2016). They provide papers online with free access. Qualis CAPES is a system that classifies Brazilian scientific publications. Publications are classified according to quality grades (so called "strata"). Indicators A1 and A2 include journals of national and international excellence; B1 and B2, national journals; B3, B4 and B5 are related to those of intermediate relevance and; C to less relevant journals.
- (3) Selection of papers.** In the first place, as the selection of papers aimed to investigate the conceptions of health in research carried out in the Law field, the keyword "health" was chosen to find the papers. The established time frame was the period from 2007 to 2019. In this first selection, the results pointed to 434 papers available online. In a second selection, papers that did not have the word "health" in their title, abstract or keywords were discarded. At the end of this process, 241 electronic papers remained.
- (4) Data extraction.** After reading the 241 selected abstracts, information was collected on: name of the journal; volume, number and year of the journal; title of the paper; author(s) of the paper; presence or absence of the

⁵ TN: Free translation. The original name, in Portuguese, is *Plataforma Sucupira*. This platform is an information collection system that works as a reference base for the Brazilian National Graduate System.

objective/research question in the paper; presence or absence of indication of methodology; type of methodology used; presence or absence of abstract; and the authors' qualification.

(5) Data synthesis (meta-analysis). From the gathered data some comparisons were made. We compared the frequency of findings that were statistically significant in the expected direction [presence of methodological elements] and the frequency of findings that were statistically significant in the unexpected direction [absence of methodological elements].

(6) Writing and publishing the results. The results presented here reflect the synthesis of the meta-analysis.

4. ANALYSIS AND DISCUSSION OF RESULTS

The results achieved with the systematic review performed are described below, considering that at the end of the selection 241 electronic papers remained. Table 1 (below) shows the distribution of papers published, with the theme of health, in the respective journals in the selected period (2007 to 2019).

Table 1

List of Brazilian journals in the legal area⁶ - Qualis A1 in Law - 2019

A1 JOURNALS	n°	%
1 Revista Direito da Cidade	3	1,2
2 Revista Direito, Estado e Sociedade (PUC-RIO)	5	2,1
3 Revista Direito Público (IDP)	4	1,7
4 Espaço Jurídico (UNIOESC)	10	4,1
5 Justiça do Direito (UFP)	5	2,1

⁶ TN: Considering that most of the journals listed here do not officially translate their name into English on their websites, it was decided, in Table 1, to keep the name of the journals in their original, in Portuguese.

6	Nomos – Revista do Programa de Pós-Graduação em Direito (UFC)	13	5,4
7	Novos Estudos Jurídicos	20	8,3
8	Pensar - Revistas de Ciências Jurídicas	9	3,7
9	Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito (UNISINOS)	5	2,1
10	Revista Brasileira de Direito (IMED)	3	1,2
11	Revista Brasileira de Direito Animal	11	4,6
12	Revista da Faculdade de Direito da UFMG	11	4,6
13	Revista da Faculdade Mineira de Direito	8	3,3
14	Revista de Direito Brasileira (CONPEDI)	13	5,4
15	Revista Direito Internacional	5	2,1
16	Revista de Direitos e Garantias Fundamentais	5	2,1
17	Revista de Investigações Constitucionais	4	1,7
18	Revista Direito e Práxis	10	4,1
19	Revista Direito GV	11	4,6
20	Revista Direitos Fundamentais & Democracia (UNIBRASIL)	22	9,1
21	Revista do Curso de Direito da UFSM	18	7,5
22	Revista Jurídica (FURB)	6	2,5
23	Revista Jurídica (UNICURITIBA)	20	8,3
24	Revista Jurídica da Presidência	7	2,9
25	Revista Veredas do Direito	12	5
26	Sequência (UFSC)	1	0,4
TOTAL NUMBER OF AI PAPERS		241	100

