

Relevance of Legal Research Methodology in Addressing Modern Legal Challenges

Abraham Ethan Martupa Sahat Marune

01657230038@student.uph.edu

Doctor of Law Program, Faculty of Law, Universitas Pelita Harapan, Jakarta, Indonesia

Article Info

Received: 2021-03-12

Revised: 2021-04-21

Accepted: 2022-12-20

Keywords:

Legal Research

Methodology;

Addressing; Modern

Legal Challenges

Abstract

In facing the complexities of modern legal challenges, legal research methodologies hold significant relevance. These challenges encompass social, technological, economic, and cultural aspects that rapidly evolve within today's society. Various analytical approaches within legal research, including empirical, normative, and socio-legal perspectives, depict a scientific approach to intricate legal phenomena. The empirical approach emphasizes factual data to comprehend legal behaviors in societal practices. The normative approach scrutinizes legal texts and embedded norms to unearth normative implications and legal structures. The socio-legal approach integrates empirical data with social, cultural, and political contexts in legal interpretations. The amalgamation of these approaches offers a holistic view of the intricate legal phenomena. Together, they form the foundation for in-depth understanding, critical analysis, and the development of a responsive legal science in the face of evolving societal, technological, and economic changes. Legal research holds the potential to approach, analyze, and formulate solutions for emerging legal issues.

I. Introduction

In the era of globalization and rapid change, modern legal challenges are becoming increasingly complex and diverse. These dynamics require a precise approach to analyze and address the evolving legal issues. In this modern legal challenge era, proper law enforcement demands a deep understanding of existing norms and regulations. Legal research methodology is capable of facilitating this profound comprehension through the application of document analysis and comparative law methods¹. Legal research methodology has become a crucial tool in facing these modern legal challenges.

An analysis of the relevance of legal research methodology in tackling modern legal challenges is highly significant in the face of ever-evolving social, technological, and economic changes². In confronting these contemporary legal challenges, the field of Law must undoubtedly play a role as a complex discipline, encompassing philosophical aspects, theoretical and practical development, as well as the application in the form of legal products to address various societal issues³. These issues span both the public and private legal domains.

However, the complexity of law often necessitates support from various other disciplines to address multidimensional legal problems. Such an inquiry, beginning from a philosophical standpoint, frequently encounters difficulties in defining legal conceptions, methodologies, and the challenges inherent in achieving justice and legal certainty⁴. In this context, perspectives from natural law doctrine and legal positivism provide guidance on how to realize a law that is responsive, valid, and effective for society, which becomes crucial in operating a legal system.

The examination of the relevance of legal research methodology is crucial in addressing the challenges of modern law due to ongoing social, technological, and economic changes. Technological advancements have given rise to new legal issues, such as data protection and copyright in the digital era. Qualitative and quantitative methods in legal research delve into the legal implications of these technological developments⁵. Globalization brings forth intricate cross-border issues like international trade and transnational human rights⁶. Comparative law methodology enables an in-depth

¹Kurnia, K. F., Mahendra, R., & Prayoga, A. "Evolusi Perundang-Undangan di Era Konstitusi Hukum: Tantangan dan Peluang." *Civilia: Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan*, vol. 2, no. 3, 2023, pp. 262-272.

² Marune, Abraham Ethan Martupa Sahat. "Metamorfosis Metode Penelitian Hukum: Mengarungi Eksplorasi Yang Dinamis." *Civilia: Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan*, vol. 2, no. 4, 2023, pp. 73-81.

³ Utsman, S. "Dasar-dasar Sosiologi Hukum: Makna Dialog antara Hukum & Masyarakat, Dilengkapi Proposal Penelitian Hukum (Legal Research)." Pustaka Pelajar, 2009.

⁴ PANGGABEAN, DR HP, and MS SH. Penerapan teori hukum dalam sistem peradilan Indonesia. Penerbit Alumni, 2023.

⁵Simatupang, Khwarizmi Maulana. "Tinjauan Yuridis Perlindungan Hak Cipta Dalam Ranah Digital." *Jurnal Ilmiah Kebijakan Hukum* 15.1 (2021): 67.

