

“JURIST”: A FRAMEWORK FOR THE CREATION OF INTERVIEW PROTOCOLS IN QUALITATIVE LEGAL RESEARCH

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Abstract: *Qualitative legal research is increasingly used to examine how law operates in practice, yet legal researchers often face difficulties when moving from doctrinal analysis to empirical interviewing. A major challenge is the absence of a discipline-specific framework for developing interview protocols that preserves legal precision while meeting qualitative and ethical standards. This article introduces JURIST, a structured framework for interview protocol development in qualitative legal research. The framework was developed through a conceptual framework-development approach. Relevant literature on doctrinal and empirical legal studies, socio-legal interviewing, sampling, research ethics, instrument design, pilot testing and transcription was purposively reviewed. Recurring methodological requirements were extracted, compared and thematically consolidated, then iteratively sequenced to reflect the practical workflow of a qualitative legal study. The resulting model comprises six interconnected stages: (i) Juridical Foundation, (ii) Unit and Sampling, (iii) Research Ethics, (iv) Instrument Design, (v) Simulation (Pilot Testing) and (vi) Transcription Strategy. Its internal coherence and practical applicability are demonstrated through two illustrative legal studies scenarios concerning illegal homestays and social-media commerce. The JURIST framework offers a transparent and adaptable structure for linking legal doctrine to empirical*

inquiry, strengthening alignment between research questions and interview questions, and addressing ethical and data-management risks. As a conceptually derived framework, it provides a foundation for future application and empirical evaluation across different areas of qualitative legal research.

Keywords: *legal research, qualitative study, interview protocol, methodology, research methods*

Introduction

Legal research has traditionally relied on doctrinal analysis of statutory interpretation, studies of case laws, and evaluation of legal principles (Majeed et al., 2023; Theil, 2025). While doctrinal legal research remains the backbone of legal scholarship, it gives little insight into the implementation of the law, its effectiveness, and how it is being experienced and perceived by individuals and institutions (Thilakarathna & Mathotaarachchi, 2025). Critics often argue that doctrinal legal studies primarily focus on the “law in books” rather than on the “law in action” (Sheehy, 2023; Varuhas, 2023). Although it is useful for identifying and analysing legal rules, principles, and doctrines, it may not adequately explain how laws are implemented, enforced, or experienced in practice, nor whether they achieve their intended social objectives (Kushwah & Kushwah, 2024).

The emphasis on the law “as it is” may therefore create a gap between legal theory and social reality, particularly where socio-economic and political factors are not sufficiently considered (Majeed et al., 2023). Furthermore, doctrinal analysis is also influenced by the reasoning and interpretive skills of the researcher, which implies that different researchers may come to different findings while analysing the same legal rule, notion or doctrine (Raof, 2025). With legal systems increasingly interacting with social, administrative, psychological, and cultural environments, empirical methodologies are needed to study dimensions that cannot be grasped by doctrinal analysis alone (Zhao, 2024).

Qualitative interviewing is useful because it gives insight into the operation of law in practice and how people experience, understand and respond to law in everyday life (Bhat, 2020). It also enables the researcher to find informal influences on legal processes and decision-making that may be concealed in legislation, cases, and other formal legal sources (Chui & McConville, 2024). Interview participants are able to construct descriptions of complicated or under-researched phenomena rather than constraining replies to specified categories (Mulcahy et al., 2021), allowing for a bottom-up approach in socio-legal research. Flexibility also enables researchers to change questions, explore unanticipated topics and gain deeper insight into issues as they emerge in the dialogue (Chand, 2025). Therefore, qualitative interviewing thus complements doctrinal study by capturing meaning, practice, lived experience and hidden features of law in action.

But developing a legally defensible interview protocol is no simple task. When designing an interview protocol, researchers face a number of issues such as how to convert legal doctrines into accessible questions, how to balance empirical openness with legal precision and how to deal with ethical and professional risks such as confidentiality, privilege and organisational sensitivities (Coker & Akande, 2025). Interviews are a popular method in legal enquiries, although scholars have not yet developed a systematic framework for this purpose. Legal

researchers frequently adopt the model used in other established fields such as sociology and psychology (Dobinson & Johns, 2023). Thus, this article aims to introduce a step-by-step framework that is specifically curated for the development of interview protocols in qualitative legal research to assist legal researchers to conduct empirical research effectively.

Literature Review

Although qualitative interviewing has become an increasingly accepted method in socio-legal scholarship, literature demonstrates that constructing a thorough interview protocol is one of the most difficult aspects of the research process (Castillo-Montoya, 2016). Unlike many social science disciplines, qualitative legal research requires scholars to merge doctrinal legal analysis and empirical inquiry to study the legal structure and its practical functioning (Dobinson & Johns, 2023). Thus, literature suggests that an interview procedure must allow the acquisition of rich qualitative data but also ensure questions are based on legal principles, are congruent with research aims, and are in accordance with legal and ethical norms (Leeuw & Schmeets, 2016). Reaching this equilibrium poses many methodological obstacles that are unique to qualitative legal studies (Webley, 2012).

One major challenge as demonstrated in the previous literature is to translate legal concepts and ideas into interview questions that are legally valid and accessible to the participants (Dobinson & Johns, 2023). Legal concepts are often articulated in specialised language from law, court decisions and legal doctrines, which makes them difficult to understand for individuals without a legal background (Bhat, 2020). Researchers are thus required to translate complicated legal concerns into simple, unbiased and accessible questions without losing their legal relevance or creating uncertainty (Rubin & Rubin, 2012). Poorly prepared interview questions may mislead participants, lead to shallow answers, or fail to yield empirical evidence that can respond to the legal topics being investigated (Brinkmann & Kvale, 2015).

A second problem concerns balancing the need for doctrinal clarity with the flexibility inherent in qualitative interviews (Patton, 2015). Unlike doctrinal legal analysis, where legal questions and analytical frameworks are often predetermined, qualitative interviews aim to examine participants' experiences, perceptions and interpretations in an open and flexible way (Creswell & Poth, 2018). It is important for researchers to be aware that interview questions need to be sufficiently focused on the legal study objectives but also allow participants to bring in perspectives or issues that were not foreseen during the research design (Patton, 2015). Failure to realise this equilibrium may either inhibit the formation of useful empirical insights or lead to data that are too tangential to the legal inquiry (Brinkmann & Kvale, 2015).

