



The Intersections in Legal Research: Intercade Between Normative and Social Methods

Desia Rakhma Banjarani¹, Rudi Natamiharja², Ria Wierma Putri³

¹Universitas Sriwijaya, E-mail: desiabanjarani@fh.unsri.ac.id

²Universitas Lampung, E-mail: rudi.natamiharja@fh.unila.ac.id

³Universitas Lampung, E-mail: ria.wierma@fh.unila.ac.id

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Corresponding Author:

Desia Rakhma Banjarani,

E-mail:

desiabanjarani@fh.unsri.ac.id

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Abstract

It is need a differentiation by clear indicators between legal research and social research. This is because research has an important role in the development of science which is developed through a scientific research process. Based on this background, the research discusses how are the characteristics of legal research and the characteristics of social research? And how to distinguish between legal research and social research? The method used in this research is doctrinal law research methodology and literature study. The data used in this research is secondary data, which comes from the results of a literature search conducted. The results of the research shows that generally, it is known that legal research includes normative and empirical legal research. Meanwhile, social research based on the development of two research approaches, namely quantitative and qualitative research. Legal research methods and social research methods have their own characteristics that make them different from one another. The difference between legal research methods and social research methods lies in the object of research, which the object of legal research methods is law, and the object of social research methods are concerned with empirical truth. The method of legal research cannot be classified in the social research because of the unique workings of legal research and the scientific system that is different from other disciplines. However, despite the various differences between legal research methods and social research methods, these two methods still have links that can be unified through the socio-legal approach.

I. Introduction

Research is essentially an attempt to predict, find, or verify truth. These goals can be achieved through the right approach, because the approach used in a research will

determine the overall steps of the research.¹ Generally, the purpose of a research is to understand a phenomenon more deeply and then to get a new view of the phenomenon, or to get a solution to the problem of a phenomenon.² Moreover, Indonesia is currently faced with social problems (social issues). In the dynamics of its development, these social issues cause the characteristics of a stable and formal law, the development of practical law by government bureaucratic apparatus and legal practitioners is far from reality. It was as if the laws were in a different world. In other words, there is a distance between the law and existing social realities. As a result, the law is unable to answer the questions posed to it.³ So we need the right solution to overcome these problems through formulators who are able to understand in detail and correctly related to a legal problem. So it is necessary to have an instrument that becomes the basis for unraveling these problems, namely through legal research or known as "legal research methodology".⁴

Legal research in a concrete definition is research on the implementation of law, or laws that appear in implementation (law in action), or laws that move (*recht in beweging*). Included in this research are examining judge decisions or government actions that implement the law, or on the basis of inherent authority such as policy rules (*freies ermessen* or *discretionaire*), as well as researching laws implemented by the community.⁵ However, the development of legal research methodologies has also been influenced by the development of research methodologies in the social research. This is fully realized because the research domain of legal research methodology is based on the macro domain in social research.⁶ There are various types of legal research methodologies that can be used in conducting legal research. Each type has different characteristics, but these different characteristics have the same goal, namely to unravel contemporary legal problems. The different characteristics between the types of legal research methodologies are used according to the suitability of the method of a legal research to the legal problem under research. If there is an error in determining the type of relevant legal research methodology, it can cause a new legal problem. Therefore, in order to prevent this from happening, it is necessary to have a comprehensive and correct understanding

¹ Muslim, (2016), "VARIAN-VARIAN PARADIGMA, PENDEKATAN, METODE, DAN JENIS PENELITIAN DALAM ILMU KOMUNIKASI", *Wahana*, 1 (10): 77-85, 77.

² Syafruddin Jamal, "MERUMUSKAN TUJUAN DAN MANFAAT PENELITIAN", *AL-Munir* 3, No.5 (2012): 147-157, 148.

³ Ismansyah, (2010), "PERMASALAHAN HUKUM DALAM PENGEMBANGAN ILMU HUKUM DI INDONESIA (PENTINGNYA REFORMASI HUKUM TERKAIT DENGAN PERMASALAHAN HUKUM)", *Jurnal Demokrasi*, 9 (1): 1-28, 5.

