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Rethinking Legal Research Methodology: Addressing Conceptual Confusions and Methodological Gaps

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ABSTRACT

Legal research occupies a unique yet unsettled space within academic inquiry rooted in tradition, yet often resistant to methodological reflection and innovation. This paper critically examines the conceptual and methodological gaps that hinder the development of legal research as a coherent discipline. It highlights the persistent confusion between sources and data, the absence of a distinct methodological identity, and the overreliance on doctrinal approaches that fail to capture law's interaction with society. The marginalization of socio-legal perspectives and the superficial adoption of qualitative methods further illustrate the epistemic and practical limitations of current research practices. Central to this critique is the discipline's neglect of foundational philosophical questions specifically, ontology and epistemology which serve as the basis for methodological coherence in other fields. The paper argues that legal research must move beyond inherited doctrinalism and uncritical borrowing from the social sciences toward an integrated, discipline-sensitive methodology. By advocating for a pluralistic approach that combines normative analysis with empirical insight, and that is grounded in a clear understanding of law's dual character as both a normative and social institution, the paper proposes a framework capable of revitalizing legal scholarship. This rethinking is essential if legal research is to produce knowledge that is not only academically rigorous but also responsive to contemporary societal challenges such as global inequality, technological change, and climate justice.

Keywords: *Legal Methodology; Doctrinal Research; Socio-Legal Studies; Epistemology and Ontology*

I. INTRODUCTION: CONTEXT AND RATIONALE

Methodology serves as the backbone of academic inquiry across all disciplines, providing the theoretical framework and practical tools necessary for systematic investigation and

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knowledge production³. In established fields such as sociology, psychology, and economics, methodological rigor has evolved through centuries of scholarly debate, resulting in sophisticated approaches that reflect each discipline's unique epistemological foundations and research objectives. However, legal research occupies a distinctive position within the academic landscape, often characterized by a predominant reliance on traditional doctrinalism and perceived by some as lacking the methodological diversity seen in other disciplines.⁴ This perception is not merely an external critique but reflects genuine internal challenges within legal academia. Legal scholars frequently operate without explicit methodological frameworks, relying instead on inherited practices of textual analysis and case commentary that, while valuable, fail to capture the full complexity of law as both a normative system and a social phenomenon.⁵ The consequences of this methodological underdevelopment are profound: legal research remains marginalized in interdisciplinary academic discourse, struggles to address empirical questions about law's real-world impact, and fails to provide adequate tools for understanding law's relationship with society⁶.

The central argument of this paper is that law lacks a coherent, discipline-sensitive methodology, compounded by widespread conceptual confusions among legal scholars regarding fundamental research concepts such as data, sources, and the philosophical underpinnings of legal inquiry. These deficiencies are not merely academic concerns but have practical implications for the quality and relevance of legal scholarship, the training of future legal researchers, and the discipline's capacity to contribute meaningfully to broader social and policy debates. This paper aims to identify and clarify key methodological confusions that plague legal research, critique prevailing approaches that limit the discipline's potential, and advocate for an integrated legal research methodology grounded in appropriate epistemological and ontological frameworks. By addressing these foundational issues, we can begin to develop a more sophisticated and effective approach to legal research that honors both law's normative character and its social embeddedness.

II. UNDERSTANDING THE CONFUSION – SOURCES VS. DATA IN LEGAL RESEARCH

A commonly overlooked issue in legal research is the distinction between sources and data an area of conceptual ambiguity that points to broader methodological challenges within the

³ Dr Ananthakumar Ramalingam and others, *Research Methodology & Biostatistics* (Shashwat Publication 2025) 574.

⁴ P Ishwara Bhat, 'Doctrinal Legal Research as a Means of Synthesizing Facts, Thoughts, and Legal Principles' in P Ishwara Bhat (ed), *Idea and Methods of Legal Research* (Oxford University Press 2020)

⁵ Lina Kestemont, *Handbook on Legal Methodology: From Objective to Method* (Cambridge, 2018) 1.

