

Qualitative Research Methods on Empirical Research Studies of Legal Science

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Abstract

Research is an orderly and purposeful systematic activity through systematic, logical and rational scientific studies that make the entire process of scientific writing a logical explanation that collaborates between theory and data. The purpose of this research is to discuss and describe various things about qualitative research methods for the benefit of research studies in legal science, especially in empirical research studies. This research uses literature studies by looking for references from documents and literature studies that are relevant to the case or problem found. The results of the study are to get information that qualitative approaches can solve problems related to talking about humans, human legal behavior, and how humans interpret the law. Law is a system that cannot work or operate on its own, but is in a life of society whose elements are related to one another. Therefore, to determine the research method to be used depends on 1) the problem to be solved, 2) the approval of the research, 3) the type of data obtained.

Keywords: qualitative approach; legal research;

A. Introduction

Research is a systematic and regularly planned and purposeful scientific study activity to make the entire process of scientific writing as a logical explanation that collaborates between theory and data so as to produce information logically and rationally. Therefore, the results of research can be useful as a science development and build a theory that can be trusted so that the findings can be generalized.

In legal science research methodology has two areas of research studies, namely 1) normative research studies, and 2) empirical research studies. The research study studied dan trying to solve legal problems in accordance with the needs of legal studies. For example, in normative research studies closely related to the principles and principles of law, legal rules, theories and doctrines. While in empirical research studies are closely related to *socio-legal*, sociological, sociological-juridical.

The growing legal science of empirical research studies is associated with social science. This is because empirical and social sciences are closely related to society. However, actually legal research, especially in empirical research studies has its own characteristics, and is more specific and different from social science research. Hartono (1985) stated that his concerns about research methodology in the field of legal science that have been "tainted" by the social science approach need to be straightened out first. These concerns occur due to misunderstandings.

Imagine if this misperceiving continued. Some legal scholars consider that the social science approach is a quantitative approach whose characteristics take measurements to test hypotheses, even though legal science is more than merely testing hypotheses. Legal science considers that the solution that occurs can not be done just a measurement, but requires a deeper

and more complex approach to the behavior that occurs in the community environment.

Therefore, research methods must be understood how to use, when they are used and in what studies are used. The accuracy and accuracy of the research methodology determines the results of the research obtained. Because the more precise the research methodology is used, the sharper and more credible the results of the study. Good research results are those that can uncover the problem and provide the right solution to the problem.

Departing from these problems, the article "Qualitative Research Methods in Empirical Research Studies of Legal Science" wants to discuss and describe about various things about qualitative research methods for the benefit of research studies in legal science, especially in empirical research studi by based on several questions as a problem, namely how the characteristics of empirical research studies and when to use it in a legal study, and when qualitative methodology is used so as to obtain maximum research results.

B. Theoretical Studies

1. Legal Science

Law is a system that is interconnected and collaborative, and cooperates to achieve what is the goal of a system. Therefore, every element of a system especially related to the legal system cannot stand alone to run a system. The system must go hand in hand and rhythmically, if one of the elements of the system is not synchronized then the system cannot run properly. Therefore, the system, especially in law, must always be coordinated and harmonized because one element will affect the other element. According to Soekanto (1986) explained that law is divided into three dimensions, namely 1) as a value studied by legal philosophy and legal politics, 2) as a method studied in legal science, and 3) as a behavior studied by legal sociology, legal anthropology and legal psychology.

Legal science is very complex, broad and infinite so that in developing a legal product must go through various stages from philosophical contribution to the development of science academically and practically until the realization of legal konkret for society. The benefits of holding legal products are as a

solution to public and privacy problems in the community (Nurhayati, et.al, 2021). The law provides rules and boundaries in the life of society at the same time from the pola of behavior that develops both consciously and in the subconscious itself in order to create peace and order together.

The science of law cannot be separated from the scope of society because various legal systems are related to the life of society. Legal science research seeks to follow the development of law in order with legal assessment. Sometimes the need rather than the law applies, requires modification keeping up with the times. A person's mindset and behavior patterns always develop naturally because they follow this era (Nurhayati, 2013). The differences of experts in research methodology, cannot be explained simply. Until now, academics still have different points of view or perceptions between the relationship of legal research methodology related to characteristics and their division (Barus, 2013). This is still very reasonable, because every expert has a view and argument over the methodology of the research.

2. Empirical Research Studies

Legal research methodology aims to study the characteristics of research with the object of the law itself. The object of a law itself can be done using normatif and empirical research studies. In the study of normatif law studies the principle / norm of law, systematic law, synchronization and comparison of laws. While empirical research is a study of the identification of law and the effectiveness of law in the life of the community. The effectiveness of the law relates to people's lives both together and personally (Uthman, 2014). Furthermore, empirical law based on evidence obtained from observations on the ground can be analyzed using quantitative and qualitative approaches (Nolasco, et.al., 2010).

