UNIVERSITY OF TARTU

Faculty of Law

WRITING AND FORMATTING STUDENT WORKS

A Guide for Law Students

3rd Improved and Revised Edition

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FOREWORD

There is no doubt that a written work should meet certain content and format requirements. Still, as the content of works differ, so do the requirements of proper format, depending on the knowledge and preferences of the author, the publisher as well as the editor and, with student works, the supervisor of the student. The content and format of a specific work may also depend on the nature of the work itself, e.g. writing on the topics of legal theory or criminal policy, where an overwhelming number of sources exists, or analysing a single case in the field of criminal anthropology. One has to bear in mind to always use a chosen format and referencing system throughout the whole work. Using multiple systems in one work has to be avoided.

The purpose of this guide is to introduce students to the principal content and format requirements of written works which apply foremost to writing independent research papers and master's theses, and partly to essays and reports. With essays and reports, alongside case analyses, simplified requirements are used and specific instructions about the written work are provided by the lecturer or the instructions are already included in the curriculum. Reference list and general reference requirements are also to be followed with doctoral theses, which may comprise a scholarly report binding together previously published articles or a monograph that is published by the University of Tartu Press and is subject to additional formatting requirements.

In cases where necessary instructions are absent in the guide at hand, the issue should be solved in agreement with the supervisor or lecturer. Understandably, when the written work is to be published, format requirements specific to the publisher are to be used. It is possible that the work will be written on an interdisciplinary topic, e.g. the psychology of law, the sociology of law, the legal aspects of genetics etc. These fields of science use an internationally recognised specific referencing and reference list system, i.e. the APA format, which differs substantially from the guide at hand. Using the APA format is allowed under special circumstances and needs to be clearly substantiated in the introductory part of the work.

The revised edition of this guide includes certain changes, e.g. updated references to the regulations of the School of Law, references to the guides of other faculties or departments, several requirements have been provided in more detail, etc. The compilers are grateful to Sille Avalo, Andreas Kangur, Paloma Krõõt Tupay and Marju Luts-Sootak for their comments; also students have made their suggestions. The guide is available on paper and also on the website of the School of Law.

CONTENTS

I. TYPES OF STUDENT WORKS

1 An **essay** (Fr. *essai* – an attempt) is a short literary work which focuses on one specific issue, is written in free form and represents the subjective opinion of the student. An essay does not require providing scientific proof for your claims; using source materials, references and reference lists is also not mandatory (unless the lecturer or syllabus demands it). Creative thinking and clearly presented views of the author are the central elements of an essay. An essay could be the precondition to passing a course. The length of the work depends on the requirements of the syllabus or on the agreement with the lecturer. A table of contents is not used. The work is submitted via electronic means; or as a single copy stapled or in a binder, if required by the lecturer or the syllabus. The essay is graded by the lecturer, and is not subject to reviewing (unless specifically prescribed by the syllabus).

2 A **report** (Latin *referre* – to present, to announce) is a short overview of an issue (marginal (henceforth mrg) 36 ff.) or the research result. A report is composed mainly relying on written sources (all the format requirements herein have to be observed). In a report, the author describes an issue and and presents different approaches derived from written sources, providing also his or her own opinion on the issue at hand or analysing as well as assessing the opinions found in other works on the topic. The purpose of writing reports is to provide the students with experience in working with scientific literature as well as to improve their skills in expressing opinions. The length of the work is determined by the syllabus or in agreement with the lecturer, usually 10–12 pages of main text (incl. introduction and summary); in exceptional cases the length can be 5–6 pages, if the work focuses on one specific primary source without using any additional literature. A report requires both a table of contents and a reference list. The work is submitted via electronic means; or as a single copy, in a binder, a spiral binder or stapled, if required by the lecturer or the syllabus. The report is graded by the lecturer; it is not subject to reviewing or oral defence (but it is possible that the syllabus prescribes presenting the report in a seminar or providing an opposition to the work of a co-student).

3 A **research paper** consists of 6 or 3 credits (ECTS) worth of independent work (depending on the version of the bachelor's curriculum) and is a paper written on a topic chosen by the student under the guidance of a supervising lecturer, in which the student presents a solution to the legal problem, the results of his or her empirical or theoretical research, applying the basic format requirements of scientific works. The author of a research paper has to be able to address legally relevant research issues, and maintain a scientific approach, critical source analysis and apply the basic format requirements of scientific works. The research paper has to provide the student with the skills and experience necessary for conducting future academic research as well as for proper formatting of the work. The paper is mainly based on analysing different opinions found in academic literature or studying empirical materials, e.g. crime statistics or case-law, as well as on clear argumentation and analysis as regards how to solve the issues covered in the paper. The length of a research paper is 20–25 pages of main text, including the introduction and summary. The paper is submitted via electronic means (and if required by the department, in a binder or a spiral binder as a single copy). It is subject to oral defence and will be assessed by an examination committee formed in the department. From the 2017/2018 academic year, bachelor's students must submit one research paper (worth 6 credits), students of earlier versions of the curriculum two research papers (3 credits each).

4 A **master's thesis** is an independent research, in which the author arrives at an academic solution to a legally relevant topic. The master's thesis is written under the guidance of a supervising lecturer and the thesis needs to demonstrate the master's student's ability to independently apply scientific methodology in order to solve issues in a specific field. Views presented in the work have to be well-argued, with reliable results and well-rooted in theoretical literature, because this is the only way to solve the issue discussed in the thesis and arrive at new academic knowledge. The master's thesis comprises 30 credits worth of independent work and its length must be 60–70 pages of main text (including the introduction and summary). The thesis is submitted in an electronic form (and, depending on the procedure for the defence of master's theses or requirements of the department, also as a single hardcover copy). The department will add a supervisor's opinion and secures the reviewing of the work. The thesis is subject to oral defence, and is assessed by the department's examination committee.[1]

5 A **doctoral thesis**, or a dissertation, is the author's independent work of academic research that presents a well-argued original solution to a legally relevant and scientific problem, and the results of which have been sufficiently published in international academic literature of the given subject field. The choice of topic for the dissertation and the work involved, including the solving of problems and presenting the results in a proper form, is conducted under the guidance of an academic supervisor. The thesis can be submitted as a monograph (with no less than 150 pages and usually no more than 250 pages) or it may comprise at least three academic articles, which have been previously published in an internationally recognised publication, along with a conclusion that connects the articles. The requirements to the dissertation are laid down in the Procedure for Awarding Doctorates (https://www.ut.ee/en/studies/doctoral-studies/for-current-phd-students). The doctoral monograph is submitted to the council of the School of Law in electronic form and will be published by the UT Press. The School of Law will add the supervisor's opinion, and the council of the School of Law will arrange the preliminary reviewing of the work as well as the opposition. A doctoral thesis is subject to oral defence before the council of the School of Law.

II. SUBJECT MATTER REQUIREMENTS

6 The work is **usually written in Estonian**, but with permission from the programme director and the head of department and with the consent of the supervisor, the work may also be written in a foreign language. In English-taught curricula, works are generally written in English.

7 Research papers, masters' and doctoral theses **must be novel academic works** and must not be simply conclusions of prior work by other authors or the rewriting of legislative acts. The **scientific nature** of the work is guaranteed by adhering to the following requirements.[2]

8 **Originality.** The work must contain something new and original as regards the research question, method or results. NB! A negative result – when the absence of something is concluded or it is found that there is no need for change, e.g. the legal regulation currently in

[1] Reviewing and defending, see also Roomets, S. (2000), pp 10–11.
[2] Roomets, S. (2000), pp 11–13; Kalle, E., Aarma, A., pp 67–88.

force is sufficient and does not need changes – is also a scientific result.[3] Depending on the type of work, the novelty may be of local nature, e.g. the master's thesis deals with an issue that has not been previously studied in Estonia, or global (a dissertation). Novelty may also consist in the way the author has analysed the issue: for example, the problem may have an existing solution in academic literature, but the author compares it to Estonian laws and judicial practice. Novelty can also be achieved by the originality of the approach or discovering previously unstudied connections. The more precise the research problem and the wording of the relevant legal issues or the posed hypotheses, the greater is the chance to reach an original solution. One has to bear in mind that with every subsequent level of study, the higher expectations are for the author's views and original results. A research paper may be descriptive in nature (presenting or mapping the problems) but it must always also include a novel perspective and give added value; at times, a master's thesis could also put more emphasis on analysing problems rather than solving them. Although it is acceptable that novelty is not abundantly present in the work, the complete absence of it means that the work does not meet the necessary requirements set forth. The personal contribution of the student as the author of the academic work has to always be clearly evident. Insufficient use of academic literature along with a superficial approach can lead the student to mistakenly believe that his or her conclusions are indeed original. In order to avoid this situation, the literature must be researched in great depth – it is always easier to come up with something new than to check whether it truly is novel.[4]

9 **Objectivity, or validity.** The purpose of academic research is to analyse and discover real characteristics and patterns connected with the research object, regardless of who is conducting the research, and where, when, on whose assignment or for what purpose it is carried out. The analysis has to be based on trustworthy data and the results have to ensue from the analysis; the author must not be distracted by popular opinion, 'popular justice', the views of an authoritative professor etc., if the aforementioned are not in accordance with the actual results of the research. The author's own opinion and the analysis of other views as well as regulative texts and their interpretations have to be clearly distinguishable. It is of great importance to differentiate between opinion and facts. The validity criterion is not fulfilled by common-sense conclusions, because the need for conducting scientific research emerges only when there exists a possibility of discovering something beyond simple common sense – science grows from common sense, but is subsequently freed from its limiting aspects as it nears perfection.[5]

10 **Provability and verifiability.** The work has to be based on provable data or methods as well as logically derived and methodologically correct conclusions and abstractions. All views must be sufficiently substantiated and based on trustworthy accounts from literature or, in case of empirical research, from own research results. A clear systematic overview of prior theoretical literature on the specific topic has to emerge from the work. With research papers, a relevant list covering the most important sources will suffice and it does not have to be exhaustive (see also mrg 21 about literature). It does not mean that the whole research consists in a literature review – it is important to analyse a legally relevant issue and pose a legally relevant problem. The author has to take a critical and objective approach to the used literature and all other

[3] Rules regarding the admissibility of negative result in connection with so-called 'evil constants': Saar, J. Kurjad konstandid ja Eesti. – Akadeemia 2010/7, p 1158.
[4] Kalle, E., Aarma, A., p 70.
[5] Kalle, E., Aarma, E., p 75.

materials obtained during the research, thus rendering a scientific assessment. One has to be especially careful with materials found on the internet and other media sources, because these could prove to be superficial and unacceptable for scientific research (this does not, however, concern materials taken from online scientific databases). In case of gathering empirical data, the methods have to be both valid (scientifically recognised and suitable) and reliable (statistically trustworthy, unaffected by randomness), the amount of data has to be sufficient and the conclusions derived from it must be trustworthy. Provability should not be confused with persuasion, which is based on beliefs rather than substantiated knowledge. Ideally, the author convinces the reader with scientific reasoning supported by trustworthy, verified facts. Persuasion, in an unscientific context, is repeating the same arguments over and over again throughout the work (the so-called *ad nauseam* propaganda technique) which might eventually convince a credulous reader, but will not create any new knowledge. Verifiability means the possibility of using the same materials or methods in order to repeat the research and confirm that the results are identical. Obviously, this would not be possible without proper referencing and sufficient description of the used method.

11 **Systematic approach**. The approach and structure of the work has to be well-planned, systematic and oriented at solving a legal problem. The value of the work greatly depends on the extent to which the author can systematise the material and offer substantiated views regarding the analysed topic. The work must constitute a comprehensive and consistent treatment of the problem. Naturally, this criterion does not mean overlooking the contradictions that may be present in literature or legislation – often, one of the main goals of the work is the analysis of these contradictions and proposing solutions to overcome them. Nevertheless, the views and conclusions of the author must never be contradictory.

12 **Precision and clarity**. The work has to be written in a way that the views of the author are univocal. Precise concepts and terminology are to be used, written by using clear and modern scientific language, although this does not mean the work cannot be written using correct general language nor that the characteristic style of the author is to supressed – academic writing does not have to be bland and boring.[6] One has to pay attention that the work is written syntactically correctly – especially in (but not limited to) cases where foreign literature has been used. When the translation of foreign literature is below standard and negligent or the work has been written with so many mistakes that the content is incomprehensible, or if there are blatant grammatical errors, the supervisor can demand the correction of mistakes or suggest that the work should not be submitted for oral defence; if the work has numerous insignificant mistakes, it could affect the final grade (see also mrg 62). Scientific language does not mean writing difficult, long and obscure sentences, the content of which is not easily navigated even by the author. On the other hand, academic texts need to avoid simplistic style, slang, colloquial vulgarisms, poetic phrases and overly emotional epithets. There is no need to avoid writing in the first person. Impersonal voice is often used in academic works ("the following expands upon", "the statement at hand requires further analysis" etc.). Declarative statements ("the position is well-argued and I will base my further analysis on it") should be preferred over conditional speech ("one might agree with this statement").

[6] See, e.g. Sand-Jensen, K.

13 **Foreign terminology** and lesser known **foreign words**, which are written and pronounced the same as in the foreign language, have to be written in italics. If necessary, the foreign original will be put in brackets after the term as it is used in the language in which the work is written, but this is done only when the term is not clear enough. When using foreign literature or legislation, the author should not invent new terms unknown to the specific national law, dogmatics or legal language, the meaning of which is not fully comprehensible even to the author or would have to be separately explained to each reader. Should the author find that the current term is not suitable, he or she can offer a new one, if it is well substantiated. It is also possible that the corresponding term is absent in the language in which the work is written. In such cases, when first using the term, the author must provide the foreign term or text either in brackets or as a footnote, explaining the term, if needed.
About foreign characters, see mrg 87.

