Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research

Afif Noor*

Universitas Islam Negeri Walisongo, Semarang
* Correspondence e-mail: afif_noor@walisongo.ac.id

Abstract

Legal research is a method used by legal experts to develop legal knowledge. Legal experts have different opinions in explaining the definition of legal science due to differences in opinion in placing legal science as part of social science related to how to apply the law in the practice of legal science is a sui generis science as a practical discipline that establishes standard procedures and guidelines for implementing legal regulations or applied research that has a prescriptive character. The difference in placing the science of science has given birth to the study or field of legal research into normative juridical research and empirical juridical research. Each of these fields has advantages and disadvantages. Therefore, to obtain a comprehensive legal review result, methodological integration is required through an approach called socio-legal research. Socio-legal research is not the same as empirical juridical research, both in the sociology of law and sociological jurisprudence. Socio-legal research is a combination of legal research and social studies of law. Socio-legal research has its objectives and scope, which do not merely look at the law in its empirical questions but also carry out critical academic analysis of the law.

Keywords: *Socio-legal research; Normative Juridical Research; Empirical Juridical Research.*

1. Introduction

Legal research is one of the things that is commonly done to develop legal science.[1] The development of legal science is intended to improve the legal system and solve legal problems by providing recommendations for improvement. However, legal scholars differ in their understanding of legal research. Steven M. Barkan, Barbara A. Bintliff, and Mary Whisner define legal research as identifying and retrieving the law-related information necessary to support legal decision-making. In its broadest sense, legal research includes each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the investigation results.[2]

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[1] Emad Mohammad Al Amaren et al., "An Introduction to the Legal Research Method: To Clear the Blurred Image on How Students Understand the Method of the Legal Science Research," *International Journal of Multidisciplinary Sciences and Advanced Technology* 1, no. 9 (2020): 50–55.
[2] Steven M. Barkan, Barbara A.Bintliff, Mary Whisner, *Fundamentals of Legal Research* (Saint Paul: Foundation Press, 2015).

Lamada and Gumilang stated that legal research is a scientific activity carried out in the legal discipline based on specific thoughts, methods, and systematics to study a legal phenomenon and solve problems in the legal phenomenon in question.[3] Legal research is not only subject to the law as a science or law as a collection of purely dogmatic rules but also the law that manifests in the form of behavior in people's lives.[4]

Soren put forward another definition of legal research, arguing that legal research is a process to find legal principles, doctrines, and rules to answer legal issues or problems.[5] Legal research differs from research carried out in scientific disciplines, which are descriptive and test the truth of a fact. The research results in legal research are in the form of right, wrong, appropriate, and inappropriate answers. Meanwhile, descriptive science provides research answers in the form of true or false. There are similarities and differences in the definition of legal research. Two definitions state that legal research is a scientific activity related to the facts and symptoms that are happening. This shows that legal research focuses on facts or symptoms that occur in society, while one definition states that legal research tries to answer issues by finding rules or doctrines that exist in law.

Different definitions of legal research arise because of differences in opinion in placing legal science as part of social science related to how to apply the law in practice, legal science as part of the humanities related to interpretive disciplines such as history, theology, and literature which have a major affiliation with the humanities or legal sciences are sui generis as practical disciplines that set standard procedures and guidelines for implementing legal regulations or applied research that has a prescriptive character. This prescriptive character makes law a science that focuses on studying the concept of law, legal norms, values of justice, and legal objectives.[6] The placement of

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[3]Victoria Tabita Majesty Lamada and Tetania Retno Gumilang, "The Function of Legal Research in Formulation of Legislation," *Jurnal Hukum Prasada* 7, no. 1 (2020): 61–65, https://doi.org/10.22225/jhp.7.1.1373.61-65.

[4]Victor Imanuel W. Nalle, "The Relevance of Socio-Legal Studies in Legal Science," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (2015): 179, https://doi.org/10.22146/jmh.15905.

[5]Chunuram Soren, "Legal Research Methodology: An Overview," *Journal of Emerging Technologies and Innovative Research (JETIR)* 8, no. October (2021): 1–44, https://www.jetir.org/view?paper=JETIR2110354.

[6]Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia - Social and Behavioral Sciences* 219 (2016): 201–7, https://doi.org/10.1016/j.sbspro.2016.05.006.

legal science at the scientific level affects how to conduct scientific studies of law or legal research.

Law science is part of the humanities, the object of which is a law and is related to empirical reality.[7] The law should not stop at normological practice and go beyond dogmatic normative to grasp the essence of law as an effort made by humans to discipline themselves and society and measure the function of law in society. Meanwhile, Peter Mahmud Marzuki argues that law is not included in the social sciences.[8] According to Marzuki, law science is prescriptive, which demands to be applied. Unlike social science, which studies empirical truths, law science provides space to create legal concepts. The truth of legal science is the truth of coherence, not the truth of correspondence, as a social science is empirical.

The difference in placing the science of science has given birth to the study or field of legal research into normative juridical research (doctrinal) and empirical juridical research (non-doctrinal). Such a legal research field is a typical Indonesian legal research field. This dichotomy of typical Indonesian legal research is not found outside Indonesia, both countries that adhere to civil and common law systems.[9] For this reason, this study will explain the procedures and steps in normative and empirical juridical research and the integration of the two legal research methods.