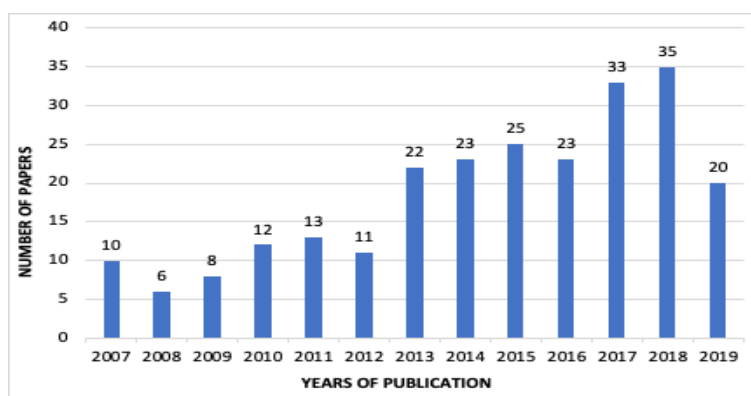
Source: Prepared by the authors.

Graph 1 shows the number of papers in Law journals with the theme “health”. There is an increase in publications on this topic in 2017 and 2018, a period in which the 30th anniversary of the creation of the Sistema Único de Saúde (SUS)⁷ was celebrated.

The research carried out aimed to verify whether the abstracts of published papers contain the elements recommended by the Brazilian Association of Technical Standards (ABNT), detailed by the Brazilian Reference Standard - NBR: 6028 (2003, p. 3). These elements are: “objective, method, results and conclusions of the document”. The presentation of these items in the abstract aims to expose the paper to readers, in order to make them interested in the research.

Graph 1

Number of health papers published per year



Source: Prepared by the authors.

In this sense, the first element verified was the objective.

4.1 THE OBJECTIVE

⁷ TN: Sistema Único de Saúde (SUS) is the name of the Brazilian public health system.

A scientific paper is an academic work that presents a synthesis of the results obtained in a given research, which is based on methodological principles. In order to develop any research, it is necessary to define an objective, a goal to be achieved, something to “find, verify, examine or analyze” (Mezzaroba & Monteiro, 2014, p. 181)⁸. However, as shown in Graph 2 (below), 37% of the papers (89) do not present their objective in their abstract.

In scientific papers, the objective must be explicit in the abstract, as well as in the introduction. This is important for the reader to understand what is the author's interest and what the author intends with the research. It is based on this information that it becomes possible, in the end, to verify whether the objective was achieved or not. The objective can also be expressed through a question, also called a problem, a research problem. The research problem is defined as motivation, that question that intends to be answered at the end of the work (Gil, 2002; Quivy & Campenhoudt, 2008; Mezzaroba & Monteiro, 2014; Oliveira, 2004).

Is every problem amenable to scientific treatment? No, and that's because not every problem is a scientific one. In the history of Modern Science, one of the criteria for the scientificity of a given knowledge is that the method serves as an anchor for the production of that knowledge (Descartes, 1987; Popper, 2003; Stengers, 2002). This means admitting that a problem with scientific pretensions is a problem whose "resolution" requires a method.

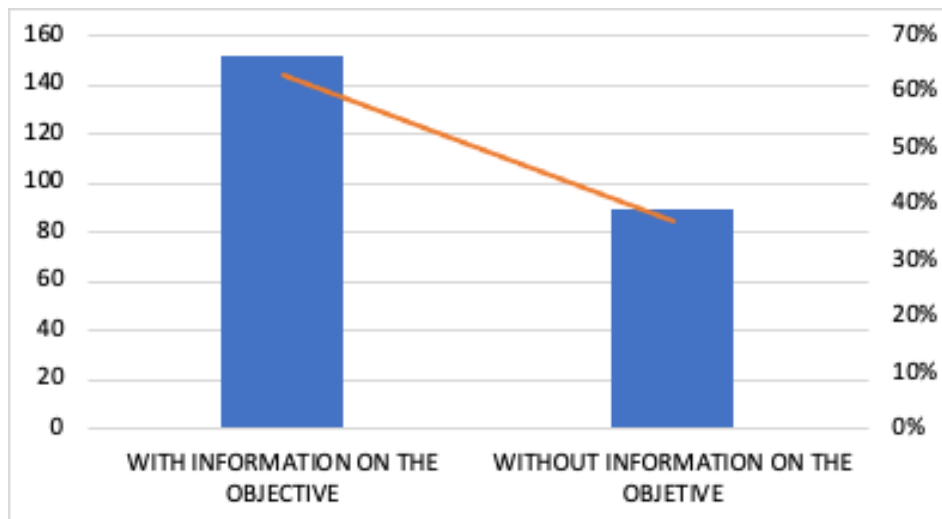
In the terms of Gil (2002), formulating a scientific problem is not a simple task. It is necessary to take into account some practical rules: “(a) the problem must be formulated through a question; (b) the problem must be clear and precise; (c) the problem must be empirical; (d) the problem must be solvable; and (e) the problem must be delimited by a viable division” (Gil, 2002, p. 26)⁹.