⁶ Budianto, Agus. "Legal research methodology reposition in research on social science." *International Journal of Criminology and Sociology* 9.1 (2020): 1339-1346.

understanding of legal differences among countries and aids in formulating coherent legal frameworks⁷. Legal research methodology plays a pivotal role in tackling modern legal challenges. Through qualitative, quantitative, comparative law, case study, and empirical research approaches, the field of law offers responsive solutions within the dynamics of society, technology, and economy. Understanding the evolution of legal research methodology and its role in the advancement of legal studies in Indonesia is essential.⁸

Legal research holds a vital urgency in addressing the intricate and diverse challenges posed by modern law. In an era of rapid social, technological, and economic advancements, the legal framework that governs societal life must continuously adapt to effectively address various changes and innovations⁹. The methodology of legal research plays a central role in navigating these dynamics, offering a systematic scientific framework to analyze a spectrum of emerging legal issues¹⁰. The purpose of employing legal research methodologies is to unearth the roots of contemporary legal challenges, dissect their intricacies, and formulate responsive and efficacious solutions. By comprehending appropriate legal research methodologies, researchers and legal practitioners can identify legal trends, analyze the ramifications of technological developments and societal changes, and construct pertinent and adaptable legal frameworks. Thus, legal research stands as a pivotal conduit for bridging the understanding between the law and the dynamic developments unfolding in society, ultimately offering evidence-based solutions to tackle modern legal challenges. This article aims to identify suitable approaches to address legal issues while comprehending the role played by legal research methodologies in meeting societal demands and facing the evolving times within the legal context.

2. Research Method

In empirical juridical research methods on the Relevance of Legal Research Methodology in Overcoming Modern Legal Challenges, the first step is to set clear objectives, which in this case is to evaluate the effectiveness of various legal research methodologies in providing an adequate understanding of modern legal issues. After that, the next step is to identify the research variables, i.e. the various legal research methodologies used in addressing modern legal challenges, which will be evaluated to assess their relevance and effectiveness. Research design includes data collection through various sources such as literature studies, case analysis, surveys, and

⁷ Van Hoecke, Mark. "Methodology of comparative legal research." *Pravovedenie* (2013): 121.

⁸ Riswandi, Budi Agus. "Hukum Dan Teknologi: Model Kolaborasi Hukum Dan Teknologi Dalam Kerangka Perlindungan Hak Cipta Di Internet." *Jurnal Hukum Ius Quia Iustum* 23.3 (2016): 345-367.

⁹ Lakey, Brian, and Arika Cronin. "Low social support and major depression: Research, theory and methodological issues." *Risk factors in depression* (2008): 385-408.

¹⁰ Langbroek, Philip, et al. "Methodology of legal research: Challenges and opportunities." *Utrecht L. Rev.* 13 (2017):

interviews with legal experts and practitioners. The collected data is then analyzed qualitatively to identify patterns, trends, and key findings related to the relevance and effectiveness of various legal research methodologies. The results of the analysis are interpreted to conclude whether and how different legal research methodologies can help in addressing modern legal challenges. Finally, the results of the study will be compiled in a report summarizing the findings, conclusions, and recommendations, which is expected to provide valuable insights for legal practitioners, academics, and policymakers in understanding how legal research methodology can be effectively applied in addressing modern legal challenges.

3. Results and Discussion

The Development of Legal Research Methodology

From the perspective of legal theory, the field of legal studies can be categorized into three interconnected primary layers: legal dogmatics, legal theory (in a narrow sense), and legal philosophy¹¹. These three layers ultimately lay the groundwork for diverse legal practices, each characterized by distinct features and methodologies. An important aspect explored within the realm of legal theory (in a narrow sense) revolves around the issues related to methods in legal science. In this context, determining the most appropriate method for the study of legal science carries significant implications. An approach adopting an objective framework can aid in identifying the most suitable method. The selection of this method is closely linked to the objectives and nature of the research undertaken. Various methodological approaches can be applied in legal research, such as normative analysis focusing on legal text analysis, empirical analysis grounded in observations and empirical data, and comparative approaches that juxtapose legal regulations from different jurisdictions. The significance of selecting the appropriate method in the study of legal science also lies in the fact that each layer within legal science exhibits distinct characteristics¹². The field of legal studies encompasses three interrelated main layers from a theoretical standpoint: legal dogmatics, legal theory (in a narrow sense), and legal philosophy. These layers play distinct roles in shaping legal practices and methodologies. Legal dogmatics involves the interpretation and concrete application of positive law in practice, while legal theory (in a narrow sense) aims to develop a general understanding of law applicable in broader contexts. On the other hand, legal philosophy delves into fundamental concepts and ethical aspects of law. Consequently, the appropriate methods for each layer differ, reflecting their respective complexities and purposes. By comprehending the suitable methodologies in-depth, legal science can

¹¹ From the perspective of legal theory, the field of legal studies can be categorized into three interconnected primary layers: legal dogmatics, legal theory (in a narrow sense), and legal philosophy.

