
Normative Legal Research Methodology from the Experts' Perspective: A Comparative Analysis of Concepts and Approaches

Putri Wulandari

Universitas Sriwijaya, Indonesia

E-mail: putriwulandarii@gmail.com

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ABSTRACT

Normative legal research is the dominant approach in the Indonesian legal scholarly tradition, but the use of terms and approaches is often not accompanied by precise methodological explanations. This condition creates conceptual ambiguity that has implications for the weak construction of scientific arguments. This study aims to comparatively analyze the conceptualization of normative legal research according to experts and reconstruct its methodological boundaries to be more systematic and operational. The method used is normative legal research with a conceptual and comparative approach, through a literature study of primary, secondary, and tertiary legal materials. The analysis is conducted qualitatively using descriptive-analytical and argumentative techniques to test the logical consistency, systemic coherence, and prescriptive power of each approach. The results of the study indicate that normative legal research cannot be reduced to a textual review of laws and regulations but must combine legislative, conceptual, historical, and comparative approaches within the framework of the hierarchy of norms and legal principles. The method of interpretation and construction of legal arguments are central instruments for overcoming normative ambiguity and maintaining prescriptive validity. Integrative methodological reconstruction produces a more coherent, principle-based normative research model, and is able to provide rational and scientifically accountable legal solutions.

Keywords: Normative Legal Research; Legal Methodology; Legal Interpretation; Legal Principles; Legal Argumentation.

INTRODUCTION *(Cambria, Bold, size 12, Space 1.0)*

Legal science is ontologically constructed as a prescriptive science, that is, a science that does not stop at describing what happened, but rather moves towards determining what should be done according to the law. This prescriptive character distinguishes legal science from social science disciplines that tend to be descriptive-explanatory. From a legal theory perspective, this prescriptivity is rooted in the understanding that law is a system of norms containing commands, prohibitions, and permissibility (Aji, 2026). These norms require rationalization through arguments based on principles, doctrines, and systematic construction. Thus, methodology in legal science cannot be separated from its normative function to guide practice and provide certainty.

The prescriptivity of legal science is intertwined with the principle of legality, which requires that every action of government and citizens comply with established norms (Maranjaya, 2025). This principle is not merely a practical principle, but rather an epistemological foundation that requires legal research to systematically explain the structure and hierarchy of norms. Within this framework, normative legal research

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serves as a means to examine the validity, consistency, and coherence of norms within the positive legal system. The legal arguments developed must be subject to normative logic that can be tested through legal interpretation and construction. Without a clear methodology, legal prescriptivity has the potential to be reduced to subjective opinion, losing its academic legitimacy (Indraswara, 2025).

The dynamic development of national law, marked by the proliferation of regulations and the complexity of social relations, demands legal research capable of providing precise normative answers. The fragmentation of legislation often gives rise to normative conflicts and systemic inconsistencies. This situation emphasizes the urgency of normative legal research that goes beyond simply inventorying rules, but also synchronizing and harmonizing them through a systematic approach. The theory of norm hierarchy and the principles of *lex superior*, *lex specialis*, and *lex posterior* serve as integral analytical instruments. Therefore, the quality of the methodology determines the accuracy of the normative solutions offered.

Within the civil law tradition, normative legal research has historically gained legitimacy as the primary approach to developing legal doctrine (Sumaya, 2026). This tradition positions statutes as the primary source of law and makes interpretation a central instrument in both judicial and academic practice. Normative legal research serves to bridge the legal text with concrete reality through the construction of logical arguments (Sukmawan, 2025). The principle of systematicity and the principle of internal consistency of law serve as a foundation to ensure that norms are not understood in a partial manner (Rimadini, 2025). The dominance of this approach indicates that its methodological foundation must be formulated firmly to avoid losing its scientific orientation.