Graph 2

Existence of information about the objective in the abstracts

⁸ TN: Free translation based on the Portuguese reference consulted in this work.

⁹ TN: Free translation based on the Portuguese reference consulted in this work.



Source: Prepared by the authors.

Similarly, Quivy & Campenhoudt (2008) state that a good question must have the following qualities: (a) quality of clarity: accuracy in formulating the question; (b) quality of feasibility: related to the realistic character of the work; (c) quality of pertinency: the question guiding the work should not be moralizing or judgmental; it must be a real question and it must not set out to predict the future, but rather to study what exists or has already existed.

Therefore, a paper that does not present their objective or their research problem in its abstract transfers to the reader the task of imagining what is the author's purpose. In addition, the non-presentation of the objective in the abstract goes in the opposite direction from that of the ABNT recommendations.

Another element verified was the method.

4.2 THE METHOD

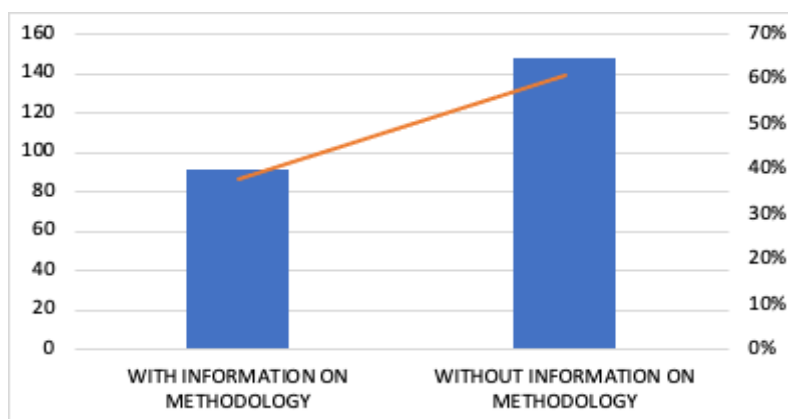
Scientific research differs from other research by its methodological rigor, that is, by the possibility of its results being verified by the community in which the research is inserted (Mezzaroba & Monteiro, 2014; Gil, 1999). Scientific knowledge, thus, "has a special feature: the reasoning and techniques it uses can be clearly

identified”. In this sense, in line with the modern scientific tradition, “the method is the path we adopt to reach a certain purpose” (Mezzaroba & Monteiro, 2014, p. 76)¹⁰.

Therefore, the scientific method is the “set of intellectual and technical procedures adopted to achieve knowledge” (Gil, 1999, p. 26)¹¹. There is a wide variety of methods and they are determined by the type of object to be investigated and the issues to be elucidated. Despite this, Graph 3 shows that 61% (148) of the papers with “health” themes published in legal journals do not explain the method and/or technique used to develop the research. In the same way as with the objective, in relation to the method there is also a transfer of responsibility from the author to the reader. In this case, the latter is compelled to imagine “how” the research was carried out.

Graph 3

Existence of information about the methodology in the abstracts



Source: Prepared by the authors.

It is noticed that supposedly scientific papers, produced and published in Qualis A1 journals in the area of Law, need, at the very least, to be developed with greater care and methodological rigor.