¹² Disemadi, Hari Sutra. "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies." *Journal of Judicial Review* 24.2 (2022): 289-304.

continue to evolve and address intricate challenges in the realm of legal practice¹³. Recognizing the distinct characteristics among the layers within legal science and selecting relevant approaches allows legal research to contribute more effectively to shaping and implementing law in various societal and everyday life contexts. Methodologies in legal research play a pivotal role in the process of application and development, influenced by a variety of factors, both internal and external. Internal factors encompass dynamics within the legal field itself.

Here, expansion of the scope of study is driven by the development of culturally rooted cases in society. For instance, social and cultural transformations propel previously infrequent legal cases into greater relevance. Furthermore, the convergence of understandings regarding research subjects also influences the internal dynamic, potentially leading to modifications in legal learning substance. Moreover, research findings exert influence on the learning and teaching process, forming a more robust knowledge foundation. However, the role of external influence should not be underestimated. External factors are reflected in dynamics originating beyond the legal domain, such as government policies¹⁴.

Changes in the structure and legislative systems approved by the government directly impact the legal research methods used to study new laws. Additionally, societal demands for competent legal scholars to face the challenges of the times also shape the foundation of research methodology. Similarly, the expectations of user stakeholders, such as legal institutions, organizations, and the private sector, shape the focus and approach in legal research methods. Furthermore, it is essential to understand that the development of legal research methodologies is also intertwined with advancements in research methodologies within social sciences in general. This occurs because the field of legal research at the macro level has deep roots in social sciences. This interconnectedness is reflected in epistemological perspectives such as hermeneutics and critical constructivism¹⁵. Legal research methods generally categorize research into two major groups: normative legal research methods and empirical legal research methods. Normative legal research method is defined as a method that examines legislative rules, both vertically in terms of hierarchy of legislation, and horizontally in terms of the harmonious relationship between legislations¹⁶. In general, legal research methods categorize studies into two major groups, namely normative legal research methods and empirical legal research methods. However, in this article, the author reveals a

¹³ Nielsen, Laura Beth. "The need for multi-method approaches in empirical legal research." (2010).

¹⁴ Dewey, John. "Logical method and law." *Logic, Probability, and Presumptions in Legal Reasoning*. Routledge, 2013. 181-191.

¹⁵ Siems, Mathias M., and Daithí Mac Síthigh. "Mapping legal research." *The Cambridge Law Journal* 71.3 (2012): 651-676.

¹⁶ Ali, Salim Ibrahim, Zuryati Mohamed Yusoff, and Zainal Amin Ayub. "Legal research of doctrinal and non-doctrinal." *International Journal of Trend in Research and Development* 4.1 (2017): 493-495.

classification of legal research methodology into three distinct types: Normative Legal Research, Empirical Legal Research, and Socio-Legal Research.

Normative Legal Research

Normative Legal Research is a specific research approach that focuses on an in-depth analysis of legal aspects manifested in the form of written norms, including but not limited to legislations, court judgments, agreements, and various other legal documents. In order to comprehend the essence and implications of these norms, normative legal research explores the qualitative aspects underlying the prevailing legal system. One of its primary objectives is to delve deeper into the existing legal norms, classify and interpret them more elaborately.

This process involves a profound analysis of the structure, context, and language used within these norms. Additionally, the research aims to analyze the consistency among various legal norms, as well as their relevance and effectiveness in addressing societal legal issues. Commonly used methods in normative legal research encompass document analysis, legal comparison, and hermeneutic approach¹⁷. Document analysis involves an in-depth understanding of the legal text itself, deciphering the meanings and implications of each article, clause, and phrase. Legal comparison is employed to compare legal norms from various jurisdictions or time periods, identifying similarities and differences, and tracing legal developments over time.