2. Discussion

Legal research is one way of developing legal science as a scientific study.[10] There are several models of legal research caused by the concept of law. Soetandyo Wignjosoebroto said five legal concepts cause differences in legal research.[11] First is the concept of law as institutionalized patterns of social behavior. This type of research study is a sociology of law that sees law as it is in society. This model of legal research is known as non-doctrinal legal research. Second, the concept of law manifests symbolic meanings of social

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[7]Sulaiman Tripa, *Diskursus Metode Dalam Penelitian Hukum* (Banda Aceh: Bandar Publishing, 2019).

[8]Peter Mahmud Marzuki, *Metode Penelitian Hukum* (Jakarta: Kencana, 2011).

[9]Nurul Qamar, H. Muhammad Syarif, Dachran S. Busthami, M. Kamal Hidjaz, Aan Aswari, Hardianto Djanggih, Farah Syah Rezah, *Metode Penelitian Hukum (Legal Research Methods),* (Makassar: Social Politic Genius, 2017).

[10]Philip Langbroek et al., "Methodology of Legal Research: Challenges and Opportunities," *Utrecht Law Review* 13, no. 3 (2017): 1–8, https://doi.org/10.18352/ulr.411.

[11]Soetandyo Wignjosoebroto, *Hukum Paradigma, Metode Dan Masalah* (Jakarta: Elsam dan Huma, 2002).

behavior as seen in their interactions. This type of research can be in the form of sociological research and/or legal anthropology that looks at law as inhuman actions. Third, the concept of law views law as principles of truth and justice that are natural and apply universally. This type of research stems from a normative premise that is self-evident. Fourth, the concept of law as positive norms in the national legislation system. This type of research looks at law as it is written in books using logical deduction means to build a positive legal system. Fifth, the legal concept is decided *in concreto* and systematized as a judge through judicial processes using the doctrinal research method.

Based on Soetandyo's opinion, there are broadly two types of legal research: normative juridical research, or doctrinal research, and empirical juridical research, or non-doctrinal research. Normative juridical research, or doctrinal research, emphasizes substantive rules of law (laws and regulations), doctrine, concepts, and judicial statements.[12] This research can use a statutory approach and the concepts of legal principles, legal systematics, and legal synchronicity. Empirical juridical research emphasizes the interaction of law in community life, which places law as part of the social life of society using a social science approach. In legal research, the legal concepts have different methods, procedures, and objects of study.

The difference in methods, procedures, and objects of study has a common thread as a legal research study that seeks to explain the law. One certain thing is that in the study of law, research is a systematic, logical building from beginning to end and must be a series that tries to explain one another.[13] These differences will complement each other to explain the law.

2.1. Procedures and Steps for Normative Juridical Research and Empirical Juridical Research

The development of legal research methods is influenced by internal and external factors, such as the expansion of the object of study as a result of developments in cases that occur in society and government policies that result in structural changes and legislative systems, as well as developments

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[12]Vijay M Gawas, "Doctrinal Legal Research Method a Guiding Principle in Reforming the Law and Legal System towards the Research Development," *International Journal of Law* 3, no. 5 (2017): 128–30, www.lawjournals.org.

[13]F.C. Susila Adiyanta, "Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris," *Administrative Law and Governance Journal* 2, no. 4 (2019): 697–709, https://doi.org/10.14710/alj.v2i4.697-709.

in social science research methodologies.[14] These two factors make legal research methodology continue to grow and develop. However, in Indonesia, legal research can be divided into two types; normative legal research and empirical legal research.[15] The two types of legal research arise in addition to being caused by differences in legal concepts and differences in placing the position of legal science in the tree of knowledge and the development of legal issues and symptoms that occur in people's lives. Normative legal research is influenced by the development of new concepts in legal science, both in principles, systematization, and legal synchronization, whose research objects are legal norms.[16]

From the perspective of empirical juridical research, the development of legal research used is always influenced by the development of social research following the position of legal science as part of the social sciences, so that in conducting research, it will use methods commonly used in social research with the object of research in the form of attitudes and social behavior towards law. These legal research models influence different research paths, patterns, and methods.

Procedures or steps in normative legal research or doctrinal legal research are almost similar to research carried out in the common law legal system, which only wants to find a regulated problem based on legal facts and cases relevant to the question solved. The flow or procedure in this study uses the IRAC model, namely; a) issue, the identification of the issue or issues arise by the fact of the client case, b) rule, the identification of the law that governs the issue, c) analysis/application, a determination of how the rule of law applies to the issue, d) conclusion, a summary of the results of the legal analysis.[17]

In doctrinal research, abstract legal principles are used to measure truth in legal studies. Objects and references used in doctrinal research are the norms

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[14]Laurensius Arliman S, "Peranan Metodologi Penelitian Hukum Di Dalam Perkembangan Ilmu Hukum Di Indonesia," *Soumatera Law Review* 1, no. 1 (2018): 112, https://doi.org/10.22216/soumlaw.v1i1.3346.

[15]Yoefanca Halim, Fricky Sudewo, and Jestin Justian, "Transformative-Participatory Legal Research Method for Harmonizing The Existence of The Living Law in Indonesia," *Jurnal Media Hukum* 26, no. 2 (2019): 146–57, https://doi.org/10.18196/jmh.20190130.

[16]Tunggul Ansari Setia et al., "Normative Legal Research in Indonesia: Its Origins And Approaches" 4, no. 1 (2023): 1–9.