⁶ Terry Hutchinson and Kylie Louise Burns, 'The Impact of "Empirical Facts" on Legal Scholarship and Legal Research Training' (2009) 43 *Law Teacher* 153.

discipline⁷. This confusion arises from the intersection of legal research traditions with social science methodologies, creating terminological ambiguity that undermines research clarity and design. In traditional legal research, the distinction between primary and secondary sources is well-established and forms the foundation of legal education⁸. Primary sources include authoritative legal materials such as statutes, regulations, judicial decisions, constitutional provisions, and treaties materials that carry legal force and serve as the basis for legal argument and analysis. Secondary sources encompass commentaries, textbooks, law review articles, and scholarly analyses that interpret, explain, or critique primary legal materials. This classification system, while useful for legal practice and doctrinal research, becomes problematic when legal scholars attempt to engage with empirical research methods.

In social science research, the primary-secondary distinction operates differently, focusing on the relationship between the researcher and the information rather than the authoritative status of materials.⁹ Primary data refers to information collected firsthand by the researcher through surveys, interviews, observations, or experiments. Secondary data consists of information that has been previously collected and analyzed by other researchers, which is then reanalyzed for new research purposes. This fundamental difference in conceptual frameworks creates confusion when legal researchers attempt to adopt social science methodologies without adequately understanding these distinct categorical systems. The practical implications of this confusion are evident in numerous legal theses and research projects where scholars misclassify their materials, describe their methodology inappropriately, or fail to recognize the limitations of their chosen approach. For instance, a legal researcher analyzing judicial decisions might describe case law as "primary data" when it would be more accurately characterized as primary sources containing secondary data about legal disputes and judicial reasoning. Conversely, a researcher conducting interviews with judges about their decision-making processes might fail to recognize that they are collecting primary data that could provide insights unavailable through traditional doctrinal analysis.

This terminological confusion extends to more sophisticated methodological issues. Legal researchers often struggle to distinguish between the normative content of legal materials and the empirical information that can be extracted from these materials¹⁰. A statute, for example,

⁷ Charles BG Ouma, 'Distinguishing Methodologies: Why an LLB Dissertation is Not Qualitative Research in the Social Science Tradition' (Catholic University of Eastern Africa, July 2025)

⁸ Sources of legal research: Primary, secondary and the role of AI (Thomson Reuters Legal, 19 December 2023) <https://legal.thomsonreuters.com/blog/sources-of-legal-research-primary-secondary-and-the-role-of-ai/>

⁹ Bhattacharjee A, *Social Science Research: Principles, Methods, and Practices* (University of South Florida Tampa Library 2012)

¹⁰ Audrey M Plan, 'Taking Law Seriously: The Challenges of Law as Research Data in Socio-legal Scholarship'

functions simultaneously as a primary legal source (establishing binding legal rules) and as a potential source of empirical data (revealing information about legislative priorities, social values, or policy approaches). Understanding this duality is crucial for designing research that can effectively bridge normative and empirical inquiry. The solution to this confusion requires clearer terminological guidance and enhanced methodological education for legal researchers. Legal research methodology courses should explicitly address these conceptual distinctions, helping students understand when they are engaging in traditional doctrinal analysis versus empirical research, and how different types of materials function within different methodological frameworks¹¹. Moreover, legal scholars must develop greater precision in describing their research methods, acknowledging the specific ways in which legal materials function within their chosen methodological approach.

III. THE ABSENCE OF A DISTINCT METHODOLOGICAL IDENTITY IN LAW

The methodological challenges facing legal research extend beyond terminological confusion to encompass a more fundamental problem: the absence of a distinct methodological identity that reflects law's unique character as a discipline¹². Unlike other academic fields that have developed sophisticated methodological frameworks tailored to their specific objects of study, legal research remains trapped between competing approaches without achieving methodological coherence or autonomy. This methodological vacuum has historical roots in law's evolution as both a professional practice and an academic discipline¹³. Legal education traditionally emphasized practical skills case analysis, statutory interpretation, and legal argument rather than research methodology in the academic sense¹⁴. While these skills remain essential for legal practice, they provide an insufficient foundation for the kind of systematic inquiry expected in contemporary academic research. The result is a discipline that often appears methodologically naive compared to other fields, relying on intuitive approaches rather than explicit, theoretically grounded research strategies.