Another key problem is providing methodological rigour throughout the establishment of the interview process (Castillo-Montoya, 2016). The data obtained should thoroughly answer the research questions by carefully connecting interview questions to research objectives, legal issues, theoretical framework, and predicted analytical themes (Maxwell, 2013). Before data collection, the researchers should evaluate the order of questions, the application of appropriate probing strategies and the use of clear and neutral language (Kallio et al., 2016). If there is no systematic protocol preparation procedure, interviews may produce inconsistent, incomplete, or incorrect data, which may threaten the credibility and reliability of the research findings (Creswell & Poth, 2017).

Despite these methodological needs, the absence of discipline-specific guidance for the development of interview protocols continues to hamper legal scholars (Dobinson & Johns,

2023). The existing frameworks for developing interview protocols have been developed mainly in the fields of nursing, education, psychology, public health and other social sciences where the focus is on qualitative methodology rather than legal reasoning or doctrinal analysis (Kallio et al., 2016). Although these frameworks provide useful methodological guidance, they do not adequately address issues specific to qualitative legal research: how to translate legal doctrines into empirical questions, how to incorporate doctrinal analysis throughout the interview process, and how to maintain legal validity alongside methodological rigour (Webley, 2012). Consequently, legal researchers often adopt frameworks from other disciplines without clear advice on how to incorporate legal methodology into developing interview technique, resulting in variations in research practice (Dobinson & Johns, 2023).

While existing frameworks above provided important guidance in designing and conducting qualitative interviews, they differ in their scope, disciplinary orientation and treatment of legal materials. The JURIST framework does not reject these established approaches; instead, it selectively integrates their relevant methodological features and reorganises them into a legally orientated workflow. Table 1 compares the principal approaches identified in the literature with the JURIST framework:

Table 1: Comparison of Existing Interview Approaches with the JURIST Framework

Framework for model	Main focus and components	Adapted elements in JURIST	Difference from JURIST
Interview Protocol Refinement Framework (Castillo-Montoya, 2016)	A four-phase framework comprising: (i) aligning interview questions with the research questions; (ii) constructing an inquiry-based conversation; (iii) obtaining feedback on the interview protocol; and (iv) piloting the protocol.	The alignment of interview questions with research objectives is incorporated into Instrument Design. Expert feedback and pilot interviews are incorporated into Simulation.	The IPR Framework begins primarily at the stage of drafting and refining interview questions. It does not expressly require prior doctrinal analysis, identification of legal authorities, legal sampling, legal-professional ethics or advance transcription planning. JURIST therefore extends the process both before and after instrument design.
Framework for Developing a Qualitative Semi-Structured Interview Guide (Kallio et al., 2016)	A five-phase process involving: (i) identifying the prerequisites for using semi-structured interviews; (ii) retrieving and applying previous knowledge; (iii) formulating a preliminary interview guide; (iv) pilot testing; and (v)	The use of previous knowledge is reflected in Juridical Foundation; preliminary guide development is incorporated into Instrument Design; and pilot testing is incorporated into Simulation.	Kallio et al.'s framework was formulated as a general framework for semi-structured interview-guide development, particularly within health and nursing research. JURIST converts "previous knowledge" into a specific examination of statutes, cases, legal doctrines and secondary legal materials. It also separately addresses the unit of legal analysis,

	presenting the completed guide.		stakeholder sampling, legally sensitive ethics and transcription.
Seven Stages of an Interview Inquiry (Brinkmann & Kvale, 2015)	A broad interview-process covering: (i) thematising; (ii) designing; (iii) interviewing; (iv) transcribing; (v) analysing; (vi) verifying; and (vii) reporting.	The emphasis on planning before data collection is reflected throughout JURIST. Designing is reflected in Instrument Design, ethical considerations are incorporated into Research Ethics, and transcription is expressly included as Transcription Strategy.	Brinkmann and Kvale provide a comprehensive framework for the entire interview study, including analysis, validation and reporting. JURIST has a narrower but more specialised purpose: creating a legally defensible interview protocol before and during data collection. It adds explicit doctrinal grounding, legal-source hierarchy and legally informed participant selection.
Responsive Interviewing Model (Rubin & Rubin, 2012)	Emphasises an adaptive conversation involving main questions, follow-up questions and probes. Interview questions may be refined as the researcher develops a deeper understanding of the participant's experiences and the subject under investigation.	The use of open-ended questions, neutral probes and flexible follow-up questions is incorporated into Instrument Design. The model's iterative character is also reflected in the revision of questions during Simulation.	Responsive interviewing principally concerns the interaction between the interviewer and participant and the manner in which rich responses are elicited. It does not provide a complete framework for connecting interview questions to legal doctrines, selecting legally relevant participants, addressing risks such as privilege or self-incrimination, or planning transcription and anonymisation.

The proposed "JURIST" framework is a six-stage, discipline-specific framework comprising: (J) Juridical Foundation; (U) Unit and Sampling; (R) Research Ethics; (I) Instrument Design; (S) Simulation; and (T) Transcription Strategy. JURIST synthesises question alignment, conversational design, feedback, pilot testing, ethical safeguards and transcription planning from the broader qualitative-interview literature. These elements are reorganised around the requirements of qualitative legal research. Unlike the existing models, JURIST begins with authoritative legal sources and doctrines. It connects the normative legal framework with stakeholder selection, ethical risks, empirical questioning and data management. It is therefore designed specifically to bridge the study of the law in books and the law in action.

Methodology

This study adopts a conceptual framework-development approach. It does not report any primary interview data, but instead it develops a methodological model through a structured synthesis of existing scholarship. The process began with a purposive review of literature on doctrinal and empirical legal studies, legal interviewing, interview protocol design, qualitative sampling, research ethics, pilot testing and transcription. A special attention was given to sources that explain how legal doctrine may be connected to empirical inquiry and how qualitative interviews may be designed with methodological and ethical rigour.