In normative legal research, various topics, data types, and analytical frameworks are often explored to understand and analyze written legal norms. Some frequently studied topics include the analysis of laws and regulations, where researchers delve deep into the prevailing legislations; the analysis of court judgments, involving the study of specific court decisions related to legal issues to understand how courts adjudicate cases; and the analysis of agreements and contracts, where researchers analyze the elements of agreements, obligations, rights, and responsibilities within a legal context¹⁸.

Commonly collected data types in this research include legal texts such as laws, regulations, agreements, and court judgments, which are analyzed to understand their meanings and implications. Additionally, doctrinal documents like expert opinions, legal viewpoints, or academic articles serve as vital sources in normative legal research. As for the analytical foundations, they often involve the hermeneutic approach aiming to understand the social, historical, and cultural contexts behind the norms; legal comparison that involves comparing legal norms from various jurisdictions or time periods; philosophical analysis that evaluates legal norms from the perspectives of legal ethics, justice, and human rights; and classification and categorization to aid in comprehending

¹⁷ Christiani, Theresia Anita. "Normative and empirical research methods: Their usefulness and relevance in the study of law as an object." *Procedia-Social and Behavioral Sciences* 219 (2016): 201-207.

¹⁸ Indriati, Ervina Dwi, and Nunung Nugroho. "Philosophy Of Law And The Development Of Law As A Normative Legal Science." *International Journal of Educational Research and Social Sciences (IJERSC)* 3.1 (2022): 314-321.

the broader legal structure¹⁹. The combination of various topics, data types, and analytical frameworks allows researchers to approach and analyze legal norms comprehensively and informatively, while understanding their practical and societal implications.

Topics in Normative Legal Research	Types of Commonly Collected Data	Frequently Used Analytical Frameworks
Analysis of Laws and Regulations	Legal Texts: Laws, Regulations	Hermeneutic Analysis, Comparative Legal Analysis, Philosophical Analysis
Analysis of Court Judgments	Court Judgment Texts	Hermeneutic Analysis, Comparative Legal Analysis, Philosophical Analysis
Analysis of Agreements and Contracts	Agreement and Contract Texts	Hermeneutic Analysis, Comparative Legal Analysis, Philosophical Analysis

In normative legal research, researchers often gather legal texts such as laws, regulations, court judgments, and agreements as primary data. This type of research commonly employs a hermeneutic analysis approach to interpret the meaning of legal texts. Additionally, legal comparison is utilized to compare legal norms across various jurisdictions or time periods, while philosophical analysis links legal norms to concepts of legal ethics and justice. All of these efforts aim to understand, classify, and analyze legal norms and their implications in practice and society. The logical thinking employed in normative legal research involves various stages of analysis centered around written legal norms. Normative legal research necessitates a systematic and analytical thinking approach to comprehend, interpret, and analyze the implications of existing legal norms. Some types of logical thinking frequently employed in normative legal research are as follows:

Logical Thinking	Description
Deductive Logic	Drawing specific conclusions from existing general premises. Using legal norms as premises to apply to specific cases.
Analogical Logic	Comparing similar situations with cases already regulated by law to draw conclusions for new cases.
Syllogistic Logic	Using major premises, minor premises, and conclusions to form a strong argument. The major premise is a general norm, the minor premise is a specific fact, and the conclusion is the application to a particular case.
Analogous Logic	Seeking precedents or previous decisions that can be applied to new cases based on similar situations.

¹⁹ Negara, Tunggal Ansari Setia. "Normative Legal Research in Indonesia: Its Origins and Approaches." *Audito Comparative Law Journal (ACIJ)* 4.1 (2023): 1-9.

Argumentative Logic	Constructing arguments based on the analysis of legal texts, previous cases, and hermeneutic approaches to support a specific interpretation or analysis of legal norms.
Constructive Logic	Formulating legal concepts or theories that align with desired values, principles, and goals, building a framework for legal construction.
Interpretative Logic	Analyzing legal texts in-depth, considering the historical, social, and cultural context in which the norm was created. Understanding the legislator's intent, legal purpose, and social implications of interpretation.