14 **Criticalness**. Outward-oriented criticism is different from the inward-oriented one. In the first instance, the author must not start out blindly preferring or believing one view while ignoring all others. All-out criticism should be avoided as well, e.g. to view the statements of one author or some specific legislation as entirely negative and write the work in a disparaging tone. When agreeing with the views of an author, legislation or case-law, the author has to avoid praising those views without any criticism. It is also incorrect to attempt to match all different, or even contradictory, views, thus leaving out any critical analysis and ending up with a contradictory conglomerate of positions. Inward criticalness means self-criticism. During the writing process and especially when reviewing the work, one must try to put oneself in the role of an objective bystander, who is generally versed in law and legal science (e.g. an average bachelor's or master's student), but is not necessarily well informed about the specific topic discussed in the paper. When the discussion is understandable only to the author and would require additional explanation to bystanders, a critical review of the text is needed along with the consideration of rewriting certain parts of it with more clarity and precision.

15 **Toleration**, or **tolerance**, is the ability of the researcher to study the positions of other authors without prejudice. It is scientifically incorrect to simply leave aside works which present views contradictory to the author's own positions and sort out only literature that agrees with the conclusions of the author. If, for example, case-law is inconsistent or contradictory on some matter, the author should admit it and not just search for case-law and judgements that support the views of the author, ignoring all others. When a position or view is predominant in the literature or case-law, it has to be acknowledged even if the author prefers to side with the minority opinion. The opposite of tolerance is **conformity**, if the work is limited to only being satisfied with mainstream views or applauding the opinion of the supervisor, thus not showing interest in any possible alternative views or approaches.

16 **Academic integrity**. The work must not contain plagiarism. **Plagiarism** (Latin *plagiatus* – stolen), or academic fraud, is taking the work or parts of the work of other authors (text, images, tables, diagrams, gathered data etc.) or the main ideas contained in their works and presenting them as your own in a manner that attributes no credit to the original authors.[7] Also an author, whose work does not reveal to the reader the relationship between his own ideas and those of

[7] About plagiarism, incl. the so-called grey area where a distinction should be made between generally known common concepts and precise references to the views of another author: Bachmann, T., p 199.

other authors, or who quotes another author verbatim without quotation marks, commits plagiarism. Representing the work of another author under your own name or using parts of someone's work without proper academic referencing is considered academic fraud (see Study Regulations p. 203.4), which entails academic penalties. The concept of plagiarism is not limited by its extent (e.g. the percentage of academic work plagiarised) nor by the reasons given for the violation of academic integrity (e.g. forgetfulness, unintentional error). The prohibition of academic fraud is not limited to research papers and master's theses only, but also extends to all written student work, e.g. also for reports, case study, or groupwork, etc. submitted during a course. **Fabrication** – making up of data or results and references to non-existent sources – is also prohibited.[8]

Academic fraud can be avoided by following the academic referencing and quoting rules (see mrg 64 ff.). It means that all used sources have to duly referenced and the references must be duly formatted, and the author's own ideas must be clearly distinguished from those of other authors. Additionally, careful planning and execution of the research process helps to avoid plagiarism: commencing the work in a timely manner and, right from the start, writing down correct references in your notes as you work with different sources.

Alongside plagiarism, **compilation** is also frowned upon. The work must not be a compilation – weaving together the views of other authors, or other material, without conducting any substantive analysis or presenting one's own views. Compilation has to be distinguished from referencing or describing. Of course, some works may be more descriptive than others, providing a more in-depth overview of current opinions present in the literature, analysing the views as well as giving conclusions, but the author's own opinion must still follow the analyses. Academic integrity also means that the student cannot have another person write the work for him or her, whether for free or for a fee. Still, this does not mean that all outside help is forbidden: e.g. proofreading of the completed work, translating the résumé, help with computer graphics etc. is allowed Outside help can be used for those parts of the work that are not the direct object of assessment and grading. Thus, the grade will not be affected by whether the schematics and graphs are coloured or not. The linguistic effort in the work, however, demonstrates the student's responsibility and commitment (see more about the use of language in mrg 12 and 62).

III. STAGES OF COMPOSING THE WORK

1. Choosing a topic

17 The **topics** (Greek *thema* – placed, arranged; definition of phenomena being studied or described that delimits the field of study and problems therein) for research papers and master's theses are chosen by the student or suggested by the department of the School of Law. After choosing the topic, the legally relevant research question or research problem is formulated. Aspects to be taken into account when deciding on a topic are the novelty, necessity and practical value of the issue, recommendations by the supervisor, availability of literature on subject matter and other materials in the field; the will and opportunity to further evolve the

[8] *Ibid*.

topic in future works. When choosing a topic, the student definitely has to take into account his or her general intellectual and subject-specific abilities, along with knowledge and practical experience gained thus far. It is also important for the student to be adept in foreign languages necessary for conducting the research. The choice of topic cannot merely be based on its actuality or media hype that surrounds it; the fact that the topic is simply liked by the student or that the student has previous personal experiences in the specific area may not be sufficient grounds for taking up the research – the choice of research topic must be scientifically justified. Nevertheless, when choosing a topic, students should be certain that the topic generates interest in them and they have a strong wish to contribute to solving the issue. In case the topics suggested by the department really do not interest the student, there should be no apprehension in contacting the potential supervisor and stating that fact, followed by suggesting their own idea for a topic or asking for help in formulating a topic that truly captivates the student.[9] When choosing a topic, one must take into account previous student works that have been written on the same or a similar topic. The fact that prior works on the same topic exist does not necessarily eliminate the option of choosing the topic, if the new work approaches the issue from a novel angle or another method is found for generating new knowledge. In this case, the author should show in what way the author's work differs from prior research on the same or a similar topic. Information on prior works defended in the School of Law at the University of Tartu can be found through the library catalogue ESTER, using a keyword or word search. The works are available for reading at the information centres of the School of Law in Tartu and Tallinn (dropdown menu *Kataloogi osa*, choose *Üliõpilastööd*).

18 As a rule, academic papers in the School of Law are written by a **sole author**. Co-authorship of works can only be considered in exceptional cases – this has to derive from the specific nature of the work, e.g. if there is a need to work through a large amount of empirical material, where each co-author deals with a specific section of it, yet the following analysis forms a substantive whole. Parts contributed by the co-authors have to be clearly delimited – indicated in the introduction or naming the authors in the table of contents as well as in chapter titles.

19 The **topic** for the research paper or master's thesis **is chosen and registered** in the School of Law departments within the deadlines set in the academic calendar. Before registering the topic, the student has to obtain the supervisor's consent. The times of preliminary defence, submission and defence of the work are set in the academic calendar of the School of Law.

2. Starting the work, searching for literature and other materials

20 The first steps in finding relevant material can save a lot of time. When starting out with the research paper, it is recommended to **begin** by familiarising yourself with literature and, if the topic concerns Estonian law, with Estonian legislation and case-law. It would be incorrect to start with searching for online sources without taking interest in what Estonian authors have written on this field or in the Estonian legislation in this field. It is certainly important to consult with the supervisor when searching for materials. From the start, the student has to make it clear whether the work would mostly be based on literature (and hence would be more of a theoretical and dogmatic nature) or it is necessary to work through empirical material, case-law, archival materials etc. It is important to start work in a timely manner, in order to avoid

[9] See also Hirsjärvi, S., Remes, P., Sajavaara, P., pp 60–79.

issues arising from either the content or formatting due to lack of time, including shortcomings in referencing. The absence of proper referencing can pose a serious problem (see mrg 16).

21 When starting work with **literature**, in order to get an overview of the range of problems as well as the state of current research, the student should first go through commentaries of legal acts, textbooks and the *Juridica* law journal. This should be followed by going over the discussions about the chosen topic in foreign academic publications (subject field journals, monographs, compendiums etc.). When searching for literature, it is recommended to find newer publications (a handbook, monograph or an overview article), in which the chosen topic has been covered more extensively and relevant discussion points have been raised. Often the supervisor helps guide the student to such a source. By studying the aforementioned sources, the student can find references to other works dealing with their topic of choice, which, in turn, could include further references to additional relevant works that could form a basis for the research. In the following stage of work, the student has to keep in mind avoiding their own research ending up as a summary of the initial source with only a limited amount of other references. If the initial source has been referenced on every page of the work, the student has to seriously consider whether or not they are actually making a summary of that publication, in which their own approach is completely absent and thus the result cannot be original. It is also incorrect to base the research mainly, or only, on the works of a single author (see also mrg 14–15 and 26). If a research topic is interdisciplinary or novel, the literature essential for the work could be found in daily newspapers or special journals of the field, rather than in legal literature or laws. The supervisor can guide the student to such sources. Such materials may also prove relevant for studying the development history of an institute of law. In case of more in-depth works (master's theses and dissertations), the effort put into literature research is proven by the fact that the sources are starting to appear repeatedly.

22 Of **databases**, the student should first focus on the databases of *Juridica International* and *Juridica* journals. The next step would be to use the catalogues available at the University of Tartu Library as well as the National Library of Estonia, starting with the database compiled by the National Library called Eesti Õigusbibliograafia, which is accessible via the ISE database (http://ise.elnet.ee/) and choosing the subject-specific collection RR → Eesti õigusbibliograafia. There the student can find legal literature, journal articles, student works etc. When choosing from the ISE database the subject specific-collection ISE → social sciences, only legal articles are displayed, including newspaper articles not contained in RR → Eesti õigusbibliograafia. Legal literature can also be searched for in e-catalogue ESTER, which, among others, includes sources available at the information centres of the School of Law in Tartu and Tallinn and in the Supreme Court library. The information centres of the School of Law in Tartu and Tallinn have the paper versions of all master's theses that have been defended in Tartu or Tallinn, respectively. In addition, the electronic version of master's theses since 2013 (including some from earlier years) are available. Research papers are not stored in the information centres. Borrowing books from the library of the Supreme Court takes place in collaboration with the University of Tartu Library. Books borrowed from the Supreme Court library are ordered through the UT Library for in-house use in the law reading room. Additionally, legal literature is available from the e-journal portal A-Z and legal databases Web of Science, EBSCO, HeinOnline and WestlawNext. Literature in German are available e.g. in Beck-Online, Springer Link, etc. Access to many of the databases is for a fee, but free for users registered at the University of Tartu. Then it is necessary to log in to the

databases using the UT network credentials. The necessary instructions for doing so are available on the UT Library website. The same website also includes, in English, the instructions and recommendations on how to perform searches in databases. According to the library's website, students can get help from subject librarians in questions pertaining to databases and searching.

23 Here are three options on how to **access databases from your personal computer**:

1) click https://login.ezproxy.utlib.ut.ee/login and enter your credentials for the university network (the same as those used for the SIS and the ut.ee e-mail);
2) use the University of Tartu VPN connection. Instructions for the computer settings: https://wiki.ut.ee/pages/viewpage.action?pageId=17105590;
3) manually set the browser's proxy.

24 The following is a list of additional **catalogues** that can be useful when searching for sources:

- CISG database (commercial law): http://www.cisg.law.pace.edu;
- Datenbank-Infosystem (DBIS; a comprehensive list of legal databases): http://rzblx10.uni-regensburg.de/dbinfo/dbliste.php?bib_id=ubman&colors=15&ocolors=40&lett=f&gebiete=15;
- Freiburg Max-Planck Institute (criminal law): https://www.mpicc.de/en/;
- Google Scholar → scientific publications (including legal). The Advanced Search application enables performing fairly precise keyword searches, allowing to filter searches by author, terminology, years and publications;
- Karlsruher Virtueller Katalog (KVK; database of libraries in many countries): https://kvk.bibliothek.kit.edu/?digitalOnly=0&embedFulltitle=0&newTab=0;
- WestlawNext (Anglo-American law and case-law): From the UT Library databases page (https://utlib.ut.ee/andmebaasid?valdkond=119&title=);
- HeinOnline (Anglo-American literature): https://home.heinonline.org/;
- Oxford University Faculty of Law: https://www.bodleian.ox.ac.uk/law/popularlinks/databases;
- National Library of Estonia website: Services → Search portal and databases; also the link: https://nlib-ee-primo.hosted.exlibrisgroup.com/primoexplore/search?vid=372NLE_V1&lang=et_EE ;
- Library of the International Court of Justice (private international law): https://www.peacepalacelibrary.nl/
- SSRN (social sciences): www.ssrn.com.

25 **Interlibrary borrowing** allows to order literature that is not available in Tartu or Tallinn (for a fee): www.utlib.ee → Service → Borrowing from other libraries (ILL). The article you are looking for may also be accessible in its electronic form. In order to check the availability, the student has to use the A–Z portal on the UT Library website that lists all the e-journals available to the University of Tartu: www.utlib.ee → Databases → E-journals and e-books.

26 In student works, it is not appropriate to rely on sources of **lower academic value**, e.g. secondary school textbooks. A scientific research paper must not mainly rely on newspaper articles or publications of popular science, although the use of such sources is in and of itself not completely out of the question (e.g. as a source providing historical background). The paper must not support solely on commentaries of legal acts, even though work with these in the initial phases of the research process is essential (see mrg 20–21). In general, it is also not recommended to rely on reports, research papers or theses written on the same level of study, although their use (with proper referencing) is not entirely excluded. Lecture notes, seminar or conference handouts etc. are not regarded as acceptable sources in scientific works (see also mrg 111).

27 The School of Law has no specific requirements on the **number of sources used –** e.g. at least 50 sources for a master's thesis, 15 sources for a research paper etc. The number of used sources depends predominantly on the nature of the work, e.g. a theoretical work requires the use of more literature while an empirical paper requires less. Nevertheless, the number of sources has to be sufficient for the comprehensive research of the topic. Understandably, this does not exclude the exceptions resulting from the specific nature of the work, e.g. the availability of only a small number of sources might indicate that the topic has not been thoroughly studied before – this fact makes the value of the work even greater. Still, it is difficult to imagine a research paper (not to mention, a master's thesis) which is based on a handful of sources only; an empirical analysis (e.g. of court statistics or practice) also has to include theoretical problems that are connected to the empirical materials being studied and thus require working through literature as well. Insufficient use of materials – e.g. research into the topic is missing essential literary sources, case-law or archival materials – could be the grounds for not allowing the work to be defended or lowering the grade of the work. The department or the supervisor may still put in place a minimum number of sources to be used. A far more important criterion than the number of sources is whether or not the works of leading and authoritative scientists working on a specific topic are used and referenced; especially when the research work is based on a method or theory that is published, developed or made famous by those scientists.