⁴ Kornelius Benuf, Muhamad Azhar, (2020), "METODOLOGI PENELITIAN HUKUM SEBAGAI INSTRUMEN MENGURAI PERMASALAHAN HUKUM KONTEMPORER", *Jurnal Gema Keadilan*, 7 (1): 20-33, 21.

⁵ Ahmad Zuhdi Muhdlor, (2012), "PERKEMBANGAN METODOLOGI PENELITIAN HUKUM", *Jurnal Hukum dan Peradilan*, 1 (2): 189-206, 190.

⁶ Laurensius Arliman S, (2018), "PERANAN METODOLOGI PENELITIAN HUKUM DI DALAM PERKEMBANGAN ILMU HUKUM DI INDONESIA", *Soumatra Law Review*, 1 (1): 112-132, 117.

of the characteristics and use of legal research methodologies, in unraveling contemporary legal problems that occur.⁷

In development research, basic research, and other applied research related to law, it cannot be carried out according to social research methods, but requires different and distinctive research methods, which are in accordance with the object or legal material itself, namely legal norms. Therefore, it is very important to distinguish between legal research and social research. According to Sunaryati Hartono, currently many scholars, both from sociology and law scholars, still think that legal science is grouped into the social sciences and legal research methods must also (should be) the same as the research methods used for social research empiricist.⁸ Generally, it is known that legal research includes normative and empirical legal research.⁹ Meanwhile, social research is based on the development of two research approaches, namely quantitative and qualitative research.¹⁰ From this comparison, it can be seen that legal research and social research are two different types.

Then how is the development of legal research in Indonesia? According to the observations of Prof. Dr. Sulistyowati Irianto, Dean of the Multidisciplinary Graduate School, University of Indonesia, the teaching of legal research methodology in Indonesia is generally still weak. According to him, legal academics in Indonesia are still in the process of finding the identity of their research methods to this day. They are still looking for what is the 'correct' method of legal science? This problem becomes more prominent when it is associated with empirical legal research in society. Some legal academics question how pure legal research methods are not polluted by social methods. This question arises, at least because of the unclear issue of the paradigmatic position of legal science in the theoretical universe of the social sciences and humanities (meta-methodology) among legal academics.¹¹ This question implies that legal research is not something that has been "polluted" by social research. Then a latent desire developed to find a form of legal research that was deemed most appropriate, very specific, had its own characteristics, and was different from social research.¹²

So it is necessary to have clear indicators to distinguish between legal research and social research. Mistakes in selecting a research method can lead to invalid results, inaccurate data analysis, and conclusions that fail to accurately address the research problem. Mismatching the method with the research object and objectives can also potentially lead to bias, reduce the research's credibility, and hinder its contribution

⁷ Kornelius Benuf, Muhamad Azhar, *Op.Cit.*, p. 22.

⁸ Noor Muhammad Aziz, (2012), "URGENSI PENELITIAN DAN PENGKAJIAN HUKUM DALAM PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN", *Jurnal Rectsvinding*, 1 (1): 17-32, 21.

⁹ Bachtiar, (2018), *Metode Penelitian Hukum*, Tangerang Selatan: UNPAM PRESS, vii.

¹⁰ Adlin, (2013), *Metode Penelitian Sosial*, Pekanbaru: Alaf Riau, p. 5.

¹¹ Sulistyowati Irianto, (2011), *Penelitian Hukum: Konstelasi & Refleksi*, Jakarta: Yayasan Obor Indonesia, p. 6.

¹² Sulistyowati Irianto, (2002), "METODE PENELITIAN KUALITATIF DALAM METODOLOGI PENELITIAN ILMU HUKUM", *Jurnal Hukum dan Pembangunan*, 32 (2): 155-172, 155, DOI: <http://dx.doi.org/10.21143/jhp.vol32.no2.1339>.

to scientific development. Therefore, the choice of research method must be tailored to the characteristics of the problem, the type of data, and the analytical approach to ensure strong validity and reliability.¹³ This is because research has an important role in the development of science which is developed through a scientific research process.¹⁴ One of the processes of scientific research is the determination of the method, if the determination of the method is not appropriate, then the research process will be disrupted, and the results of the research will be invalid and the truth will be undermined. Based on this background, the research will discuss how are the characteristics of legal research and the characteristics of social research? And how to distinguish between legal research and social research?

