



Characteristics Knowledge Law and Method Legal Research

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Abstract Legal issues are increasingly developing, this is in line with the development of information technology. A legal research method is needed as an instrument to explain and examine legal issues that are increasingly developing. The results show that there are 3 (three) types of legal research methods, namely normative legal research methods, empirical legal research methods, and socio-legal research methods and discuss research from its nature, form, and purpose. And discuss the characteristics of legal science and legal research methods. The research method is qualitative by using the type of literature study (journal analysis, paper analysis, or other media). This research method is a literature study, namely looking for various articles that are relevant and quoting from various sources.

Keywords: Legal Characteristics, Research, Research Methods

1. INTRODUCTION

Man And law is two entity Which No Can separated. Even in Legal studies, there is adage Which reads: "Sweet Potato society ibi ius" (in where There is public in there it is the law). It means that in every formation a building structure social which is called society, so always will needed material Which be as "adhesive" on the various components that form the society, and what functions as the "glue" is the law. Etymologically, the term "law" (Indonesian) is called law (English) and recht (Dutch and German) or droit (French). The term recht comes from the Latin rectum which means guidance or direction, command or government. Rectum in Roman is rex which means king or king's command. These terms (recht, rectum, rex) in English become right (right or fair) which also means "law".

The legal term in Latin is also called ius from the word iubere, which means to regulate or to rule or law. Words arrange And to rule sourced on State power or government. Terms ius (law) very- close to objective law, namely justice or justice. Iust or justice is a "goddess" justice" nation Greece And Roman Ancient. straight or juris (Dutch) means "law" or "authority" (right), And jurist (English And Dutch) is a "jurist" or "judge". The term jurisprudence (English) comes from the word iuris which is the plural form of ius which means "law" made by society or as law. habits, or meaning "right" And "prudence" means look at forward or have expertise.

Thus, jurisprudence means legal science. legal science, or the science that studies law. Law is a collection of regulations that regulate social life, made by an authorized institution and is coercive and contains orders and prohibitions that if violated will be subject to sanctions. Law is very much needed in social life, where its function is to obtain order in relations between

humans, to ensure that someone is not forced by others to do something that is not their will, and so on. But there are other factors besides the order contained in the law, namely justice, a characteristic of law that is not found in other provisions that aim to achieve order. In the relationship between law and the state, both law and state arise from life man Because desire his inner self to obtain order orderly. In achieve order orderly for the sake of justice then the rules law experience development in line with the development of human social life

Term Knowledge (science) to bear two meaning, that is as product And as process. As a product, science is knowledge whose truth has been studied in a particular field And arranged in a system. According to Wim van Doors, to describe that "Science can be defined as intersubjectively valid knowledge in the field of reality certain which is based on one or more starting point and arranged "systematically". As a process, the term science refers to the activity of human reason to obtain knowledge in a certain field in an orderly (stelselmatig) or systematic manner by using a set of understandings that are specifically created for that purpose, to observe relevant phenomena in that field, the results of which are in the form of decisions. Which its validity open For under review by person other based on the same criteria and those that have been agreed upon or are customary in the expertise community environment field Which concerned CA Van Peursen, define that knowledge is "a policy, a strategy for obtaining reliable knowledge about reality, which people carry out towards those who are concerned with reality".

Research in English is called research, is an activity of "re-searching" a truth.⁴ The search for truth in question is human efforts to understand the world with all the secrets contained therein to find solutions or a way out of every problem they face. For students not foreign Again when hear say study. Because student often get task to conduct simple research or studies. Research has many definitions. Basically, research is "an effort made to obtain, develop and test truth a main problem". There is two type characteristic from study namely passive research, meaning research that only wants to obtain a picture of a situation or problem; and active research, namely research that basically wants to test hypotheses and solve problems. In fact, truth can be sought in various ways, namely:

1. Based on experience.
2. Ask on person Which expert.
3. Because as it happens.
4. Based on study.

To conduct empirical research, a scientific method is needed. The scientific method is a scientific process to obtain knowledge systematically based on scientific methods or

methods. A series of research activity units, in simple terms, can be said a activity scientific, if based on on the method scientific, supported by systematics And thinking Which scientific also. In general special, in context research methodology law aiming For learn characteristics How study law Good normatively and empirically. In essence, research in legal science seeks to present the development of law in accordance with the needs of legal science studies. The method of legal research is closely related to the development of thoughts in the philosophy of law so that in legal research there are still differences in perception among academics regarding the characteristics and divisions of legal science research. For example, the use of the terms socio-legal, sociological law, sociological-juridical for empirical research. While in normative legal research it is often also referred to as doctrinal legal research. ²

Formula Problem

Based on background behind above, which become formulation problem in study This is "how to do research from the perspective of its form, nature, objectives and so on and understanding empirical legal science and normative legal science".