The empirical approach is relevant due to the fact that changes in time often bring shifts in social behavior and practices that influence the implementation of the law. By collecting direct empirical data from the community, this approach can identify new trends, measure the impact of legal policies, and evaluate the effectiveness of existing regulations. For instance, in the digital era, empirical research can aid in uncovering newly emerging violations of personal data or cybersecurity breaches.

The Empirical Legal

Research Method is an essential approach in the field of legal studies that focuses deeply on the collection, analysis, and interpretation of empirical data to gain a deeper understanding of legal phenomena occurring within social contexts. Under this methodology framework, empirical data is acquired through various techniques such as field observations, structured or unstructured interviews with relevant participants, directed surveys, in-depth case studies, and experiments testing specific hypotheses²⁰. The collected data is then carefully analyzed using analytical approaches, both qualitative and quantitative, depending on the nature of the gathered data. The primary objective of the Empirical Legal Research Method is to attain profound insights into the application and impact of law in real-life society. The findings of such research can offer a more concrete and contextually fitting perspective on the realities faced within social and cultural contexts²¹. Furthermore, this method enables researchers to bridge the gap between legal theory and its practical application in everyday life. In the process of empirical legal research, systematic steps need to be followed – starting from formulating relevant research questions, designing research plans in alignment with research goals, collecting valid and reliable data, analyzing data using appropriate methods, and finally interpreting findings and crafting informative and academically robust research reports.

The Empirical Legal Research Method makes a significant contribution to the overall development of legal studies, as it provides strong empirical evidence to support, evaluate, or

²⁰ Epstein, Lee, and Andrew D. Martin. *An introduction to empirical legal research*. Oxford University Press, USA, 2014.

²¹ Argyrou, Aikaterini. "Making the case for case studies in empirical legal research." *Utrecht L. Rev.* 13 (2017): 95.

even revise existing legal theories²². Beyond that, this approach paves the way for closer collaboration between legal studies and other social sciences, allowing for the addressing of more complex and multidimensional legal questions. Ultimately, it offers a more substantial contribution to addressing the continuously evolving challenges of modern law.

Research Topic in Empirical Legal Research	Commonly Collected Data Types	Frequent Analytical Frameworks Used
Legal Behavior and Compliance	Survey data, behavioral data, field observations	Statistical analysis, qualitative analysis, behavioral theory
Legal Effectiveness	Implementation data, law enforcement data	Statistical analysis, impact evaluation, effectiveness theory
Justice in the Legal System	Court decision data, legal process data	Statistical analysis, qualitative analysis, justice theory
Regulation Impact Analysis	Economic data, social data, environmental data	Statistical analysis, impact evaluation, regulation theory
Social Change and Law	Social change data, legal practice data	Qualitative analysis, social change theory
Legal Case Analysis	Court process data, interviews, observations	Qualitative analysis, legal theory approach, case study

The table above illustrates various topics frequently explored in empirical legal research, the types of data commonly collected for each topic, and the analytical frameworks often employed to analyze such data. Through the combination of diverse topics, varied data types, and relevant analytical foundations, empirical legal research provides profound insights into the interaction between law and society across different contexts and real-life situations²³. The logical thinking employed in empirical legal research involves a series of analytical steps that focus on the collection and interpretation of empirical data to attain a deeper understanding of legal phenomena in practical scenarios. Several types of logical thinking commonly used in empirical legal research are as follows:

Logic of Thinking	Description
Inductive Logic	Drawing general conclusions based on observations and analyzing specific data. Empirical data is used to make broader generalizations.

²² Leeuw, Frans L., and Hans Schmeets. *Empirical legal research: A guidance book for lawyers, legislators and regulators*. Edward Elgar Publishing, 2016.

²³ Zeiler, Kathryn. "The future of empirical legal scholarship: Where might we go from here." *J. Legal Educ.* 66 (2016): 78.

Deductive Logic	Testing hypotheses or existing theories against collected empirical data. Data is used to evaluate the validity of proposed claims.
Causality Logic	Seeking cause-and-effect relationships between variables in the study. Identifying the impact of one variable on another based on data analysis.
Comparative Logic	Comparing data from different groups to identify differences or similarities in the studied variables.
Analogy Logic	Using similarities between existing situations and the situation under study to draw conclusions or derive information from prior cases.
Statistical Logic	Employing statistical analysis to identify patterns or relationships within empirical data. Involves the use of numerical data.
Interpretation Logic	Deeply interpreting empirical data considering social, cultural, and historical contexts. Extracting meaning from data to draw insightful conclusions.
Verification Logic	Confirming or validating existing theories based on empirical evidence found in the research.
Explanatory Logic	Seeking to answer why or how a phenomenon occurs through the analysis of empirical data and connecting it to relevant theories or concepts.

