

Original Article

Doctrinal And Non-Doctrinal Legal Research: An Overview

Dr. Dnyaneshwar P. Chouri

KLE Society's G. K Law College, BVB Campus, Vidyanagar, Hubballi, Karnataka

Email: dnyaneshpc@gmail.com

Manuscript ID:

Abstract

JRD -2026-180139

ISSN: 2230-9578

Volume 18

Issue 1(X)

Pp. 165-170

January 2026

Submitted: 18 Dec. 2025

Revised: 28 Dec. 2025

Accepted: 13 Jan. 2026

Published: 31 Jan. 2026

Human beings possess an innate curiosity when confronted with the unknown elements of existence, endeavoring to attain a more profound comprehension of such uncertainties. This curiosity forms the basis for the quest for knowledge, commonly known as research. It signifies a systematic exploration of new facts across diverse fields of inquiry. Legal research transcends simple information gathering; it enriches legal understanding through continuous updates, alterations, and new introductions. It investigates the relationship between law and society, incorporating codes, statutes, and more. As a scientific pursuit, legal research entails discovering new facts, confirming existing ones, analyzing trends, examining interconnections, offering causal explanations, and developing methodologies. Traditionally, legal research has concentrated on the development and clarification of legal doctrines and the normative aims of the law. Furthermore, it seeks to establish propositions concerning the essence of law. This emphasis is crucial, as the legal research process is intrinsically connected to the fundamental nature of legal studies and the law itself. This research paper provides an overview of the principles of legal research, socio-legal studies, a conceptual framework for both doctrinal and non-doctrinal legal research, the procedures involved in doctrinal studies, and the limitations and distinctions between doctrinal and non-doctrinal legal research methodologies.

Keywords: Research methodology, Socio-legal Research, Doctrinal and NonDoctrinal, Scientific Enquiry, Research Methodology

Introduction

Research in common parlance refers to a search for knowledge¹. In the academic world, research means a systematic study or investigation of existing facts or knowledge related to any matter undertaken with object of findings some truth or reality². According to the 1911 Encyclopedia Britannica research means “the act of searching into a matter closely and carefully, enquiry directed to the discovery of truth and in particular the trained scientific investigation of the principles and facts of any subject, based on original and firsthand study of authorities or experiments³. Redman and Mory defined “research as systematized effort to gain new knowledge”⁴. This definition apparently portrays research as general process of enquiry applicable to everything from simple to sophisticated and from science to legal field. Legal research or law research usually refers to any systematic study of legal rules, principles, concepts, theories, doctrines, decided cases, legal problems, issues or questions or a combination of some or all of them. However, research in legal and non-legal fields differ because in non-legal fields the researcher has to demonstrate the relationship between his research and the prior research, while in legal field they only have to show what they are saying is something new⁵. In this small research an attempt has been made to highlight the importance and characteristics of doctrinal and non- doctrinal legal research.

Legal Research Meaning

Any systematic investigation, inquiry or search for information is research. Legal Research is not substantially different from other type of researches⁶. Systematic investigation of problems and matters concerned with law is legal Research.



Quick Response Code:



Website:
<https://jrdrvb.org/>



Creative Commons (CC BY-NC-SA 4.0)

This is an open access journal, and articles are distributed under the terms of the [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International](https://creativecommons.org/licenses/by-nc-sa/4.0/) Public License, which allows others to remix, tweak, and build upon the work noncommercially, as long as appropriate credit is given and the new creations are licensed under the identical terms.

Address for correspondence:

Dnyaneshwar P. Chouri, KLE Society's G. K Law College, BVB Campus, Vidyanagar, Hubballi, Karnataka.

How to cite this article:

Dnyaneshwar P. Chouri (2026) Doctrinal and Non-Doctrinal Legal Research: An Overview. *Journal of Research & Development*, 18(1(X)), 165-170.