Recurring requirements were then extracted from the literature and compared through thematic categorisation. Overlapping concepts were consolidated into broader domains, while requirements distinctive to legal research, especially doctrinal grounding, the hierarchy of legal sources, legal sensitivity and professional confidentiality, were retained as core elements. The domains were arranged in the practical order in which a researcher would normally develop an interview protocol: establishing the legal foundation; identifying the unit of analysis and sample; addressing research ethics; designing the instrument; pilot-testing it; and planning transcription and data management.

The categories and their sequence were refined iteratively to produce the mnemonic “JURIST”: Juridical Foundation, Unit and Sampling, Research Ethics, Instrument Design, Simulation and Transcription. The framework’s internal coherence and practical applicability were then demonstrated through worked examples involving “illegal homestays” and “social media commerce”. These examples function as illustrative applications rather than empirical validation. Accordingly, the “JURIST” framework is presented as a conceptually derived model that may be adapted and tested in future qualitative legal studies.

Six-Step “JURIST” Framework

“JURIST” represents the acronym for the steps in interview protocol development: (J)uridical Foundation, (U)nit and Sampling, (R)esearch Ethics, (I)nstrument Design, (S)imulation, and (T)ranscription. This sequence is designed to be easy to remember, as JURIST is a common term that describes a legal researcher.

(J)uridical Foundation

Doctrinal analysis is the basis of all legal enquiries (Jain, 1975). This step requires a careful review of the authoritative legal sources (statutes, judicial precedents, and academic commentaries) within the area of the study’s issue (Lammasniemi, 2021). This step is critical, as it enables academics to grasp what the law “is”, not merely what it “should be” (Kelsen, 1959). It must be noted that every legal research project starts with a “legal doctrine”, which refers to the structured system of rules, principles, and standards used by legal professionals to explain and apply the law (Hutchinson, 2012).

It operates in courts for interpreting legal norms, clarifying a meaning, and addressing gaps in the statutes (Striyskyi, 2024). For example, the doctrine of separation of power under constitutional law means government functions are allocated to distinct institutions so that lawmaking, execution, and interpretation are not concentrated in one body (Dennett, 2021). The doctrine also usually includes institutional independence, where each branch has its own sphere of authority and should not encroach into another branch’s power (Acharya, 2025).

Another example is with regard to a study regarding illegal homestays or fraud on e-commerce, where the “public interest” doctrine provides a strong theoretical foundation for the research. According to this doctrine, private rights, including property ownership and commercial freedom, may be restricted where such regulation is necessary to safeguard the welfare of the community (Westbrook, 2015). Applied to illegal homestays, the doctrine justifies licensing requirements and enforcement measures to preserve residential amenity, neighbourhood security, and compliance with planning laws. In the context of e-commerce, the doctrine similarly supports regulatory intervention against online fraud and deceptive digital transactions to protect consumers. This doctrine provides the normative justification for the state's intervention in these matters.

After compiling and analysing the relevant laws and doctrines related to the study, the researchers should examine how the legal rules are organised and connected. As law can be described as a hierarchy in which each rule derives its authority from a higher rule, the order of law must be taken into account. As for case law, the doctrine of judicial precedent (*stare decisis*) of superior courts must be taken into account when connecting and organising the legal rules.

Finally, the juridical foundation illustrates how law operates in society. From background research, these insights can be obtained from secondary legal materials, such as case commentaries, journal articles, conference papers, published data from the government or other institutions, theses, and newspaper reports. These secondary materials help researchers understand how the law interacts with society in practice. A sample of this step is illustrated as follows:

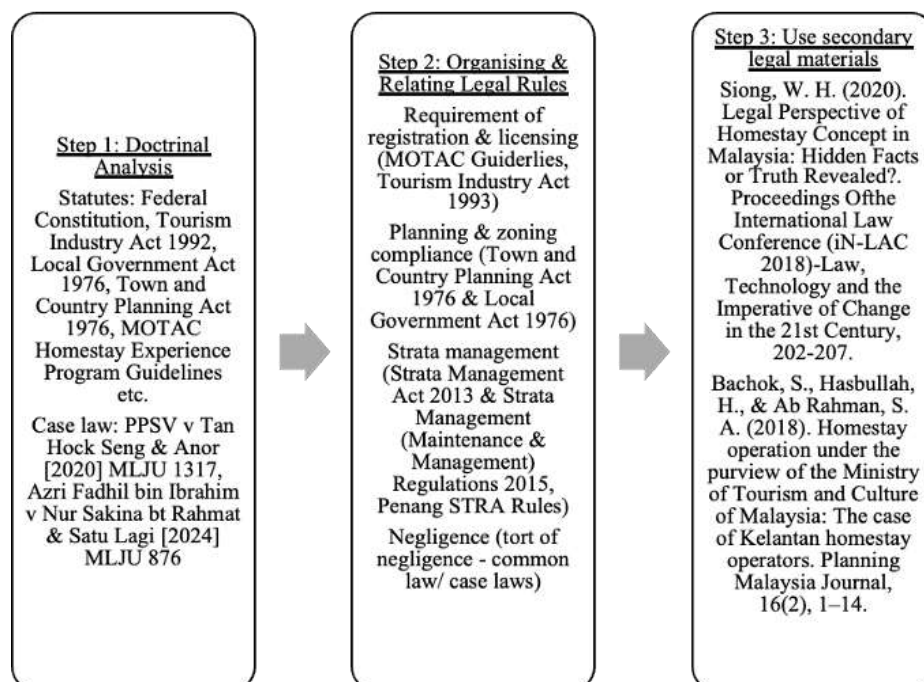


Figure 1: Juridical Foundation for A Legal Study on Illegal Homestays and Short-Term Rental Accommodation (STRA) in Malaysia