The consequences of this methodological underdevelopment are multifaceted and significant. First, legal research becomes marginalized in multidisciplinary academic debates because legal scholars lack the methodological vocabulary and frameworks necessary to engage

(2024) *Law Technology and Humans*

¹¹ Emad Mohammad Al Amaren, Ahmed Mohammed Hamad and Omar Farouk Al Mashhour, 'An Introduction to the Legal Research Method: To Clear the Blurred Image on How Students Understand the Method of the Legal Science Research' (2020) *International Journal of Multidisciplinary Sciences and Advanced Technology*

¹² Finn Makela, 'Is Law an Academic Discipline?' (2016) 50(2) *RJTUM* 433

¹³ Shoyaib Ahmad, 'Defining Legal Research: Its Meaning and Characteristics' (Central University of Punjab, 7 December 2024)

¹⁴ Gabrielle Appleby, Peter Burdon and Alexander Reilly, 'Critical Thinking in Legal Education: Our Journey' (2013) 23(2) *Legal Education Review*

effectively with researchers from other disciplines¹⁵. When legal scholars attempt to contribute to discussions about social policy, governance, or justice, their contributions may be dismissed as insufficiently rigorous or methodologically unsophisticated. Second, the absence of methodological clarity limits legal scholarship's capacity for self-reflection and improvement¹⁶. Without explicit methodological frameworks, legal researchers struggle to evaluate the strengths and limitations of different approaches, leading to repetitive or shallow research that fails to build systematically on previous work. This problem is particularly acute in emerging areas of legal research where traditional doctrinal methods prove inadequate for addressing complex empirical or interdisciplinary questions.

Third, the lack of methodological identity hampers the training of legal researchers, particularly doctoral students who must navigate between law's traditional approaches and the methodological expectations of academic research¹⁷. These students often receive insufficient guidance on research methodology, leaving them to improvise approaches without adequate theoretical grounding or practical support. The development of a distinct methodological identity for legal research requires recognizing law's unique characteristics while remaining open to insights from other disciplines. Law operates simultaneously as a normative system (establishing what ought to be done), a social institution (shaping behavior and relationships), and a discursive practice (creating meaning through interpretation and argument). Any adequate methodology for legal research must account for this multidimensional character while providing practical tools for systematic inquiry.

This does not imply that legal research should retreat into disciplinary insularity. On the contrary, there is a pressing need for legal scholarship to adopt integrative methodologies that draw meaningfully from other fields such as sociology, political science, and philosophy while remaining grounded in the normative and interpretive character of law. However, such integration must be methodologically coherent; superficial borrowing risks diluting the conceptual integrity of legal analysis. A carefully balanced approach would not only enrich the methodological toolkit of legal researchers but also enhance the discipline's relevance in addressing complex, interdisciplinary policy challenges.

¹⁵ Stolker C, 'Legal Scholarship: Venerable and Vulnerable' in *Rethinking the Law School: Education, Research, Outreach and Governance* (Cambridge University Press 2015), 200–230

¹⁶ Mátyás Bódi, 'Legal Doctrinal Scholarship and Interdisciplinary Engagement' (2015) 8(2) *Erasmus Law Review* 43

¹⁷ Terry Hutchinson, 'Methodological Issues in Legal Research: Moving Beyond Strictly Doctrinal Approaches' (July 2007) *SSRN Electronic Journal*

IV. LIMITATIONS OF DOCTRINAL AND QUALITATIVE LEGAL RESEARCH

Doctrinal methodology has long dominated legal research, reflecting law's foundation in authoritative texts and the legal profession's emphasis on interpretation and argument¹⁸. This approach involves the systematic analysis of legal sources statutes, cases, regulations, and constitutional provisions to understand legal principles, identify doctrinal developments, and resolve interpretive questions. While doctrinal research remains essential for understanding law's normative structure and internal logic, its limitations become apparent when legal scholars attempt to address broader questions about law's social impact, effectiveness, or relationship to social change. The primary strength of doctrinal methodology lies in its capacity to clarify legal meaning, trace doctrinal evolution¹⁹, and identify internal inconsistencies within legal systems. Skilled doctrinal researchers can reveal hidden assumptions in legal reasoning, expose contradictions between different areas of law, and propose reforms that enhance legal coherence and clarity. These contributions remain valuable for both legal practice and policy development, providing the normative foundation necessary for effective legal systems.