In fact, the students of law, forensic lawyers, judges and the law commission do very often aresearch in law. This twsearches for solution to legal problem. Examining various sources of law such as primary sources and secondary sources, the impact of legal regime on society, inter relationship between different wings of government, the role of judiciary in maintaining harmonious relation with other organ of the government, judicial approach in interpreting the constitutional provisions and so on. Legal research is a careful, honest and intelligent investigation to draw objective and logical conclusion to legal problems. It requires strong determinations, ability and willingness and neutrality to view the problem objectively as a challenge to the rule of law; it requires a new method to understand, analyze and eliminate problem from the realm of law⁷. Legal research relates either to pure question of law or question of fact in relation to society or human problems. As society changes with the change of time and circumstances, law too will change. Research in law tackles new problems of this dynamic society. However, research in law is not so developed as in the case of other disciplines even though the method in which work can be done is not different from other social sciences. Since there is no proper method of research in law, it has become very complex in understanding research⁸.

Objectives Of Legal Research

In the academic world of law, research may be undertaken for a variety of purposes and no description of the objectives with which research may be carried out will be exhaustive⁹. One of the reasons for conducting legal research is to analyze the law by reducing, breaking and separating the law into separate elements. It can be as simple as examining and explaining new statutes and statutory schemes or as complex as explaining, interpreting and criticizing specific cases or statutes. Another reason is “to fuse the disparate elements of cases and statutes together into coherent or useful legal standards or general rules”. The Product of this research is legal standard that inconsistent with, explains, or justifies a group of specific legal decisions¹⁰.

Legal research therefore maybe undertaken for a wide variety of purposes and its nature may largely depend on what a person intends to achieve by a research activity, and the motivating factors behind such intention. Some broad objectives of legal research are described blow and aresearch may be under taken with any one or more of these objectives, in mind, or for any other purposes not mentioned.

1. To ascertain the nature, purpose and policy- objectives of legal rules and principles those govern a specific situation and determine their current relevance, utility or efficacy.
2. To examine concepts, ideas, notions, theories or doctrines in respect of any matter related to law with a view to ascertaining their relevance correctness, utility or the truth they contain.
3. To examine legal principles and precedents as established by courts, tribunals, or other authorities having power to decide issues and disputes.
4. To identify the weaknesses of a existing law or defects in a particular area of law or highlight issues that are not covered or partially covered.
5. To study the causes that led to the adoption of a particular law, principles or legal institution. And so on...¹¹

The ultimate object of legal research is to solve the problem. Because legal research in most cases, deals with some kind of problem or issue, whether of a purely legal nature or one that is essentially of a social, economic or political nature but its solution is seen to lie, wholly or partially, in some aspect of law¹².

Legal Research: Doctrinal And Non – Doctrinal

The law research is often classified into two broad categories. When research is concerned with some legal problem, issue or question, it is referred to as doctrinal, theoretical or pure legal research. When legal research also involves a study of some aspects of society or social problem issue or question, it is sometimes termed as socio legal research.

Doctrinal Legal Research Importance

Law is a normative science, that is, a science which lays down norms and standards for human behavior in a specific situation or situations enforceable through the sanction of the State. What distinguishes law from other social sciences is its normative character. This fact along with the fact that stability and certainty of law are desirable goals and social values to be pursued, make doctrinal research to be of primary concerned to a legal researcher¹³. Doctrinal research is concerned with legal prepositions and doctrines¹⁴. A legal scholar undertaking doctrinal research takes one or more legal prepositions as a starting point and focus of his study¹⁵. Doctrinal research of course, involves analyses of case law, arranging, ordering and systematizing legal prepositions, and study of legal institutions, but it does more. It creates law and its major tool (but not the only tool) to do so is through legal reasoning or rational deduction¹⁶. According to Lord Cardozo ‘‘ that law or legal prepositions are not final or absolute but are in the state of becoming. He quotes Munroe Smith:

“The rules and principles of case law have never been treated as final truths, but as working hypothesis, continuously retested in those great lab rotaries of the law, the courts of justice. Every new case is an experiment, and if the accepted rule which seems applicable yields a result which is felt to be unjust, the rule is reconsidered”¹⁷. He himself says: “Hardly a rule of today but may be matched by its opposite of yesterday...”¹⁸

