QIKJS-Part.I.C

Qualitative Inquiry of Korean Judicial System

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A General Comment

The ethics is one concept to be paired in comparison with morality. It entails a nuance with dynamism and professionalism more than morality. The business ethics or political leadership and professional standard of practice generally would be questioned in terms of ethics than morality. This does not mean that the ethics are just secular and practically versed or framed without considering a value concept or philosophical rightness. While the morality may be deeper and serious in this sense, the ethics also would not infrequently be connected onto the debate of philosophy and fundamental question of humanity and social value. The research ethics arises in this context that the researchers shall be responsible for their professional performance from the beginning of research project through the end of it, and even as post-research dealings, such as keeping the data in certain years and so. In my view, the research ethics have a characteristic that are vastly common with other circles of ethics.

Between the natural and social sciences, the ethics tend to develop in different fashion that the social science would often matter through the process of operation while the ethical issue not infrequently would be related with the post-research consequence in the natural science. Nevertheless, the social scientist also shall be professionally responsible to produce a credible and trustworthy product although the crucial components of ethics are guided with the social decency standard concerning the participants (O'Sullivan, Rassel & Berner, 2008). This may be compared with the ethical pressure of both natural and social dimension in case of the natural science research.

The Role of IRB

More specifically with an individual researcher, the IRB is the most immediate and consequential authority to determine on the ethical issues. The role of IRB can be seen in two ways, as said, that it prevents a potentially harmful research project and that it encourages the morale of researcher as free from of ethical pressures and as confident through his or her performance.

The institutional review board is formally designated to approve, monitor, and review biomedical and behavioral research involving humans (Kim, 2015a,b,c). Their role is (i) to review research protocol and related materials with assessing the ethics of the research and its methods and promoting fully informed and voluntary participation (ii) to conduct some form

of risk-benefit analysis on an attempt to determine whether or not research should be done (iii) to assure, both in advance and by periodic review, of the protection and welfare of human participants (iv) to protect human subjects from physical or psychological harm and maximize the safety of subjects (Walden University, Center for Research Quality, 2015). Since the principal use of IRB is related with the health and social science, the FDA and Department of Health and Human Services empower and supervise its role and responsibility. For the federally funded research, IACUC, the Institutional Animal Care and Use Committee is responsible to oversee the function of IRBs. It was created in response to research abuses in the 20th century, such as Tuskegee syphilis study, Miligram disobedience experiment, Stanford prison experiment and Project MKULTRA. Numerous other countries operate same nature of institutions, whose responsibilities and scope of oversight can differ substantially from one another, especially in the domain of non-medical research. Each institution, as a matter of law[1], has to establish the organs of statutory responsibility while the name may vary.[2] The review would be conducted either in a convened meeting or by using an experienced review procedure unless a full meeting is deemed necessary. In response with the potential harms of clinical trials to human subject, the International Conference on Harmonization sets out guidelines for registration of pharmaceuticals in multiple countries. Some research would be exempt from IRB oversights in the US, which includes, for example, research in conventional educational settings, research involving the analysis of existing data and other materials or research of no human subjects involved. There exist no less complaints with the problems of IRB review of social science that investigators may petition its fit, question legitimacy of IRB review, inadequate understanding of research methods and so.[3] The conflicts of interest about its role and function also had occasioned over near years (Stark, 2011). Nevertheless, the IRB approval allows a doorstep to progress on the doctoral research at the university level (2015).

Ethical Problems and Strategies

The first problem involves the validity of research, in which the research must take care of and hold a focus on valid research (Rudestam & Newton, 2015). Otherwise, it is ethically problematic to use people for invalid research leading himself disrespectful and impressing as the kind of prankster than a serious investigator. It would be one of deceptive practice to fail the public trust of scientific community. The participants also may face a public disfavor or mock from an invalid research. Therefore, the researcher has to comply with the lessons and standard of methodological selection or data collection as well as analysis, which are essential to produce a valid research. A due extent of interviewees needs to be arranged to

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[1] The ground statute is the Title 45 code of Federal Regulation Part 46.