According to Mezzaroba & Monteiro (2014, p. 79):

¹⁰ TN: Free translation based on the Portuguese reference consulted in this work.

¹¹ TN: Free translation based on the Portuguese reference consulted in this work.

The method is better represented by an attitude than by a set of given and finished rules supposedly created to solve any kind of problem. This means that the best way to investigate [...] is found in the study and application of research models that have already demonstrated theoretical and practical consistency.¹²

In the first place, it is required to choose the method of approaching the research. Next, it will be necessary to define one or several technical procedures, instruments or techniques that will be used to carry out what the researcher intends to do (Minayo, 2002).

Despite the existence of several methods that can be used in legal research¹³ and in research in any other area, regarding the approach, in this paper we prioritize the discussion of the methods that appeared in the collected abstracts. When they appear, these methods are: deductive, inductive, hypothetico-deductive and dialectical.

The methods that indicate the technical ways of investigation (Gil, 1999), also called auxiliary methods (Mezzaroba & Monteiro, 2014), are: experimental method, statistical method, historical method, comparative method, observational method and others. Research can also be classified according to its general objective: exploratory, descriptive and explanatory. In turn, regarding the technical procedures used for data collection and analysis, there are: bibliographic research, documental research, *ex-post facto* study (also called after-the-fact research), survey, field study and case study (Gil, 2002, 1999). These methods and techniques, however, will not be detailed, as they are not the central objects of our study.

In any case, the researcher must know how to handle technical methods and procedures in order to achieve the proposed goal. In other words, the researcher

¹² TN: Free translation based on the Portuguese reference consulted in this work.

¹³ Throughout 2020, the Graduate Program in Law at Marília University (UNIMAR) promoted several lives. In these lives, researchers in the legal field exposed examples of work carried out using the most varied methods in terms of approach and procedures (Unimar, 2020).

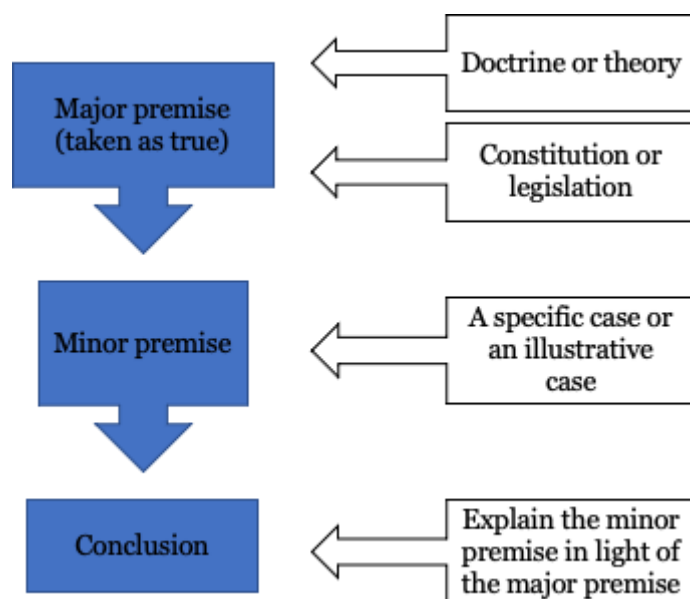
must manage the methods and procedures in order to elucidate the research problem. In addition, the investigator should clarify, detail and justify these methodological choices in the text of the paper, indicating the choices in the abstract.

The most cited method in the researched papers was the deductive method, followed by the hypothetical-deductive and dialectical methods. However, in almost 100% of them, no evidence was found throughout the text of any research design based on the indicated method. In other words, these texts are mere descriptions of legislation, or even bibliographic reviews without any dialogue between the cited authors.

In Mezzaroba & Monteiro (2014) terms, the main question of the deductive method lies in the logical relationship between the propositions presented (general and particular arguments). Deductive reasoning starts from a syllogism: from a major premise (general) and a minor premise (specific) a valid conclusion is reached (Figure 1). Therefore, “the certainty of the premises is transferred to the conclusion” (Mezzaroba & Monteiro, 2014, p. 93)¹⁴.