2. Research Method

The research entitled "The Intersections in Legal Research: Intercade Between Normative and Social Methods" uses a legal research method with a combined approach between normative legal research and empirical/ social legal research. The normative approach is used to analyze legal norms, principles, concepts, and regulations related to the development of legal research methodology, while the social approach is used to understand the implementation, dynamics, and influence of social factors on the application of law in society.¹⁵ This type of research is descriptive-analytical using a statute approach, a conceptual approach, and a sociological approach. Primary legal materials consist of laws and court decisions, while secondary legal materials are obtained from books, scientific journals, and previous research results. All data is analyzed qualitatively to find the relationship between the normative dimension and social reality in legal research, thus producing a more comprehensive understanding of the development of contemporary legal research methodology.¹⁶

3. Results and Discussion

3.1 Characteristics of Legal Research

Research methodology in legal science is a process to find more effective legal rules or legal policies or other discoveries in the field of legal science such as new theories or doctrines in legal science. As we understand that the law science in practice continues to develop along with the development of community behavior. Sometimes the law becomes irrelevant to the current condition of society or is no longer in accordance with the development of technology used by humans. So that in practice the government can revise the regulation provisions, both per article and the whole regulation. The research is conducted in the context of legal science, so the research is about problems in the application of law, legal processes, legal events,

¹³ John W. Creswell dan J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th ed. (California: SAGE Publications, 2018), 3-5.

¹⁴ Mo'tasim, (2017), "PENELITIAN DAN SUMBANGANNYA TERHADAPILMU PENGETAHUAN (SAINS) "CENDEKIA: *Jurnal Studi Keislaman*, 3 (2): 24-34, 26.

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum*, ed. revisi (Jakarta: Kencana, 2017), 35-38.

¹⁶ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2014), 51-52.

and the provisions of the legal regulations themselves, both substantively and procedurally.¹⁷

Legal research is a series of scientific activities in order to understand the legal problems and in the end will conclude and provide a solution to overcome legal problems. Of course legal problems in this case are contemporary legal problems. "Research methodology is the science of the levels that must be passed in a research process, or the science that discusses the scientific method in seeking, developing, and testing the truth of a knowledge", the knowledge referred to in this case is legal knowledge.¹⁸ Legal research actually comes from two words, namely research and legal. Legal research is a process to obtain data and information about legal norms or rules, if a legal material has been regulated in laws and regulations, and the legal aspects/legal needs of the community regarding a material that has not been regulated then want to be regulated as *ius constituendum*.¹⁹ Based on history, legal research is known as 2 (two) research traditions, namely:²⁰

- a. Doctrinal legal research (black-letter law), focuses its research on the law itself as a stand-alone rule, which can be traced through legal texts and statutes with few (even 'without') references to other disciplines. Doctrinal legal research only focuses on law in books.
- b. Law in context emerged and developed around the end of the 1960s. Issues such as law enforcement, legal reform, legal politics and others become marginal issues that are the realm of law in context, the initial focus is not law, but problems that arise in society.

Meanwhile, based on the stages of development, legal research is divided into normative (doctrinal) research and sociological-empirical (non-doctrinal) research. According to Sudikno Mertokusumo, normative (doctrinal) research includes legal principles, legal rules in terms of values (norms), concrete legal regulations and legal systems. The method used in normative legal research to find a method is the method of legal discovery, including interpretation, argumentation, and so on. Meanwhile, non-doctrinal legal thought is a school that places law in a historical paradigm (school of history). As an institution that cannot be separated from other social variables, law is actually historical, it's mean that law is not made but grows and develops historically together with the community concerned.²¹

Philipus M. Hadjon stated that "the science of law has a distinctive characteristic, namely its normative characteristic. Such characteristics cause some people who do not understand the personality of legal science to doubt the characteristic of legal

¹⁷ Yati Nurhayati, Ifrani; M.Yasir Said, (2021), "METODOLOGI NORMATIF DAN EMPIRIS DALAM PERSPEKTIF ILMU HUKUM", *Jurnal Penegakan Hukum Indonesia (JPHI)*, 2 (1): 1-20, 2, DOI: <https://doi.org/10.51749/jphi.v2i1.14>.