Doctrinal Research asks what the law is on particular issue. It is concerned with analyses of the legal doctrine and how it has been developed and applied. This type of research also known as pure theoretical research¹⁹ or essentially a library- based study, which means that the materials needed by a researcher may be available in libraries', archives and other data- basis²⁰. The doctrinal research consists of either simple research directed at finding a specific statement of the law or a more complex in -depth analyses legal reasoning. Researchers who dwelt in this type of; research are concerned with philosophy of law and the topic involved are restricted. They mostly focus on the nature of law and legal authority, the theories behind particular substantive areas of law, such as torts or contracts, and the nature of rights, justice and political authority. Others may study the legal decision-making process, and theories of legal interpretation and theories of legal reasoning²¹.

The basic aim of such research is to discover, explain, examine, analyses and present, in a systematic form, facts, principles, provisions, concepts theories or the working of certain laws or legal institutions²². Thus, the objective and philosophy of doctrinal researcher have to be the same as that of sociological jurisprudence, that is, social engineering²³ through law²⁴.

Doctrinal Research Methodology

Methodology explains and analyses methods, clarifies their pre-suppositions and consequences and thus indulges in generalizations, suggests new applications in its endeavor to assist to understand the process²⁵. Methodology indicates the manner of approach and constitutes the accepted rules of evidence for reasoning²⁶. It is the methodology that determines the quality, purpose and effectiveness of research; therefore, it can be said that methodology is the controlling factor in research.

As the expression "doctrinal research" suggests in itself it is a theoretical, conventional, traditional or library research. The researcher, who identifies certain questions in existing legal system, tries to do critical evaluation in order to ascertain legal solution to them. It requires devotion to study general principles of law, statutes, rules and regulations and case laws. This method requires the researcher to confine himself to the four walls of the library and there is no need to undertake field work. It involves analyses of case law, arranging, ordering and systematizing legal prepositions and study of legal institutions, above all, it creates law through rational deductions²⁷. The research in this context, however does not merely involve identifying information, in as much as it includes method of reading, analyzing, criticizing evaluating, comparing and connecting the new data to the existing one. The doctrinal research is nothing but "Pure Research" aim of which will be to extend knowledge of law by verifying legal concept or theory.

There are variety of methods to approach 'doctrinal research' or to make specific enquires in order to locate particular piece of information, such as:

1. Finding out what kind of statute that deals with this fact's situation problem? For example, criminal prosecution for child abuse or prosecution for accepting illegal gratification and legal implications of surrogate mother etc.
2. Identifying what specific section that applies to the fact situation?
3. Examining whether this section has been changed or amended recently?
4. What is the judiciary response?

A few examples may be illustrated here. Use of such phrases "as just and equitable"²⁸, "public order"²⁹, "reasonable opportunity of being heard"³⁰ etc.,

Although the doctrinal research begins with legal problems and end with legal solution which is practicable in character, it should be noted that quality of research depends upon the extent to which the researcher can collect required information from available sources. A researcher should be quite acquainted with locating the authoritative sources such as primary source and secondary source.

The primary source is the term used to describe rules of law and includes all types of rules such as constitutional provisions, statutes, court opinions and administrative regulations contained legal rules and as consequences are primary authority. Secondary source by contrast refers to commentary on the law or analyses of the law, but not "the law" itself for instances legal encyclopedia's, treaties or text books, legal periodicals, law reports journals commentaries etc, Secondary authority is often quite useful in legal research because its analyses can help a researcher to understand complex legal issues. Nevertheless, secondary authority is not "the law" and therefore is distinguished for primary authority³¹.

Evaluating the Doctrinal or Library-Based Research Methodology

Merits

There are several advantages associated with library-based research methodology.