However, doctrinal methodology faces significant limitations when addressing questions that extend beyond legal texts and their internal relationships²⁰. It cannot adequately explain why legal rules develop in particular directions, how legal institutions function in practice, or what effects legal changes have on social behavior and outcomes. These limitations are particularly problematic in fields such as human rights law, environmental law, and socio-economic rights, where understanding law's social impact is crucial for evaluating its effectiveness and guiding reform efforts. The recognition of these limitations has led many legal researchers to adopt qualitative research methods borrowed from social sciences, including interviews, case studies, ethnography, and discourse analysis. While this methodological expansion has enriched legal research in many ways, it has also created new problems. Many legal researchers adopt qualitative methods superficially, without adequate theoretical grounding or methodological training, leading to research that fails to meet the standards expected in either legal scholarship or social science.²¹

¹⁸ Pradeep Mullekyl Devadasan, 'Legal Research – Descriptive Analysis on Doctrinal Methodology' (2019) 4(2) *Intl J Management Technology Social Sci* 95

¹⁹ Salim Ibrahim Ali, Zuryati Mohamed Yusoff and Zainal Amin Ayub, 'Legal Research of Doctrinal and Non-Doctrinal' (2017) 4(1) *International Journal of Trend in Research and Development* 493

²⁰ Darren O'Donovan, "Socio-Legal Methodology: Conceptual Underpinnings, Justifications and Practical Pitfalls" in *Legal Research Methods: Principles and Practicalities* (Clarus Press 2016) Chapter 7, 107–129

²¹ Weng Marc Lim, 'What Is Qualitative Research? An Overview and Guidelines' (2025) 33(2) *Australasian Marketing Journal* 199

Common problems in qualitative legal research include inadequate sampling strategies, insufficient attention to issues of validity and reliability, failure to consider alternative explanations for observed phenomena, and lack of theoretical frameworks for interpreting findings²². These methodological weaknesses undermine the credibility of qualitative legal research and limit its capacity to contribute meaningfully to academic discourse or policy development.

Furthermore, the adoption of qualitative methods often occurs without adequate consideration of their compatibility with legal research objectives. Researchers may employ interview methods designed for social science inquiry without considering how legal professionals' specialized knowledge and institutional positions affect the validity and interpretation of their responses. Similarly, ethnographic approaches developed for studying social communities may require substantial modification when applied to legal institutions with their distinctive hierarchical structures and professional cultures. The solution to these problems requires more sophisticated methodological training for legal researchers, including education in both the theoretical foundations and practical applications of qualitative research methods. Legal researchers must understand not only how to conduct interviews or analyze documents but also how to design studies that can effectively address legal research questions while meeting appropriate standards of methodological rigor.

V. NEGLECT OF SOCIO-LEGAL APPROACHES AND INTERDISCIPLINARY BLIND SPOTS

Socio-legal research offers a vital corrective to the limitations of traditional doctrinal methods by situating law within its broader social, political, and economic contexts²³. It challenges the assumption that law is best understood through the internal logic of legal texts alone and instead urges scholars to examine how law functions in practice. This perspective compels engagement with empirical realities how laws are implemented, interpreted by various actors, resisted, or circumvented. Yet, despite its intellectual significance and real-world relevance, socio-legal research remains marginalized within mainstream legal academia²⁴. Its underutilization reflects not just methodological inertia but a deeper reluctance to question the epistemic assumptions of doctrinal orthodoxy.