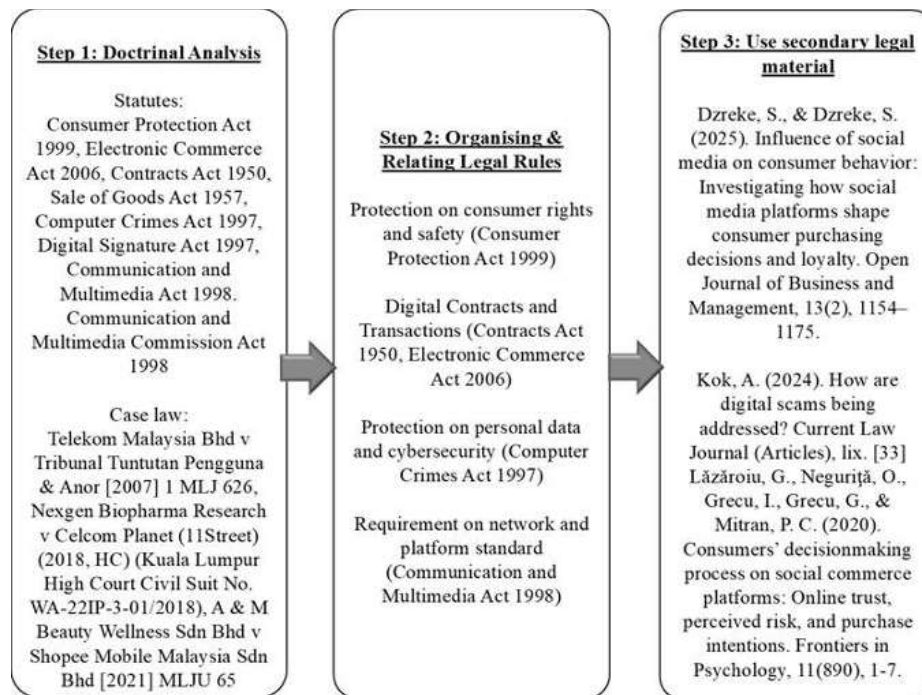


Figure 2: Juridical Foundation for A Legal Study on Consumer Trust and Legal Challenges in Malaysia's Social Media Commerce

(U)nit and Sampling

In doctrinal research, the unit of analysis is often legal texts and authoritative sources, such as statutes, regulations, and case law, which are analysed to ascertain the current state of the law (Vranken, 2010). Lammasniemi (2021) highlights the need for a clear description of the unit for formulating research questions and establishing methodological coherence. Socio-legal extensions of JURIST units can include enforcement methods, administrative decisions, or stakeholders' perspectives and enable academics to link normative systems to practical realities.

Since it is impossible to study the whole universe of legal materials or actors, sampling is an important exercise. As Jain (1975) notes, sampling in legal research is picking typical statutes, instances, or jurisdictions to infer broader patterns without sacrificing accuracy. In doctrinal studies, sampling may be achieved by focusing on leading instances or key statutory provisions, whereas in empirical components it may be achieved by way of a purposeful or theoretical sample of stakeholders (e.g., regulators and operators) to capture varied viewpoints (Jain, 1975; Linos & Carlson, 2017).

This method ensures that time and resources are used economically while depth and dependability in analysis are maintained. The sample size should be sufficient to achieve data saturation, which Guest et al. (2006) suggest often occurs between 20 and 30 interviews for qualitative research. For studies involving expert interviews, such as lawyers, enforcement officers, judges, regulators, or policymakers, a smaller sample of approximately 8 to 15 participants may also be justified because such participants are information-rich and selected for their specialised knowledge (Creswell & Poth, 2018).

“Data saturation” refers to the stage in qualitative research at which additional interviews no longer generate new information, themes, categories, or insights relevant to the research objectives, indicating that sufficient data have been collected to provide a comprehensive

understanding of the phenomenon under investigation (Guest et al., 2006; Saunders et al., 2018). It is widely recognised as an important criterion for determining sample adequacy, as qualitative research prioritises the richness, depth, and relevance of information over achieving a predetermined numerical sample size (Hennink & Kaiser, 2022).

Consequently, researchers should determine sample sufficiency based on the analytical completeness of the data rather than on numerical considerations alone (Saunders et al., 2018). The process of reaching saturation is iterative, and the data gathering and analysis occur simultaneously. As interviews are performed, researchers constantly transcribe, code, analyse and interpret participants' responses to uncover repeating patterns, developing themes and divergent perspectives (Guest et al., 2006; Hennink & Kaiser, 2022).

In this way, the researchers evaluate whether the subsequent interviews provide any meaningful conceptual insights or simply confirm previous results. Data saturation can be properly argued to have been reached when further interviews are unable to produce new themes or expand on existing categories (Saunders et al., 2018). Transparency, reliability and credibility of qualitative research are further enhanced by detailed documenting of coding decisions, analytical memoranda and the rationale for concluding saturation has been reached (Lincoln & Guba, 1985).

The above approach ensures that the study reflects both the normative framework of law and its practical application, aligning with the "JURIST" framework's emphasis on doctrinal foundation, structural coherence, and law-in-action. Table 1 illustrates the unit of analysis and sampling strategy for two research topics:

Table 3: Examples of Sampling Checklist

Aspect Topic	/ A Legal Study on Illegal and Unlicensed Homestays and Short-Term Accommodation (STRA) in Malaysia	Legal Study on Consumer Trust and Legal Challenges in Malaysia's Social Media Commerce
Unit of Analysis	1. Primary legal texts: Tourism Industry Act 1992 (Act 482), Local Government Act 1976, Town and Country Planning Act 1976, Strata Management Act 2013, MOTAC Homestay Guidelines. 2. Judicial decisions: PPSV v Tan Hock Seng & Anor [2020] MLJU 1317; Azri Fadhil bin Ibrahim v Nur Sakina bt Rahmat & Satu Lagi [2024] MLJU 876. 3. Secondary materials: Planning Malaysia Journal articles (Bachok et al., 2018), MOTAC reports, news on Penang STRA restrictions, etc.	1. Primary legal texts: Consumer Protection Act 1999, Electronic Commerce Act 2006, Contracts Act 1950, Sale of Goods Act 1957, Computer Crimes Act 1997, Communication and Multimedia Commission Act 1998 2. Judicial decisions: Telekom Malaysia Bhd v Tribunal Tuntutan Pengguna & Anor [2007] 1 MLJ 626; Nexgen Biopharma Research v Celcom Planet (11Street) (2018, HC) (Kuala Lumpur High Court Civil Suit No. WA-22IP-3-01/2018); 3. Secondary materials: Journal of Business and Management (Dzreke & Dzreke,

