A Study on Methods and Techniques of Legal Research Methodology

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Abstract

As law students progress through their studies, they are often required to undertake research projects to explore legal concepts and gain a deeper understanding of the law. Legal research papers contribute to legal scholarship, help shape the law, advance legal practice, and provide legal insights into policy-related facets. Research writing is a vital aspect of legal education for several reasons Developing Critical Thinking and Analytical Skills Writing a research paper on a legal topic requires students to conduct an in-depth analysis, construct arguments, and apply sound legal reasoning. Legal practice, passing the bar exam, and career advancement all necessitate strong critical thinking skills. Developing Specialized Legal Knowledge Students can hone their expertise in specific legal areas by conducting in-depth research, demonstrating their specialization, and preparing for research degrees. Legal research is crucial because it helps lawyers and students develop the skills needed to provide accurate advice, make strong legal arguments, and ensure consistency and certainty in the law.

Keywords: Legal Research Methodology, Research Design, Sampling, Data Sources, Analysis

Introduction

Research is a systematic and methodical examination of data using scientific methods for investigation and analysis. The term "research" originates from the French word *recherche*, meaning "thorough inspection." Research is conducted to explore and understand new problems, find solutions, or acquire new knowledge about existing matters. Legal research forms the foundation of effective legal study, enabling scholars, students, and practitioners to understand, interpret, and analyze legal concepts and principles.

Legal research methodologies can be broadly classified into doctrinal research and non-doctrinal research. This article explores these methodologies, their purposes, differences, and contributions to legal research.

Definitions:

- *Encyclopaedia Dictionary:* "Research is an act of searching into a matter closely and carefully, leading to the discovery of truth and scientific investigation of principles and facts."

- *Manheim:* "Research is the careful, diligent, and exhaustive investigation of a specific subject matter aimed at advancing human knowledge."

Objectives of Legal Research

Legal research serves **academic** and **utilitarian** objectives-

- **Academic Objective:** Acquiring in-depth knowledge of human society and legal matters.
- **Utilitarian Objective:** Addressing social issues like crime, theft, and legal disputes.

The key objectives include:

- Discovering new legal facts
- Testing and verifying old facts
- Analyzing legal principles in a new theoretical framework
- Examining the consequences of new legal principles and judicial decisions
- Developing new legal research tools
- Proposing new legal concepts and reforms
- Analyzing historical legal institutions and their evolution
- Understanding the relationship between the judiciary and the legislature

Nature of Legal Research

Legal research can be classified into **quantitative** and **qualitative** research:

1. **Quantitative Research** – Utilizes surveys, structured interviews, and statistical methods to analyze numerical data.
2. **Qualitative Research** – Uses methods like participant observation and unstructured interviews, offering descriptive insights into legal phenomena.

Types of Legal Research

Legal research can be categorized into various types:

- **Descriptive vs. Analytical Research** – Descriptive research documents legal occurrences, while analytical research critically evaluates them.
- **Applied vs. Pure Research** – Applied research addresses practical legal problems, whereas pure research aims at theoretical understanding.
- **Conceptual vs. Empirical Research** – Conceptual research is based on abstract ideas, whereas empirical research relies on observation and data collection.
- **Comparative Legal Research** – Analyzes and compares legal systems across different jurisdictions.

Doctrinal vs. Non-Doctrinal Research

Doctrinal and non-doctrinal legal research represent two fundamental approaches to the study of law, each with distinct methodologies and objectives. Here's a comparative overview:

S.N.	Doctrinal Legal Research	Non-Doctrinal Legal Research
Focus	Centers on legal doctrines and principles, analyzing statutes, case laws, and regulations to understand the law's internal structure.	Emphasizes the practical impact of law on society, examining how laws affect and are affected by social behaviours and conditions.
Sources	Relies primarily on traditional legal sources such as statutes, case law, and legal commentaries.	Incorporates empirical data, including surveys, interviews, and case studies, to address current societal issues.
Methodology	Conducted through library-based research, involving a thorough review of legal texts and documents.	Engages in fieldwork, collecting primary data to assess the law's real-world applications and implications.
Data	Utilizes secondary sources like textbooks, legal articles, and commentaries to build legal arguments and interpretations.	Gathers primary data through empirical methods such as surveys and interviews to understand societal impacts.
Theoretical Foundation:	Rooted in the analytical or positivist school of thought, focusing on the law as it is written.	Aligned with the realist school of thought, considering the law within the context of societal realities.
Scope	Offers a narrower perspective, analyzing law in isolation without necessarily considering external factors.	Provides a broader perspective, offering a comprehensive understanding of law by considering its interaction with societal elements.
Training	Typically, does not require specialized training beyond legal education, as it involves traditional legal analysis.	Requires specialized training in social science methodologies, including skills in data collection and analysis, to effectively conduct empirical research.
Concern	Primarily concerned with legal propositions, focusing on the interpretation and application of legal texts.	Primarily concerned with social values and individuals, examining how laws influence and are influenced by societal norms and behaviours

Process of Legal Research

1. **Choosing a Research Topic** – Identifying a legal issue of interest and formulating a clear research problem.
2. **Reviewing Literature** – Examining existing research to find gaps and establish research objectives.
3. **Formulating a Hypothesis** – Defining tentative propositions that will be tested through research.
4. **Research Design** – Planning the methodology, including data collection techniques.

5. **Data Collection** – Gathering primary and secondary data relevant to the research problem.
6. **Data Analysis** – Organizing and evaluating collected data for meaningful conclusions.
7. **Interpretation of Data** – Drawing inferences from the analyzed data.
8. **Report Writing** – Presenting research findings in a structured format.

Challenges in Legal Research

Legal research faces various challenges, including:

- **Cultural barriers** – Differences in legal traditions and interpretations.
- **Procedural difficulties** – Complex legal frameworks and institutional resistance.
- **Resource constraints** – Limited access to legal databases and funding.
- **Lack of research skills** – Need for specialized training and methodological expertise.
- **Networking gaps** – Limited collaboration among legal researchers.

Conclusion

Legal research is a systematic understanding of the law with a view of its advancement. The purposes of the same are very important to the people and society because law acts within the society and they both had an impact on each other. Every kind of research method had its own value. However, while undertaking research a researcher might face some hurdles but they can be avoiding by proper planning of the research process. Doctrinal and non-doctrinal legal research play pivotal roles in the legal system. By focusing on theoretical principles, doctrinal research brings structure, consistency, and clarity to the law. Non-doctrinal research, on the other hand, contributes practical insights, revealing how laws affect society and how they can be improved. Both approaches have their unique merits, and the combination of these methodologies provides a thorough understanding of the law, benefiting legal professionals, lawmakers, and society at large. Whether it's refining doctrines through doctrinal research or adapting policies with non-doctrinal insights, each method has a crucial place in the field of legal studies, making the legal system more effective, adaptable, and just.

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