One of the evidence of differences of opinion of experts is seen in the difference of viewpoints in the research approach to analyze data or get research results, namely between Mezak and Rahayu. Menurut Mezak (2006) states that empirical legal research or entry into sociological legal research requires a hypothesis in measuring problems or symptoms that occur in the scope of the law. A hypothesis is a temporary guess at the formulation of a problem

based on a theory of existing phenomena. Therefore, empirical law is classified as using social science methods in general that can only use quantitative approaches. This is in contrast to Rahayu (2016) which asserts that the law is a norm that has meaningful values, this is what distinguishes legal science not classified in the social sciences. Because social science only views empirical truth alone without meaning a meaning that underlies a human behavior.

3. Qualitative Research Methods

Qualitative research paradigms are based on humanistic research theories where this school considers that the position of humans themselves determines these main behaviors and social symptoms, and the phenomenological paradigm related to phenomena and symptoms that occur in society so that humans are used as the main subject in social and cultural events. This is enforced because the one directly affected by the situation that occurs is the community itself (Hussrel, 1859 - 1928). Further developed by Max Weber (1864 - 1920) who developed a qualitative approach to sociological theory because it considers alignment with the paradigm of the flow (Kartowagiran, 2015).

Philosophical schools that support qualitative research, namely phenomenology, symbolic interactionism, fundamental theory, and ethnography. These schools have differences, but basically all have the same goal of human nature as subjects with freedom of choice on the basis of a system that civilizes each doer.

Contrary to the above proposition, ontologically qualitative paradigms take the view that social, cultural and behavioral phenomena of man are not enough to record things that appear to be real, but must also look at the whole in the context totality. For behavior cannot be separated from what is behind it, and cannot be simplified into single laws that are deterministic and context-free.

The conclusion of the qualitative paradigm above that qualitative paradigm believes that in society there is a naturally formed order. Therefore, the task of the researcher as the main instrument to find such regularity. Not creating even limiting based on existing theories. Thus in essence, qualitative research is a systematic activity to find theories from observations in the field not to test theories or hypotheses. One qualitative approach that aims to produce a new

theory is *grounded theory* Epistemologically qualitative paradigm still recognizes empirical facts, but does not use theory as the basis of verification (Guba, 1990; Johnson and Onwuegbuzie, 2004)

C. Research Methodology

The study of the problems in this study is related to empirical research studies / non-doktrial legal research that *focuses on sociological jurisprudence*, and *socio legal jurisprudence*. Data analysis techniques use descriptive analysis with the aim of describing and analyzing the characteristics of empirical research studies with a qualitative approach. Data sources in this study use literature studies by looking for references from documents and literature studies that are relevant to the case or problem found.

D. Discussion

Characteristics of empirical research methodology or commonly referred to as non-doctoral is a method related to human behavior, information obtained through in-depth research and interviews and conducted directly by researchers. Observations are made by assessing human behavior directly both physical behavior and herbal behavior. Furthermore data is analyzed and poured in the form of descriptions and analysts to reflect legal products as social realities. While the problem of empirical research methodology related to the effectiveness of law and legal identification (Soekanto, 2006).

Qualitative paradigms believe in society to have a self-formed order. In essence, qualitative research results are obtained when researchers plunge directly into the field. Instruments are important in collecting data, to obtain good data must build a valid and reliable instrument. Qualitative approaches also require instrument to collect data, but the main instrument is the peneliti itself. Epistemologically qualitative paradigms still recognize empirical facts, but do not use theory as the basis for verification in other words the absence of hypothesis and/or test theory (Guba, 1990; Johnson and Onwuegbuzie, 2004).

If associated with empirical research studies related to the study of problems that focus *sociological jurisprudence*, and *socio legal jurisprudence* and data retrieval directly into the field. So qualitative research is expected to answer existing problems and find a deeper meaning for what is behind human behavior. This is also in accordance with the nature of legal science that asserts that law is an object of research not limited to norms but also has value in it.

In line with the opinion of Irianto (2002) asserts that legal problems and symptoms cannot be reduced to measurable variables. Friedman (1975) as a legal sociologist states that humans in interpreting the law are strongly influenced by *sub-legal culture* such as political, economic, social, profit and loss interests and short *vested interests*.

If research methods relating to human problems interpret the law, then the consequences are difficult to make quantitative measurements of symptoms or legal problems. This shows that in proving the law, the law cannot be an independent variable because the law has been attached to one with the life of the society in which it exists.

Although quantitative approaches have evolved into jurisprudence to measure research on legal science. But the meaning of the results of research is still lacking in solving problems and finding solutions to the problems of community life and privacy. This is because, the results of the study obtained are only a number / detects behavior that is visible but can not explore the background of why human behavior appears.

E. Conclusions and Suggestions

In determining the research methods that will be used in getting good and trustworthy research results then moreover, I can review on 1) the problem to be solved, 2) the purpose of the research, 3) the type of data obtained, for that it is necessary to remember the type of data. The accuracy and accuracy of research methods determined determines the validity, credible, and sharpness of the results of the research obtained. Qualitative approaches are appropriately used in solving problems related to talking about humans, human legal behavior, and how humans interpret laws. Law is a system

that cannot work or operate on its own, but it is in a social life whose elements are related to one another.

As for the advice in this study is 1) for readers, especially in the realm of direct related to legal science, hopefully the results of this study can provide insight and information in developing appropriate and careful research methods, 2) for future research, the research conducted is only still in the scope of empirical research studies, so that further researchers can further develop the research.

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