Empirically, the dominance of normative legal research is evident in the scholarly work of students and lecturers at various law faculties. The label "normative juridical" is widely used in undergraduate theses, dissertations, and accredited journal articles. This phenomenon reflects the widespread acceptance of the normative approach as an academic standard. However, this practice is often not accompanied by in-depth methodological explanations regarding the types of approaches, interpretative techniques, or methods of analyzing legal materials. This imbalance between terminology and conceptual understanding raises serious academic issues.

The repetitive use of normative legal research terms without methodological elaboration has the potential to create pseudo-formalism. Methodology, which should serve as a rational framework, is instead reduced to an administrative formality in the preparation of scientific papers. Legal argumentation theory teaches that the validity of conclusions is largely determined by the consistency of the methods used (Imelda et al., 2024). If analytical approaches and techniques are not explicitly explained, the resulting argument loses its prescriptive power. This situation demonstrates that methodological issues are not merely technical but also concern scientific integrity.

Normatively, various academic guidelines distinguish between normative and empirical legal research as two models with distinct characteristics. Normative research focuses on primary, secondary, and tertiary legal materials, employing library research and legal interpretation techniques (Zainuddin & Karina, 2023). Empirical research, meanwhile, relies on field data and a sociological approach. This distinction should provide a clear conceptual boundary. However, in practice, the distinction is often blurred because it is not operationally explained within a systematic methodological framework.

Legal experts offer varying definitions of normative legal research. Some emphasize the analysis of positive legal norms as the core of the normative approach (Rizkia &

Fardiansyah, 2023). Others broaden the scope to include legal principles, legal systematics, and even philosophical reflection. These differences demonstrate the broad conceptual spectrum in understanding normative research. This variation enriches the discourse but also has the potential to create ambiguity in methodological implementation.

These conceptual differences are not only terminological but also impact the choice of approach. Legislative, conceptual, historical, and comparative approaches are often positioned as integral parts of normative research. However, not all experts agree on the boundaries and relationships between these approaches. This lack of uniformity has implications for significant variations in research structures. This inconsistency highlights the problematic nature of normative methodology.

This situation raises the issue of normative ambiguity in the context of normative legal research methodology. This ambiguity relates to conceptual boundaries and methodological scope that are not precisely formulated. In legal theory, normative ambiguity can lead to multiple interpretations and inconsistent application. In the academic realm, this has implications for weak standards of scientific evaluation. Methodological ambiguity ultimately impacts the quality of legal argumentation. A further implication of this ambiguity is that it hinders the development of legal methodology as an autonomous branch of science. Legal science risks being perceived as lacking a solid methodology if its basic concepts are not clearly defined (Firmanto et al., 2024). Legal systems theory emphasizes the importance of internal consistency to maintain the legitimacy of a discipline (Nabillah et al., 2025). When methodology is not formulated comprehensively, the scientific validity of legal research can be questioned. Therefore, conceptual clarification is an urgent need.

Based on this overall description, a comparative analysis of expert perspectives is a strategic step in identifying fundamental common ground and differences in understanding normative legal research. A comparative approach allows for a more systematic identification of argumentation patterns, conceptual boundaries, and methodological scope. This effort is expected to reconstruct a more coherent and operational understanding of normative methodology. Thus, normative legal research becomes more than just a methodological label, but truly functions as a prescriptive, rational, and accountable scientific instrument. This is where the urgency of this discussion becomes relevant in clarifying the epistemological foundations of legal research in Indonesia.

METHODS *(Cambria, Bold, size 12, Space 1.0)*

This study uses a normative legal research method that focuses on analyzing legal norms, principles, and doctrines as the primary object of study. Methodologically, normative legal research is understood as research that positions law as an autonomous and coherent system of norms, thus focusing the analysis on primary, secondary, and tertiary legal materials through library research. This view aligns with the thinking of legal methodology experts who emphasize that normative legal research aims to discover legal rules, legal principles, and legal doctrines to address the legal issues at hand (Masidin, 2023). The prescriptive nature of normative legal research demands a systematic, rational, and argumentative approach, particularly through legal interpretation (grammatical, systematic, historical, and teleological interpretation) and legal construction. Therefore, this method was chosen because it is relevant for in-depth examination of conceptual differences among experts regarding the definition, scope, and approach of normative legal research.