¹⁸ Rianto Adi, (2004), *Metodologi Penelitian Sosial dan Hukum*, Jakarta: Graniat, p. 1.

¹⁹ BPHN, *Pengkajian Hukum tentang Kedudukan dan Peranan Penelitian Hukum Dalam Proses Pembentukan Peraturan Perundang-undangan*, Jakarta: BPHN, 1999, p. 17.

²⁰ Muhammad Helmy Hakim, "PERGESERAN ORIENTASI PENELITIAN HUKUM: DARI DOKTRINAL KE SOSIO-LEGAL", *SYARIAH Jurnal Hukum dan Pemikiran* 16, no. 2 (2016): 105-114, 106, DOI: <http://dx.doi.org/10.18592/sy.v16i2.1031>.

²¹ Ahmad Zuhdi Muhdlor, *Op.Cit.*, p. 200.

science. This doubt is due to the normative characteristic of legal science, not empirical science".²² This thought was also conveyed by Jhonny Ibrahim, "legal science is different from other sciences, it's mean that legal science has unique characteristics which are reflected in its normative characteristics. As a normative science, legal science contributes spectacular findings for humans, for example findings in the field of civil law give birth to legal entities, and so on."²³ The distinctive characteristics of normative law are influenced by legal positivism. According to this theory, "the law is seen as a mere normative phenomenon. Legal positivism understands law as a norm that has been declared as law (as posited) which is recognized in a certain legal system."²⁴

The characteristics of the method in legal science are in the study of legal theory (in limited definition), with an objective method it can provide an assessment of the most appropriate method. To build legal theory through court practice which the objects of research include legal science, legal theory and legal philosophy which are a holistic unit. In methodology, form of legal argument is to solve concrete cases and finally create a legal theory.²⁵ Legal science has characteristics as a prescriptive and applied science, following the characteristics of this science, legal science is always related to what should or should be. But the question is whether the scientific method can be applied to the science of law. In accordance with the discussion above, legal science has a distinctive character, namely prescriptive, applied and normative in nature. These characteristics cause some people who do not understand the personality of the science of law and doubt the characteristics of legal scholarship. The doubt is because the normative characteristics of legal science is not an empirical science. In addition, the object of study is concerned with behavioral guidelines in a certain way whose compliance does not completely depend on the person's free will, but can be imposed by public power.²⁶

According to Satjipto Raharjo, humans study law always have legal ideals that are made aware of their social interests. For Satjipto, law will succeed in becoming a science if it opens up to various currents of scientific development, both social and exact sciences. Thus, legal science for Satjipto requires a holistic approach by considering aspects of legal sociology, legal anthropology, and others.²⁷ So in this case, it is possible that legal research and social research have a connection.

²² Philipus M. Hadjon dan Tatiek Sri Djamiati, *Argumentasi Hukum*, (Yogyakarta: Gadjah Mada University Press, 2005), p. 1.

²³ Jhonny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Edisi Revisi, (Malang: Bayumedia, 2006), p. 12.

²⁴ Romli Atmasasmita, (2012), *Teori Hukum Integratif: Rekonstruksi Terhadap Teori Hukum Pembangunan dan Teori Hukum Progresif*, Yogyakarta: Genta Publishing, p. 21.

²⁵ Ani Purwati, (2020), *Metode Penelitian Hukum Teori & Praktek*, Surabaya: Jakad Media Publishing, p. 26.

²⁶ Muhaimin, (2020), *Metode Penelitian Hukum*, NTB: Mataram University Press, p. 13.

²⁷ Suteki dan Galang Taufani, (2018), *Metodologi Penelitian Hukum (Filsafat, Teori dan Praktek)*, Depok: RajaGrafindo Persana, pp. 28-29.