		2025). Digital reports, news on scam syndicates, etc.
Sampling Strategy	1. Doctrinal sampling: Select key statutes and leading cases on licensing, planning permission and strata restrictions. 2. Empirical sampling: Purposive sampling of the following: Local councils (e.g., MBPJ, DBKL, MBPP) MOTAC officers Homestay operators (licensed vs unlicensed) Strata management representatives in urban areas (Penang, KL, Selangor).	1. Doctrinal sampling: Select key statutes and leading cases on consumer claims and protection, e-commerce and copyright infringement. 2. Empirical sampling: Purposive sampling of the following: Officer of Ministry of Domestic Trade and Cost of Living (KPDN) Officer of Malaysian Communications and Multimedia Commission (MCMC). Officer in Commercial Crime Investigation Department (CCID) Consumer NGOs.

(R)esearch Ethics

Since qualitative legal studies involves human participants, research ethics shall also apply to them. Researchers must obtain informed consent, maintain confidentiality, and avoid coercion or harm (Creswell & Poth, 2018). Questions should not be prying, discriminating or damning. Data should be retained securely and conclusions published honestly even if they challenge policy or industry norms. This is consistent with worldwide standards of research ethics in socio-legal research.

Ethical and professional factors can impede interview protocol development in legal research (Orb et al., 2001). Legal interviews are often characterised by confidential information, legally sensitive topics, professional obligations, and organisational processes including judges, legal practitioners, policymakers, government officials or indigenous community leaders (Dobinson & Johns, 2023). Therefore, interview methods should be carefully planned to protect participant anonymity, to respect legal and professional duties, to minimise potential dangers and to adhere to institutional ethical criteria (Orb et al., 2001). Rather than being regarded as administrative needs prior to data collection, these ethical considerations should be integrated at the earliest stages of protocol formulation (Allmark et al., 2009).

In qualitative legal research, the main ethical issues are informed permission, confidentiality and protection of participants from harm. Because this type of inquiry generally relies on interviews, focus groups, and case narratives with litigants, practitioners, and vulnerable populations, researchers must provide for voluntary participation based on an understanding of the purpose of the study and its potential consequences (Israel & Hay, 2006). Consent is especially challenging in legal contexts where participants may disclose information relevant to ongoing litigation, criminal liability or professional misconduct.

Here, the researcher has an increased responsibility to explain how data will be used, stored and reported (Webley, 2012). Confidentiality and anonymity are important, as identifying a respondent may place them in legal jeopardy, cause reputational damage or breach of privilege.

Anonymising transcripts and protecting data are not bureaucratic niceties, but basic protections for the dignity and liberty of those studied (Creswell, 2013; Bryman, 2016).

The second difficulty involves the integrity of researchers and power asymmetries in legal studies. The researcher is the key instrument for collecting and analysing qualitative data, and the possibility of bias, misinterpretation, or imposing personal ideas on the participant's experiences is present (Punch, 2013). Reflexivity is consequently an ethical obligation, and researchers are expected to consider how their opinions can affect the study (McConville & Chui, 2017). Besides, power disparities are particularly visible when interviewing inmates, underprivileged groups or those under governmental power.

Researchers need to avoid coercion and the exploitation of participants' dependence or weakness (Israel & Hay, 2006). It must be remembered that research should significantly benefit knowledge or law reform, rather than merely utilising participants as suppliers of data. Ethics committees and institutional review boards provide external control of these tasks (Hutchinson, 2010). Additionally, researchers also must present findings accurately and in full, without exaggeration or selective reporting. In developing interview protocols, drafting ethical questions is equally important. Examples of ethical and unethical questions are provided as follows:

Table 4: Examples of Ethical and Unethical Questions

Aspect / Topic	A Legal Study on Illegal and Unlicensed Homestays and Short-Term Rental Accommodation (STRA) in Malaysia	A Legal Study on Consumer Trust and Legal Challenges in Malaysia's Social Media Commerce
Ethical Questions	1. Are you aware of any licensing requirements for homestay operations under MOTAC guidelines? <i>This question seeks factual knowledge about regulations without pressuring the respondent to admit wrongdoing. It respects autonomy and avoids incrimination.</i> 2. What challenges do you face in complying with local council regulations? <i>The question is open-ended and focuses on compliance difficulties, not illegal acts. It helps identify systemic issues without targeting individuals.</i>	1. What are the challenges you face in addressing issues related to online commerce? <i>This question encourages discussion of institutional challenges. Answers provided may lead to the promotion of public awareness and education with regard to possible risk in online commerce.</i> 2. How does MCMC work together with another agency such as KPDN in addressing issues related to online shopping? <i>This question seeks clarification on the inter-agency collaboration. It provides important information to the public about the government's efforts to solve issues related to online commerce.</i>

Unethical Questions

1. Please provide names of operators who are running illegal homestays.

This breaches confidentiality, encourages disclosure of third-party identities, and could expose respondents to legal or social harm.

2. Have you ever paid bribes to avoid enforcement by the authority?

This is incriminating and coercive, potentially causing self-incrimination and legal risk for the respondent.

1. Does your agency ever ignore any complaints from consumers?

This question assumes wrongdoing and an accusatory tone. It degrades the officer's professional integrity and may make the officer uncomfortable continuing with the interview.

2. Are there disagreements faced between MCMC and KPND in addressing issues related to online shopping?

This question encourages disclosure of internal matters. It violates the confidentiality and privacy of internal administration.

(I) nstrument Design

Instrument design in the “JURIST” framework refers to creating tools that enable systematic data collection. Unlike doctrinal steps, which focus on identifying and interpreting legal sources, instrument design makes the research process more organised, replicable, and ethically sound. It involves planning how to capture and code legal texts, stakeholder perspectives, and contextual data for analysis (Lammasniemi, 2021). Effective instruments in legal studies must be clear, structured, and aligned with research objectives.