The normative approach remains relevant because, in changing times, laws and regulations need to be updated and adapted to remain relevant and effective. Legal norms must be able to respond to evolving social, technological, and economic developments by ensuring alignment between societal values and the existing legal framework. Through the analysis of written norms, normative research can assist in identifying legal gaps or inconsistencies that require correction.

Socio-Legal Research

Socio-Legal Research is an investigative approach that amalgamates the social (socio) and legal (legal) dimensions to comprehend the intricate interplay between law and society. The primary focus of this research is to analyze how law influences and is influenced by society, as well as the societal impacts of existing legal norms²⁴. This approach involves the utilization of qualitative and quantitative methods to unearth data on how law is implemented, accepted, or utilized by communities in their everyday lives. The aim is to attain a deeper understanding of the intricate relationship between law and social factors, including culture, values, norms, social structure, and power dynamics²⁵.

In socio-legal research, several frequently explored topics encompass the analysis of legal effectiveness in achieving societal goals, the impact of law on specific societal groups,

²⁴ Nalle, Victor Imanuel W. "The relevance of socio-legal studies in legal science." *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 27.1 (2015): 179-182.

²⁵ Banakar, Reza, and Max Travers, eds. *Theory and method in socio-legal research*. Bloomsbury Publishing, 2005.

the examination of justice within legal systems, and the interaction between law and social change. Collected data may include interviews, participatory observations, legal text analysis, and social statistical data. The analytical foundation utilized in socio-legal research encompasses sociological, anthropological, and social psychological theories, as well as legal concepts such as justice, human rights, and law enforcement. This approach enables researchers to gain an in-depth comprehension of how law is executed and perceived within society. Moreover, it provides valuable insights in identifying societal issues arising from the implementation or lack thereof of legal measures²⁶.

Consequently, socio-legal research significantly contributes to the formulation of legal policies that are more responsive to social dynamics and the needs of communities. Socio-legal research possesses distinct characteristics that set it apart from other legal research methodologies. It is interdisciplinary, intertwining legal and social facets from disciplines such as law, sociology, and anthropology. Within this research, law is situated in a broader social context, taking into account its interaction with culture, values, and power dynamics. Qualitative methods are often employed to unearth the societal impact of law and to analyze the perceptions and experiences of individuals regarding legal matters. The emphasis on social justice and its contribution to more responsive legal policies is also a hallmark of this research. Through comprehensive contextual analysis, socio-legal research offers a holistic understanding of the interrelation between law and society, along with its implications in the real world.

The following table provides an overview of topics, types of data, and analytical foundations frequently explored in socio-legal research:

Research Topics	Types of Data	Analytical Frameworks
Impact of Legal Policy on Society	Observational Data, Interviews	Social Context Analysis, Justice Theories
Public Perception of Law	Interviews, Surveys	Content Analysis, Qualitative Analysis
Law in Cultural Context	Document Data, Observations	Anthropological Analysis, Hermeneutic Analysis
Legal Conflicts and Peace	Case Data, Interviews	Conflict Analysis, Restorative Justice Approach
Community Participation in Law	Participation Data, Observations	Participatory Analysis, Democracy Theories
Social Justice in Legal System	Case Data, Content Analysis	Critical Analysis, Social Justice Theories
Implementation of Legal Policies	Observational Data, Documents	Public Policy Analysis, Implementation Theories
Influence of Law on Identity	Interviews, Case Studies	Identity Analysis, Sociological Theories

²⁶ Creutzfeldt, Naomi, Marc Mason, and Kirsten McConnachie, eds. *Routledge handbook of socio-legal theory and methods*. Routledge, 2019.