28 The authentic texts of Estonian **legal acts** are available on the Riigi Teataja website (www.riigiteataja.ee) (see mrg 93). In addition to wordings that are in force, Riigi Teataja allows to search for wordings that come into force in the future as well as repealed ones, and materials that document the establishing of the Republic of Estonia and earlier versions of the Constitution (Viited → Riikluse rajamist kajastavad dokumendid). Riigi Teataja also provides the opportunity to compare wordings, including an option that shows the differences between two wordings. Additionally, Riigi Teataja provides information on the legislative procedure of many legal acts, their ties to the European Union law as well as the unofficial translations of these legal instruments into English and Russian. The texts of Estonian legal instruments are also available from the legal information database ESTLEX (www.estlex.com). Basic access to the ESTLEX site is free of charge, but to perform complex searches or access the Russian translations of Estonian legal acts, students have to use their UT credentials to login via the UT Library website (mrg 22) or use the UT Library proxy (mrg 23). If you need help in finding a legal act or part of it, use: https://www.riigiteataja.ee/kkk.html and https://www.riigiteataja.ee/abiLeht.html?id=1. For abbreviations of Estonian legal acts, see Appendix 3.

29 Information about **draft legal acts** can be found in Riigi Teataja (https://www.riigiteataja.ee/eelnoud/otsing.html) or in the draft legal acts information system (http://eelnoud.valitsus.ee); information about more sizeable drafts can also be found on the websites of ministries that are working on developing them. Draft legal acts going through Riigikogu readings as well as the attached explanatory reports are available through the Riigikogu website (www.riigikogu.ee → Tegevus → Eelnõud). **Legal instruments of the European Union** can be accessed from the Eur-Lex database (http://eurlex.europa.eu/homepage.html).

30 **Supreme Court practice** since 1993 is available on the website of the Supreme Court . (www.riigikohus.ee → Lahendid). In addition to the Supreme Court judgements search engine, the website also includes a keyword directory of judgements that can be used to systematically find the most important opinions presented in court judgements. Supreme Court practice is also accessible via the Riigi Teataja case-law search option (www.riigiteataja.ee → Kohtuteave → Kohtulahendite otsing). Since the search engines of the Supreme Court and Riigi Teataja use different technology, students could use the Riigi Teataja search engine in addition to the Supreme Court's search option in order to access Supreme Court judgements. Furthermore, Riigi Teataja provides an alternative keyword directory as well as summaries of Supreme Court judgements (not full judgements, but summaries of judgements and should therefore be referenced as literary sources). **Judgements of first and second instance courts** are also available on Riigi Teataja website (Kohtuteave → Kohtulahendite otsing).

31 **Court of Justice of the European Union case-law** has been collected into the *Curia* database (http://curia.europa.eu), and can also be found in the Eurlex database (http://eur-lex.europa.eu/et/index.htm), which allows searching by legal acts. The monthly reviews of more significant judgements adopted by the CJEU, in Estonian, compiled by the European Law Division of the Estonian Ministry of Foreign Affairs, are available on the website of the Ministry (http://vm.ee/et/euroopa-liidu-kohus). **The European Court Of Human Rights (ECtHR) case-law** has been gathered into the *HUDOC* database (http://hudoc.echr.coe.int). The unofficial summaries of ECtHR judgements are available in Estonian on Riigi Teataja website along with a ECtHR case-law keyword directory (www.riigiteataja.ee → Kohtuteave → Kohtulahendite kokkuvõtted → EIK liigitus). The Riigi Teataja website also publishes news about new ECtHR judgements (Õigusuudised → Kohtu-uudised). Information about ECtHR judgements concerning Estonia as well as the relevant yearly reviews can be found on the website of the Ministry of Foreign Affairs (http://vm.ee → Tegevused, eesmärgid → Euroopa Inimõiguste Kohus). See also mrg 102.

32 When **collecting and working through** the materials, remember the following. Firstly, collecting materials is relatively easy compared with writing. Therefore, when it comes to collecting materials, it is reasonable to avoid over-doing it, because piles of unread material can easily become demotivating later on. Should the need arise, additional materials can be found during the further work process. Secondly, when it comes to texts that do not form the essential core of sources, a more casual familiarisation is sufficient before the writing process. When a source that seemed essential at first turns out to be unnecessary later on, then going through it in depth has been a waste of time. Thirdly, the student should always take notes or mark important sections of the text when working through the materials. Otherwise, it may happen that an already read text would have to be worked through, in-depth, again.

33 Finding the necessary materials, working through them and analysing the opinions found in these materials is the **independent task of the student.** Developing this skill is one of the main goals of every student, regardless of their level of study. Understandably, this does not exclude the obligation of the supervisor to aid the student in this process – to recommend and assess the materials (but not to do the work for the student or simply provide an exhaustive list!), discuss substantive issues with the student (but not to solve these issues for the student and even compose the text!) etc. The final solutions have to be worked out and developed by the student. **The supervisor is not the co-author, the proofreader nor the content or copy editor of the student's work** – the subject matter of the work as well as its proper formatting (incl. avoiding plagiarism) is the sole responsibility of the student.

34 Working through the sources will reveal the aspects that have been previously less studied, the existing inconsistencies and contradictions as well as those that require further study in the specific subject field. During the initial process of familiarising oneself with the material, the student has to, at least in general, determine the **structure of the work.** It need not be the precise structure of the work (it is natural for the structure to change in the course of gathering materials or writing the work), but only formulation of hypotheses or research problems (mrg 39) will not guarantee a systematic structure of the work nor can it exclude gathering and working through materials, which would later on turn out to be unnecessary. Selecting and leaving aside unnecessary materials is still often needed; it is pointless to use all materials at any cost because this way the final work may contain irrelevant sections.

35 Understandably, the above description of the stages of composing a work is by no means exhaustive. Therefore, it is possible to list even more stages of the research process, for example: 1) Choosing a topic, 2) familiarising yourself with the topic using literature, 3) further specifying the topic and determining the initial programme (as well as a timetable), 4) forming the hypotheses, 5) systematically gathering and working through the materials, 6) drawing conclusions, 7) gathering additional materials, if necessary, 8) the analysis and scientific interpretation of the results, 9) expanding the structure of the work (each separate part of the work receives a more concrete content matter), 10) writing and formatting the work.[10]

3. Formulating the research problem

36 A legally relevant, precisely formulated (worded and delineated) **problem** is one of the most important characteristics and requirements of legal research. At least for yourself, the problem has to be formulated as an object – a phenomenon that needs to be studied. Every study is based on finding the problem, and thereafter, finding, wording and solving the legally relevant research issue. The research problem has to direct attention to what is yet unknown in the subject field being studied, what is not known well enough or what is contradictory, or to the currently available solution that the author does not agree with. The problem itself can be defined as the difference between the initial situation (e.g. existing but limited, insufficient or contradictory theoretical rules or knowledge, insufficient or unsatisfactory possibilities of the methods currently in use, contradictory practice) and the desired situation (e.g. gaining new knowledge, developing a method, overcoming or explaining contradictions), whereby the situation is used as a reference to phenomena or events that characterise the status of the

[10] See further e.g. Kalle, E., Aarma, A., p 50 ff; Hirsjärvi, S., Remes, P., Sajavaara, P., p 83 ff.

object.[11] A scientific problem is not a general, widely known social problem, e.g. drug addiction, euro-bureaucracy, juvenile delinquency etc. which, however, does not mean that it would be impossible to formulate scientific problems in these areas. A branch of law or its more specific field, e.g. contract law, administrative coercion, criminal offences against property etc., is not a scientific problem either. Therefore, "the principle of freedom of contracts" is also insufficient as a research problem. However, a research may study whether a legal norm X can be applied to circumstances Y or how to interpret the concept Z included in norm X. It is also insufficient if the topic is claimed to be (and is written out as such in the title) about "some issues" in a certain subject field. In any case, the student needs to keep in mind that a research problem is not the same as the title of the work – a long-winded title, which attempts to include all of the major issues covered in the work, should be avoided. At the same time, it is important that the title would correspond to the research topic and would not be too broad-ranging.

37 In order to formulate the research problem, the student must first become familiar with the information available in the chosen subject field, summarise it, specify the research object and subject matter, identify the known contradictions or gaps in knowledge and then formulate a **specific research problem.** When formulating the research problem, students often overlook factors such as:

a) No problem exists in the chosen area or the solution is *a priori* clear and thus needs no further scientific research;
b) The problem is not topical or is an artificially created pseudo-problem;
c) It is impossible to solve the problem under the current circumstances.

38 The problem has to be distinguished from the **objective** of the work. If the research problem is an object to be studied – something unclear, contradictory or too little is known about it, the objective provides an answer as to why this problem needs to be studied, what the end-goal is. The purpose is often clear from the chosen topic already. The objectives can vary, e.g. analysing theoretical positions, the evolution of a certain theory and possibilities for future developments, connections (e.g. similarities and differences) between certain phenomena etc.[12] The objective of scientific research cannot be to simply describe something, give an overview etc., although these methods are a part of substantive analysis – it is impossible to thoroughly analyse either views presented in academic literature or the legal regulations of different countries before first describing them.

39 After formulating the research problem and setting the objective, the student may, depending on the type of the work, to formulate the **research hypothesis, or proposition**, of a thesis or dissertation, the validity of which will be examined in the following parts of the work.[13] The hypothesis is primarily used in qualitative research. The hypothesis is often derived directly from the objective of the work and it does not have to be strictly separated from it; thus it is sufficient if the introduction to the research paper indicates the main problems and the objective of the work. The hypothesis can be formulated as a concrete single conjecture or

[11] Kalle, E., Aarma, A., pp 22–23.
[12] Kalle, E., p 13.
[13] About hypothesis, its verifiability and results: Bachmann, T., pp 136–137.

multiple ones, or as alternatives that eventually lead to the answer, to the scientific solution of the problem.[14] Although probabilistic in nature, the hypothesis has to be verifiable (mrg 10). Hypotheses are not invented, they have to grow out of the results of previously conducted studies, theories or existing facts (as well as from the contradictions or obscurities of those results) and, thus, from the student's own assessment presented in the introductory part of the work. The hypothesis relies on a theory or concept that has been accepted, or suggested, by the author. Hypotheses are commonly presented as propositions, the validity of which can be verified and will be verified in the course of the work. In order to verify the hypotheses, specific tasks must be set.[15]

4. Research methodology and technique

40 To ensure obtaining objective and trustworthy information when searching for a solution to the research problem, special attention needs to be paid to the methods used in conducting the research. A **method**, in general, is an organised and planned way of being conscious of the surrounding reality in order to achieve the research objective or answer the research question. Every branch of science uses its own characteristic and well-established research methods. The **technique** of scientific research constitutes a set of specific measures taken for gathering and processing data in order to implement the research methodology. The method and technique have to be chosen in a way that allows other researchers to get analogous results when implementing the same research method to the same, or similar, research object. In the work, the author should explain how the chosen method helps answer the relevant problem set in the work.

41 By **purpose of use**, methods of scientific work are categorised as follows:

- Data gathering method, which is used to gather source data necessary for conducting the research (working through literature or case-law, observation, experiment, survey etc.);
- Data processing method (summarising method), which enables to systematise the data and to statistically process it (calculating the frequency, averages, variation and correlation indicators as well as the level of data reliability);
- Method of interpreting the results, which is used to expand on the research results (comparison, prioritisation, analysis, synthesis, generalisation, verifying or rebutting the hypotheses based on the presence or absence of statistically reliable connections, etc.);
- Method of presenting the results – means of oral and written or graphic presentation (text, tables, diagrams, formulae).[16]

42 Ways of categorising research methods **by subject matter** are varied:

- Historical (dogmatic evolution, developments in different time periods). This method should not be mixed up with the method of interpreting – the historical method, for example, does not mean studying materials about the development of a law act currently in force;
- Analytical, or deductive (going from general to detailed);
- Synthetic, or inductive (going from detailed to general);
- Qualitative (literal; substantive theoretical analysis of phenomena);

[14] Järvet, S., *et al*., p 23; Kalle, E., p 14; Roomets, S. (2000), p 18.
[15] Järvet, S., *et al*., p 23.
[16] Roomets, S. (2000), pp 18–19.

- Quantitative (statistical, empirical);
- Model approach (solutions are represented as a model legal regulation);
- Comparative (e.g. a problem-centred comparison of the legal regulations of two or more countries).[17]

The systematic (complex and correlated approach to problems) and chronological (viewing processes in their chronological order, or dynamically) approach do not belong in this list; these are rather methods of presentation of material.

43 The methods and techniques for gathering materials necessary for the work are chosen according to whether the work is more of a quantitative or qualitative nature, empirical or theoretical. One method does not exclude another; modern works of scientific research mostly use various **combined methods** (e.g. comparative-historical, an empirical analysis of judicial practice along with the existing solution models present in literature etc.). Quantitative methods can be used to verify qualitatively formulated hypotheses, and the results achieved by using quantitative methods allow to assess the validity of substantive theories. A research paper based on the use of quantitative methods cannot be completely theory-free. The use of combined methods, however, must not mean that the author does not use any specific method at all, which would make it impossible to assess the substantive quality of the analysis as well as the results.[18]

IV. STRUCTURE OF THE WORK

44 A work of scientific research consists of the following **parts**: a title page, a table of contents, an introduction, a substantive, or constructive, part that is structured into chapters or sections, a summary, a résumé in a foreign language, a list of used sources and appendices (if there are any).

45 The **title page** is the first page of the work that notes the name of the university, the faculty/school (in capital letters) and the specific department; the first name and surname of the author; the title of the work (in capital letters and in bold text); the type of the work (research paper, master's or doctoral thesis); the academic degree and the first name and surname of the supervisor; the place of submission of the work (Tallinn or Tartu) and the year (for an example title page, see appendix 1). The words on the title page are not hyphenated and the title is not followed by a full stop.