2. METHOD STUDY

Method his research is qualitative with use type studies literature (journal analysis, paper analysis, or other media) to become a literature reading that is arranged coherently and neatly. This research method is by literature study, namely looking for various relevant articles about the influence of political campaigns on social media on general elections by citing from various sources. In addition, the data obtained originate from data secondary originating from from scientific articles that have been published in various accredited national journals. Qualitative Research: Qualitative research involves the collection of descriptive and in-depth data.

3. DISCUSSION

Characteristics Legal studies

Law is a special science (sui generis). Legal Science learn: objective Law (meaning law, What Which should), values justice, validity rule law, legal concepts and legal norms. This nature is a trait Which substantial in Knowledge Law, so that often called Knowledge Law Which normative. As knowledge applied Knowledge Law studied For practice law, will but Which called practice in matter This does not have to be litigious (connoting dispute). Practice law, can be: review on a contract certain, making contract or audit law on certain companies, preparation script academic a regulation legislation, review on court decision. Based on the

results of the review, an opinion or legal opinion can be made. Opinion/opinion law by expert law the is a prescription. Thus As with the prosecutor's demands, the petitum/exceptions in the main case contain prescriptions. To be able to provide these prescriptions for the purposes of legal practice, legal research is required .

By Because That, Knowledge law own two aspect namely; aspect practical And aspect theoretical, so that legal research is divided into legal research for practical purposes and academic studies/development of legal science. Legal research for practical purposes is carried out for interest client And fellow practitioner law or institution law. Meanwhile, for academic studies, legal research is carried out for the academic world and the creation of drafts. Regulation Legislation. So the result: Research for practical purposes can in the form of opinion law, Study law For interest theoretical, the result can be in the form of academic work in the form of; a thesis, dissertation, article in a law journal or Draft Legislation.

From corner substance known with knowledge formal And knowledge empirical. Knowledge formal refers to the science that not based on on experience or empirical, object study rely on on pure structure, namely the analysis of operational legal rules and logical structures. Empirical science refers to obtaining factual knowledge about actual reality, and therefore sourced on empirical (experience) And experimental. According to Philip M. Hadjon, Legal science has a unique character, namely its normative, practical and prescriptive nature.

Such a character causes some people who do not understand the personality of legal science to begin to doubt the nature of legal science. This doubt is because the normative nature of legal science is not empirical. With the character of legal science (namely its normative, practical, and prescriptive nature), legal science is a separate science (*sui generis*). So that with its scientific quality it is difficult to group it into one branch of the tree of science, either a branch in natural science, a branch of social science, or a branch of humanities. According to Bernard Arief Sidharta, legal science included in group of practical sciences, legal science occupies a special position in the classification of sciences, not because it has a long history, but Also Because its nature as knowledge normative And the impact direct to human life and society are influenced by their nature and problems.

From side terminology, Legal studies own some terms that is: legal system or legal theory in Language Dutch called, jurisprudence or legal science (English), And jurisprudent (German). In Indonesian literature, the use of terms is not sharp. The term legal science is aligned with the terms in the foreign language. The terms jurisprudence, legal science, and legal philosophy in English have different meanings from the Dutch terms. The term *rechtswetenschap* (Dutch) in the narrow sense is legal dogmatics or legal teachings whose task

is the description of positive law, the systematization of positive law and in certain cases also explanation. Thus, legal dogmatics not value free but value requirements. Rechtstenschap in meaning broadly includes: legal dogmatics, legal theory (in the narrow sense) and legal philosophy.