[17]Depri Liber Sonata, "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Penelitian Hukum," *Fiat Justisia Jurnal Ilmu Hukum* 8, no. 1 (2014): 15–35, https://doi.org/10.25041/fiatjustisia.v8no1.283.

of norms, concepts, and doctrines that develop in legal thinking. In making conclusions, doctrinal research uses a deductive syllogistic method. Doctrinal legal research is also called literature law research.[18] In conducting library law research, to obtain the library material that is expected, the researcher needs to take several steps; researchers need to study the rules that will be used and provided by the library, researchers must know the library service system in question, researchers must first know the collection of library materials that the library has in both the form and type of library material in question, researchers must check the availability of library materials needed by looking at the catalogs available in the library, and researchers need to make notes related to the object of research in the library in question.[19]

In normative juridical research, the source of research comes from secondary data. Secondary data can be personal, secondary, public, and secondary in law.[20] Secondary data in the field of law is in the form of legal materials consisting of primary, secondary, and tertiary legal materials. Primary legal materials are legal materials that are authoritative from institutions that are in power or have authority. This primary legal material includes statutory regulations, official records in making legislation, and judges' decisions.[21]

At the axiological level, normative legal research provides juridical arguments, so there is no emptiness, obscurity, or conflict of legal norms. The role of normative legal research is to maintain the critical aspects of legal scholarship as a sui generis normative science. Its theoretical basis is a normative or contemplative legal theory.[22] There are six types of normative legal research; a. positive legal inventory research, b. clinical legal research, c. systematic legal research of statutory regulations, d. research on the synchronization of laws and regulations, e. comparative legal research, f.

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[18]Gareth Davies, "The Relationship between Empirical Legal Studies and Doctrinal Legal Research," *Erasmus Law Review* 13, no. 2 (2020): 3–12, https://doi.org/10.5553/elr.000141.

[19]Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2001).

[20]Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20 – 33, https://doi.org/https://doi.org/10.14710/gk.7.1.20-33.

[21]Ervina Dwi Indriati, Sary Ana, and Nunung Nugroho, "Philosophy Of Law And The Development Of Law As A Normative Legal Science," *International Journal of Educational Research & Social Sciences* 3, no. 1 (2022): 425–32, https://doi.org/10.51601/ijersc.v3i1.293.

[22]Yati Nurhayati, Ifrani Ifrani, and M. Yasir Said, "Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum," *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (2021): 1–20, https://doi.org/10.51749/jphi.v2i1.14.

legal history research.[23] Several approaches can be used in normative legal research, including a conceptual approach, a statute approach, a philosophical approach, an analytical approach, a historical approach, a comparative approach, and the case approach.[24] The choice of approach method used in legal research depends on the objectives to be achieved in the research being carried out.

In normative juridical research, abstract legal norms born from the construction of human thought determine the law's validity. This differs from empirical juridical research that considers social reality a general proposition. Experts differ in their understanding of empirical juridical research or empirical research in law; Ambekar explains that empirical research can be defined as research on the relationship between law and other behavioral sciences.[25] Empirical research refers to experiences, experiments, or evidence based on observations or experiences. In legal research, empiricism is often contrasted with doctrinal research (juridical normative) based on legal analysis of text or doctrine.[26]

In empirical juridical research, the determination of legal validity does not only depend on abstract norms but is based on the reality or reality that exists in people's lives. In empirical legal studies, the law is not seen as a separate field of study but as a social institution capable of influencing and being influenced by other social phenomena.[27] Therefore, in this empirical juridical research, the concepts, doctrines, and methods of social science that intersect with the social life of society become one unit in legal studies so that they can understand the law and its problems according to the existing reality. In making conclusions, empirical juridical research uses deductive logic with different research steps from normative juridical research.

There are two types of empirical juridical research; 1) sociological jurisprudence research; the basis of sociological jurisprudence research lies in normative law science or legislation but does not examine the norms

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[23]Zainal Asikin Amiruddin, *Pengantar Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2016).

[24]Suhaimi, "Problem Hukum Dan Pendekatan Dalam Penelitian Hukum Normatif," *Jurnal Yustisia* 19, no. 2 (2018): 202–10, https://doi.org/http://dx.doi.org/10.0324/yustitia.v19i2.477.

[25]Sanjay J Ambekar, *A Socio-Legal Research & Citation Methods* (Aurangabad: Educational Publisher and Distributor, 2020).

[26]Felicity Bell, "Empirical Research in Law," *Griffith Law Review* 25, no. 2 (2016): 262–82, https://doi.org/10.1080/10383441.2016.1236440.

[27]L. Whitehouse and S. Bright, *Empirical Research Methods in Property Law,* ed. S. Blandy & S. Bright (London: Palgrave Macmillan UK, 2015).

contained in these regulations but observes the reactions and interactions of the working of norms in society. Sociological juridical research is also known as research on the work of law in society or law in action, 2) sociology research about the law (sociology of law); The basis of this research lies in the science of sociology, which constructs law in the form of community behavior which is continuously carried out and institutionalized and obtains strong social legitimacy. Sociology of law research does not place law as a norm system in the form of statutory regulations.[28]

Both of these empirical legal studies in their operation place primary data as the primary data that can be obtained through interviews, questionnaires, and observations and still use secondary data or literature study. Several steps must be taken in empirical juridical legal research[29]; first, determine the research title; the title must be comprehensive by the research's subject matter and clear, concise, and attractive. If there is difficulty in determining the title, you can look at the research objectives. Second, determine the problem; the problem must show the existence of a *das sein* and *das sollen* gap or contain a theoretical problem that needs to be solved so that when determining the problem, the researcher must identify the problem first. Third, make research objectives; the research objectives must be stated explicitly and concisely using factual statements regarding the things to be tested, compared, or correlated in the research carried out.