46 The **table of contents** lists the titles of every subdivision (but also titles of lists, appendices and the résumé) along with the page number on which they start. Page numbers must exactly match the pages in the actual work. Using a word processing program to automatically create a table of contents is recommended. The table of contents has to give a good overview both substantively as well as visually, which is why the chapter titles must be clearly distinguishable (see also appendix 2). In the table of contents, the title page and the table of contents itself are not listed. A word processing program can be used to automatically create and alter a table of contents.

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[17] Kalle, E., pp 14–15; Kalle, E., Aarma, A., pp 33–43; Hirsjärvi, S., Remes, P., Sajavaara, P., p 83 ff.

[18] More about methods with examples, see Hirsjärvi, S., Remes, P., Sajavaara, P., p 83 ff; specifically about the legal scientific method: Hoecke, M. v., pp 1–18.

47 An **introduction** must provide the reader with an overview of the main problems covered in the work, the objective of the work, the legally relevant problem(s) to be solved and the relevancy of the chosen topic. It is important to define the objective of the work (see mrg 38) and the research problems – which problems the author seeks to solve and, if necessary, which hypotheses (see mrg 39) are going to be verified and what research tasks are carried out in order to reach the desired results. The main discussion points are brought out as well as the materials, the study and generalisation of which forms the basis of the work (if necessary, a generalised critical assessment of sources is given), and the methodology (see mrg 40 ff.) used in the work is presented and substantiated – it must be clear to the reader whether it is a theoretical work, an empirical analysis of materials etc., while still avoiding trivialities. The relevancy of the chosen topic must first and foremost be tied to the relevancy of the research problems formulated in the work. For example, the fact that a certain legal discipline is relatively new does not automatically make all the topics connected with it current and relevant. Merely noting the relevancy of something is not enough, it always has to be substantiated as well. Often the relevancy derives from the current state of research, which is why the introduction of a master's or doctoral thesis (or the introductory chapter, if the problem requires a more thorough explanation) has to provide an overview of whether and in which works the problems have already been previously studied and what kind of results the works have yielded. The introduction also gives a short overview and reasoning about the structure of the work: which main problems are discussed in which subdivisions. Nevertheless, the introduction must not be simply an expanded version of the table of contents. The introduction of a research paper or master's thesis is not broken down into titled sections. The introduction constitutes approximately 5–10% of the entire work (2–3 pages for a research paper, 3–5 pages for a master's thesis).

At the end of the introduction to the master's thesis, the student writes out **keywords** (no more than five) that best characterise the work. The keywords have to be taken from the Estonian Subject Thesaurus (EMS; http://ems.elnet.ee/index.php), which is a thesaurus-style keyword dictionary encompassing all subject fields and is subsequently also used to make the bibliographical entry of the master's thesis.

48 The **main part** (substantive part) of the work consists of chapters, sub-chapters and clauses, where the chapters are marked using Roman or Arabic numerals and subsequent parts are marked with either letters or Arabic numerals. All parts have to be numbered (the work must not contain sub-chapters or other parts with no numbering). The title is not followed by a full stop. Generally, the chapter titles must not contain abbreviations, symbols and paragraph numbers; at least these cannot form the main part of the title. A chapter always starts on a new page. The order of chapters is developed in accordance with the most feasible way of approaching the research problems when expanding on the chosen topic. During the writing process, the balance between the volume of different subsections in the work has to be kept in mind; the subsections in the work must not be unreasonably disproportionate (e.g. one chapter is 3 pages long and another is 20 pages long). Over-dividing of the main part and breaking it down into numerous chapters that are only a few pages long is not acceptable either. Although the number of chapters is not strictly prescribed, it is recommended for a research paper to have 2 or 3 and a master's thesis 2 to 4 chapters. The chapters and sub-chapters in a research paper must be logically tied together and form a whole as regards the topic of the work. There always has to be more than one sub-chapter, e.g. part 1.1 must always be followed by 1.2. In

case it is not feasible to create a second sub-chapter, avoid dividing the chapter into sub-chapters and place the text under a single title. The substantive part should constitute approximately 70–90% of the entire work. For examples of how to structure the work, see Appendix 2.

49 **Chapters** have to constitute **substantive wholes**, which subject to the topic of the work, but each covering its own specific problem. When necessary, the first chapter of a master's or doctoral thesis is more general in nature, providing a historical review, the evolution of a problem or its legal regulation, the legal framework, an overview of the current state of research, etc. Subsequent chapters must be entirely dedicated to solving the problem and answering the hypotheses, in order to achieve the objective of the work. Considering the small volume of reports and research papers, their first chapters should not be too general and similar to an introduction, but must instead already contain a substantive discussion about the problem. The order of chapters depends on their subject matter also in the sense whether the analysis of materials goes from detailed to general or vice versa (see also mrg 42). The problems solved in the work have to be dealt with in a logical order – it must be clear to the reader why the analysis of a specific question is necessary and how it relates to other parts of the work. Therefore, in addition to chapters, all other parts of the work must be in a logical order as well. The author needs to constantly check that the approach to the issues would not depart from the frames set for the work. With empirical works, the division of the main part must include chapters dealing with the method, procedure and the empirical results, in which precise data is provided as regards the subjects of the study (the sample), the used techniques and resources as well as statistical methods and the results obtained.

50 When a research paper uses people as direct subjects, there has to be a record of an **informed consent** that has been given; if the research involves physically influencing the research participants (e.g. by using scientific devices or by administering substances), an approval must be obtained from the **ethics committee** of the institution (or the conducted research has to be a part of some broader research project, which the ethics committee has already approved).[19]

51 The **summary** must provide the reader with an overview of the most important conclusions reached as well as an answer to the hypotheses or research problems formulated in the work. It is reasonable to reiterate the objective of the work at the beginning of the summary, but avoid repeating any other information that has already been presented in the introduction. The presented conclusions and recommendations have to be derived from the research results presented in the work, they must not be fabricated or mere assumptions. No new opinions are presented in the conclusion; it must give a summary of previously covered problems. When summaries have been already given at the end of the chapters, it is sufficient to simply refer to these and provide a short summary. Still, the summary must contain all the main conclusions of the work and give answers to the main research questions, hypothesis by hypothesis, which does not mean that the student has to mechanically tie the summary to the structure of the work. It must be clear from the summary of a master's or doctoral thesis what new knowledge has been added to the study of law. The summary can include recommendations on how to

[19] E.g. submitting applications to the Research Ethics Committee of the University of Tartu as regards conducting research in the fields of biomedicine, psychology and behavioural sciences: http://www.ut.ee/en/research-ethics-committee-university-tartu.

apply the results of the work, e.g. making changes to legal regulations or judicial practice (about the so-called *de lege ferenda*, see mrg 55). The summary may also point out problems that need further study, but the student should not overdo it, otherwise it may seem that the author has not completely finished the work and the problems remain unsolved. Also, the summary is not a place for the author to introduce his or her new research projects. In the summary, the author must not include opinions and conclusions on matters that were not covered in the main part of the work nor references to previous text, literature or legal acts. The summary of a research paper and a master's thesis must constitute 5–10% of the entire work.

52 The **résumé** constitutes the summary of a doctoral or master's thesis or research paper, which is written in a language other than that of the work itself, mostly in English, German, French or Russian (in agreement with the supervisor, other languages are allowed) and provides an overview of the objective of the work, the researched topic, the used methods and the achieved results. If the work is written in a foreign language, the résumé is written in Estonian. The résumé must not be a mere translation of the summary, but has to provide an adequate overview for a reader who has no knowledge of the language in which the work has been written (whereas the summary assumes familiarity with the main text). Similarly to the main part of the work, the text of the résumé must be linguistically and grammatically correct. The title of the résumé is the translation of the title of the work in the corresponding foreign language, under which the word "Résumé" is written in the same language (Abstract or Summary, *Zusammenfassung*, *Résumé*, *Резюме*). The résumé should constitute approximately 10% of the entire work.

53 **Reference lists** include the lists of literature, legal acts, practice (judicial, research, expert or other), archival materials and abbreviations. All of these are different and correspondingly titled, but with a uniform numbering throughout (the list of abbreviations does not have to be numbered). Reference lists include the sources that were actually used and referenced in the writing process. Electronic sources are entered in the lists according to the content of the material (legal acts, literature etc.), they do not form a separate list (see mrg 109). Used sources that have not been referenced in the work (e.g. read judicial files), are noted in the general form in the introduction (e.g. Tartu County Court criminal files 2005–2010, 100 files). Abbreviations are presented as a list only when they are little known.[20] It is not reasonable to compile a list of abbreviations, when the work only contains well-known legal abbreviations (e.g. Art., v.) or they have been explained in the text on first mention (e.g. Penal Code (PC), General Part of the Civil Code Act (GPCCA), etc.). Also abbreviations that are usually never written out in full should be excluded from the list (e.g. the USA, the UN, etc.). See more about abbreviations in mrg 89, 99–102, 117; for Estonian legal abbreviations, see Appendix 3.

54 Depending on the nature of the work, the reference lists could be systematised in other ways, for example, by compiling **separate lists** of legal acts and their commentaries, primary and secondary sources, international treaties etc. with a uniform numbering throughout. Primary literature is a source that is being studied – e.g. the academic works of Professor Ilmar Rebane, if that is the topic of the student work. Other literature (e.g. works by other authors that are

[20] Well known foreign abbreviations: Ametniku keelekäsiraamat, p 131 ff; the so-called Cardiff abbreviations database: www.legalabbrevs.cardiff.ac.uk. Abbreviations of periodicals in English: https://lib.law.uw.edu/cilp/abbrev.html.

used for comparative purposes, but also works written about I. Rebane) is considered secondary literature. In some works, e.g. works on legal history, the material is often divided into sources and literature. The first case concerns materials where a fact or opinion has been recorded for the first time and by working through the material, new knowledge is attained (archival materials or their publications, primary literature). In this classification, literature is considered as all other literary materials that are inevitably needed – textbooks, reference books, overviews etc. If the work also uses sources written in Cyrillic script, a separate list can be compiled for these sources. When there are only a few of these used, they can be transliterated into the Latin alphabet or a combined system can be used. About foreign characters, see mrg 87.

Footnote (repeat reference): Livšits, J., p 20.

Reference list: Livšits, J. Vidõ nakazanija za prestuplenie. Tallinn: Sotsialno-gumanitarnõi Institut 2008.

55 **Appendices** contain materials that, due to their volume, would burden the main text, but are still necessary in order to understand the main text (e.g. questionnaire forms, larger tables etc.). If the author finds it necessary for a legal act to be changed or amended, then, in case the suggested change is substantial, the draft legal act or the so-called *de lege ferenda* is added as an appendix to the work, although it must still be clear whether this is the creation of the author or an official draft. All appendices are numbered, as well as titled, and must be included in the table of contents.

56 **Tables** can be placed within the text, larger ones are added as appendices at the end of the work. If the table is on a bigger page, it must be folded into the same size as other pages. A lined table should be used only when the text cannot be represented as a list (mrg 60) and a list should be preferred to a two-column table, for example:

Offence type dynamics over the years are as follows:
2007 – 59
2008 – 52
2009 – 51
2010 – 48

All tables, graphs, images etc. have to be numbered and titled. It is understandable that the data represented in the table (usually numbers) does not always originate from the author, but from some other source. Therefore, the source of data must also be shown for the table. The source or multiple sources that apply to the whole table are usually indicated under the table. In case the data in a row or column of the table originates from a specific source, a reference should be given in the main text or in a footnote.[21]

Above the table: Table 1. Crimes registered in Estonia 1996–1999.

[21] More about creating tables and graphs: Kalle, E., pp 35–37; Roomets, S. (2000), pp 30–35; Roomets, S. (2002), pp 35–39; Järvet, S., *et al.*, pp 37–39.

Below the table: Source: Eesti statistika aastaraamat [Statistical Yearbook of Estonia], pp 151–152.
Reference list: Eesti statistika aastaraamat [Statistical Yearbook of Estonia]. Tallinn: Statistikaamet 2000.

57 In addition to case-law and unpublished manuscripts (see mrg 112), sources such as audit materials, the accounting reports of an enterprise, interviews etc. can be used in the work. It is also feasible to compile these into a separate list with uniform numbering, adding it in the appendix, if necessary.

V. GENERAL FORMATTING REQUIREMENTS

58 All written student works are submitted in the **standard format** (A4) in an electronic form or on paper (see more in mrg 1–4). Research papers and master's theses submitted on loose sheets of paper (or stapled together or in a plastic sleeve) are not accepted and permitted to defending. The work is submitted to the department, at the latest, by the end of workday of the due date; if the work is sent by mail, the post-office stamp date is taken as the date of submission.

59 An important part of formatting the work is its **layout** – the styling and placement of the text on the page. The student work must be written in a word-processing program using 1.5 line spacing (font size 12), approximately 3,000 characters per page, the Times New Roman font (this also applies to headings, the heading font size may be different depending on their level in the structure of the work). In a footnote, single line spacing and the Times New Roman font must be used. In academic works (unlike textbooks or commentaries), the use of text in bold or italics is not allowed; the latter is allowed, as an exception, for foreign words and terms (mrg 13); the important and unimportant can be distinguished by the content and mode of expression, not visually. Sub-headings must not be replaced by the first sentence of a paragraph in bold. In case a bound work is submitted, printed on both sides, the margins of the page are 3 cm on the left (i.e. the inner edge of the page), 2 cm on the top, bottom and right. Paragraphs are separated by an indentation or a blank line. There must be at least one blank line between the heading and the text. The title is not followed by a full stop; words in the title are not hyphenated (see also mrg 46 and 48). If less than three lines of text fit on the page after the heading, the heading is moved to the next page. The text is aligned on both sides (right and left), using the Justified alignment setting. If gaps (long spaces) occur in the line of text due to this alignment setting, hyphenation may be used (but is not mandatory). Separate rules, arising from the publisher's requirements, apply to doctoral dissertations.