²² *Challenges in Qualitative Data Analysis* (Contentsquare, 2024) <https://contentsquare.com/guides/qualitative-data-analysis/challenges/> accessed 6 August 2025

²³ Afif Noor, 'Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research' (2023) 7(2) *Jurnal Ilmiah Dunia Hukum* 94

²⁴ Nergis Canefe, 'Far from the Madding Crowds: Redefining the Field of Socio-Legal Studies from Within' in Patrick Taylor et al (eds), *Violence, Imagination and Resistance: Socio-Legal Perspectives* (University of Alberta Press 2023) 173

The neglect of socio-legal research is sustained by entrenched educational and institutional biases. Most law schools, especially in the Global South, continue to emphasize positivist, text-based analysis, often to the exclusion of empirical inquiry or critical interdisciplinary perspectives. This doctrinal hegemony is reproduced through legal curricula that offer little or no training in social science methods, leaving students and early-career scholars ill-equipped to design or evaluate empirical studies²⁵. Moreover, faculty members often lack the interdisciplinary competencies required to teach or supervise socio-legal research, creating a self-perpetuating cycle of methodological narrowness. As a result, legal research risks becoming increasingly detached from the social realities it purports to address.

Even when empirical components are included in legal research, they are frequently tokenistic or methodologically flawed²⁶. Surveys, interviews, or statistical data are sometimes appended to doctrinal studies as superficial add-ons, rather than being integrated into a coherent research design informed by theoretical and methodological rigor. Such practices undermine the credibility of both legal and empirical scholarship. Worse still, they risk trivializing the empirical enterprise, reinforcing scepticism within doctrinal circles about the utility of socio-legal approaches. In jurisdictions such as Sri Lanka and other South Asian countries, where pressing legal challenges intersect deeply with questions of governance, social inequality, and institutional dysfunction, this methodological gap has particularly stark consequences for policy-relevant legal scholarship.

Addressing these deficits requires more than isolated reform; it demands a fundamental reorientation of legal education and research culture. Law faculties must embed socio-legal methods as core components of the curriculum, not optional specializations²⁷. This includes investment in faculty development, recruitment of interdisciplinary scholars, and collaborative engagement with social science departments. Editorial policies of leading law journals must also evolve to recognize the academic value of empirical and interdisciplinary scholarship. Ultimately, legal academia must shed the false dichotomy between doctrinal purity and empirical inquiry. Instead, it should embrace a pluralistic methodological orientation that values contextual, critical, and evidence-based approaches an essential step toward making legal research not only academically rigorous but also socially responsive and globally relevant.

²⁵ E Wayne Ross, *The Social Studies Curriculum: Purposes, Problems, and Possibilities* (Revised edn, State University of New York Press 2001)

²⁶ *Promoting Reliability and Replicability in Empirical Legal Research* (Harvard Law School Library, 21 January 2025) <https://hls.harvard.edu/amicus-libris/promoting-reliability-and-replicability-in-empirical-legal-research/> accessed 6 August 2025

²⁷ Caroline Hunter (ed), *Integrating Socio-Legal Studies into the Law Curriculum* (Palgrave Macmillan 2012)

VI. RECLAIMING ONTOLOGY AND EPISTEMOLOGY IN LEGAL RESEARCH

A foundational yet persistently overlooked challenge in legal research lies in its failure to grapple with fundamental philosophical questions those concerning the nature of law (ontology) and the ways in which law can be known (epistemology).²⁸ These questions, which serve as the backbone of methodological reflection in most academic disciplines, remain largely absent in legal scholarship. Instead, legal research often proceeds on unexamined assumptions about what law is and how it should be studied²⁹. This absence of philosophical engagement contributes significantly to the fragmentation, incoherence, and limited adaptability of legal research methodologies in a rapidly evolving academic and policy environment.

Ontologically, legal research suffers from a reductive conception of law, often confined to authoritative texts statutes, precedents, and treaties viewed in isolation from the social, political, and institutional contexts in which they operate.³⁰ But is law merely a system of rules and principles, or is it better understood as a set of evolving social practices, institutional behaviors, and discursive formations? Viewing law as a multidimensional phenomenon simultaneously normative, institutional, and symbolic demands a correspondingly pluralistic methodological approach³¹. Yet legal scholars rarely articulate their ontological commitments, leading to mismatches between their theoretical assumptions and research methods. The result is a tendency to apply doctrinal methods to questions that require empirical, interpretive, or sociological insights, often producing partial or conceptually misaligned outcomes.