Fourth, making hypotheses and basic assumptions; the hypothesis is the researcher's assumption of the results to be obtained before conducting the research based on sufficient data. Fifth, it contains the scope of research and the research scope that describes the research theme. In terms of empirical research, the scope can be in the form of legal effectiveness research or legal identification. Sixth, carry out a literature study; literature study is also important to do in empirical juridical research. This study is conducted if the required data has been written or processed by someone else in the form of data that is ready to use. Seventh, determine the sampling variable; the variable is a concept with a value that varies according to the meaning given by the researcher. Eight, perform data processing and analysis; after the researcher carries out the editing, coding, and data entry processes, the next process is to analyze the data in the form of data review activities which can

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[28]Mukti Fajar ND and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif Dan Empiris* (Yogyakarta: Pustaka Pelajar, 2013).
[29]Bambang Sunggono, *Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2003).

be in the form of criticism, supportive responses to the research theme based on the thoughts and theories mentioned in the previous chapter.

In empirical juridical research, researchers can use qualitative and quantitative approaches.[30] A qualitative approach is a research approach whose data is quality in the form of respondent behavior or respondent's written and unwritten statements. A quantitative approach is chosen when the researcher bases his analysis on the amount of data collected using statistical formulas.[31] In a quantitative approach, data is generally obtained through a questionnaire that the researcher deliberately conducts to find a correlation between two or more research variables.

2.2. Integration of Normative Juridical and Empirical Juridical Research

Based on the differences in normative juridical legal research and empirical juridical legal research, as explained above, to obtain a comprehensive legal study, it is necessary to integrate normative juridical legal research with empirical juridical research through a method called the socio-legal research method. Socio-legal research is not the same as empirical juridical research because socio-legal research is broader in scope than just understanding the empirical world related to law.[32]

Banakar and Travers emphasized that socio-legal is an interdisciplinary study of law, not a social science study of law.[33] Socio-legal is not identical to a sociology of law, whose intellectual seed comes from sociology which aims to construct a theoretical understanding of the legal system and is also different from sociological jurisprudence. Socio-legal is a study of law carried out through the use of social science methodology. in a broad sense as an approach, not only sociology but also history, political science, women's studies, and so on. However, it has the same common thread as alternative

[30]Simion Kristina, "Practitioner's Guide: Qualitative and Quantitative Approaches to Rule of Law Research," *Practitioner Guide by International Network to Promote the Rule of Law*, no. July (2016): 6.

[31]Oberiri Destiny Apuke, "Quantitative Research Methods : A Synopsis Approach," *Kuwait Chapter of Arabian Journal of Business and Management Review* 6, no. 11 (2017): 40–47, https://doi.org/10.12816/0040336.

[32]Selviria, "Sistem Pemidanaan Indonesia Ditinjau Dari Pendekatan American Legal Realism Dan Scandinavian Realism," *Simbur Cahaya* 25, no. 2 (2018): 189–206, https://doi.org/DOI: http://dx.doi.org/10.28946/sc.v25i2.330.

[33]Reza Banakar and Max Travers, *Theory and Method in Socio-Legal Research* (Oxford: Hart Publishing, 2005).

legal studies that position law in a social context. Thus, socio-legal research is an interdisciplinary field open to theoretical diversity and legal innovation.[34]

Socio-legal research is an alternative approach undertaken to test doctrinal studies of law.[35] Socio-legal studies represent the context in which law exists and existing laws (an interface with a context within which law exists).[36] This is why when socio-legal researchers use social theory in conducting analysis, they do not aim to pay attention to sociology or other social sciences but law and legal studies.[37] Socio-legal research will direct researchers to understand the law as a whole and not only the law in the legal text.[38] The word "socio" in socio-legal studies is a non-legal approach to the sociology of law, legal anthropology, legal culture, legal politics, or other approaches that make law the object of study. Besides, it does not rule out that socio-legal studies also cover much non-legal science that is relevant to the study or research being carried out.[39]

Socio-legal research is a combination of legal research and social studies of law.[40] Therefore, legal researchers or reviewers who use the socio-legal method must understand the provisions of statutory regulations or the legal substance and legal instruments related to the study and analyze the issues it discusses. The socio-legal research method has characteristics that are different from the normative juridical research method and the empirical juridical research method, and there are at least two ways to identify the characteristics of the socio-legal research method[41]; 1) Socio-legal studies conduct textual studies of the provisions of articles contained in statutory

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[34]Vincenzo Ferrari, "Reflections on Some Major Changes in Socio-Legal Studies (1989-2020)," *Onati Socio-Legal Series* 12, no. S1 (2022): S132–43, https://doi.org/10.35295/osls.iisl/0000-0000-0000-1288.

[35]Naomi Creutzfeldt, Agnieszka Kubal, and Fernanda Pirie, "Introduction: Exploring the Comparative in Socio-Legal Studies," *International Journal of Law in Context* 12, no. 4 (2016): 377–89, https://doi.org/10.1017/S1744552316000173.

[36]Sulistyowati Irianto, *Kajian Sosio Legal* (Jakarta: Pustaka Larasan in collaboration with Indonesia University, 2012).