1. It is the traditional method for conducting legal research and is often taught during the early stages of legal training. Consequently, most legal researchers will be familiar with the techniques involved by the time they embark upon postgraduate research. Additionally, there will be no shortage of experts who are able to offer doctrinal research training to new postgraduates.
2. Because of its omnipresence in law school and law offices, research carried out under this design is likely to be more accepted as having the character of legal research. Doctrinal research still represents the 'norm' within legal circles and most operational, undergraduate and even higher degree work will be based on the doctrinal frame

work. For practical purposes, and for re-solving day-to-day client matters, doctrinal research is the expected and required methodology. The busy practitioner tends to be concerned with the law “as it is” and rarely has the time to consider research that does not fit within that paradigm and time frame.

3. Further, because of its focus on established sources, doctrinal research is more manageable and its outcomes more predictable.

Demerits

Several criticisms may be leveled against doctrinal or library-based methodology, for example

1. It is too theoretical, too technical, uncritical, conservative, trivial and without due consideration of the social, economic and political significance of the legal process.
2. It must be observed that doctrinal research is too restricting and narrow in its choice and range of subjects. The legal profession is increasingly being pulled into the larger social context. This context encompasses legal and social theory, and it encompasses other methodologies based in the natural and social sciences. In studying, the context with the law operates and how the law relates to and affects that context, doctrinal methodology does not offer an adequate frame work for addressing issues that arise because it assumes that the law exists in an objective doctrinal vacuum rather than within a social frame work or context.
3. Doctrinal research is sometimes described as trivial because it is often conducted without due consideration of the social, economic and political significance of the legal process. As noted above the law does not o[operate in a vacuum. It operates within society and affects the society. There is, therefore, scope for adopting and adapting other methodologies utilized in other subjects in order to have more illuminated view of the law and it's functions. For example, there is scope for further research regarding the working of legal institutions, such as courts in order to increase their efficiency. 'Empirical study has the potential to illuminate the workings of legal system, to reveal its shortcomings, problems, success, and illusions. In a way that no amount of library research or subtle thinking can match.

Non-Doctrinal Legal Research

Importance

The non-doctrinal research is also known as socio-legal research. The expression such as “socio- legal interdisciplinary” has now become symbols of progressionism and it is rather fashionable to express preference for research of this stamp³². This type of research is legal research that employs methods taken from other disciplines to generate empirical data to answer research questions. It can be a problem, policy or law reform based. Non-Doctrinal legal research can be qualitative³³ or quantitative.³⁴ The term socio-legal research is used to refer to a study that combines legal research with an investigation of some problem or question which is essentially of a social nature, and uses techniques of data collection used in social science research. Usually, the underlying aim of such study is to determine the nature and extent of the adequacy or inadequacy of the existing law or the need for a new law or to ascertain whether an efficacious use of law can offer some kind of solution or answer to a problem or question or law can be used as an instrument of control, change and reform³⁵. Some of the basic features are stated below as:

1. Socio-legal research is a systematic study in to social, political or other fact- conditions, to discover unknown or partly known factors working behind a particular phenomenon or to understand why something happens and to draw inferences and general conclusions³⁶.
2. It is an attempt to ascertain why and how human beings behave in a certain way in certain factual situations.
3. It is to identify the cause and effects of a certain problem³⁷.
4. Socio-legal research may often be carried out with a view to ascertaining people's ideas, views attitudes or values on a certain legal or social problem or question³⁸.
5. Socio-legal research is essentially a field study, where a hypothesis is usually framed and then sought to be tested or verified or a question is raised and sought to be answered. It is carried out by collecting data and information using the methods developed by the social science, such as sociology, psychology, criminology, education etc³⁹.

Ultimately social research is based on the assumption that we can understand the nature of a problem or question only when a scientific approach is adopted to gather evidence through observation and procedures that can be repeated and verified by others⁴⁰, and provides ‘ hard ‘evidence and data which obviously is a better substitute for a general understand based discussion, argument, opinion, reason, good sense, belief or precedent which are the basis of conclusions in any theoretical research⁴¹.