Figure 1

Deductive Method



¹⁴ TN: Free translation based on the Portuguese reference consulted in this work.

Source: Prepared by the authors.

In the deductive method the premises are taken as true, they cannot be doubted¹⁵ (Descartes, 1987). Thus, in the human and social sciences, the use of this method is limited, as in these areas it is difficult to obtain general arguments, whose veracity cannot be doubted in the lived world. Thus, the following question arises: what would a work developed under the logic of the deductive method look like?

In Law, for example, it is possible to adopt a particular theory and, based on it, examine some phenomenon inscribed in a formal dogmatic domain. In this situation, the theory would be adopted as the major premise and the phenomenon examined as the minor premise (Kelsen, 2009). Therefore, a theory is adopted to verify to what extent the observed phenomenon corroborates it. The scientificity criterion is fundamentally logical-formal, since the studied phenomenon cannot contradict (in logical terms) the particular theory, equivalent to the major premise.

An example of legal research developed based on the deductive method is the Doctoral dissertation defended at the Faculty of Law of the Federal University of Ceará, in 2018 (Melo, 2018). The author starts from the United Nations Declaration on the Human Right to Water and Sanitation. He starts from this declaration to confront two specific contexts - one of them Brazilian and the other South American -, in which the abundance of water and the omission of governments in implementing the Law are on opposite sides.

Therefore, there is no place for hypotheses, if taken as possibilities to test theories for falseability purposes. This idea of the hypothesis with questionable purposes is associated with critical rationalism, whose precursor was Popper (2003). In critical rationalism it is possible to inscribe the hypothetical-deductive method, formulated from theoretical hypotheses that will not only be verified, but also

¹⁵ In historical terms, Descartes was the first thinker to systematize the founding elements of deductive reasoning. Along with the skeptics, he made use of the heuristics of doubt until he found the Cogito, which would be taken as the undoubted point of safe knowledge.

submitted to progressively rigorous tests throughout the research¹⁶. And what would these hypotheses be? First, it is important to emphasize that a research hypothesis is a construction that articulates concepts inscribed in theoretical systems. As it must never be taken as a priori truth, a hypothesis is only a conjecture, a provisional answer to a research problem.

In order to have consistent research, it will be necessary to submit the hypotheses to a rigorous testing process, with the objective of falsification. The falsification test is important because if the hypothesis is refuted in it, this is an indication that the theory (or part of it) needs to be reformulated. According to Popper, scientific knowledge advances not through proofs, but through counterexamples that refute hypotheses. In other words, a theory submitted to rigorous tests that obtains a positive result assumes the provisional condition of a scientifically valid theory, until it is refuted by another theory (Mezzaroba & Monteiro, 2014).