Legal studies from aspect objects can be distinguished in meaning narrow and And meaning broad. Legal science in a broad sense can examined from the perspective of nature from a scientific perspective or from a point of view Legal studies from aspect object differentiated in meaning narrow and in meaning broad. Science law in meaning narrow is dogmatic (knowledge law normative). Knowledge law in broad meaning can be studied from point of view the nature of scientific perspective and from about layers legal science as conducted by J. Gijssels and Mark Van Hoecke. Legal science from a scientific perspective is distinguished view positivism and view normative. From this point of view differentiate between normative legal science and legal science empirical. Differences in legal science Empirical and normative legal science according to DHM Meuwissen is described in the nature of empirical legal science, including:

1. In general firm distinguish the facts And norm,
2. Legal symptoms must pure empirical, that is fact social,
3. Method Which used is method knowledge empirical, And
4. Free mark.

Implications from difference fundamental between Knowledge law normative And knowledge empirical law is: First, from connection base attitude scientist. In knowledge law empirical scientists are as spectators who observe the symptoms of their objects that can be captured by the five senses, while in normative legal science, jurists actively analyze norms so that the role of the subject is very prominent. Second, in terms of scientific truth. Truth knowledge law empirical is truth correspondence, namely that something that Correct Because supported fact with base truth pragmatic Which on basically is a consensus of peers with the same expertise.

Based on the opinion above, Philipus M Hadjon is of the opinion that legal science must affirm:

1. With method whether Which sure, he build the theory,
2. It must be serve the steps so that party other can control the results of his theory,
3. Must be accountable Why choose method Which thus.

Legal science has characteristics as a prescriptive and applied science, following the characteristics of this science, legal science is always related to what is appropriate or what

should be. Which becomes The question is whether the scientific method can be applied to legal science. According to the discussion above, legal science has character Which typical, that is prescriptive, applied And its nature Which normative. Characteristic features that is so cause part circles Which don't understand personality Legal studies that and doubtful essence science law. Doubt That Because characteristic Which normative knowledge law is not an empirical science. In addition, the object of its study is concerned with behavioral guidelines in a certain way whose compliance does not entirely depend on the free will of the person concerned, but can be enforced by public power. Based on the description above, several things can be described as follows:

1. Knowledge law accepted as science with still honor character legal science which is the personality of legal science, namely normative, applied, and prescriptive.
2. Determining legal research methods in a broader scope should start from the nature of legal science, which includes Two aspects of the approach that can be taken to explain legal science and which automatically have consequences for the study method, namely: the approach from the perspective of the philosophy of science and the approach from the perspective of legal theory.

Method Legal Research

A simple definition of a research method is a procedure for conducting research. A research method discusses the procedures for carrying out research. This is a term used to describe the procedures for carrying out research. method study consists of on two say that is say method And say study say The method comes from the Greek word *metodos* which means a way or towards a path. The method is... activity scientific Which related with a method Work systematic For understand a subject or object of research as an effort to find answers that can be scientifically accounted for and include their validity. ⁵

As for understanding study is a process collection And analysis data that is done systematically to achieve certain goals data collection data analysis done scientifically both quantitative in nature and qualitative experimental or non-experimental, interactive or non-interactive, from the definition above we can see that the research method is a way to solve problems or a way to develop knowledge using scientific methods.

According to Sugiono method study And ways scientific For get data valid with objective can found developed And proven a knowledge certain so that in turn it can be used For understand solve and anticipate problems. Legal methodology is the science of methods or descriptions of methods, which are used to solve problems concerning law, both for academic purposes and for the purposes of legal practice.

There are three methods that can be used in legal research. Each type of method can be used as an instrument in analyzing contemporary legal problems, which are adjusted to the legal problems and characteristics of each legal research method used.⁶

Legal research is a discipline that continues to develop along with changes. in public, law, and technology. Share students, lecturers, practitioners law, and researchers, understanding the different types of legal research methods is key to producing the work that quality And impact. Research in Language English called research, is an activity of "searching again" for the truth. Searching for the truth Which meant is effort man For understand world with all the secret contained therein to get a solution or way out of every problem faced. Therefore, the truth can be sought in various ways, namely:

- a. Based on experience.
- b. Ask on person Which expert.
- c. Because as it happens.
- d. Based on study.

Constitution Number 12 Year 2012 explain that "Study is an activity Which done according to rules And method scientific in a way systematic to obtain information, data, And information Which related with understanding and/or testing a branch of science and technology". According to Abdulkadir Muhammad, legal research can function as:

1. The means of developing law, legal science and legal information technology which are currently being felt to be very weak include the use of computer systems as data or information processing tools.
2. Efforts to bring legal theory closer and align it with legal practice which is currently felt and experienced by the public as a gap in law enforcement in Indonesia.
3. Efforts to make hopes a reality are now felt by the community that legal hopes are difficult to make into a reality that brings prosperity. society, even miserable society, because the law has not sided with the people fairly.
4. Effort prosper public in accordance philosophy hope Which contained in the formulation of the law.
5. As profession source income which is worthy of appreciation And developed.