[2] Walden University also provides an website to facilitate the research of doctoral students and faculty member at http://academicguides.waldenu.edu/researchcenter/orec. The Institutional Review Board (IRB) is responsible for ensuring that all Walden University research complies with the university's ethical standards as well as U.S. federal regulations

[3] The NSF also provides a guide as supportive to the social sciences, which advises of some flexibility and common sense of IRB.

increase the credibility and the researcher assures that the interviewees give a voluntary consent. In this way, the evidence has not to be biased to generate a theory of PAKJS (O'Sullivan, Rassel & Berner, 2008). The audiotaping will be carried during the interview process that the accuracy of information can be mutually confirmed after it completed. The competency of researcher relates with the ethic that should not unduly tire the participants or drive them to be under pressuring conditions (Rudestam & Newton, 2015). It could not only impede collecting the accurate information, but also involve with the abuse of human subjects. The interview hours need to be strictly respected and additional permission has to be cordially assured if any extension is sought. The interview protocol needs to be prepared in due care that the process flows informatively and cooperatively, which forms a raw data. The data analysis and write up are crucial in terms of investigator's competence that will ensure a beneficial outcome with the quality of research. The intent and key information intended to be delivered by the interviewees should not be misinterpreted and unduly connected into other stories and themes. The necessary cost has to be redeemed adequately to compensate for the labor of participants, but should not amount to buy-in or at the level to create an undue influence. The translation into English has to be assured of its accuracy in order not to confuse the raw data. This aspect is particularly important in my case. Since the interviewees of PAKJS studies are currently expected from the senior group or exemplary high bureaucrats through the turbulent historic decades, they can be special populations that deserve a due consideration in terms of collecting the unbiased and honest response and protecting their sense of pride. They may also reject my proposal to participate since they may be skeptical, for example, by arguing "what is the kind of research beneficent to the current Korean republic or so?" The response to such negative attitude must strategically be prepared in advance to mailing a short introduction and key questions as written. In my expectation, the written questionnaires also would effect, which can be complemented with the follow up oral interview process. That is because the data are characteristic to include a portion of confidential disclosure that often is more convenient with written interchange. It is an essential ingredient in conferring on the ethical aspect of research that the participants will make a fully informed consent. It ensures a voluntariness of providing the data and one of key elements to establish a rapport with the interviewees. The researcher needs to be minded that the most controversial type of research design is one that employs concealment or deception (2015). Hence, the elements of informed consent have to be obeyed that eventually facilitates obtaining an authorization signature in a timely fashion. For example, the researcher tells the participants who is conducting the study, explains why the particular persons are singled out for participation and if there would be any potential risks and how they are managed. Most importantly, it is helpful to provide the participants with a copy of the informed consent, which is usable from the Walden resource. The graduate students has to (i) be knowledgeable about the university's requirement (ii) the approval should be sought before the data collection is undertaken and as soon as possible after the research procedures are established. Generally the norms and values to shape the ethical requirements are reinforced by the scientific community, in which five norms as above are particularly noteworthy and pertain to my case too (2015).

A Thought on the Values

The common values would arise from the humanity and general good of society besides the research professionalism as addressed, to say more practically, the kind of standard relating with the human right and decency. The general values of this kind would also be an

eventual touchstone when the controversy of research ethics would come as an issue (O'Sullivan, Rassel & Berner, 2008). This point will provide a generic frame of value analysis if the conflict of interest arises or ethical problem is challenged. Therefore a lack of protection of subject's privacy and the violation of the Nuremberg principles provoked a serious ethical controversy. It also would be required that the research should not be deceptive as said, which brings to affect the research participant and misleads the public and academic community. It has a characteristic that the academic freedom could be alleged as a counter-thesis with the research ethics. Since the researchers are a distinct professional that create the knowledge, this aspect is fairly consequential in debating what shall be lost or eclipsed between if the conflict of value arises. Despite the extent of strands, all of these often would be framed into the ethical code of other professionals. For example, the freedom of expression and belief would be contended surrounding the bar membership or public officers when the disciplinary issue arises although the controversy may be resolved with a different yardstick. Often the bar members and public officers are required of more mental loyalty and professional integrity than the researchers, who would be less favored when such issue arises. Their conscience and perception of world can be less emancipated with those professionals, say, within that of binding dimension for the professional integrity than researchers, who are malleable to excavate the creative knowledge. Nevertheless, the defense on the basis of academic freedom could not succeed if rights of others are infringed with or cruelty on the research animals amounts to the public decency statute. The invasion of privacy embroiled with the participants also would be one ethical failure that could not be excused on the AF defense. This standard of ethics, however, should not be applied in a way that the unnecessarily rigorous application would produce a discouraged or anorexic researcher. The challenges of IRB would be this kind of difficulties if they are called upon reviewing an arguably problematic research plan. All the way through our convenience and thankfully, however, the potential problem involved with the issue could be referenced in any reduced terms and provisions generated by the research community and institutions. This generally eases us although the controversy may still be argued *a posterior* with the institutional authorities and even within the courtroom. Hence, the belief system of individual researcher on ethical values would be no less important although it may practically disprove that the researcher could no longer hold with their specific project.

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