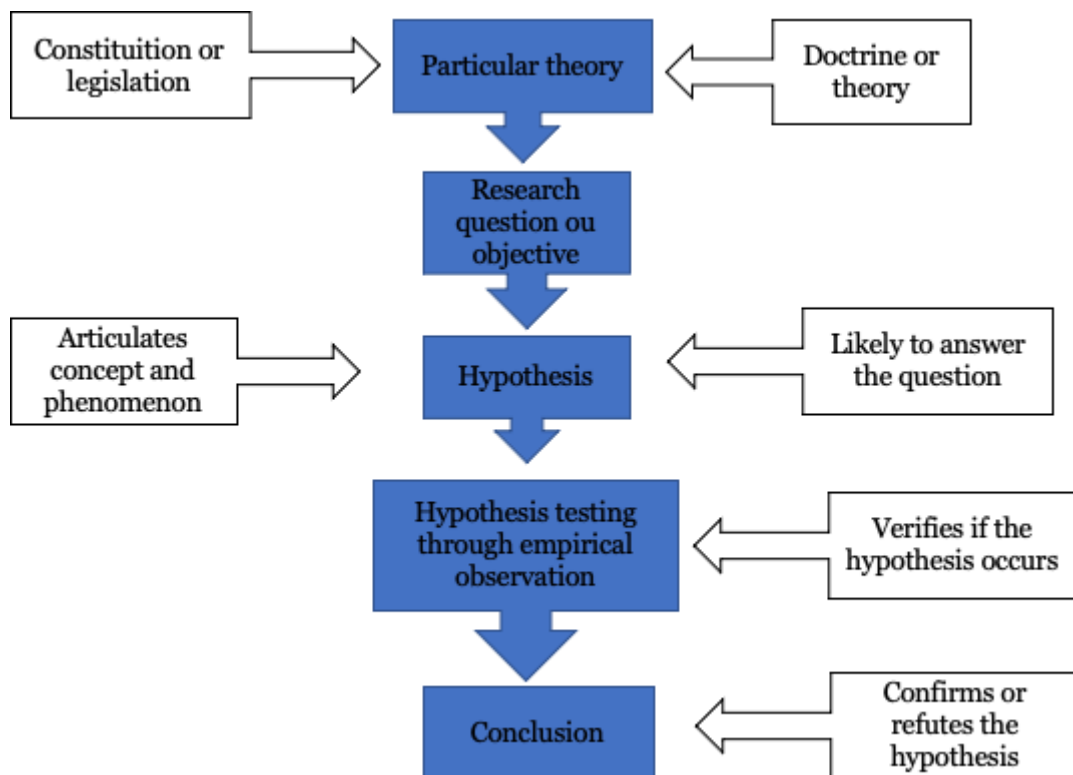
Therefore, the design of a research, with an approach based on the hypothetical-deductive method, always presents one or more theoretical hypotheses that, when empirically tested, can be refuted or corroborated. Unlike deductive reasoning, here the scientificity criterion is associated with the testability of the theory through hypotheses. As with the research question, a good hypothesis should be clear and, consequently, likely to be refuted.

What would legal research based on the hypothetical deductive method look like? An example is the Master's thesis defended by Juliana Pelegrini, in the Graduate Program in Business Law and Citizenship at Curitiba University Center (PPGD-UNICURITIBA), in July 2020 (Pelegrini, 2020). The work compares the City Statute (Law 10,257/2001) with reality data (revitalization of Rua Riachuelo, in the city of Curitiba). To do so, it uses a hypothesis that tests the effectiveness of the City Statute.

¹⁶ It is essential to keep in mind that Popper's critical rationalism confronted the idea of verificationism, according to which hypotheses can be used merely to verify the validity of a given theory. In critical rationalism, there is no theory valid in advance; they all need to be rigorously and perennially tested.

Figure 2

Hypothetical-Deductive Method



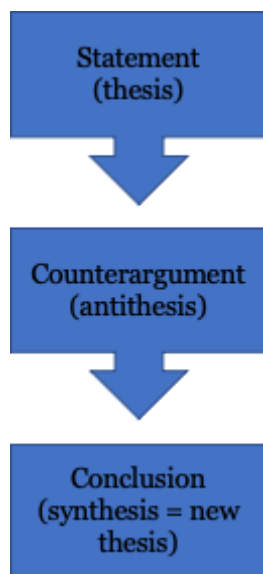
Source: Prepared by the authors.

Finally, the dialectical method presupposes the art of arguing and counter-arguing. For a proposition to turn out to be true, it must be confronted with its contradictory possibilities, with its antithesis. “Therefore, using the dialectical method of reasoning, it would be possible to more rigorously verify the objects of analysis, precisely because they are placed face to face with the test of their contradictions” (Mezzaroba & Monteiro, 2014, p. 98)¹⁷.

¹⁷ TN: Free translation based on the Portuguese reference consulted in this work.

Figure 3

Dialectical Method



Source: Prepared by the authors.

What would a research based on the dialectical method look like? An example is the Master's thesis, defended in 2016 in the Graduate Program in History of the Federal University of Ceará (Carvalho, 2016). In the first chapter of the work, the author presents the thesis, in the second chapter the antithesis and in the third the synthesis, making visible a methodological design clearly aligned with the foundations of a dialectical research.