For doctrinal components, instruments often have coding sheets or matrices for statutes and case law to allow researchers to systematically extract pertinent elements and judicial reasoning. The empirical components can use instruments such as interview guides or questionnaires, designed to solicit meaningful responses without bias or coercion. These tools must also incorporate ethical safeguards, such as informed consent and confidentiality clauses (Creswell & Poth, 2016). The following is an example of an instrument design sheet for legal study:

Ensuring strict alignment between Research Questions (RQ), Research Objectives (RO), and the interview protocol is paramount for maintaining the focus and depth of the study. A mapping matrix is highly recommended to explicitly link each interview question to its corresponding research objective, thereby facilitating methodological rigour and enhancing the validity of qualitative legal study findings.

Table 5: Instrument Design Sheet for A Legal Study on Illegal and Unlicensed Homestays and Short-Term Rental Accommodation (STRA) in Malaysia

Instrument Type	Purpose (RO)	Examples	RQ
Legal source coding sheet	To examine the statutory provisions and case law on homestays and STRAs	Act name, section number, key obligation, penalty, case citation, judicial reasoning.	RQ1: How adequate is the current legal framework in governing homestays and STRA in Malaysia?
Compliance matrix	To compare the hierarchy of the laws (Federal Constitution > Act > Subsidiary legislation > Guidelines > International treaties). Compare the hierarchy of cases (Federal Court > Court of Appeal > High Court > Subordinate Court > Other common law/international jurisdictions).	Federal law, State law, Local by-laws on licensing requirement, planning approval, strata restrictions and tourism management.	RQ1: How adequate is the current legal framework in governing homestays and STRA in Malaysia?
Semi-structured interview guide	To capture stakeholder perspectives on enforcement and compliance.	MOTAC officers (policy, enforcement challenges), homestay operators (awareness, compliance issues), strata managers (by-law enforcement).	RQ2: What are the key enforcement challenges and regulatory barriers in maintaining compliance among homestay and STRA operators? RQ3: How do the experiences and perspectives of enforcement agencies, strata managers, and operators reflect the gap between legal provisions and the actual implementation of STRA regulations?

Another example of instrument design may include focus group discussions to explore consumers' collective experiences and perceptions of digital commerce. The doctrinal legal matrix will systematically analyse the relevant statutory provisions and principles of law. It remains a strong foundation for legal investigative enquiries (Chynoweth, 2008). A semi-structured interview allows flexible conversation for key informants to share information that normally is not documented (Pathak & Intratat, 2012).

Table 6: Instrument Design Sheet for A Legal Study on Consumer Trust and Legal Challenges in Malaysia's Social Media Commerce

Instrument Type	Purpose (RO)	Examples	RQ
Focus Group Discussion (FGD) Protocol	To explore and evaluate consumers' perceptions and experiences.	Online shopping habits, legal awareness, policy preferences, common transaction problems, and collective scepticism about digital trust.	RQ3: How do consumer experiences and perceptions of trust interact with the effectiveness of current legal protections in the Malaysian social media marketplace?
Doctrinal legal matrix	To evaluate texts, precedents and statutes for legal loopholes.	Related legislation and case law.	RQ1: To what extent do existing Malaysian consumer protection laws and e-commerce regulations effectively address the legal loopholes prevalent in social media commerce?
Semi-structured interview guide	Capture stakeholder perspectives on enforcement and compliance.	Consumer representatives (age/gender/education level/race/urban vs rural consumer, etc.).	RQ2: What are the primary institutional and regulatory challenges faced by authorities in enforcing compliance and combating fraud in social media commerce?

(S)imulation

Simulation, or pilot testing, in the “JURIST” framework refers to conducting a preliminary trial of research instruments before full-scale data collection. Its purpose is to ensure that tools such as coding sheets, compliance matrices, and interview guides are clear, relevant, and capable of capturing the intended data. This step helps identify ambiguities, technical issues, and ethical concerns early, reducing the risk of flawed data collection (Creswell & Poth, 2016).

Pilot testing is an essential step in qualitative research because it allows researchers to evaluate the clarity, relevance, and effectiveness of the interview protocol before commencing the main study (Kallio et al., 2016; Hui et al., 2022). It provides an opportunity to assess whether interview questions are clearly understood by participants, logically sequenced, and capable of eliciting rich and meaningful responses that answer the research questions (Castillo-Montoya, 2016). It also helps ensure that complex legal concepts and terminology are translated into questions that are both legally accurate and comprehensible to participants with different levels of legal knowledge (Dobinson & Johns, 2023). Feedback obtained during the pilot phase also enables researchers to refine question wording, improve probing techniques, identify potential ethical or procedural issues, and enhance the overall flow of the interview. It also strengthens the methodological rigour and overall quality of the research findings (Hennink & Kaiser, 2022; Nowell et al., 2017).

For instance, pilot testing may involve a small group of stakeholders, such as one MOTAC officer and one homestay operator, invited to review and respond to draft questions in a study on illegal homestays. Meanwhile, in a study concerning fraud in social media commerce, one MCMC officer and one KPDN officer may be invited to be involved in the pilot testing. This helps assess whether questions are understandable, non-incriminating, and aligned with ethical standards. Feedback from the pilot testing informs revisions to wording, sequencing, and consent procedures to ensure the instrument is both effective and respectful.

Table 7: Pilot Testing Feedback Form for A Legal Study on Illegal and Unlicensed Homestays and Short-Term Rental Accommodation (STRA) in Malaysia

Question	Level of Agreement (1 = Strongly Disagree, 5 = Strongly Agree)	Clarity (Yes/No)	Relevance (Yes/No)	Comments / Suggestions
1. How does MOTAC currently regulate homestay and STRA operators under the Tourism Industry Act 1992?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	
2. What challenges do you face in enforcing licensing requirements for STRA?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	
3. Are there any recent policy changes or guidelines aimed at improving compliance?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	
4. How does MOTAC collaborate with local councils to address unlicensed operations?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	
5. What improvements would you suggest for the legal framework governing STRA?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	

Table 8: Pilot Testing Feedback Form for A Legal Study on Consumer Trust and Legal Challenges in Malaysia's Social Media Commerce