3.2 Characteristics of Social Research

According to Soerjono Soekanto, social research is an in-depth examination of social facts and then seeks a solution to the problems that arise in the phenomenon in question. The purpose of social research is the direction and purpose of social research. Then another goal of social research is the target to be achieved by researchers before conducting research and referring to social problems. The objectives of social research can be divided into three, namely:²⁸

- a. To discover new things in solving social problems,
- b. To verify or check the truth of a social issue, and
- c. To develop social science in its function as a tool to solve social problems.

Social research method is a systematic method used by researchers in collecting data needed in the process of identifying and explaining the social phenomena that are being investigated. Dichotomously, in the social sciences, there are two types of research methods, namely quantitative and qualitative.²⁹ Qualitative research is research on descriptive research and tends to use analysis. Qualitative research is discovery. The basis of qualitative research is constructivism which assumes that reality has multiple dimensions, interactive in an exchange of social experiences that are interpreted by each individual. Quantitative research methods can be interpreted as research methods based on the philosophy of positivism used to examine certain populations or samples, data collection using research instruments, quantitative/statistical data analysis, with the aim of testing predetermined hypotheses.³⁰

Research methodology is a scientific activity that is pursued through a long series of processes. In the context of social science, research activities begin with an interest in studying in depth the emergence of certain phenomena.³¹ Characteristic of social research distinguishes social research from non-social research (characteristic). The characteristics of social research, namely:³²

- a. The problem to be studied is very complex.
- b. Irregular data (uncontrollable).
- c. It has a broad scope of problems.
- d. Researchers are subjective.
- e. Research measurement tools are not perfect.
- f. The research method tends to be qualitative.
- g. Research techniques tend to be natural.
- h. Research results are less predictive.

²⁸ Ani Wijayanti, (2020), *Modul Metode Penelitian Sosial*, Jakarta: Universitas Bina Sarana Informatika Fakultas Ekonomi dan Bisnis Prodi Perhotelan, p. 14.

²⁹ Gumilar Rusliwa Somantri, (2005), "MEMAHAMI METODE KUALITATIF", *Makara, Sosial Humaniora*, 9 (2): 57-65, DOI : 10.7454/mssh.v9i2.122.

³⁰ Ismail Suardi Wekke, (2019), *Metode Penelitian Sosial*, Yogyakarta: Adi Karya Mandiri, 34.

³¹ Suhaimi, (2018), "PROBLEM HUKUM DAN PENDEKATAN DALAM PENELITIAN HUKUM NORMATIF", *Jurnal Yustitia*, 19 (2): 203-210, 203, DOI: <http://dx.doi.org/10.0324/yustitia.v19i2.477>.

³² Ani Wijayanti, *Op.Cit.*, p. 2.

Research ethics has strong traditional roots in the social sciences as revealed in the value-free nature of experimentalism, the neutrality of the Weberian tradition to utilitarian ethics.³³ In social research, heterogeneous populations or the entire individual population members have relative individual traits that become familiar in each study. This is because all social research has a human object or phenomenon in human life which are very unique and complex. In addition, the use of observation in collecting social research data is felt to be very important because it is very helpful for researchers which has a difficulties in terms of funding and limited qualified skilled personnel to assist their research.³⁴

Legal research and social research share similarities in the use of systematic scientific methods to obtain objective and accountable knowledge. Both begin with problem identification, conceptual framework development, data collection, analysis, and conclusion drawing. Furthermore, both legal and social research seek to explain phenomena occurring in society, making them inseparable from the social reality that serves as their object of study.³⁵ Another similarity lies in the use of an analytical approach to understand the relationship between norms, behavior, and social structure. Modern legal research has evolved beyond examining normative aspects to also consider the effectiveness of law in social practice. Similarly, social research often uses law as an instrument for understanding societal dynamics and social change. Thus, both types of research place data, scientific argumentation, and critical analysis as the primary foundations for producing research findings.³⁶