Non-Doctrinal / Socio-Legal Research Methodology

Doctrinal research represents study of “norms” within the spare of legal system and most operational and higher degree of work will be based on doctrinal mode. It suits the one who come across with the issue of law in day today matters and has no time to consider research beyond the boundary of library. However, the scope of legal research cannot be confined to analyze to legal theory and legal concept. Law does not operate in isolation of society; rather it operates within and operates on society. Even a doctrinal researcher needs social policy, social facts and social value. There is scope for the use completed social science studies relating to law to illuminate the effect of law on society. There is room for new studies tailored to specific legal issues⁴². As Julius Getman has commented:

“Empirical study has the potential to illuminate working of the legal system, to revival its short comings, problems, success, and illusions, in way that no amount of library or research or subtle thinking can match⁴³ “.

For a legal researcher, it is not enough to understand what has happened in legal history or in the previous judgment, but it is also necessary to look outside the law for answers. Legal researchers have a responsibility to have regard not only current thought within their own discipline, but also to be lateral in their thinking⁴⁴. Social sciences which primarily uses empirical data for investigation exposes legal researchers to explore how the rule of law and various constitutional and statutory authorities operate in practice and impact upon human relations. It seeks to answers to such questions as are law and legal institutions surviving the needs of the society? Are they suited to the society in which they are operating? What factors influence the decisions adjudicators? Are the laws properly administered and enforced or do they exist only in text-book?⁴⁵ Answer to these questions is not available in theory, rather lies in social facts. It needs a systematic strategy which includes observation survey, questionnaire survey, interview schedule, experimental research, case study, evaluation and performance measurement etc.

Evaluating Socio –Legal Research Methodology

Merits

There are a number of benefits associated with adopting socio legal research methods.

1. First of all, it allows legal practitioners and academics to experience the law in action. This is hardly possible within the realm of doctrinal research.
2. Further to that, socio-legal research avoids too much attention on rules of law and instead affords systematic and regular reference to the context of the problems which laws were supposed to resolve, the purpose they were to serve and the effect they in fact have. This serves to counter the charge that law is conservative and aloof from the social context within which it operates.
3. Socio legal research is significant because in linking the law to society, it functionalizes law, rendering it an effective instrument for the achievement for social, political and economic objectives. Socio-legal research is important for and impacts upon government policy makers, regulators, industry representatives and other actors concerned with the administrative of justice and the legal system.
4. More importantly socio legal methodology is by nature inter disciplinary and, therefore, allows the building of bridges between the law and other disciplines such as economics, history, sociology, politics etc. This is beneficial because it adds more relevance to the law as well present the law appropriately, that is as a small part of a larger social world.

Demerits

Socio legal methods have got disadvantages of their own, For example

1. Socio legal research is extremely time consuming and costly, it calls for additional training and entails great commitments of time and energy to produce meaningful results either for policy makers or theory builders.
2. Law-sociology research needs and strong base of doctrinal research because primary objective of sociology of law are to revival by empirical research how law and legal institution operating society.
3. Sociological research may help in building general theories, but it seems inadequate where the problems are to be solved and the law is to be developed from case to case.
4. On account of complicated settings and variable factors, we may again be thrown back to our own free conceived ideas, prejudices and feelings in furnishing solutions to certain problems.
5. Though law sociology research is of recent origin, yet it is common knowledge even in the United States where this kind of work has been done mostly, such researches have yet to show their potentiality in terms translating the findings into legal propositions and norms⁴⁶.

Conclusion

From the preceding discussion, it can be inferred that the term 'research' is open to various interpretations, and there exists no significant distinction between general research and research in the field of law. The pursuit of truth serves as the primary objective for both legal research and other forms of research. As previously mentioned, doctrinal research possesses its own specific limitations; however, empirical legal research is not devoid of its own constraints. It is relatively straightforward to identify a particular methodology and delineate its strengths and weaknesses. Nevertheless, it is important to recognize that all legal research methodologies ultimately serve as tools for addressing the questions that arise during efforts to comprehend issues within the law. Both doctrinal and non-doctrinal research are equally vital for the advancement and understanding of legal principles. What is essential is that researchers strive to equip themselves with the requisite skills that will enable them to effectively meet their research needs.