Question	Level of Agreement (1 = <i>Strongly Disagree</i> , 5 = <i>Strongly Agree</i>)	Clarity (Yes/No)	Relevance (Yes/No)	Comments / Suggestions
1. How does MCMC work together with another agency such as KPDN in addressing online shopping issues?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	
2. What should the consumer do if they encounter a scam or fake advertisement while shopping via social media?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	
3. What are the legal actions that can be taken against online sellers who commit false advertising and fraud?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	
4. What are the legal actions that can be taken against online sellers who commit false advertising and fraud?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	
5. What are legal reforms that MCMC would suggest to strengthen consumer protection in social media commerce?	1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐	☐ Yes ☐ No	☐ Yes ☐ No	

(T)ranscription Strategy

The “JURIST” framework sees transcription planning as part of instrument creation because researchers should think about how qualitative data will be managed when the interviews are over. Planning ahead helps ensuring that interviews are recorded in an appropriate manner, that participants give informed consent for recording and transcribing, and that ethical precautions such as anonymisation are incorporated into the study process. It can help reduce errors in transcription and make the latter stages of analysis more efficient (Creswell & Poth, 2016).

A transcribing plan should include several major issues. First, the researcher should select whether the interviews will be audio or video recorded and verify that dependable recording

equipment is accessible. Second, the consent form should clearly indicate that the interview will be videotaped and transcribed. Third, the researcher must decide if the transcripts will be transcribed verbatim or minimally altered to enhance readability. Clear guidelines on anonymisation should also be developed, including how names, organisations, and sensitive information would be replaced with labels such as “Participant 1”, “Officer 1” or “Operator A”. Finally, proper transcription software, safe data storage and backup processes should be specified. Where interviews need translation, adequate translation tools and procedures should also be put in place.

These arrangements can be included directly into the interview protocol. For example, the consent form might state: *“This interview will be audio-recorded and transcribed for research purposes. Your identity will be kept confidential.”* Researchers may also construct a standard template of the transcript, which includes the participant identification code, date of the interview and space for thematic tags. The level of transcription may vary depending on the participants and the goal of the study. For example, verbatim transcription could be more appropriate for interviews with officers from MOTAC or MCMC, as it captures technical and legal terms. Cleaned transcripts may be used for interviews with homestay operators or representatives of consumer organisations when readability is more important than the exact wording of comments, as long as the message is not altered.

Conclusion

The “JURIST” framework is a systematic framework to improve the quality and credibility of research through systematic validation. It promotes sound judgement, relevant information, reliability, integrity, sustainability and transparency throughout the research process from design to reporting of findings. The approach motivates researchers to adhere to clear and rigorous methods in order to minimise bias and enhance confidence in the research outcomes. This systematic approach is especially important when dealing with sensitive, complicated or legal questions.

Besides, the framework encourages ethical responsibility and consistency in practical terms. Consistency in data collection and analysis across participants and study settings is required for reliability. Integrity is about honesty, accountability and appropriate handling of information. Together these criteria constitute the basis of research that is methodologically rigorous, morally sound and can generate findings that can contribute to academic debate, legal evolution and policy formulation.

Furthermore, the approach also advocates sustainable research techniques by fostering transparency and building trust among participants, institutions and other stakeholders. The organised principles allow researchers to overcome issues such as limited access to data, ethical problems and disparities between participants while retaining the overall quality of the study. Thus, the “JURIST” framework can serve as a valuable framework for doing legitimate and meaningful research in areas such as regulatory compliance, social behaviour, and new legal challenges such as illegal homestay businesses.

Despite its potential, the “JURIST” framework has several limitations. As a newly developed conceptual framework, it has not yet been applied or empirically validated in a completed qualitative legal study. Its effectiveness may also depend on the researcher’s methodological competence and may require adaptation to different legal systems, research topics and categories of participants. Furthermore, although the six stages are presented sequentially, their

application may be iterative rather than strictly linear. Future research should therefore apply, evaluate and refine the model across diverse legal contexts to assess its practicality, reliability and broader transferability.

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Conflict of Interest

The authors declare that there is no conflict of interest.

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APPENDIX 1: INTERVIEW PROTOCOL FOR A LEGAL STUDY ON ILLEGAL AND UNLICENSED HOMESTAYS AND SHORT-TERM RENTAL ACCOMMODATION (STRA) IN MALAYSIA

Introduction:

This study focuses on the illegal homestay and short-term rental accommodation (STRA) operations in Malaysia. The interviews aim to gather insights from key stakeholders, including MOTAC officers, strata management representatives, homestay operators, and local council officials. The information collected will help identify regulatory gaps, enforcement challenges, and the socio-economic implications of unlicensed homestay and STRA businesses. The purpose of this study is to examine the prevalence of illegal homestay and STRA operations, understand the challenges faced by enforcement agencies, and explore the motivations and barriers experienced by operators. Findings will contribute to policy recommendations that enhance compliance and protect community interests.

Consent and Confidentiality:

Your participation in this interview is entirely voluntary. You may choose to withdraw at any time without providing a reason, and there will be no penalty for doing so. All information you share will be treated with strict confidentiality and used solely for academic research purposes. Interviews will be audio-recorded with participant consent and supplemented by written notes for accuracy.

Part A: Background of Participants

1. What is your name and current position?
2. Which organisation, agency, or property do you represent?
3. How many years of experience do you have in your current role?
4. What are your main responsibilities related to homestay operations or property management?
5. Have you previously dealt with issues related to homestay operations (legal or illegal)?
6. How familiar are you with the current regulations governing homestays?

Part B: Questions for MOTAC Officers:

1. How does MOTAC define and regulate homestay programmes and STRA under current guidelines?
2. What is the process for registering a homestay and STRA legally?
3. How many registered homestays and STRA are currently under MOTAC's supervision?
4. What challenges do you face in monitoring compliance among operators? How effective are current enforcement mechanisms?
5. Are there collaborative efforts with local councils or strata management for enforcement?
6. What penalties or corrective measures are imposed on non-compliant operators?
7. How does MOTAC handle complaints related to illegal homestays and STRA?
8. What improvements do you recommend for regulating homestays and STRA more effectively?

Part C: Questions for Strata Officers:

1. How do strata by-laws address short-term rental activities such as homestays?
2. What procedures exist for approving or rejecting homestay operations within strata properties?