60 **In-text lists** are marked with an Arabic numeral, a lowercase letter (see mrg 37), a dash (see mrg 41–42) or another marker. The list is usually numbered (using a letter or an Arabic number followed by a round bracket) when the order of the listed items has a substantive meaning; the numbering of the list must not coincide with that of the sub-headings. Parts of the list can be started from a new line or they can be placed one after another in the text (see mrg 35). If the item of a list consists of only one sentence, it must begin with a lowercase letter; if there are two or more sentences, a capital letter is used. The use of upper or lower case also depends on whether the list is the continuation of a previous sentence or it is formed of independent sentences. The list item is followed by a comma or semicolon, except if it is a sentence starting with a capital letter. The list has to be preceded or followed by an explanation; do not start or end a chapter or sub-chapter with a list. For more about lists and tables, see mrg 56.

61 All pages (starting with title page and throughout the work) have to be taken into account in **numbering**; including pages with tables and graphs. When the text is on both sides of the page, both sides are numbered. The title page is taken into account when numbering the pages, but the actual page number is not written on it. The first page number is written on the first page of the table of contents. If the page number is placed at the top centre or top right, it is not printed on the first page of an independent part of the work (introduction, chapter, summary, résumé etc.).

62 In addition to the content, **correct language use** is a prerequisite for a successful work. Given that language is the primary tool of a lawyer, legal texts have to be represented precisely, clearly and logically. The sentences have to be connected both by content as well as linguistically. Numerous typing, grammar and agreement errors make the text difficult to follow and decrease the value of the work. As the author is not the best judge of these errors, outside help should be considered as regards proofreading. For example, in an academic work, as in all legal texts, in general, brackets should be avoided; and you must never write a full sentence in brackets. If the text is important, brackets are unnecessary, if the text is not important, it should not be in the work. In this matter, examples and references to legal acts, etc. are an exception. The expression 'and/or' is often either confusing or makes the author's statement completely incomprehensible. For more about the language part of the work, see mrg 12 and 16.

63 Works in electronic form are submitted in pdf format, digitally signed. If a work is submitted on paper, the author writes his or her **signature and the date of signing** at the end of the résumé.

VI. REFERENCING, QUOTING AND SUMMARISING

64 Alongside the original views and information established by the author, the work will also contain opinions and data that **belong to other authors** or come from **other sources** (e.g. from academic articles, judicial practice or from archives), including previously published works of the author. When such materials are used, their sources have to be referenced. It is possible that the author agrees with them and presents the material to support his or her opinions. Understandably, the author might not agree with the source material and thus makes it a task to rebut them. A neutral approach is also possible, e.g. to describe previous works done in the subject field or to direct the reader to a more thorough treatment of the subject. The author can use data found in literature or other sources as a point of departure, grouping them independently and thus attaining new results. If the work does not require using literature but the author has still done so, the sources have to be properly referenced.

65 Views belonging to other authors, but also data, that has not been established by the author himself, are represented as quotes or summarisations/synopses. With both quotes and summarisations, the **used sources must be referenced**. Why reference at all? There are three reasons. Firstly, an exhaustive list of references allows to identify the sources that the author has used. This in turn enables to verify whether similar, or completely different, results can be achieved by using the same sources as the author – therefore either to verify or falsify the results of the author, to confirm or rebut them. The second reason is ethical-legal: the author has to truthfully demonstrate, which opinions belong to him or her, and which belong to

someone else. According to subsection 19 clause 1 of the Copyright Act, making summaries of and quotations from a previously published work is permitted without the authorisation of the author and without payment or remuneration, if the name of the author, the title of the work and the source publication are referenced. Otherwise, it is considered as the appropriation of authorship, or plagiarism (mrg 16), which is punishable as academic fraud (Study Regulations p 203).[22] Thirdly, by referencing the used sources, the author makes future research or studies easier for those who use his or her work.

66 **Generally known information is not referenced**; this includes information known to persons with an average level of education or information that – in our case, pertaining to the study of law – is trivial. Therefore, it is usually not necessary to reference legal terms, terms used in legal acts etc.; but the author has to expand on and thoroughly explain, for example, the term Penal Code, in case the work deals with the validity limits of the Penal Code, the relationship between written law and customary law etc. As a rule, basic knowledge derived from encyclopaedias or textbooks is not referenced; however, if a specific disputable or thoroughly analysable opinion is taken from these sources, a reference is needed (about encyclopaedias, see mrg 125). When in doubt about whether or not to reference a source, it is better to reference. **Useless references must be avoided**, e.g. referencing literature (PC § 199 comm. 31.1) to confirm what is already directly written in the law itself (PC § 199 (1): intention of illegal appropriation is a necessary subjective element of theft).

67 A **quote** or a citation is an exact, word-for-word excerpt from a text that has to match the original not only in its wording, spelling and punctuation, but also as regards the emphases in the text (e.g. underscores, italics etc.). Grammar mistakes are not corrected in a quote, but they can be marked out. It is reasonable to use quote when the sentence or phrase is especially expressive, interesting or brilliant in its wording. The quote is also written when the material being quoted is relevant in its subject matter, is analysable or disputable. Usually, the quote is given as a full sentence or paragraph, sometimes as parts of text from different places. In the latter case, the author has to be especially careful not to distort the idea expressed in the original. This can happen if the context is not taken into account when choosing the sentence or its part for quotation. It is unacceptable to take words or parts of sentences from different places and mix them together in order to represent the result as a complete single sentence of the quoted author. Words excluded from the beginning, middle or the end of the quote can be replaced in various ways, e.g. /…/, (…), […], /---/. A quote inserted into the middle or at the end of a sentence begins with a lowercase letter.

68 **Excessive use of quotes is not permitted**, otherwise the work could end up a collection of quotes with no room for the author's own thoughts or the creation of new knowledge, i.e. a compilation (mrg 16). Still, the character of some works might require the extensive use of quoting, for example, when the research is dedicated to the works or theories of a specific author. In that case, the quotes can be written as separate paragraphs; the author might also consider adding voluminous quotes (e.g. source publications) as appendices at the end of the work.

[22] Read more: Legal acts p 19.

69 Quotes are presented inside **quotation marks**. If the quote is a separate sentence in the work, the quoted sentence will end with the punctuation mark used at the end of the quote (full stop, exclamation mark, question mark, ellipsis etc.), followed by quotation marks and with reference number at the end. A quote that ends in the middle of a sentence is ended with quotation marks, followed by the reference number (or a reference in brackets) and then the author's sentence continues, ending with a punctuation mark that depends on the type of the main sentence. Supplements or emphases made by the author in the text of the quote are separated from the quote by using forward slashes or in some other way (mrg 67). See also about the influence sphere of a reference, mrg 121.

Main text: "Meie pärandusõiguse järele loetakse pärandusvara pärijale üleläinuks pärija sellekohase avalduse läbi /…/, mitte aga juba *päranduse avanemisega* /autori kursiiv/, s.o.pärandusejätja surmapäevast peale." [According to our law of succession, the estate is considered to have been transferred to the successor based on the application submitted by the successor /…/, not by the *opening of the succession* /italics by the author/ i.e. the date of death of the bequeather.]
Footnote (repeat reference): Judex, p 66.
Reference list: Judex. Meie pärandusmaksu seadus [Our succession tax law]. – Õigus 1927/3.

70 When quoting (incl. summarising), the **latest edition** of a publication is used, if possible. When the quoted material has been published in the press and later also as a separate publication, the quote must be taken from the latter. It is unacceptable to translate the quote yourself if the translation of a quote is available in a previously published book or article. Should the author find the translation of a quote to be inaccurate, it has to be separately pointed out and explained.

71 **Summarising** is the commented or abridged presentation of subject matter of another work or source. Summarising may also be used to merely indicate the existence of other works published on the topic. Summarising is used when a quote would be too extensive and would not present the idea in a compact manner. The summarised subject matter has to be presented in a precise and undistorted manner, leaving out anything that is unimportant and unnecessary for the work. Summarising has to clearly indicate which ideas belong to the author of the work at hand, and which to the author of the summarised work. Presenting a quote, in which only a few conjunctives or punctuation marks have been changed, as a summarisation is not allowed.

VII. REFERENCING SYSTEMS

72 **Footnotes** are the recommended method of referencing at the School of Law, because they have the advantage of convenience for the reader. This student guide is also based on this particular referencing system. Since modern word processors automatically place footnotes correctly, this system presents no technical difficulties. Referencing consists in placing a superscript number at the end of a sentence or paragraph in the main text or, in exceptional cases, after a word (see further, mrg 121). The numbering of references must be uniform throughout the work, restarting the reference numbering on each page is not allowed.

73 With **in-text** referencing, a reference is made to the reference list at the end of the work and the reference itself is given in brackets in the main text, with the reference only containing the number of the source in the reference list, e.g. (38, p 5) or the name of the author, the year of

publication of the work and the page number are included, as it is done in the journal Akadeemia. In the latter case, a corresponding reference must be included in the reference list. An in-text reference is also called a name reference or a number reference.[23]

Main text: The third, final phase leads to the moment of death (Qvarnström 1993, pp 48–49).
Reference list: Qvarnström, U. 1993. Vår död. Stockholm: Almquist & Wirksell.

74 In-text referencing does not exclude footnotes that supplement the main text. If referencing is necessary in the footnote, the main text referencing system is used. There are two options.

Main text: On the contrary, a human being as a person begins with self-consciousness, with the emergence of I-consciousness, from which moment onwards a legitimate interest of survival worth protecting can be reckoned with.
Footnote: Consequentialist ethics has found its initial legal expression here, first and foremost as regards the problematics of abortion (Parve 1995).

Footnote: Consequentialist ethics has found its initial legal expression here, first and foremost as regards the problematics of abortion (Parve, reference 1, p 1).
Reference list: Parve, V. 1995. Abordiprobleem moraaliteooriate konkurentsis. [The issue of abortion in the contest between moral theories] – Mõistlike valikute õigustamise filosoofilised eeldused [The philosophical preconditions of justifying rational choices]. Koost Loone, E. Tartu: TÜ.

VIII. MAIN TEXT AND FOOTNOTES

1. General requirements

75 In the main text of the work, everything that is important from the aspect of developing the discussion on the topic is presented, including factual data, quotes and summarisations, as well as their comments by the author. Only when a quote or summarisation poses a significant digression from the logical connections of the main text and makes it difficult to follow the author's ideas, it may be placed in a footnote. Critique pertaining to the author or source that is being quoted or summarised in issues that would otherwise depart from the frames of the main work, can be included in a footnote. Generally, it has to be kept in mind that the amount of text in footnotes should not be excessive. The essential and the most important part of the work is the main text. If the author constantly needs to explain or expand on something in the footnotes, he or she should think through the structure and content of the work again. Footnotes are mainly intended for source references and short digressions.

2. Division of references between the main text and footnotes

76 Generally, the **main text does not contain the source being referenced** and only the reference number for a footnote is used. It is fairly common to mention the name of an author in the main text by writing out the initial and last name of the author; if the author of the work finds it

[23] More about referencing systems: Ametniku keelekäsiraamat, pp 179–181; more about in-text referencing: Järvet, S., *et al.,* p 42 ff.

necessary, the academic title (e.g. professor, academician etc.) can be included as well in exceptional cases or the institutional affiliation (e.g. justice of the Supreme Court). The text should clearly indicate which part of text is by the author of the work, and which part is referenced (see mrg 16). The title of a specific source may be written out in the main text, if the author considers it necessary; in that case, the title of the referenced source is put in quotation marks.

Main text: D. A. O. Edward and R. C. Lane wrote already in their 1993 book "Law of the European Community": "in reality, the Council has become a forum for inter-governmental negotiations /.../".
Footnote (initial reference): Edward, D. A. O., Lane, R. C. Euroopa Ühenduse õigus. Sissejuhatus [Law of the European Community. Introduction]. Tartu: TÜ õigusteaduskond 2003, p 13.

Main text: In the opinion of W. Hassemer, criminal law should disregard its esoteric approach and redefine itself in the social context.
Footnote (initial reference): Hassemer, W. Einführung in die Grundlagen des Strafrechts. 2. Aufl. München: Beck 1990, p 38.

77 As an exception, information about the work or source can be given **in the reference only**.

Footnote: Many Scandinavian criminologists hold the same opinion, e.g.: Sarnecki, J., Juvenile Delinquency in Sweden. – Youth Crime and Justice. Scandinavian Studies in Criminology. Vol 12. Oslo: Norwegian University Press 1991, p 24.
Reference list: Sarnecki, J. Juvenile Delinquency in Sweden. – Youth Crime and Justice. Scandinavian Studies in Criminology. Vol 12. Oslo: Norwegian University Press 1991.

78 When referencing a **legal act**, the main text should mention the legal act, its title, section, subsection, clause, sentence etc. (in the main text, this can be put in brackets). As a rule, a legal act or its specific provision is not referenced; as an exception, this can be done as an exception if it derives from the logic of the text. The title of a legal act is usually abbreviated when it is followed by a specific provision, otherwise the full title of the legal act is written (and it is not put in quotation marks). When the title of the legal act is used often, using its abbreviation is sufficient. The title of a legal act is written with a lowercase letter. More about using legal acts in the main text and in footnotes, see mrg 117.

79 The **symbol §** is only used when it is followed by the number of the paragraph, e.g. PC § 1. Otherwise, the word *paragraph* is written out in full (e.g. *§ 1*, but the *paragraph in question*). A sentence must not start with the symbol *§* or an abbreviation: the words *paragraph*, *subsection* and *clause* are written out in full. When discussing multiple paragraphs, §§ may be used.

IX. GENERAL SOURCE REFERENCE REQUIREMENTS

80 The **full reference** of a source needs to be created for the reference list as well as when it is initially referenced in a footnote. This chapter, first and foremost, gives instructions on how to create full references for the reference list. For footnotes, see mrg 113 ff.