According to the type, nature and purpose of legal research in general divided into 2 (two) that is study law normative And study law empirical. However thus In the practice of legal research in Indonesia, it is divided into 3 (three) types of legal research, namely:

- a. Study law normative.

- b. Study law empirical And
- c. Study law normative- empirical.

According to Soerjono Mr. Soekanto, study law Which done by researcher can studied and analyzed from the angle of:

1. Its nature;
2. Its shape;
3. Its implementation;
4. The purpose;
5. Discipline knowledge Which researched.

Research from the perspective of nature and objectives is research that is seen from the perspective of distinctive characteristics. study Which will done. Study This can seen from existence data Which will be analyzed or not. Research from the nature and purpose angles are divided into three types, namely:

1. Exploratory research, namely research conducted to obtain information, explanations and data regarding things that are not yet known.
2. Study descriptive, that is study Which nature exposure, And aiming to obtain a complete picture (description) of the applicable legal situation in place certain, or regarding symptoms legal Which There is, or a particular legal event that occurs in society.
3. Study explanatory, namely legal research explanatory in nature and aims to test a theory or hypothesis in order to strengthen or even reject an existing research theory or hypothesis.

Research from the perspective of its form, is a research that examines the causes of problems, their descriptions, and assessments of a problem. This research is divided into three types, including:

- a. Diagnostic research, namely research carried out with the aim of obtaining and analyzing data or information regarding because the occurrence of an event or problem.
- b. Prescriptive research, namely research that aims to provide a description or formulate problems according to existing conditions/facts.
- c. Study evaluative, that is study Which intended For evaluate an event.

Research from the perspective of its purpose, namely research that is studied from the perspective of intent and purpose and the direction of the research conducted. This research is divided into four types, namely;

1. Study “fact-finding”. Study Which aiming For find the facts or legal symptoms.
2. Study “problem identification”. Study Which aiming For identify, inventory and then

classify legal problems to find solutions.

3. Study problem finding, namely study Which analyze problem Which there was previously known and an inventory of the facts was carried out.
4. Study “problem- solution”.

Study Which aiming For find solution from problem. Study from application angle, namely research that can be directly used, practiced or utilized by its users. This research includes:

- a. Study pure. Study This aiming For development knowledge knowledge or theoretical in nature or for the development of research methods.
- b. Applied research. Research that aims to solve problems that arise or exist in society and can be directly applied and utilized.
- c. Problem-focused research. Research aimed at problems that are currently popular and widely discussed by the public.

Research from the perspective of the science being studied is research that analyzes and examines problems from one field of science or various fields of science. This research is divided into two types, namely:

1. Monodisciplinary research, namely research that focuses only on one field of scientific discipline.
2. Study multidisciplinary, that is study Which emphasize on use or a combination of several existing scientific disciplines.

Thus Also with seen from type the method There is two that is study which uses qualitative research methods and quantitative research methods. Bogdan and Taylor³⁹ explain that "methodology qualitative is procedure study which produce data descriptive in the form of words written and oral from people and behavior Which observed". And For study quantitative highlight on breakdown problem Which need verification with use support data from the field such as questionnaires. Quantitative research is widely used in the fields of natural sciences, psychology, sociology as well as journalism. Objective study with method quantitative is for testing a theory, give fact, For show connection intervariable, concept development and understanding.⁷

There are several differences between research using qualitative and quantitative methods. other on method study quantitative design detailed And has planned previously on stage preparation. Whereas on method study qualitative design No detailed, flexible, And design Actually can known after held study. In matter quantitative research method data analysis can be carried out after the data has been collected at the final stage, while for

qualitative research methods the analysis can be carried out simultaneously with data collection.

Doctrinal legal research is research that examines conceptualized law. And developed on basis of doctrine Which adopted by the conceptualizer or the developer. Meanwhile, non-doctrinal legal research is legal research that studies law Which developed No based on doctrine, but law Which life and develop, and apply in society. Abdulkadir Muhammad explained that according to the focus of the study, legal research can be divided into 3 (three) types, namely:

- a. Study law normative (normative) law research).
- b. Study law normative-empirical, Which can called Also study normative-applied law research.
- c. Study law empirical (empirical law research).