Social Transformation through Law	Observational Data, Interviews	Social Change Analysis, Transformational Theories
Globalization's Impact on Local Law	Document Data, Surveys	Global Context Analysis, Comparative Approach

The Socio-Legal research often integrates data and analysis from various disciplines such as law, sociology, and anthropology to provide a comprehensive understanding of the interaction between law and society in a broader context. The logic of thinking used in empirical legal research plays a central role in guiding the process of collecting, analyzing, and interpreting empirical data to gain a profound understanding of legal phenomena in real-world contexts²⁷. Empirical legal research differs from normative or theoretical approaches as its focus lies on observing and comprehending phenomena occurring in societal practices. Several types of logical thinking frequently employed in empirical legal research are as follows:

Logical Thinking	Description
Contextual Logic	Investigates and understands legal phenomena within a broader social, cultural, and historical context. Connects law with social factors influencing law formation and implementation.
Interdisciplinary Logic	Utilizes approaches from various disciplines, such as sociology, anthropology, economics, to analyze the relationship between law and society and its impacts.
Constructivist Logic	Views law as a social construct that can change according to societal dynamics. Identifies how societal norms and values shape the law.
Participatory Logic	Engages active participation of the community in legal research. Gathers firsthand perspectives and experiences from individuals involved in the legal system.
Case Analysis Logic	Analyzes real-life cases within society to identify patterns, trends, or legal conflicts reflecting social realities.
Social Change Logic	Examines how law can influence social change and vice versa. Identifies the role of law in responding to and shaping social transformations.
Social Theory Logic	Applies sociological, anthropological, or other social theories to analyze legal phenomena in a broader social context.
Advocacy Logic	Utilizes socio-legal research as an advocacy tool to identify injustices or social issues and advocate for policy or legal changes.
Transformational Logic	Considers how law can bring about improved social transformation. Studies the impact of law in addressing social issues or promoting equality and justice.

²⁷ White, Rob. "Prosecution and sentencing in relation to environmental crime: Recent socio-legal developments." *Crime, law and social change* 53 (2010): 365-381.

The socio-legal approach becomes relevant because changing times also bring about social and cultural changes that impact perceptions and the application of law. This approach allows an understanding of how society comprehends and internalizes the law, as well as how social factors influence the implementation of law in everyday practices. In the context of globalization and multiculturalism, the socio-legal approach can help address differences in legal interpretation across cultures.

4. Conclusion

The conclusions drawn from various analyses in the context of legal research, encompassing empirical, normative, and socio-legal approaches, comprehensively depict the scientific approach to diverse legal phenomena. The empirical legal research approach emphasizes empirical data that can be observed and measured in real-life situations, enabling an in-depth examination of legal behavior occurring in societal practices. On the other hand, the normative approach in legal research involves the analysis of written legal texts and the norms contained within them. This approach facilitates efforts to uncover normative implications and legal consistency, providing an insightful perspective on the overall legal structure. Meanwhile, the socio-legal research approach integrates the social dimension into legal understanding by combining empirical data with the social, cultural, and political context that shapes the interpretation and implementation of the law. Each of these three approaches has unique characteristics and analytical methodologies.

The empirical approach allows for the exploration of factual data through observation, interviews, or experiments, while the normative approach focuses on analyzing written norms such as regulations and court decisions. The socio-legal approach integrates the collection of empirical data with considerations of the social factors influencing the interpretation and application of the law in society. Collectively, the integration of these various analytical approaches provides a holistic view of the complexity of legal phenomena. The empirical, normative, and socio-legal approaches together form the foundation for deep understanding, critical analysis, and the development of a responsive legal science that adapts to dynamic changes in society, technological advancements, and economic challenges. By engaging with this diverse methodological framework, legal research has the potential to offer valuable contributions in approaching, analyzing, and formulating solutions for complex and ever-evolving legal issues

References

Journal

Ali, Salim Ibrahim, Zuryati Mohamed Yusoff, and Zainal Amin Ayub. "Legal research of doctrinal and non-doctrinal." *International Journal of Trend in Research and*