3.3 Difference between Legal Research and Social Research

There is often a debate about the methodology of the legal sciences which is influenced by the debates of the social sciences that have been going on until now. There is an assumption that social science is a *genus* (general), while legal science is a species of social science. As a consequence of the inclusion of legal science in the genus of social sciences, the debate about methodology in the social sciences is also included in the legal sciences. However, legal science views law from (2) two aspects, namely as a value system and as a social rule. The meeting point for studying law is to understand the intrinsic conditions of the rule of law and distinguish legal science from other disciplines that view law from the outside.³⁷ The development of legal research methodology was influenced by the development of social science research methodologies.³⁸

³³ Norman K. Denzin, (1990), "READING CULTURAL TEXTS: COMMENT ON GRISWOLD", *American Journal of Sociology*, 95 (6): 1577-1580.

³⁴ Ismail Nurdin, Sri Hartati, (2019), *Metodologi Penelitian Sosial*, Surabaya: Media Sahabat Cendekia, 94.

³⁵ Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, ed. revisi (Bandung: Remaja Rosdakarya, 2018), 5-7.

³⁶ Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: RajaGrafindo Persada, 2016), 25-27.

³⁷ Ani Purwati, *Op.Cit.*, p. 14.

³⁸ S. Carey, (2015), *Kaidah-Kaidah Metode Ilmiah Panduan untuk Penelitian dan Critical Thinking*, Bandung: Nusa Media, p. 14.

The influence of social science on legal disciplines must be acknowledged by legal scholars who have contributed and at the same time intervened in the development of legal thought and research methods. The development of sociological thinking about law has opened up new opportunities for legal researchers in examining law by not only looking at the law dogmatically and exclusively from the touch of other disciplines. However, it opens the opportunity to conduct legal research in a multidisciplinary manner. So it is possible to see law in the empirical realm which is none other than in the midst of society place law is considered a dynamic social phenomenon and interacts with other social phenomena such as economics, politics, and other.³⁹ However, it is necessary to distinguish between legal research methods and social research methods.

Regarding the differences between legal research and social research, Marzuki argues that "legal science is the study of law and cannot be classified into social sciences whose field of study is empirical truth". According to Marzuki, the object of law is law. Law is one of the social norms in which it is full of values. Therefore, legal science cannot be classified as a social science, because social science is only concerned with empirical truth.⁴⁰ In addition, Muhaimin explained related to the characteristics of legal research, which lies in the process of finding legal rules, principles, legal principles and doctrines in law to answer legal issues being faced. This is in line with the prescriptive character of legal science. This is different from research conducted in descriptive science which tests the truth of whether or not a fact is caused by a certain factor. So that legal research is carried out to produce arguments, theories, new concepts as prescriptions in solving problems faced with legal problems.⁴¹

Law cannot be classified in the social sciences or humanities, but it is an independent discipline that cannot be compared with any other discipline. Legal science has a unique way of working and a different scientific system because it has a different object of study from other disciplines.⁴² In inaugural Professor speech of Abdul Hamid Saleh Attamimi in the Faculty of Law, University of Indonesia emphasized that legal science has never been a pure normative legal science and never been a pure social science because law can come from *sollen sein* and can also come from *sein sollen*. If examined carefully, the various types and categorizations of legal research can be grouped into several scientific groups: sociology of law, sociological jurisprudence, political science, all three use the paradigm of research methods in social sciences which are included in the group of empirical science and normative law (jurisprudence) which are included in the group of practical sciences. This grouping tends to emphasize the statement that law is a common science (rechts is

³⁹ Depri Liber Sonata, (2014), "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM", *Fiat Justisia Jurnal Ilmu Hukum*, 8 (1): 15-35, 24, DOI: <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

⁴⁰ Peter Mahmud Marzuki, (2014), *Penelitian Hukum*, Jakarta: Kencana, p. 44.

⁴¹ Muhaimin, *Op.Cit.*, p. 15.