[37]Sulistyowati Irianto, *Hukum Yang Bergerak: Tinjauan Antropologi Hukum* (Jakarta: Yayasan Pustaka Obor Indonesia, 2009).

[38]Sulaiman, "Paradigma Dalam Penelitian Hukum," *Kanun Jurnal Ilmu Hukum* 20, no. 2 (2018): 255–72, https://doi.org/DOI: https://doi.org/10.24815/kanun.v20i2.10076.

[39]Herlambang P. Wiratraman, Widodo D. Putro, "Tantangan Metode Penelitian Interdisipliner Dalam Pendidikan Hukum Indonesia," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 31 (2019): 402–18, https://doi.org/https://doi.org/10.22146/jmh.44305.

[40]Khadijah Mohamed, "Combining Methods in Legal Research," *Social Sciences (Pakistan)* 11, no. 21 (2016): 5191–98, https://doi.org/10.3923/sscience.2016.5191.5198.

[41]Michael Adler, "A Socio-Legal Approach to Administrative Justice?," *Administrative Justice in Context*, 2014, 323–52, https://doi.org/10.5040/9781472560759.ch-016.

regulations by using critical analysis and explaining their meaning and implications for legal subjects so that the meaning contained in the article can be detrimental or beneficial to certain groups. Therefore, the socio-legal research method discusses all regulations, both the constitution of the central, regional, and at least village level regulations, and 2) Socio-legal studies develop new methods resulting from a cross between legal and social methods such as qualitative socio-legal and socio-legal ethnography.

Socio-legal research has its objectives and scope, which do not merely look at the law in its empirical questions but also carry out critical academic analysis of the law. Several steps must be taken to carry out socio-legal research. Sulistyowati Irianto said to conduct research using a socio-legal approach. It is necessary to make a research design. The research design is trial and error as a start and can be continuously improved according to the events that occur in the research theme. Several things must be included in the research design or proposal; a. The arguments for why the research theme was chosen are by the theory and practice that occurred, b. Include research problems, c. Theoretical legitimacy, and d. Research methods.[42]

These four components must be present in a research design, even though using varied subtitles and undetermined locations. In the socio-legal research design, the scope of the research, the benefits of the research, and the systematic writing of reports as needed can also be included. The research design that has been written must be carried out by the systematics determined in the research design by including several chapters as needed.

To design intrinsically socio-legal research, Banakar describes eight stages in the socio-legal research design.[43] First is research problems or topics; associated with social activities, processes, or community development, such as violations of public security or human rights violations or widespread use of social media. Research problems are not necessarily concerned with negative social developments such as increased crime or the tendency of certain groups to break the law. Still, they can also look at positive social developments, such as decreasing crime patterns or questioning why someone or a group of people obey the law when they know they don't have to. The second is the literature review; the literature review is the most

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[42]Sulistyowati Irianto, "Praktek Penelitian Hukum: Perspektif Sosiolegal," 2012, https://www.bphn.go.id/data/documents/materi_cle_8_prof_dr_sulistyowati_irianto_full.pdf.
[43]Reza Banakar, "On Socio-Legal Design," 2019, 0–22, https://lucris.lub.lu.se/ws/files/65005127/10_ aaaSocio_legal_methodology_v_10.pdf.

decisive part of obtaining an overview of related studies carried out previously, theoretically, and empirically.

A comprehensive literature review will make it easier for researchers to determine the "knowledge gap" in previous research and determine something that has not been studied or has not been adequately analyzed so that researchers can use it in preparing research problems. In this way, literature reviews not only help researchers to avoid repeating research but also help researchers to understand the ongoing debate on the topic of the research being carried out. However, it is also okay to reexamine old questions or problems due to changing social conditions. Literature reviews make it easier for researchers to study theories and methods used in similar research, thereby enabling researchers to identify and define key concepts and reflect on how to develop their theoretical frameworks.

Third, research question; good research requires carefully formulated questions. Research questions are a means of narrowing down the scope of research that has never been properly reviewed or analyzed.[44] This is related to a comprehensive review of the literature review. A researcher will not produce an empirically feasible research question without conducting a comprehensive study of the previously conducted research. Becoming a socio-legal study requires a research question that combines social conditions and legal phenomena or explores informal rules and processes resulting from the legal awareness of the perpetrators. In this case, it seems that it overlaps with research in other disciplines, such as criminology or political science. However, this is not a problem because socio-legal research is interdisciplinary. Socio-legal research always uses the social sciences approach, such as sociology, anthropology, psychology, history, politics, etc.[45]

One example of socio-legal research is a study of the forms of violence experienced by fintech loan recipients. This research will involve criminology, economics, anthropology, and political law concerning fintech lending in Indonesia. Researchers must first conduct a study of the laws and regulations related to fintech lending and politics and associate them with public legal awareness, which is influenced by various factors, including

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[44]Earlene E. Lipowski, "Developing Great Research Questions," *American Journal of Health-System Pharmacy* 65, no. 17 (2008): 1667–70, https://doi.org/10.2146/ajhp070276.

[45]Susan S. Silbey, "What Makes a Social Science of Law? Doubling the Social in Socio-Legal Studies," *Palgrave Socio-Legal Studies*, no. 1998 (2013): 20–36, https://doi.org/10.1007/978-1-137-31463-5_2.

human factors themselves, because legal awareness is the knowledge contained in humans about existing laws or laws that are expected to exist.