- Development 4.1 (2017): 493-495.
- Argyrou, Aikaterini. "Making the case for case studies in empirical legal research." Utrecht L.
- Rev. 13 (2017): 95. DOI: [10.18352/ulr.350](https://doi.org/10.18352/ulr.350)
- Budianto, Agus. "Legal research methodology reposition in research on social science." International Journal of Criminology and Sociology 9.1 (2020): 1339-1346. DOI: [10.5281/zenodo.3620124](https://doi.org/10.5281/zenodo.3620124)
- Disemadi, Hari Sutra. "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies." Journal of Judicial Review 24.2 (2022): 289-304.
- Indriati, Ervina Dwi, and Nunung Nugroho. "Philosophy Of Law And The Development Of Law As A Normative Legal Science." International Journal of Educational Research and Social Sciences (IJERSC) 3.1 (2022): 314-321.
- Kurnia, K. F., Mahendra, R., & Prayoga, A. "Evolusi Perundang-Undangan di Era Konstitusi Hukum: Tantangan dan Peluang." Civilia: Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan, vol. 2, no. 3, 2023, pp. 262-272.
- Langbroek, Philip, et al. "Methodology of legal research: Challenges and opportunities." Utrecht L. Rev. 13 (2017): 1. DOI: [10.18352/ulr.356](https://doi.org/10.18352/ulr.356)
- Lakey, Brian, and Arika Cronin. "Low social support and major depression: Research, theory and methodological issues." Risk factors in depression (2008): 385-408. DOI: [10.1037/11998-019](https://doi.org/10.1037/11998-019)
- Marune, Abraham Ethan Martupa Sahat. "Metamorfosis Metode Penelitian Hukum: Mengarungi Eksplorasi Yang Dinamis." Civilia: Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan, vol. 2, no. 4, 2023, pp. 73-81.
- Negara, Tunggul Ansari Setia. "Normative Legal Research in Indonesia: Its Originis and Approaches." Audito Comparative Law Journal (ACLJ) 4.1 (2023): 1-9.
- Nielsen, Laura Beth. "The need for multi-method approaches in empirical legal research." (2010).
- Nalle, Victor Imanuel W. "The relevance of socio-legal studies in legal science." Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada 27.1 (2015): 179-182.
- Riswandi, Budi Agus. "Hukum Dan Teknologi: Model Kolaborasi Hukum Dan Teknologi Dalam Kerangka Perlindungan Hak Cipta Di Internet." Jurnal Hukum Ius Quia Iustum 23.3 (2016): 345-367.
- Simatupang, Khwarizmi Maulana. "Tinjauan Yuridis Perlindungan Hak Cipta Dalam Ranah Digital." Jurnal Ilmiah Kebijakan Hukum 15.1 (2021): 67. DOI: [10.25216/jik.2021.1514](https://doi.org/10.25216/jik.2021.1514)
- Siems, Mathias M., and Daithí Mac Síthigh. "Mapping legal research." The Cambridge Law Journal 71.3 (2012): 651-676. DOI: [10.1017/S0008197312000471](https://doi.org/10.1017/S0008197312000471)
- Van Hoecke, Mark. "Methodology of comparative legal research." Pravovedenie (2013): 121.

White, Rob. "Prosecution and sentencing in relation to environmental crime: Recent socio-legal developments." *Crime, law and social change* 53 (2010): 365-381. DOI: [10.1007/s10611-010-9271-3](https://doi.org/10.1007/s10611-010-9271-3)

Zeiler, Kathryn. "The future of empirical legal scholarship: Where might we go from here." *J. Legal Educ.* 66 (2016): 78.

.

Book

Banakar, Reza, and Max Travers, eds. *Theory and method in socio-legal research*. Bloomsbury

Publishing, 2005.

Creutzfeldt, Naomi, Marc Mason, and Kirsten McConnachie, eds. *Routledge handbook of socio-legal theory and methods*. Routledge, 2019.

Dewey, John. "Logical method and law." *Logic, Probability, and Presumptions in Legal Reasoning*. Routledge, 2013. 181-191.

Epstein, Lee, and Andrew D. Martin. *An introduction to empirical legal research*. Oxford University Press, USA, 2014.

From the perspective of legal theory, the field of legal studies can be categorized into three interconnected primary layers: legal dogmatics, legal theory (in a narrow sense), and legal philosophy.

Panggabean, DR HP, and MS SH. *Penerapan teori hukum dalam sistem peradilan Indonesia*. Penerbit Alumni, 2023.

Utsman, S. "Dasar-dasar Sosiologi Hukum: Makna Dialog antara Hukum & Masyarakat, Dilengkapi Proposal Penelitian Hukum (Legal Research)." *Pustaka Pelajar*, 2009.