Epistemological neglect compounds this problem. Legal researchers seldom reflect on how knowledge about law is produced, validated, or limited³². Whether one adopts an interpretivist approach that prioritizes meaning, or a positivist approach focused on causal explanation, has direct implications for research design, data collection, and analysis. Many legal studies, however, conflate or blend methods rooted in incompatible epistemologies such as combining normative doctrinal analysis with survey-based data without acknowledging the tensions this creates³³. The consequence is not methodological innovation but incoherence, where research

²⁸ Csaba Varga, 'Law and its Doctrinal Study (On Legal Dogmatics)' (2008) 49(3) *Acta Juridica Hungarica* 253

²⁹ Christopher McCrudden, 'Legal Research and the Social Sciences' (2006) 122 *Law Quarterly Review* 632

³⁰ 'Ontology and Epistemology' in Bartosz Brożek, Jaap Hage and Nicole Vincent (eds), *Law and Mind: A Survey of Law and the Cognitive Sciences* (Cambridge University Press 2021) Part II, 97–214

³¹ V I Popov, 'Methodological Foundations of a Multidimensional Approach to the Understanding of Law and Its Importance for Legal Practice' (2019) *Lex Russica* 3

³² Christopher Baird and Thomas S Calvard, 'Epistemic Vices in Organizations: Knowledge, Truth, and Unethical Conduct' (2019) 160(1) *Journal of Business Ethics* 263

³³ Moh Mujibur Rohman, Nashrul Mu'minin and Muwafiq Ibrahim Mas'ud, 'Methodological Reasoning Finds Law Using Normative Studies (Theory, Approach, and Analysis of Legal Materials)' (2024) 4(2) *MAQASIDI:*

outputs are difficult to interpret or justify within a unified framework. Unlike the social sciences, which have fostered lively debates across philosophical paradigms, legal academia often suppresses such engagement under the dominance of doctrinal tradition.

To move forward, legal research must confront these philosophical foundations explicitly and systematically. This does not imply subscribing to a single theory of law or method but rather cultivating methodological self-awareness and philosophical literacy among legal scholars. Embracing ontological and epistemological reflection would foster greater coherence in methodological choices, enhance the explanatory power of legal research, and facilitate interdisciplinary collaboration. Legal education must integrate these debates into its core, encouraging scholars to critically assess their assumptions and to make deliberate, well-justified methodological decisions³⁴. Only through such reflective practice can legal research evolve into a more sophisticated and responsive discipline one capable of addressing the complex normative and empirical challenges of contemporary society.

VII. TOWARDS A DISCIPLINE-SENSITIVE AND INTEGRATED METHODOLOGY FOR LEGAL RESEARCH

The challenge of developing an adequate methodology for legal research lies in bridging the divide between its disciplinary distinctiveness and its embeddedness in broader social systems³⁵. Law is not merely a technical or normative apparatus but a complex institution that governs, shapes, and is shaped by human conduct. Any credible methodology must therefore reflect law's dual identity: as a system of rules, rights, and obligations requiring analytical clarity, and as a social phenomenon with empirical consequences and contextual dependencies. To pursue either dimension in isolation is to produce research that is at best partial and at worst misleading. The need is not for disciplinary purity, but for methodological coherence that is sensitive to both the normative aspirations and lived realities of legal systems³⁶.