Fourth, theoretical/conceptual framework; researchers must identify concepts, factors, processes, and things that are important in the research conducted by researchers, including assumptions, expectations, and beliefs that implicitly or explicitly provide information and guidance in the research conducted by researchers. Literature research provides an important role in building the theoretical framework of researchers.[46] This helps researchers to identify the main research concepts and define and relate one concept to another. Fifth, research methods; research methods can use surveys, observations, or interviews. This method is a tool for collecting empirical data that must follow the research question. Choosing a research method also means choosing the methodological direction of the research.[47] If the researcher chooses the survey method, the researcher adopts a quantitative approach, which means that the researcher believes that he can measure the problem being studied. The research method chosen must enable the researcher to investigate the level of social reality that the research carried out is related to micro or macro things.

Sixth is research ethics; Research ethics is significant in protecting informants and the adverse effects of their research. For this reason, a researcher must pay attention to research ethics. Researchers must consider two ethics in researching so that the research can run well. First, researchers must care about people who contribute to or participate in research conducted by protecting them from risks that may occur, especially those related to dignity, privacy, and personal safety. It is also important to note in the context of research ethics that researchers should not put themselves in conditions that can threaten them politically, psychologically, or physically. Second, research ethics invites researchers to reflectively see the totality of research by asking themselves how they ask questions. This includes the researcher's critical reflection on his identity. The researcher must not claim that the researcher's knowledge can silence and marginalize groups of people based on gender, sexuality, race, ethnicity, or religious beliefs. The

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[46]Julie A. Luft et al., "Literature Reviews, Theoretical Frameworks, and Conceptual Frameworks: An Introduction for New Biology Education Researchers," *CBE Life Sciences Education* 21, no. 3 (2022): rm33, https://doi.org/10.1187/cbe.21-05-0134.

[47]Feisal Murshed and Yinlong Zhang, "Thinking Orientation and Preference for Research Methodology," *Journal of Consumer Marketing* 33, no. 6 (2016): 437–46, https://doi.org/10.1108/JCM-01-2016-1694.

research aims not to privilege the most marginalized epistemological viewpoints but to adopt an epistemological perspective that requires the scholar to inform his investigation by taking some distance during the research process.

Seventh, empirical data/material; must provide factual information about the studied subject matter. The data must answer the research questions formulated earlier, and other researchers can replicate the research to produce similar data except in socio-legal research that uses ethnographic studies. It is possible to use several methods in social research, but it must be considered that these methods are complementary and possible to be carried out. For example, combining the interview method with survey and discourse analysis will further enrich empirical data. Still, it must be considered that interviews take time because it is also necessary to transcribe and analyze the interview results besides needing to spend time for interviews.[48] Hence, the mix of methods must be carefully planned within the timeframe of the research being undertaken. Eight, data analysis and conclusions; analysis and conclusions require empirical data that has been obtained and a theoretical framework that has been built. The analysis should not only answer the research question of the researcher but should go beyond the researcher's initial assumptions in conducting research and be able to ask new questions. Good research always ends with new questions that you never thought of before.[49]

These eight stages reflect how theoretical research should be planned even though, in practice, in a study, some processes dynamically coincide with one another and modify each other, sometimes appearing as a messy research process. One of the most important chapters in socio-legal research is that socio-legal research is community-based research. Therefore, linking legal issues with economic, political, and socio-cultural constellations is important to realize the socio-legal research base linking law and society well.

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[48] Jan Willem van der Roest, Ramón Spaaij, and Maarten van Bottenburg, "Mixed Methods in Emerging Academic Subdisciplines: The Case of Sport Management," *Journal of Mixed Methods Research* 9, no. 1 (2015): 70–90, https://doi.org/10.1177/1558689813508225.

[49] Roel Popping, "Analyzing Open-Ended Questions by Means of Text Analysis Procedures," *BMS Bulletin of Sociological Methodology/ Bulletin de Methodologie Sociologique* 128, no. 1 (2015): 23–39, https://doi.org/10.1177/0759106315597389.

3. Closing

3.1. Conclusions

Based on the description above, it can be concluded that normative juridical research procedures are carried out using the IRAC model (issue, rule, analysis/application, conclusion). While empirical juridical research is carried out in several steps, namely determining the title of the study, determining the problem, making research objectives, making hypotheses and basic assumptions, making the scope of the research, conducting literature studies, determining the sampling variables, conducting data processing and analysis. Integrating juridical normative and empirical juridical research through the socio-legal research method. Socio-legal studies are an alternative approach that examines doctrinal studies of law. Socio-legal studies represent contexts where the law exists (an interface with a context within which the law exists). The distinctive feature of socio-legal studies is always to conduct textual studies of the provisions of articles in statutory regulations by using critical analysis and explaining their meaning and implications for legal subjects. Socio-legal methods also develop new methods resulting from a cross between legal and social methods, such as qualitative socio-legal and socio-legal ethnography.

3.2. Suggestions

To produce good legal research, legal researchers must determine the problem, conduct a preliminary study of existing research, develop a theoretical framework, formulate hypotheses, and choose research methods according to the type of research. Thus, it is expected to obtain scientifically justifiable research results.

REFERENCES

Achmad, Mukti Fajar ND and Yulianto. *Dualisme Penelitian Hukum Normatif Dan Empiris*. Yogyakarta: Pustaka Pelajar, 2013.