81 **With literary sources**, all information is taken from the front side of the **title page**. If information there is inconsistent or there is no title page at all, the information is obtained from other parts of the work (often, the publication date is on the reverse side of the title page). If the information about the source is still insufficient and it is available from another source, it is allowed to do so and the information obtained in this way is put in square brackets.

[Paucker, C. J. A.,] Uebersicht der neuesten juristischen Literatur Livlands. – Das Inland. Eine Wochenschrift für Liv-, Esth- und Curländische Geschichte, Geographie, Statistik und Literatur, 1836.

82 If the title page is missing, the reference is taken from the cover. If the place or year of publication cannot be identified, *sine loco* (with no place) or *sine anno* (with no year) is written.

BGHSt 2, 194 (Anwalts-Nötigung). – Best of. Die wichtigsten Entscheidungen für Ausbildungund Praxis. Strafrecht. Achso! *Sine loco, sine anno.*

83 Usually, the **subtitle** needs to be written out as well. This requirement does not apply to sources where the title itself or the subtitle is very long (it is mainly the case with older books – but sometimes with new ones as well). In such instances, the title can be cut short at a suitable place or the subtitle can be excluded. This kind of abbreviating in the reference list does not exclude the need for shortening the repeat reference in the footnotes (see mrg 113–115).

Actually on the title page: Friedrich Georg von Bunge. Ueber den Sachsen-Spiegel als Quelle desmittleren und umgearbeiteten livländischen Ritterrechts, sowie des öselschen Lehnrechts. Riga, gedruckt bei Wilhelm Ferdinand Häcker 1827.
Reference list: Bunge, v. F. G. Über den Sachsenspiegel. Riga: Häcker 1827.

Actually on the title page: Wolfgang Singer. Der polizeiliche Rechtshilfeverkehr mit dem Ausland. Eine Analyse über Grundlagen und Bedingungen des internationalen Rechtshilfeverkehrsdurch Dienststellen der deutschen Polizei; aufgezeigt anhand bi- und multilateraler Verträgeund Abkommen, dem Deutschen Auslieferungsgesetz (DAG), dem Gesetz über dieInternationale Rechtshilfe in Strafsachen (IRG), der Zuständigkeitsvereinbarung (ZustV), denRichtlinien für den Verkehr mit dem Ausland in strafrechtlichen Angelegenheiten (RiVASt), dem Bundeskriminalamtsgesetz (BKAG) sowie den Statuten der InternationalenKriminalpolizeilichen Organisation (IKPO-Interpol). Frankfurt am Main, Bern, New York: Peter Lang 1983.
Reference list: Singer, W. Der polizeiliche Rechtshilfeverkehr mit dem Ausland. Frankfurt/M *et al.*: P. Lang 1983.

84 Other information on the title page can be **abbreviated** as well. The official titles of the author are excluded (honoured scientist, professor, academician etc. of the Russian Federation).

Commented edition → Comm. Ed.
Second, improved and revised version → 2nd Ed.
2., a jour gebrachte Auflage → 2. Aufl.
Dreiundzwanzigste Auflage (41.–43. Tausend) → 23. Aufl.

85 In addition to the author and title, a reference must include the **place of publication, publisher and the year of publication**. The word 'press' or 'publishing house' is only used when it is an inseparable part of the official name of the publisher, e.g. Eesti Riiklik Kirjastus (abbreviation ERK) or Academic Press.

Maurer, H. Haldusõigus. Üldosa [Administrative Law. General Part]. 14. tr. Tallinn: Juura 2004.

86 The full reference to a source used in the work must be included in the corresponding reference list (for footnotes, see chapter X). Literary sources are presented in an **alphabetical** order; literature is sorted by the last name of the author or, in the absence of an author, by the first word in the title of the work – first writing the last name, followed by a comma and the initial. The first name is not written out in full. When there are two or three authors, all names are presented; when there are three or more authors, only the author who is named first on the title page is indicated, followed by *et al*. The authors' names are separated using commas. If a paper uses more than one work by an author, the sources are alphabetically sorted by the first word of the title of the work.

Orgo, I.-M., Siigur, H., Tavits, G. Töölepingu seadus. Komm vlj [Employment Contracts Act. Comm. Ed.]. 2. tr. Tallinn: Juura 1996.

Ernits, M. *et al*. Karistusseadustiku üldosa eelnõu. Eelnõu lähtealused ja põhjendus [Draft General Part of The Penal Code. The Basis and Reasoning of the Draft]. Tallinn: Juura 1999.

87 The **nobiliary particle** is between the first and last name, abbreviations may be used (see mrg 83). In the reference list, the nobiliary particle comes either before the last name or after the first name. Writing out the nobiliary particle is not mandatory. Understandably, only one system should be used here as well. **Foreign characters** not used in the English language (e.g. ā, ǽ, é, ë, ł, ø, ÿ) must be spelled correctly. If the work is in **Russian**, the initial of the patronymic of the author does not have to be written out.

88 If the **editor or compiler or supervisor** is named on the title page, his or her name is listed analogously with that of an author. Still, it must be clearly understandable that the person is the editor or compiler, not the author. If the commented editions of legal acts specifically list the authors of separate comments, the name of the author of that comment is provided in the footnote. In the reference list, only the name of the editor or compiler is given.

Sootak, J. (Hrsg). Estnische Strafrechtsreform: Quellen und Perspektiven. Tartu: Juristide Täienduskeskus 1996.

Varul, P. *et al*. (comp.). Võlaõigusseadus I. Üldosa (§§ 1-207). Komm vlj. [Law of Obligations Act I. General part (§§ 1-207). Comm. Ed.]. Tallinn: Juura 2006.

Maurer, K. (comp.). Õigusleksikon [The Law Lexicon]. Tallinn: Interlex 2000.

Lahe, J. Süü deliktiõigusliku vastutuse alusena. Magistritöö. Juhendaja Tambet Tampuu. [Fault as the basis of liability in the law of delict. Master's thesis. Supervisor Tambet Tampuu]. Tartu: Tartu Ülikool 2002 (manuscript in the information centre of UT Iuridicum).

Footnote (initial reference): Lehis, L. PSK § 111/1. – Eesti Vabariigi põhiseadus [The Constitution of the Republic of Estonia]. Comm. Ed. 3rd Ed. Tallinn: Juura 2012.
Footnote (repeat reference): Lehis, PSK § 111/1.
Reference list: Eesti Vabariigi põhiseadus. [The Constitution of the Republic of Estonia]. Comm. Ed. 3rd Ed. Tallinn: Juura 2012.

89 References to **article compendiums** and **journals** or **newspapers** must first indicate the direct source (name of the author and the specific article) and then, separated by a dash, the name of the person who compiled the compendium, the title of the compendium or journal, year, issue number of the journal. The title of the newspaper or journal is not shown in quotation marks. When referencing newspapers, the page numbers are generally not provided in the footnote, save for voluminous newspapers (e.g. Sirp, Frankfurter Allgemeine Zeitung), but the publication date of the article has to be included. The title of the newspaper or journal may be given in an abbreviated form (FAZ, or EJHL, EPL and ERPL in the examples below), providing the full title in the list of abbreviations. If the names of journals are to be abbreviated, it must be done so in all footnote references. About abbreviations, see mrg 53, ref. 20.

Eser, A. Misconduct in Science: a German Lesson. – European Journal of Health Law 1998/5, No 2.

Narits, R. Õigusteaduse rollist Eesti Vabariigi põhiseaduse aluspõhimõtete sisustamisel [The role of jurisprudence in defining the principles of the Constitution of the Republic of Estonia]. – Õigusteaduse osa Eesti õiguskorra kujunemises. Teaduskonverents professor Kalle Meruski 60. juubeliks [The role of jurisprudence in the evolution of Estonian legal regulations. Scientific conference held to mark the 60th birthday of Professor Kalle Merusk]. Tallinn: Juura, *sine anno*.

Preismann, K. Mopeediga kurjategijaks [Becoming a criminal by riding a moped]. – Eesti Päevaleht 12.10.2009.

Sànches Graells, A. Towards a European Tort Law? – Damages Actions for Breach of the EC Antitrust Rules: Harmonizing Tort Law through the Back Door? – European Review of Private Law 2008/16 (3).

90 In the main text and footnotes, **well-known abbreviations** etc., ff., p, and the well-known legal abbreviations such as Art., v may be used. **Punctuation marks** play a different role in the reference compared to their general use – they are used to technically separate the different parts of the reference. Thus, the parts of a specific reference must be separated with a full stop. In a footnote, only the last part is separated by a comma within a single reference – p, §, comm., etc. Multiple sources listed within one footnote reference are separated by a semicolon. The reference ends with a full stop.

91 The title of the work is not put in **quotations marks**. Still, this has to be done, if the quotation marks appear in the original title as well or when the title is written in the main text (see mrg 76).

Hassemer, W. ”Zero tolerance” – ein neues Strafkonzept? – Festschrift für Günther Kaiser. Hb 1. Berlin: Duncker & Humblot 1998.

92 The full reference of a **legal act** must be included in the list of legal acts (for footnotes, see mrg 117). The list is sorted alphabetically. National laws, international treaties and the legal instruments of the European Union can appear in a single list; when numerous legal acts are used, separate lists may be created. The institution that adopted the legal act is not shown if the type of the legal act clearly determines who adopted it. The title of the legal act is followed by the source where the act was officially published. The date the act was adopted is only shown for regulations and the legal instruments of the European Union (mrg 95). A **draft legal act** and its **explanatory report** is not shown in the reference list, and not in the list of legal acts (see also mrg 112).

93 **Riigi Teataja** (RT) references must include the section of RT (I, II, III or IV/KO) and the publication note (date of publication in RT with its order number).[24] The abbreviation RT IV can be replaced with the abbreviation KO.[25] References to legal acts published in RT before October 2010 must include the section of RT (I, II, III or RTL), year and number. Now RT is accessible electronically and thus the complete text is always up to date (along with all previous amendments), and therefore only the number of the complete text is given. If the author has used earlier wordings (has followed the developments of the legal regulation being studied), references must be made to the amendment acts. The time of the entry into force of the legal act is provided only when the author, depending on the subject matter of the work, considers it necessary to cover the *vacatio legis*. For legal acts that have not been published on the RT website, the place of publication must be given: the website or newspaper of the issuer of the legal act, or another medium where the act has been published. If the list includes legal acts issued by multiple bodies, they can be systematised by issuer, keeping in mind the hierarchy of legal instruments (laws, government regulations, regulations issued by ministers etc.).

Vandetõlgi määrustik [Sworn translators regulation]. JMm 5.2.2014 nr 5. – RT I, 7.2.2014, 12.

Raamatupidamise seadus [Accounting Act]. – RT I, 13.3.2014, 50.

Reklaamimaks Tallinnas [Advertisement tax in Tallinn]. Tallinna LVKm 17.12.2009 nr 44. – KO 2010, 14, 206 … KO 2010, 108, 1454.

Tartu linna ettevõtluse tegevuskava 2010–2012 [City of Tartu action plan for business operations 2010–2012]. Tartu LVm 16.3.2010 nr 7. – http://info.raad.tartu.ee/webaktid.nsf/web/viited/TLVM2010031600007 (24.11.2010).

[24] From 1 June 2010, RT part IV replaces the earlier Riigi Teataja Lisa (RTL).
[25] RT IV is where the regulations of local authorities are published. Pursuant to Riigi Teataja Act § 14 (1), all regulations adopted by local authorities as well as their full texts will be published in Riigi Teataja as of 1 Ianuary 2013.

94 The references to legal acts are given only by using Riigi Teataja, not **compendiums of legal acts**. Using the latter is justified only in cases when RT or another primary source is unavailable, the work has used commentaries provided in the compendium or, depending on the subject matter of the work, the author considers it necessary to cover the publication of the act in other sources. In these instances, the author has to bear in mind that the compendium is not the original source of a legal act, or primary source (see mrg 54), but a literary source.

Alaealised. Õigusaktide kogumik [Juveniles. Compendium of legal acts]. Tallinn: Ilo 1999.

Eesti poolt ratifitseeritud inimõiguste dokumendid [Human rights documents ratified by Estonia]. Tallinn: Eesti Inimõiguste Assotsiatsioon 2000.

Õigusaktide kogumik Eesti NSV miilitsa väliteenistuse töötajale [Compendium of legal acts for the Estonian SSR police officers in field service]. Tallinn: Eesti NSV Ühiskondliku Korra Kaitse Ministeeriumi Miilitsavalitsus 1963.

95 A reference to a **legal instrument of the European Union** has to include the title along with the name of the body that adopted the legal instrument, the date of adoption, number and the publication note.

Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code). – OJ L 243, pp 1–58.

Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors. – OJ L 134, pp 1–113.

96 For **legal acts of a foreign country** or **international sources of law**, when possible, reference to the primary source is preferred (the official source, e.g. the German Bundesgesetzblatt, Swedish Svensk Författnigssamling, Finnish Suomen Laki, etc.) if the author has actually used it. If that is not possible and the author has used a different source, reference has to be made to that source. These sources are included in the list of legal acts, grouping them in a separate list. The same applies to the historical wordings of both Estonian and foreign legal acts. International conventions and other international treaties that have been ratified by the Riigikogu are referenced via Riigi Teataja like national laws (mrg 92–93), and the title of the international treaty is written in Estonian. If Estonia has not ratified the treaty, it is referenced as any other source.

Das polnische Strafgezetzbuch. Kodeks karny. Zweisprachige Ausgabe. Freiburg: Iuscrim 1998.

Rikoslaki. – Rikosoikeus 2004. Helsinki: Talentum Media OY 2004.

Allgemeines Landrecht für die Preussischen Staaten von 1784. 2. Aufl. Neuwied: Luchterhand 1994.

Convention of 22.12.1986 on the Law Applicable to Contracts for the International Sale of Goods. Hague Conference on Private International Law 1986. – www.hcch.net/index_en.php?act=conventions.text&cid=61 (22.9.2010)

97 The reference of a **model law or model code** has to meet the same requirements established for ordinary literary sources (these are not legal acts). The title of the act, the name of the institution or organisation that compiled or issued it as well as the year and place of publication (or a reference to the official website of the model law) is presented.