3. What types of complaints have residents raised regarding illegal homestays?
4. How does your management enforce restrictions on short-term rentals?
5. What challenges arise when enforcing these rules?
6. Are there any safety or security concerns linked to illegal homestays?
7. How do illegal homestays affect community harmony and property values?
8. Do you collaborate with local councils or MOTAC on enforcement matters?
9. What penalties or actions can strata management impose on violators?
10. What recommendations would you make to strengthen governance and compliance on this issue?

Part D: Question for Homestay Operators

1. What motivated you to operate a homestay?
2. Are you aware of MOTAC guidelines and local council regulations regarding homestays?
3. What barriers do you face in registering your homestay?
4. How do you advertise your homestay to attract guests?
5. What benefits do you perceive from operating informally?
6. What challenges do you face in running your homestay?
7. How do you respond to enforcement actions or warnings from authorities?
8. Do you believe current regulations are fair and practical for small operators?
9. What support or incentives would encourage you to comply with legal requirements?

Part E: Questions for Local Council's Representatives

1. What is the procedure for approving and licensing homestay operations in your jurisdiction?
2. How do you identify illegal homestay operators?
3. What enforcement actions are taken against non-compliant operators? How effective are current enforcement strategies?
4. What challenges do you face in monitoring illegal homestays?
5. How do illegal homestays affect local communities?
6. What complaints have residents raised regarding these operations?
7. Do you collaborate with MOTAC or strata management for enforcement?
8. What policy changes would you recommend to address this issue?

Thank you for your time and valuable insights. Your input will contribute to improving policies and practices related to homestay and STRA operations in Malaysia.

APPENDIX 2: INTERVIEW PROTOCOL FOR LEGAL STUDY ON CONSUMER TRUST AND LEGAL CHALLENGES IN MALAYSIA'S SOCIAL MEDIA COMMERCE

Introduction:

This study aims to discover consumer behaviour, trust levels and legal awareness in Malaysia's social media commerce. This study also examines the possibility of legal reform to address problems faced by consumers. The main objective of the interview is to collect information and opinions from relevant stakeholders such as consumers and officers from KPDN, MCMC and CCID, PDRM. All insights will help to clarify and explore in depth consumer experiences with social media commerce risk and social media commerce risks. It will also evaluate legal awareness as well as the challenges that need to be addressed by the authority to solve the issues related to social media commerce.

Consent and Confidentiality:

Your participation in this interview is entirely voluntary. You may choose to withdraw at any time without providing a reason, and there will be no penalty for doing so. All information you share will be treated with strict confidentiality and used solely for academic research purposes. Interviews will be audio-recorded with participant consent and supplemented by written notes for accuracy.

Part A: Questions for Consumer Representatives

1. Which social media platform do you usually use for online shopping?
2. Have you ever experienced problems when buying via social media?
3. Do you think sellers on social media should be legally required to register their business?
4. Are you aware of any Malaysian laws protecting consumers who buy via social media?
5. How much do you trust the current laws to protect you when buying via social media?
6. In your opinion, how effective are Malaysian authorities in handling scams and fraud on social media?
7. In your opinion, what do you think the authority should do to control and prevent social media commerce scams?

Part B: Questions for KPDN Officers

1. What is the role of KPDN in controlling online businesses that operate via social media platforms?
2. Does Malaysian consumer law also regulate business selling through Instagram, Facebook or TikTok?
3. What are the consumer's rights if the item received differs from the online advertisement description?
4. Usually, what are the most common complaints that KPDN receives about social media shopping?
5. What actions do KPDN take to monitor businesses operating through social media?
6. What efforts has the ministry made to educate shoppers via social media that 'No Refund' clauses are illegal under the Consumer Protection Act?
7. Do you agree with the idea of creating a centralised agency that would be responsible for handling all e-commerce businesses in Malaysia?
8. What kind of awareness programmes have KPDN conducted and what will it conduct to promote awareness and educate the public about their legal rights in e-commerce?

9. Despite the awareness campaigns, consumers still face a barrier that prevents them from applying the legal rules meant to protect them. What do you think is the cause of this problem?
10. What are the challenges that the KPDN needs to address in regulating social media commerce?

Part C: Questions for MCMC Officers

1. What is the role of MCMC in regulating social media platforms?
2. How does MCMC work together with another agency such as KPDN in addressing online shopping issues?
3. What should the consumer do if they encounter a scam or fake advertisement while shopping via social media?
4. How does MCMC ensure that social media sellers comply with rules and regulations related to online businesses?
5. Are there any educational programmes that have been or will be conducted to increase consumer awareness of online scams?
6. What are the legal actions that can be taken against online sellers who commit false advertising and fraud?
7. In your opinion, do social media platforms have a strict legal duty to monitor and report suspicious e-commerce activity as part of prevention action?
8. How does MCMC work together with another agency such as KPDN in addressing issues related to online shopping?
9. What is the biggest hurdle in creating a safe and e-commerce-scam-free environment in Malaysia?
10. What are legal reforms that MCMC would suggest to strengthen consumer protection in social media commerce?

Part D: Questions for CCID officers, PDRM

1. What is the role of CCID with regards to e-commerce fraud in Malaysia?
2. What are the tactics that are usually used by e-commerce fraudsters to trick buyers to shop with them?
3. When someone reports an e-commerce scam, how long does it take CCID to trace the perpetrators?
4. When an e-commerce fraudster deletes their social media account, what alternative methods does CCID use to track them?
5. Why do you think that, despite all reported cases, there are numbers of consumers that still fall for fake reviews and testimonials?
6. What initiatives has CCID taken to increase consumer awareness and educate them about online scams and e-commerce fraudsters?
7. In your opinion, would forcing all online sellers to register their online businesses reduce the amount of online shopping fraud? Why or why not?
8. What challenges do investigators face when dealing with fraudulent social media sellers?
9. What extra technologies, penalties or legal reforms does the CCID need to address the issue of fraud in social media commerce?

Thank you for your time and valuable insights. Your input will contribute to improving legal awareness of consumer protection in social media commerce in Malaysia.