Adiyanta, F.C. Susila. "Hukum Dan Studi Penelitian Empiris: Penggunaan Metode Survey Sebagai Instrumen Penelitian Hukum Empiris." *Administrative Law and Governance Journal* 2, no. 4 (2019): 697–709. https://doi.org/10.14710/alj.v2i4.697-709.

Adler, Michael. "A Socio-Legal Approach to Administrative Justice?" *Administrative Justice in Context*, 2014, 323–52. https://doi.org/10.5040/9781472560759.ch-016.

Ambekar, Sanjay J. *A Socio-Legal Research & Citation Methods*. Aurangabad:

Educational Publisher and Distributor, 2020.

Amiruddin, Zainal Asikin. *Pengantar Metode Penelitian Hukum*. Jakarta: Raja Grafindo Persada, 2016.

Apuke, Oberiri Destiny. "Quantitative Research Methods : A Synopsis Approach." *Kuwait Chapter of Arabian Journal of Business and Management Review* 6, no. 11 (2017): 40–47. https://doi.org/10.12816/0040336.

Arliman S, Laurensius. "Peranan Metodologi Penelitian Hukum Di Dalam Perkembangan Ilmu Hukum Di Indonesia." *Soumatera Law Review* 1, no. 1 (2018): 112. https://doi.org/10.22216/soumlaw.v1i1.3346.

Azhar, Kornelius Benuf and Muhamad. "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer." *Gema Keadilan* 7, no. 1 (2020): 20 – 33. https://doi.org/https://doi.org/10.14710/gk.7.1.20-33.

Banakar, Reza. "On Socio-Legal Design," 2019, 0–22. https://lucris.lub.lu.se/ws/files/65005127/10_aaaSocio_legal_methodology_v_10.pdf.

Bell, Felicity. "Empirical Research in Law." *Griffith Law Review* 25, no. 2 (2016): 262–82. https://doi.org/10.1080/10383441.2016.1236440.

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): 201–7. https://doi.org/10.1016/j.sbspro.2016.05.006.

Creutzfeldt, Naomi, Agnieszka Kubal, and Fernanda Pirie. "Introduction: Exploring the Comparative in Socio-Legal Studies." *International Journal of Law in Context* 12, no. 4 (2016): 377–89. https://doi.org/10.1017/S1744552316000173.

Davies, Gareth. "The Relationship between Empirical Legal Studies and Doctrinal Legal Research." *Erasmus Law Review* 13, no. 2 (2020): 3–12. https://doi.org/10.5553/elr.000141.

Dwi Indriati, Ervina, Sary Ana, and Nunung Nugroho. "Philosophy Of Law And The Development Of Law As A Normative Legal Science." *International Journal of Educational Research & Social Sciences* 3, no. 1 (2022): 425–32. https://doi.org/10.51601/ijersc.v3i1.293.

Ferrari, Vincenzo. "Reflections on Some Major Changes in Socio-Legal Studies (1989-2020)." *Onati Socio-Legal Series* 12, no. S1 (2022): S132–43. https://doi.org/10.35295/osls.iisl/0000-0000-0000-1288.

Gawas, Vijay M. "Doctrinal Legal Research Method a Guiding Principle in Reforming the Law and Legal System towards the Research Development." *International Journal of Law* 3, no. 5 (2017): 128–30. www.lawjournals.org.

Halim, Yoefanca, Fricky Sudewo, and Jestin Justian. "Transformative-Participatory Legal Research Method for Harmonizing The Existence of The Living Law in Indonesia." *Jurnal Media Hukum* 26, no. 2 (2019): 146–57. https://doi.org/10.18196/jmh.20190130.

Herlambang P. Wiratraman, Widodo D. Putro. "Tantangan Metode Penelitian Interdisipliner Dalam Pendidikan Hukum Indonesia." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 31 (2019): 402–18. https://doi.org/https://doi.org/10.22146/jmh.44305.

Irianto, Sulistyowati. *Hukum Yang Bergerak: Tinjauan Antropologi Hukum*. Jakarta: Yayasan Pustaka Obor Indonesia, 2009.

———. *Kajian Sosio Legal*. Jakarta: Pustaka Larasan in collaboration with Indonesia University, 2012.

———. "Praktek Penelitian Hukum: Perspektif Sosiolegal," 2012. https://www.bphn.go.id/data/documents/materi_cle_8_prof_dr_sulistyowati_irianto_full.pdf.

Kristina, Simion. "Practitioner's Guide: Qualitative and Quantitative Approaches to Rule of Law Research." *Practitioner Guide by International Network to Promote the Rule of Law*, no. July (2016): 6.

L. Whitehouse and S. Bright. *Empirical Research Methods in Property Law In*. Edited by S. Blandy & S. Bright. London: Palgrave Macmillan UK, 2015.

Lamada, Victoria Tabita Majesty, and Tetania Retno Gumilang. "The Function of Legal Research in Formulation of Legislation." *Jurnal Hukum Prasada* 7, no. 1 (2020): 61–65. https://doi.org/10.22225/jhp.7.1.1373.61-65.

Langbroek, Philip, Kees van den Bos, Marc Simon Thomas, Michael Milo, and Wibo van Rossum. "Methodology of Legal Research: Challenges and Opportunities." *Utrecht Law Review* 13, no. 3 (2017): 1–8. https://doi.org/10.18352/ulr.411.