UNIDROIT Principles of International Commercial Contracts 2004. Rome: UNIDROIT 2004.

UNIDROIT Principles of International Commercial Contracts 2004, UNIDROIT 2004. – https://www.unidroit.org/instruments/commercial-contracts/unidroit-principles-2004 (18.11.2019).

98 With **old legal texts**, the (reconstructed) text of the legal act itself as well as the numbering within the legal act might depend on either the specific publication or the date of publishing. It is important to use the most recent publication available, preferably one that is textually critical and authoritative.

Corpus Iuris Civilis. Krüger, P., Mommsen, T. (Eds). Vol I. Berlin: Weidmann 1922.

99 **Estonian Supreme Court judgement** references have to provide the abbreviation of the court, which also determines the type of the judgement (Appendix 3), the case number and, if necessary, the date of the judgement. Since all Supreme Court judgements are published on the Supreme Court website and are easily accessible there, the place of publication (RT III) is not shown. A description of the case may be provided in brackets, but this is not mandatory.

RKÜKo 3-4-1-33-09.

RKTKm 3-2-1-114-10.

RKKKm 3-1-1-86-10 with a dissenting opinion from justice P. Pikamäe.

RKHKm 3-3-1-53-07 (Complaint of OÜ Tabal for the claiming of damages caused by Tallinn City Government).

100 With **judgements of Estonian first and second instance courts**, the reference has to include the abbreviation of the court, case number and, if necessary, the date of the judgement. The judgements are available at https://www.riigiteataja.ee/kohtulahendid/koik_menetlused.html. Since these judgements are only published in the court information system KIS (mrg 30) that is managed by the Ministry of Justice, writing out the place of publication is not mandatory. If the judgement is not accessible via the public section of the database, information must be added as regards where the judgement is located (see also mrg 112). In the list of judgments, the judgments are grouped by chambers of the Supreme Court or circuit court or by court instances; if necessary, by type of case (e.g. criminal or misdemeanour case), according to the number if judgment (in earlier Supreme Court judgements, according to the last number, i.e.

the year, and in later judgments, according to the second number). As the Supreme Court has introduced a new referencing system, the judgments with earlier references and those with later references should be grouped separately.

TlnRnKo 2.6.2010, 3-08-1155 (copy in the possession of the author).

Judgements of the Criminal Chamber of the Supreme Court in criminal matters

3-1-1-1-00
3-1-1-1-01

or

1-17-2222
1-18-1111

101 References to **judgements of the courts of the European Union** must, in the initial reference, include the abbreviation of the court, the case number and the shortened name of the case, followed by the European Case Law Identifier ECLI. The name of the case is written in italics. The place of publication does not have to be provided. With joined cases, it is sufficient to write the first case number and the first party. If reference is not made to a CJEU judgement, but to an **opinion of the advocate general, an application for preliminary ruling** or **an action**, this is indicated at the end of the reference. No identifier is shown for an application for preliminary ruling or an action as it has no ECLI. For abbreviations of court names, see Appendix 3.

Initial reference and in the reference list: CJEU C-298/15, *UAB "Borta" versus VĮ Klaipėdos valstybinio jūrų uosto direkcija*, ECLI:EU:C:2017:266.
Repeat reference: C-298/15, *Borta*.

Initial reference and in the reference list: CJEU C-454/06, *pressetext Nachrichtenagentur GmbH versus Republik Österreich (Bund), APA-OTS Originaltext-Service GmbH and APA Austria Presse Agentur registrierte Genossenschaft mit beschränkterHaftung*, ECLI:EU:C:2008:167, Opinion of Advocate General J. Kokott.
Repeat reference: C-454/06, *pressetext*, opinion of Advocate General J. Kokott.

Initial reference and in the reference list: CJEU C-428/10, *European Commission versus the Republic of France,* action.
Repeat reference: C-428/10, *Commission v France*, action.

CJEU GC T-428/10, T-577/10, T-441/12, *Trenzas y Cables de Acero PSC, SL versus European Commission,* ECLI:EU:T:2014:1006.

Initial reference and in the reference list: CJEU CST F-113/05, *Roderick Neil Kay versus European Commission*, ECLI:EU:F:2010:132.
Repeat reference: F-113/05, *Kay v Commission*.

102 References to the **judgements of the European Court of Human Rights** must include the abbreviation of the European Court of Human Rights, the application number and the name of the case.

ECtHR 11548/04, *Saarekallas v Estonia*.

ECtHR 16944/03, *Mikolenko v Estonia*.

103 References to **judgments by a foreign court in Continental Europe** must include the name of the court, the judgement number and date as well as the place of publication.

BVerfG. 2 BvE 2/08. –
www.bverfg.de/entscheidungen/es20090630_2bve000208.html (24.11.2010)

104 With **common law countries**, as is customary, the names of the parties to a case are written out as well. The judgements are usually accessible via WestLawNext (mrg 22), where they are, as a rule, sorted by significance. The following is an example of an English court judgement accessible via WestLawNext.

Skype Technologies SA v Joltid Ltd. Chancery Division, EWCH 2783 (CH); Info. T.L.R. 104.

105 In the list of references, the case-law list is sorted **alphabetically or by the judgement number**. Judgements of courts and court instances can be systematised by listing the higher instance courts first.

106 With **archival materials**, the title and date of the specific archival unit is given, the name of the author is provided when possible. The title of the archival unit may be translated or presented in its original language, whichever method suits the work better. The title is followed by archival data – for the National Archives of Estonia, as presented in the archive information system AIS (see also http://www.ra.ee/en/science-and-publications/citing-archive-sources/): name of the archive (or later, abbreviation, fond, series, item and sheet or page number. If only a specific part of the archival unit is referenced, not the entire unit, then only those page numbers are provided. Materials held in the manuscript departments of libraries and museums are referenced similarly to archival materials.

Diplomaatikateaduse tudengite eksamikorra projekt [Project of examination rules for students of diplomatic science]. 19.8.1835. – National Archives of Estonia (RA) EAA.402.9.63, pp 48–49.

Dabelow, C. C., Umlauf. 3.10.1826. – National Archives of Estonia EAA.402.9.72, pp 66–67.

107 Archival materials are **listed separately** in the reference list. Used archival materials are presented in the list at least on the accuracy level of a fond, writing the complete name of the archive along with the abbreviation (or just the abbreviation, if the full version is given in the list of abbreviations), fond number and title. If necessary, the list of sources can be provided

on the accuracy level of the specific directory or archival list. The materials available in the manuscript departments of libraries and museums are shown in the list of archival materials based on the same principles. When using multiple fonds from the same archive, they have to be sorted by their numbering.

National Archives of Estonia EAA.29: Eestimaa kuberneri kantselei [Chancellery of the Governor of Estonia]
National Archives of Estonia ERA.31: Riigikantseleid [Government Offices]

University of Tartu Library Department of Manuscripts and Rare Books (UTL DoMRB)
F 8: Müthel, Johann Ludwig

National Archives of Estonia:
EAA.29: Eestimaa kuberneri kantselei [Chancellery of the Governor of Estonia]
EAA.30: Eestimaa kubermanguvalitsus [Government of the Governorate of Estonia]
EAA.291: Liivi-, Eesti- ja Kuramaa kindralkuberner [Governor-General of Livonia, Estonia and Courland]
EAA.296: Liivimaa kuberneri kantselei [Chancellery of the Governor of Livonia]

108 When referring to **correspondence**, the name of the person who sent the letter has to be given first, followed by the name of the addressee, the place the letter was sent from (as mentioned in the letter) and the date. The reference must clearly indicate where the letter is being preserved. If the reference list contains the place where the correspondence is being preserved, it does not have to be shown in the footnote.

C. Rummel an W. F. Clossius. Hasenpoth, 12. Dezember 1835. – Württembergische Landesbibliothek zu Stuttgart. Handschriftenabteilung, Cod iur 4º 136, Nr 1911.

D. Strauch an M. Luts. Köln, 2.1.1997 (letter in the possession of the addressee).

109 When referencing **electronic sources**, the same general requirements have to be followed as with paper-based sources: the verifiability and identifiability of the source must be guaranteed (one reference must not correspond to multiple possible sources). A source is inserted into lists according to its content (see also mrg 53). In addition to the usual parts of a reference (author, title etc.), the reference of an electronic source must also include the type of data medium (CD, network etc.), the web address where the source is accessible, and the time the material was last viewed (not necessary for a CD). The data medium is not referenced when the source is accessible via an academic database (mrg 22), e.g. a specific subject field library that can be accessed on the website of the University of Tartu Library – in such cases, the source is referenced similarly to paper-based sources. Yet, it is not considered a mistake to reference the database as it makes it easier for others to find similar literature.

Oxford English Dictionary Computer File: On Compact Disc. 2nd ed. CD-ROM. Oxford: Oxford UP 1992.

Kanger, L. Haldusleping Eesti kohtupraktikas. Kohtupraktika analüüs [Administrative contracts in Estonian judicial practice. Analysis of judicial practice]. Tartu: Riigikohus, õigusteabe osakond 2010. – https://www.riigikohus.ee/sites/default/files/elfinder/analyysid/2010/halduslepingu_analyys_l_kanger_keeletoimetatud.pdf (18.11.2019).

110 The use of electronic sources is allowed, if the **source is not available in a paper-based format** (e.g. a legal act of a foreign country, a book not available from Estonian libraries), it is an official document the authenticity of which is not questionable (e.g. the material has been obtained from the official website of the initial publisher of the information) or the **source does not exist on paper**, e.g. nowadays, Riigi Teataja or a draft legal act. The criterion of availability of a paper-based version does not apply to sources obtained from academic databases or official databases of legal acts and court judgements. For online sources, the date when the author of the work last retrieved the source is shown in brackets.

Riigivastutuse seaduse eelnõu [Draft (of the) State Liability Act]. 818 SE I. – www.riigikogu.ee/?page=en_vaade&op=ems&eid=1157015&u=20101124162126 (24.11.2010)

Pritzker, Th., J. An Early Fragment from Central Nepal. (17.3.1995) – AsianArt.com. The on-line journal for the study and exhibition of the arts of Asia. https://asianart.com/pritzker/pritzker.html, (18.11.2019).

Õiend. Eesti Vabariigi I ja II astme kohtute tööst 1996. aastal [On the work of first and second instance courts of the Republic of Estonia in 1996]. – Kohtute statistika. Eesti kohtud. https://www.kohus.ee/sites/www.kohus.ee/files/elfinder/dokumendid/kohtute_statistika_1996.pdf (18.11.2019).

111 Works of legal history (e.g. a memoir writing) might contain references to information that the author obtained in a **conversation**. In other cases, the *magister dixit* ('teacher said', i.e. said by a professor in a lecture) is not valid as a scientific argument.

Verbal communication from Jüri Jegorov to the author on 16 September 1998 in Tartu.

112 As an exception, **unpublished paper-based materials** can be used. This is a reference to a source that has not been published in print and is also not available in the electronic form. Frequently, such sources are draft legal acts and their explanatory reports, court judgements, but also student works etc. When using these sources, all the important reference data must be presented, also providing the location of the material. For draft legal acts, its time status must also be provided.

Laatsit, M. Kurjategijate väljaandmise õiguslikud alused ja kord [The legal basis and procedure of extraditing criminals]. Bakalaureusetöö [Bachelor's thesis]. Tartu: TÜ õigusteaduskond 1998. (Manuscript in the information centre of the University of Tartu School of Law.)

Haldussunni seadus [Administrative Coercion Act]. Eelnõu seisuga september 2000 [Draft legal act as of September 2000]. (Manuscript in the Ministry of Justice.)

Tsiviilseadustiku 1936. a eelnõu. Üldosa, asjaõigus, võlaõigus [Draft Civil Code of 1936. General part, property law, law of obligations]. (Manuscript by E. Lani in the possession of the author.)

X. FOOTNOTES

113 An initial footnote must contain a full reference, and subsequently the **abbreviated form** is used. The full reference makes it easier to read the work, while the abbreviated form helps save space. The fact that it is easy to copy references of any length and paste them repeatedly does not justify overloading the footnotes with endless repetitions. Understandably, the reference list must contain the accurate full reference to a source.

114 If only one work from an author is used, the second reference and subsequent ones only include the last name and the initial of the author or just the last name. The phrase 'referenced work' or *op cit* (Latin *opus citatum* – referenced work) may also be used. When multiple works by an author are used, the referenced source must be defined by the first words of its title, the reference number of its initial reference or the year in which the work was published. If a footnote reference to a source is followed by another reference to the same source, the word *ibid.* (Latin *ibidem* 'in the same place') may be used; or *idem* (Latin the same) to indicate the same work by the author in the reference. Also the abbreviation *et al.* may be used (Latin *et alii* 'and others').

Uluots, J., p 34.
Uluots, J., Referenced work, p 34, *idem.* Eestimaa õiguse ajalugu [The legal history of Estonia], p 35.
Uluots, J. Eestimaa õiguse ajalugu [The legal history of Estonia], p 34.
Uluots (reference 7), p 34.
Uluots 1938, p 34.
Ibid., p 22.

115 Many countries use **well known abbreviations** when referencing the commentaries of legal acts or textbooks, which may be given on the title page, or reverse side of the title page, of the publication. When using an abbreviation, the full reference to the source must be provided in the reference list and the used abbreviations must be included in the list of abbreviations.[26] If necessary, the abbreviation can be explained in the reference list. See also mrg 118.

Footnote (repeat reference): Jescheck/Weigend, p 38.
Reference list: Jescheck, H.-H., Weigend, T. Lehrbuch des Strafrechts. Allgemeiner Teil. 5. Aufl. Berlin: Duncker & Humblot 1996.

Footnote (repeat reference): StGB-Tröndle/Fischer, eelm § 218/8c-8f.