4.3 RESULTS AND/OR CONCLUSIONS

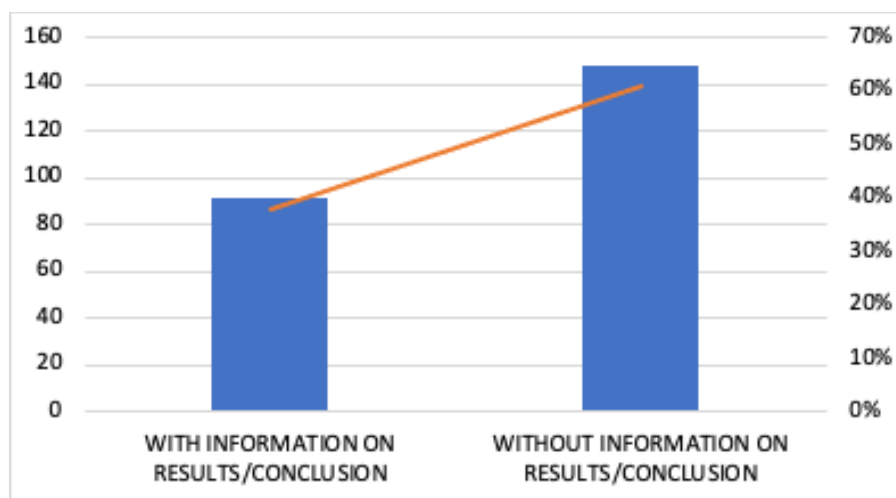
It is recommended by NBR 14,724/2011 (ABNT, 2011) that academic papers present, at the end of the text, their main results. It is also recommended to conclude the text clarifying whether the objective of the work was achieved or not and whether the hypotheses were corroborated or not.

And in the abstract, in particular, the conclusion must also be mentioned. Briefly, the author of the text should highlight the main results of the research and/or the conclusion reached.

Going against these recommendations, Graph 4 shows that 61% (148) of the papers published in Law journals, with the theme “health”, do not explain the results and/or conclusions of the research.

Graph 4

Existence of information about the results/conclusion in the abstracts



Source: Prepared by the authors.

It is noticed that the percentage of papers that do not present results and/or conclusions is the same as those that do not indicate the adopted methodology. This is an evidence of carelessness in relation to ABNT's recommendations.

Finally, it is worth noting that of the 241 articles researched, 28% (68) do not have an objective or methodology; and 22% (53) do not have any of the elements recommended by ABNT.

The data presented in this topic 4 are in line with the reflection brought up in the research of Fragale Filho & Veronese (2004). They claim that there is an epistemic and methodological gap in legal research, which remains in need of proper response.

5. CONCLUSION

This paper aims to verify to what extent publications in journals in the legal area take into account the three constituent elements recommended by ABNT: objective, method and results.

By analyzing the abstracts of the selected articles, it was possible to notice that many of those that highlight their objective or research question do so without any methodological criteria. This characterizes a transfer to the reader of the task of imagining what the author's intentions are in that text.

The percentage of papers published in Qualis A1 Law journals that do not have an explanation of method and/or technique is 61%. This shows, at the very least, that the academic community needs to reflect more carefully. This is necessary because, as stated above, in the modern scientific tradition, methodological rigor is one of the criteria of scientificity.

Regarding the results and/or conclusions, the situation is not different either. The authors seem to be unaware of the importance of highlighting the conclusions in the abstract. The importance of this lies in the fact that the abstract is one of the elements that draw the attention of readers and researchers to the research carried out.

On the one hand, the recurrent absence of the founding elements of research, in any area, tends to weaken and project itself as an obstacle to legal publications with scientific pretensions. On the other hand, the diagnosis presented here makes visible the need to refine research in the legal area. Therefore, our purpose was to make these obstacles visible and announce possibilities in order to overcome them. This is the main thrust of this paper.

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