A truly integrated methodology for legal research demands more than mechanical combination of doctrinal and empirical tools it requires an intentional and philosophically grounded framework that aligns methods with the researcher's ontological and

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³⁴ Ozlem Susler and Alperhan Babacan, 'Embedding Critical Reflection in Legal Education' (2021) 37(3) *Law in Context: A Socio-Legal Journal* 10

³⁵ Reza Banakar, 'Having One's Cake and Eating It: The Paradox of Contextualisation in Socio-Legal Research' (2011) 7(4) *International Journal of Law in Context* 487

³⁶ Sanne Taekema, 'Methodologies of Rule of Law Research: Why Legal Philosophy Needs Empirical and Doctrinal Scholarship' (2020) *Law and Philosophy* 1

epistemological commitments. This begins with acknowledging that legal inquiry involves both normative and empirical questions, which cannot be answered through a single methodological lens. Doctrinal analysis remains indispensable for unpacking legal meaning and reasoning, but it must be situated within a broader methodological matrix that includes socio-legal research, qualitative inquiry, and quantitative analysis, where appropriate³⁷. Crucially, these methods must be applied with rigor, not as token gestures, and must be guided by a clear understanding of what the researcher believes law to be and how legal knowledge can be meaningfully generated.

Achieving this level of methodological integration requires structural reforms in legal education and research culture. Law schools must move beyond their insular traditions and embrace curriculum reform, interdisciplinary collaboration, and rigorous methodology training that exposes students to the diversity of research strategies available³⁸. Supervisors must be equipped to guide research that transcends doctrinal boundaries, and institutions must reward rather than penalize intellectual risk-taking. In short, legal research must evolve to meet the intellectual demands of the contemporary world where legal issues intersect with technology, globalization, inequality, and ecological crisis through methodologies that are as complex, adaptive, and reflective as the phenomena they seek to understand.

VIII. CONCLUSION

The current state of legal research reveals deep-seated conceptual and methodological deficiencies that continue to obstruct its development as a robust academic discipline. The persistent confusion between legal sources and research data, the absence of a clearly defined methodological identity, and the overreliance on either doctrinal or under-theorized qualitative approaches have contributed to an internal incoherence. Additionally, the marginalization of socio-legal perspectives and the widespread neglect of philosophical inquiry into law's nature and modes of knowing underscore a crisis not just of technique, but of disciplinary self-understanding. These issues cannot be dismissed as abstract concerns they are symptomatic of a methodological stagnation that limits the discipline's ability to critically engage with contemporary legal and social phenomena.

The implications of this crisis are far-reaching. Legal research that fails to engage with foundational questions of epistemology and ontology, or that adopts methods from other

³⁷ Claire Angelique R I Nolasco, Michael S Vaughn and Rolando V del Carmen, 'Toward a New Methodology for Legal Research in Criminal Justice' (2010) 21(1) *Journal of Criminal Justice Education* 1

³⁸ Keith J Hand and Komi Frey, 'Law Schools Must Create a Culture That Promotes Viewpoint Diversity. Here's How' (Minding the Campus, 30 August 2024) <https://www.mindingthecampus.org/2024/08/30/law-schools-must-create-a-culture-that-promotes-viewpoint-diversity-heres-how/> accessed 6 August 2025

disciplines without reflection or adaptation, is ill-equipped to address the increasingly interdisciplinary and globalized nature of legal problems. Whether the issue is climate change litigation, algorithmic governance, or transnational human rights violations, the inadequacy of traditional legal methods becomes increasingly apparent. Without methodological sophistication, legal scholarship risks becoming insular, descriptive, and normatively shallow, undermining its contribution to both policy development and academic discourse. Furthermore, the lack of methodological clarity weakens legal research's legitimacy in interdisciplinary collaborations, where clarity of method and rigor of approach are non-negotiable standards.

What is needed, therefore, is not incremental adjustment but a systematic rethinking of legal research methodology one that acknowledges law's dual character as both a normative system and a socially embedded practice. This transformation must begin with a renewed commitment to methodological education and philosophical reflection at all levels of legal training. Legal scholars must cultivate methodological literacy that enables them to critically choose and adapt research tools, rather than defaulting to inherited doctrinalism or superficial empiricism. Institutional support through revised curricula, publication standards, and research funding must reinforce this shift. A discipline-sensitive pluralism that draws from doctrinal, socio-legal, empirical, and theoretical traditions, while remaining attentive to law's unique epistemic character, is essential for revitalizing legal scholarship. Only through such fundamental reform can legal research rise to the challenges of our time and reclaim its place as a rigorous, reflective, and impactful mode of inquiry.