[26] More about abbreviating, see also Ollisaar, M., p 31 ff.

Reference list: StGB-Fischer: Fischer, T. Strafgesetzbuch und Nebengesetze. 64. Aufl. München: Beck 2017.

116 The reference will first give the surname of the author, followed by the initial of first name. If only a reference to a work follows, the reference must not start with *See:*. Both the source itself as well as the summarised or quoted section must be precisely identifiable – reference must be given with page accuracy. Referencing the page is not necessary only when the entire book is being referred to. When referring to a page or other parts of the work, the respective English abbreviation is used (p for page, mrg for marginal, etc.).

Main text: Issues of EC criminal law have been discussed in monographs as well.
Footnote (initial reference): Heise, F. N. Europäisches Gemeinschaftsrecht und nationales Strafrecht. Bielefeld: DDV Verlag 1998.

117 The **place of publication of a legal act** (e.g. Riigi Teataja) is given in the footnote only in the initial reference, but not in subsequent footnotes. **Provisions of legal acts** are not referenced in footnotes, but are written out in the main text either within a sentence or at the end of a sentence in brackets. The list of legal acts must contain the full reference of the law (see mrg 92–93). In the main text, an abbreviation should generally be preferred over the full title of a legal act. Estonian abbreviations can be taken from the list of abbreviations of legal acts compiled by the Ministry of Justice or from another source, e.g. the commented edition of the Penal Code. Given that the English translations of Estonian laws in Riigi Teataja are unofficial, the title of the law should be written out in full on first mention, followed by "henceforth" and the abbreviation in brackets, e.g. the Penal Code (henceforth PC).[27] As an exception, the legal provision is given in the footnote when it is long and significantly disturbs reading the main text. This also applies to foreign legal acts and the legal instruments of the European Union (mrg 95–96).

118 With **commentaries** of legal acts, the number of the paragraph and commentary or the marginal is referenced, not the page number. The abbreviation comm. is used or the commentary number is separated from the paragraph number by a forward slash. If the source (e.g. a **textbook**) is thoroughly structured, the structural section of the textbook can be referenced, especially if the reference is meant to cover the whole section. In repeat references only the name of the author of commentary is indicated.
Footnote (initial reference): Lehis, L. PSK § 111/1. – Eesti Vabariigi põhiseadus [The Constitution of the Republic of Estonia]. Comm. Ed. 3rd Ed. Tallinn: Juura 2012.

Footnote (repeat reference): Lehis, L. PSK § 111/1.

119 Either in the main text or in the footnotes, **historical legal acts** are often not referenced by page number, but their in-text numbering (similarly to paragraphs of legal acts). For example, when referencing Roman legal texts, the title of the work or the name of the author is usually written in an abbreviated form (*D* or *Dig*. for the Digest, *I* or *Inst*. for the Institutes of Justinian, *G* or *Gai* for the Institutes of Gaius). In the in-text numbering, the first number marks the book,

[27] KarSK, p 31 ff. (NB! This reference is an exception where the page number of the commented edition is referenced – and it does not refer to any specific legal provision).

the second number marks the titled chapter (or title), the third marks the fragment and the fourth (if there is one) marks the paragraph. An unnumbered beginning is marked with the abbreviation *pr* (Latin *principium*).
Dig 12.3.4.2.
Inst 2.1.pr.
Gai 2.56.

120 As an exception, a ***passim* reference** (Latin *passim* 'everywhere, throughout') may be used. This reference might come in handy, if an article or book has repeatedly mentioned a person or expressed an opinion. In such cases, referencing the page number would mean referencing numerous pages or even all of them, which would render the referencing pointless. When using the *passim* reference, a specific page must be referenced at least once – e.g. the page where the opinion is first expressed or where it has received the most attention.

Main text: The argument of there being no unified European legal culture or no criminal law characteristic of Europe has been rebutted in literature.
Footnote (repeat reference): Samson, E. Eesti karistusseadustiku üldosa eelnõust [On the draft of the general part of the Estonian Penal Code], p 58, *passim*.

121 The **sphere of influence** of a reference extends to the reference number (or another source marking). This means that the reference number indicates the end of a summarisation or quote. If the reference number is at the end of the paragraph, it covers the whole paragraph; if it is at the end of a sentence, it only covers the particular sentence. The reference number is written right after the punctuation mark (without a space). If the reference is only meant to cover the final sentences of a paragraph, this must be evident from the main text. It is possible for a reference to cover a single word only – in that case, the reference number is written after the word and, if necessary, before the punctuation mark.[28]

122 If there are references to **multiple sources** in a single footnote, the sources are separated with a semicolon and given, preferably, in a chronological order. The author's own text is separated from the source reference by using *see* or *see further* and a colon.

Footnote: The issue has received most thorough analysis in the Baltic German literature. See Bunge, v. F. G. Altlivlands Rechtsbücher, pp 18–23 (overview) and pp 95–158 (source text).

123 **Court judgements** are referenced either in the main text or in the footnotes. The footnote is compiled the same way as a reference in the list of case-law (mrg 99–104). If necessary, the specific clause of a judgement is included.
Main text: The Supreme Court has held a similar opinion before (e.g. RKTKo 3-2-162-08 clause 6).

Main text: The Supreme Court has held a similar opinion before.
Footnote: E.g.: RKTKo 3-2-1-62-08 clause 6.[29]

[28] For more, see Lauk, E., p 52.
[29] The example is from: Sein, K. Leping kinnisvaraarendaja ja kinnisasja omandaja vahel: kas müügileping või segatüüpi leping? [Contracts between Real Estate Developers and Owners of Registered Immovables: Sales Contracts or Mixed Contracts?] – Juridica 2010/III, p 222.

124 When referencing **foreign judicial practice**, the schemes in use by the respective countries or organisations are used in the work, adding the necessary explanation in the main text or in the footnotes. If possible, the author should use a source available to our readers as well when referencing foreign judicial practice.

Main text: This position in the question of self-defence has been adopted by the Federal Court of Justice of Germany.
Footnote: BGHSt 3, 217 (Ersatzkommunisten) = Best of. Strafrecht, p IV-5.

Main text: An insult can also occur by acts of a sexual nature, as confirmed by the Federal Courtof Justice of Germany.
Footnote: BGH, 2. StR 662/88 = NJW 1989, p 3028.

125 When referencing **encyclopaedias** or dictionaries, also the repeat reference must include both the title of the article or the keyword and its location in the specific volume. The keyword or article may also be indicated with the abbreviations *sub* or *sv* (Latin *sub vero* 'under the word'). With the Encyclopaedia of Estonia, it is sufficient to refer to the publication, differentiating between ENE and EE. In many encyclopaedias, the text is not divided into pages but into columns, which also have to be referenced. Obviously, the full reference to the publication must be included in the reference list.

EE [Encyclopaedia of Estonia]. Vol 10, sv õigus, p 595.

Intellektuaalne omand [Intellectual property]. – ENE. 2nd ed. Vol 3, p 649.

Action populaire. – Der grosse Herder. 1. Bd, column 113.

126 With **archival materials**, a repeat footnote only has to include the name of the document (or the author) that is referenced and the page number.

127 In the course of the writing process, it might become necessary to refer to another part of **the work at hand**. This avoids repetitions and makes reading the work easier. Yet, if references of this kind occur too frequently, the author should reconsider the structure of the work. Depending on the referencing system being used, the page or part of the work is referenced in the main text or in the footnotes by using the terms 'the current work', *supra* 'above or before the current reference', *infra* 'below or after the current reference', etc. See also mrg 75.

Footnote: Errors in assumptions about the necessary elements which constitute an offence has to be differentiated from erroneous assumptions about the unlawfulness of the act. See current work, Ch. III § 2 (p 48 ff.).

Main text: Errors in assumptions about the necessary elements which constitute an offence has to be differentiated from erroneous assumptions about the unlawfulness of the act. The latter is an entirely separate type of error, which is why I will analyse it more thoroughly later on.
Footnote: *Infra*, p 48.

Main text: Errors in assumptions about the necessary elements which constitute an offence has to be differentiated from erroneous assumptions about the unlawfulness of the act. The latter is an entirely separate type of error, which is why I will analyse it more thoroughly later on (3.2.2).

128 **Indirect references** are allowed only if the work that the author wants to quote or summarise is not available in Estonian libraries nor accessible via databases. The footnote will include the usual abbreviated reference; the reference list has to include both sources and it must be clearly indicated that it is an indirect reference.

Footnote (repeat reference): Bonfante, P., pp 130–131.
Reference list: Bonfante, P. Corso di diritto romano. Diritto di famiglia. I, Roma: Sampaolesi 1925. (referenced from: Siimets-Gross, H. Die Ausdrücke status libertatis, civitatis und familiae. Savignys berechtigte Kritik an den neueren Juristen? – Corbino, Al.; Humbert, M.; Negri, G. (Eds.). Homo, caput, persona. La costruzione giuridica dell'identità nell'esperienza romana. Dall'epoca di Plauto a Ulpiano. Pavia: IUSSP 2010, pp 217–245).

REFERENCE LIST

1. Ametniku keelekäsiraamat [Handbook of language for public servants]. Tallinn: Juura 2003.
2. Bachmann, T. Teaduspraktika tahud ja tõed [Aspects and truths of scientific practice]. TÜ kirjastus 2004.
3. Hirsjärvi, S., Remes, P., Sajavaara, P. Uuri ja kirjuta [Research and write]. 1st Ed. Tallinn: Medicina 2005.
4. Hoecke, M., v. Which Method(s) for What Kind of Discipline? – Methodologies of Legal Research. Which Kind of Method for What Kind of Discipline? Hoecke, M. v. (ed). Oxford-Portland: Hart Publishing 2011, pp 1–18.
5. Järvet, S., *et al*. Üliõpilastööde koostamise ja vormistamise juhend [Guide to compiling and formatting student works]. Tallinn: [*s. n.*] 2017, p 23 (https://www.sisekaitse.ee/sites/default/files/inlinefiles/Uliopilastoode_koostamise_ja_vormistamise_juhend.pdf (18.11.2019).
6. Kalle, E. (koost). Üliõpilaste kirjalike tööde koostamine ja vormistamine [Compiling and formatting written student works]. Tallinn: TTÜ 2000.
7. Kalle, E., Aarma, A. Teadustöö alused [Basics of scientific research]. Tallinn: TTÜ 2003.
8. KarSK: Karistusseadustik. Komm vlj. [Penal Code. Comm. Ed.]. Koost Sootak, J., Pikamäe, P. 4. vlj. Tallinn: Juura 2015.
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LEGAL ACTS

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APPENDIX 1. EXAMPLE TITLE PAGE

UNIVERSITY OF TARTU
SCHOOL OF LAW
Department

Name Surname

TITLE

Type of work

Supervisor
Position or academic degree Name Surname

Place of submission of the work
Year

APPENDIX 2. EXAMPLES OF WORK STRUCTURE

TITLE PAGE

TABLE OF CONTENTS

INTRODUCTION

Ch. 1. Xxxx……5
§ 1. Xxxx……5
§ 2. Xxxx……9
Ch. 2. Xxxx
§ 1. Xxxx
§ 2. Xxxx

or

1. XXX
1.1. Xxxx
1.1.1. Xxxx
1.1.2. Xxxx
1.2. Xxxx
2. XXX
2.1. Xxxx
2.2. Xxxx

or

I. XXX
1. Xxxx
1) Xxxx
2) Xxxx
2. Xxxx
1) Xxxx
2) Xxxx
II. XXX
1. Xxxx
2. Xxxx

SUMMARY
XXX. Zusammenfassung

APPENDIX 3. ABBREVIATIONS OF ESTONIAN LEGAL ACTS AND JUDGEMENTS

Abbreviations of legal acts

https://www.riigiteataja.ee/lyhendid.html

Abbreviations are also given in the full texts of legal acts in Riigi Teataja: https://www.riigiteataja.ee/tervikteksti_otsing.html

Abbreviations of types of legal acts:
k – korraldus [order]
m – määrus [decree / ruling / regulation / order]
o – otsus [judgement / resolution]

Authorities of executive power as published in Riigi Teataja

EPP – Governor of Eesti Pank
HTM – Minister of Education and Research
JM – Minister of Justice
KaM – Minister of Defence
KeM – Minister of the Environment
KuM – Minister of Culture
LV – City Government
LVK – City Council
MKM – Minister of Economic Affairs and Communications
PM – Prime Minister
MEM – Minister of Rural Affairs
RaM – Minister of Finance
ReM – Minister of Regional Affairs
SiM – Minister of the Interior
SoM – Minister of Social Affairs
VM – Minister of Foreign Affairs
VV – Government of the Republic
VaVK – Parish Council / Rural municipality council
VaV – Parish Government / Rural municipality government
VVK – Estonian National Electoral Committee

Examples: EPPm – decree of the Governor of Eesti Pank, PMk – order of the Prime Minister

The Supreme Court and Chambers

RKÜK – Supreme Court *en banc*
RKPJK – Supreme Court Constitutional Review Chamber
RKHK – Supreme Court Administrative Law Chamber
RKKK – Supreme Court Criminal Law Chamber
RKTK – Supreme Court Civil Law Chamber
RKEK – Supreme Court Special Panel
Examples: RKPJK – Supreme Court Constitutional Review Chamber
RKTK – Supreme Court Civil Law Chamber

First and second instance courts

TlnRnK – Tallinn Circuit Court
TrtRnK – Tartu Circuit Court
TlnHK – Tallinn Administrative Court
TrtHK – Tartu Administrative Court
HMK – Harju County Court
PMK – Pärnu County Court
TMK – Tartu County Court
VMK – Viru County Court

Examples: TlnRnKo – judgement of Tallinn Circuit Court; VMKm – order of Viru County Court

Bodies of the Court of Justice of the European Union

CJEU – Court of Justice of the European Union
ECJ – European Court of Justice
GST – Civil Service Tribunal
ECHR – European Court of Human Rights
GC – General Court

Examples: EKo – Court of Justice judgement; EÜKm – General Court order