Lipowski, Earlene E. "Developing Great Research Questions." *American Journal of Health-System Pharmacy* 65, no. 17 (2008): 1667–70. https://doi.org/10.2146/ajhp070276.

Luft, Julie A., Sophia Jeong, Robert Idsardi, and Grant Gardner. "Literature Reviews, Theoretical Frameworks, and Conceptual Frameworks: An Introduction for New Biology Education Researchers." *CBE Life Sciences Education* 21, no. 3 (2022): rm33. https://doi.org/10.1187/cbe.21-05-0134.

Mamudji, Soerjono Soekanto and Sri. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada, 2001.

Marzuki, Peter Mahmud. *Metode Penelitian Hukum*. Jakarta: Kencana, 2011.

Mohamed, Khadijah. "Combining Methods in Legal Research." *Social Sciences (Pakistan)* 11, no. 21 (2016): 5191–98.

https://doi.org/10.3923/sscience.2016.5191.5198.

Mohammad Al Amaren, Emad, Ahmed Hamad, Omar Farouk Al Mashhour, Lawyer Mohammed Almashni, Ahmed M A Hamad, and Mohammed Ibrahim Al Mashni. "An Introduction to the Legal Research Method: To Clear the Blurred Image on How Students Understand the Method of the Legal Science Research." *International Journal of Multidisciplinary Sciences and Advanced Technology* 1, no. 9 (2020): 50–55.

Murshed, Feisal, and Yinlong Zhang. "Thinking Orientation and Preference for Research Methodology." *Journal of Consumer Marketing* 33, no. 6 (2016): 437–46. https://doi.org/10.1108/JCM-01-2016-1694.

Nalle, Victor Imanuel W. "The Relevance of Socio-Legal Studies in Legal Science." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (2015): 179. https://doi.org/10.22146/jmh.15905.

Nurhayati, Yati, Ifrani Ifrani, and M. Yasir Said. "Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum." *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (2021): 1–20. https://doi.org/10.51749/jphi.v2i1.14.

Popping, Roel. "Analyzing Open-Ended Questions by Means of Text Analysis Procedures." *BMS Bulletin of Sociological Methodology/ Bulletin de Methodologie Sociologique* 128, no. 1 (2015): 23–39. https://doi.org/10.1177/0759106315597389.

Rezah, Nurul Qamar, H. Muhammad Syarif, Dachran S. Busthami, M. Kamal Hidjaz, Aan Aswari, Hardianto Djanggih, Farah Syah. *Metode Penelitian Hukum (Legal Research Methods),*. Makassar: Social Politic Genius, 2017.

Roest, Jan Willem van der, Ramón Spaaij, and Maarten van Bottenburg. "Mixed Methods in Emerging Academic Subdisciplines: The Case of Sport Management." *Journal of Mixed Methods Research* 9, no. 1 (2015): 70–90. https://doi.org/10.1177/1558689813508225.

Selviria. "Sistem Pemidanaan Indonesia Ditinjau Dari Pendekatan American Legal Realism Dan Scandinavian Realism." *Simbur Cahaya* 25, no. 2 (2018): 189–206. https://doi.org/DOI: http://dx.doi.org/10.28946/sc.v25i2.330.

Setia, Tunggul Ansari, Tunggul Ansari, Setia Negara, and Universitas Brawijaya. "Normative Legal Research in Indonesia: Its Origins And Approaches" 4, no. 1 (2023): 1–9.

Silbey, Susan S. "What Makes a Social Science of Law? Doubling the Social in Socio-Legal Studies." *Palgrave Socio-Legal Studies*, no. 1998 (2013): 20–36. https://doi.org/10.1007/978-1-137-31463-5_2.

Soetandyo Wignjosoebroto. *Hukum Paradigma, Metode Dan Masalah*. Jakarta: Elsam dan Huma, 2002.

Sonata, Depri Liber. "Metode Penelitian Hukum Normatif Dan Empiris:

Karakteristik Khas Dari Metode Penelitian Hukum." *Fiat Justisia Jurnal Ilmu Hukum* 8, no. 1 (2014): 15–35. https://doi.org/10.25041/fiatjustisia.v8no1.283.

Soren, Chunuram. "Legal Research Methodology: An Overview." *Journal of Emerging Technologies and Innovative Research (JETIR)* 8, no. October (2021): 1–44. https://www.jetir.org/view?paper=JETIR2110354.

Steven M. Barkan, Barbara A.Bintliff, Mary Whisner. *Fundamentals of Legal Research*. Saint Paul: Foundation Press, 2015.

Suhaimi. "Problem Hukum Dan Pendekatan Dalam Penelitian Hukum Normatif." *Jurnal Yustisia* 19, no. 2 (2018): 202–10. https://doi.org/http://dx.doi.org/10.0324/yustitia.v19i2.477.

Sulaiman. "Paradigma Dalam Penelitian Hukum." *Kanun Jurnal Ilmu Hukum* 20, no. 2 (2018): 255–72. https://doi.org/DOI: https://doi.org/10.24815/kanun.v20i2.10076.

Sunggono, Bambang. *Metode Penelitian Hukum*. Jakarta: Raja Grafindo Persada, 2003.

Travers, Reza Banakar and Max. *Theory and Method in Socio-Legal Research*. Oxford: Hart Publishing, 2005.

Tripa, Sulaiman. *Diskursus Metode Dalam Penelitian Hukum*. Banda Aceh: Bandar Publishing, 2019.