Study law normative (normative) law research), is study law who studies law Which conceptualized as norm or rules Which applicable in society, and become reference behavior every person. Study law normative-empirical, Which can also called normative-applied legal research, is legal research that... to study implementation or implementation provision law positive (legislation) and contract in a way factual on every incident law certain Which happen in community use reach objective Which has determined. Study law empirical (empirical law research) is also called study law sociological, is study law who studies law is conceptualized as actual behavior, as an unwritten social phenomenon, which is experienced by every person in social relationships.

Normative legal research method is defined as a research method on legal regulations, both from the perspective of the legal hierarchy (vertical) and the harmonious relationship of laws (horizontal). Empirical legal research is A method study law Which make an effort For see law in meaning which is real or can be said to see, examine how the law works in society.

Legal research (*research of law / legal research*) in Indonesia is usually doctrinally categorized into two types, as follows:

- a. Type study law doctrinal or normative, And
- b. Type legal research empirical or sociological.

The two models or types of legal research are different in nature, so the instruments of approach (work methods) used in conducting the research are also different. Legal Research Normative Abstracting the background of the problem by explaining the conditions norm (norm blurry, empty or conflict norm), Formulate formulation problems, Identifying theories, concepts, or opinions as a theoretical basis, which will be used as a basis for analyzing

problems in research.

Law Empirical is a law that is adopted by society. Because, in this case, the existing law is actually implemented and used as a basis by society. In legal science, if studied from a research perspective, law can be studied from two perspectives. side namely side normative And side empirically. In study with use legal method empirical study law done For see law in meaning Which real or it can be said see, researching how the law works in public. In general In general, empirical law is widely used as a study material in society. Legal scholars in Indonesia often use empirical law as a basis for the legal research they undertake. Because influence social on public to influence law the relation Enough tight. Empirical legal research. Words “empirical” does not mean must use data collection tools and theories that are commonly used in social science research methods. Research methods law normative is an approach that focuses on existing legal rules, such as statutes, regulations, and court decisions. This research aiming to understand, interpret, and analyze applicable legal norms. Researchers use this approach to:

- **Interpreting text law** : Researcher evaluate Constitution And the rules that apply to understand its meaning and application.
- **Analyzing legal principles** : This method used to identify the basic principles underlying the legal system.
- **Evaluating legal consistency** : Researchers assess the consistency and coherence between various legal rules to identify potential conflicts.

Empirical legal research methods use a scientific approach to collect data from the real world. Empirical legal researchers often use quantitative or qualitative methods to study legal behavior and its impact on society. These methods include:

- **Studies case** : Researcher learn case law certain For get a deep understanding of how the law is applied in a particular situation.
- **Surveys and interviews** : Using this method, researchers collect data from direct sources, such as Respondent or witnesses, to get insights into legal perceptions and practices.
- **Analysis statistics** : Researcher use analysis statistics to identify patterns and trends in legal data, such as crime rates or court sentencing patterns.

4. CONCLUSION

Based on the discussion, it is known that there are various types of legal research methods. For to unravel problem law And help for researcher, There is two type legal research methods the most important thing First is legal research normative, second is research law

empirical. Each method study This used in accordance with relevant problem topics to be researched. Choosing a legal research method does not need to be done rigidly whether it must be normative or empirical/socio-legal. Legal research methods customized with problem Which reviewed. If problem Which found by a researcher law is problems in level norms, rules, or principles, or legal emptiness and the ambiguity of norms or legal disharmony, then the normative research method is used. Meanwhile, if no problems are found at the normative level, then it is appropriate to conduct an empirical/socio-legal study in order to see the law as a social reality.

Normative research or also known as doctrinal research, namely research into law Which conceptualized And developed on base doctrine. Method This interpreted as legal research at the level of norms, rules, principles, theories, philosophies, and legal rules in order to find solutions or answers to problems in the form of legal vacuum, norm conflict, or norm ambiguity. While empirical legal research is a research with non-doctrinal characteristics conducted through field research. In this research, data is collected which is then processed according to with the analysis techniques used which are presented in descriptive form in order to obtain the actual state of law as a social reality. Thus the legal research method Normative research has characteristics as library research or literature research which is different from empirical (non-doctrinal) research methods which have the characteristics of field research (field study).

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