End Notes

Principal, KLE Society's G. K. Law College, Hubballi, Karnataka

1. C. R. Kothari, Research Methodology: Methods and Techniques, 2nd ed., New Delhi: New Age International Publishers, 2001, P.1
2. Anwarul Yaqin, Legal Research and Writing Methods, Nagpur: Lexis Nexis Butterworth Wadhwa, 2008, P.1
3. B. A. Wortley, Some Reflection on Legal Research after Thirty Years, Vol. 24(2& 3), P.176



4. L. V. Redman & A. V. H. Mory, The Romance of Research, 1923. P.10
5. http://www.scribd.com/doc/4448329/Doctrinal_and_NonDoctrinal_Research
6. Dr. M. S. Benjamin, "Legal Research: Are There Specific Methodologies Associated with Critique?", Indian Bar Review, Vol. XXXVIII (1&2) 2011, P. 142
7. Dr. M. S. Benjamin, Supra Note 6, Pp.142-43
8. Ibid.
9. Anwarul Yaqin, Supra Note 2, P.2
10. Supra Note 5
11. Anwarul Yaqin, Supra Note 2, Pp. 3-5
12. Ibid, P.6
13. S. N. Jain, "Doctrinal Research and Non-Doctrinal Legal Research", JILI, Vol.24 (2 and 3), P. 341.
14. http://Wiki.answers.com/Q/what_is_difference_between_doctrinal_and_non-doctrinal_research#ixzz1akzeqQR1.
15. Ernest M. Jones, Some Current Trends in Legal Research, Legal Research and Methodology, P.32.
16. S. N. Jain, Supra Note 13, P.341
17. Quoted in The Nature of the Judicial Process, 1921, P.23.
18. Ibid, P. 26
19. Supra Note 5
20. Anwarul Yaqin, Supra Note 2, P.7
21. Supra Note 5
22. Anwarul Yaqin, Supra Note 2, P. 5
23. Roscoe pound, Social Control Through Law, 1968, P. 64
24. S. N. Jain, Supra Note 13, P. 349
25. Kaplan Abraham, The Conduct of Inquiry; Methodology for Behavior Science, Sanfrancisco: Chandler, Publishing Company, 1964, P. 3, as cited in MUCJ, Vol.1,2008
26. Don Ethridge, Research Methodology in Applied Economics, Black Well Publishing Co., 1995, P.4
27. S. K. Verma and M. Afzalwani (edt)., "Legal Research and Methodology", ILI, 2001, P. 68.
28. See S. 433 of The Companies Act, 1956
29. See s. Of the Maintenance of Internal Security Act, 1971.
30. See Article 311 of the Indian Constitution
31. Amy E. Sloan, Basic legal Research Tools and Strategies, New York: Aspen Law and Business, 2000, Pp. 4-5
32. B S Murthy, Socio legal Research – Hurdles and Pitfalls, P.60.
33. Qualitative research may be construed as a strategy that words rather than quantification in the collection and analysis of data. It predominantly traces an inductive approach to the relationship between theory and research in which emphasis is placed on the generation of theories
34. Qualitative research may be constituted as a research strategy that emphasis quantification in the collection and analysis of data. Its entails' a deductive approach to the relationship between the theory and research in which emphasis is placed on testing of theories.
35. Supra Note 2, P. 7-8
36. Ibid, P.8
37. Ibid
38. Ibid
39. Ibid
40. . Ibid
41. Ibid
42. Loh W., Social Research in the Judicial Process: Cases, Readings and Test, New York: Russel Sage Foundation, 1984, P.6.
43. Getman J. "Contributions of Empirical Data to Legal Research," (1985) 35 J Legal Education, P. 489.
44. Terry Hutchinson, Researching Land writing in law, NSW: Law book Company, 2009. P 261
45. S. K. Verma and M. Afzal Wani, Supra Note 27, P. 78
46. S. N. Jain, Supra Note 13, P.351-55