⁴² Bachtiar, *Op.Cit.*, p. 22.

mede wetenschap) and law is the object of study of various disciplines and groups of science.⁴³

However, despite the various differences between legal research methods and social science research methods, Galligan argues that the boundaries of legal discipline are very important to be opened by adopting a social science perspective. This is necessary in order to describe and analyze the problem as a whole. To get a more comprehensive legal mapping, it is very relevant to see legal issues from a social perspective. In such a context, social relations can interact through cooperation or even contradict each other.⁴⁴ Thus, the socio-legal approach method is a rational method, because the realm of socio-legal studies conceptualizes law as a norm as well as behavior. The conception of law as a norm has the consequence that the law contains abstract values that cannot be concretized, but it become the main teaching in law. The conception of law as behavior that appears in reality has the consequence that the law is only seen as something concrete, written, contains sanctions and is issued by the authorized institution and its work is influenced by various other factors such as economy, politics, culture, religion, and so on.⁴⁵

As it is known that the development of thought about legal concepts and their dynamics was initiated by the natural law theory, legal positivism, legal realism, and others. Up to the legal thoughts of post modernism and law and economics, or economics analysis of law. However, two major theory of thought have greatly influenced the development of legal research, thus it's establish two types of legal research (normative and empirical), namely: first, schools of thought whose main ideas are based on legal positivism, legal realism, pure theory of law, and others. Second, theory with main ideas are based on sociological legal ideas (sociological jurisprudence, sociology of law, critical legal studies, and others). Thus, it makes legal research often said to have distinctive characteristics compared to research in the natural sciences and even research in the social sciences which even has similarities with one type of legal research, namely empirical/sociological/socio-legal legal research.⁴⁶

This statement demonstrates that legal research occupies a unique position because it lies between normative and social studies. The issue of similarities between legal and social research can be resolved by understanding that both actually share common ground in their objects of study: social life and human behavior in implementing norms. Normative legal research focuses on legal rules, principles, and systems, while social research emphasizes social facts and societal behavior. However, in empirical legal research, or socio-legal research, law is understood not only as written norms (law on the books) but also as social practices (law in action). Therefore, empirical legal research shares methodological similarities with social

⁴³ Fuad, (2020), "SOCIO LEGAL RESEARCH DALAM ILMU HUKUM", *Jurnal Widya Pranata Hukum*, 2 (2): 32-47, 44, DOI: <https://doi.org/10.37631/widyapranata.v2i2.261>.

⁴⁴ Denis J. Galligan, (2006), *Law in Modern Society*, Oxford: Clarendon Press, 4-7.

⁴⁵ Sulaiman, (2018), "PARADIGMA DALAM PENELITIAN HUKUM LEGAL RESEARCH PARADIGM", *Kanun Jurnal Ilmu Hukum*, 20 (2): 255-272, 265, DOI: <https://doi.org/10.24815/kanun.v20i2.10076>.

⁴⁶ Depri Liber Sonata, *Loc.Cit.*

research, as both utilize observation, interviews, and analysis of social realities to examine the effectiveness and implementation of law in society.⁴⁷

Thus, the differences between legal and social research need not be viewed dichotomously but rather as complementary relationships. An interdisciplinary approach provides a solution to bridge the gap, where legal research maintains a normative analysis of legal rules but also utilizes a social approach to understand the context in which law is actually implemented. This approach allows legal research to produce a more comprehensive analysis because it not only explains how the law should apply (*das sollen*), but also how the law actually works in society (*das sein*).⁴⁸

4. Conclusions

Legal research methods and social research methods have their own characteristics that make them different from one another. Legal research methods have characteristics, namely: normative characteristics from a norm to become a law in society; on the study of legal theory; and in applied knowledge relating to what ought to be or what ought to be. While the characteristics of social research methods are: complex research problems; irregular data; wide scope of problems; researchers are subjective; research methods tend to be qualitative; research techniques tend to be natural; Research results are less predictive. In general, it is known that legal research includes normative and empirical legal research. Meanwhile, social research rests on the development of two research approaches, namely quantitative and qualitative research. The difference between legal research methods and social research methods lies in the object, which the object of legal research methods is law, while social science research methods are only concerned with empirical truth. The method of legal science cannot be classified in the social sciences because of the unique workings of legal science and the scientific system that is different from other disciplines. However, despite the various differences between legal research methods and social science research methods, these two methods still have links that can be unified through the socio-legal approach.

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