The approaches used in this study include a conceptual approach and a comparative approach to the thinking of legal experts regarding normative legal research methodology. The conceptual approach is used to examine key concepts such as normativity, prescriptivity, doctrine, and legal interpretation based on legal theories and principles developed in the literature (Simanjuntak et al., 2026). Meanwhile, a comparative approach is used to identify similarities, differences, and possible conceptual reconstructions of the views of legal scholars. The legal material analysis technique is carried out qualitatively using descriptive-analytical and argumentative methods, namely systematically outlining expert opinions, then critiquing them based on logical consistency and theoretical coherence. Through these methods, this study is expected to provide a more robust conceptual clarification regarding normative legal research methodology in the Indonesian legal scientific tradition.

RESULTS AND DISCUSSION *(Cambria, Bold, size 12, Space 1.0)*

Conceptualization of Normative Legal Research in the Doctrine of Experts: Analysis of the Nature, Prescriptive Character, and Sources of Legal Material

The ontological nature of normative legal research cannot be separated from the fundamental debate regarding what is meant by law itself. Hans Kelsen, through the *Reine Rechtslehre*, positions law as an autonomous system of norms, hierarchically structured through *Stufenbau* theory, and culminating in *Grundnorm* as the highest source of legitimacy (Rinaldi et al., 2025). Legal ontology in Kelsen's framework is purely normative, because it clearly separates *das sollen* and *das sein*, so that law is understood as a world of necessity, not a world of facts. This conception emphasizes that the object of normative legal research is norms in the formal sense and their validity is determined by their conformity to higher norms, not by their social effectiveness. Thus, normative legal research in Kelsen's perspective is internal, systemic, and free from sociological or moral considerations. This ontology builds the foundation that law must be understood as a coherent normative structure before being assessed from an external dimension.

Unlike Kelsen, HLA Hart views law as a system of rules consisting of primary and secondary rules, so that the legal structure includes not only obligations but also mechanisms for recognition, change, and adjudication (Willis & Hanifah, 2026). Hart maintains a separation of law from morality, but he acknowledges that the validity of the legal system rests on the rule of recognition socially accepted by legal officials. Hart's legal ontology is not as pure as Kelsen's positivism, as it recognizes the dimension of social practice in the formation of the rule system (Meidaniyasari, 2025). The combination of primary and secondary rules makes law a dynamic normative system, not simply a static hierarchical structure. In normative legal research, Hart's view opens up analytical space for the mechanisms of validity and change of norms, not just their hierarchical relationships. This comparison demonstrates that the ontology of law as a norm can have conceptual variations depending on the extent to which the social dimension is recognized within the system.

Satjipto Rahardjo firmly criticized the positivist view that views law solely as a normative text. Through the concept of progressive law, he positioned law as a social institution that lives and develops within society. According to Satjipto, legal ontology does not stop at written norms, but encompasses values, substantive justice, and the social dynamics that shape legal practice (Toisuta & Saepullah, 2026). Law is not for itself, but for humans, so legal validity is measured not only by hierarchical conformity but also by its ability to deliver justice (Nasrudin & Nina Nursari, 2025). This view ontologically broadens the object of legal study from mere formal norms to meaningful social phenomena. In the context of normative legal research, this approach raises fundamental

questions about whether normative research must be free from social facts or whether it requires context to test the relevance of norms.

Peter Mahmud Marzuki asserts that legal research is a scientific activity aimed at discovering legal rules, legal principles, and legal doctrines to address concrete legal issues (Widiarty, 2024). He views legal science as *sui generis*, distinct from social sciences because it focuses on norms as its primary object. Within this framework, the ontology of normative legal research remains grounded in norms, but is not limited to statutory texts but also encompasses principles and court decisions. Marzuki's view demonstrates a synthesis between normative positivism and the argumentative needs of practice (Sartono, 2025). Norms are not understood mechanically, but rather as part of a system that must be interpreted and constructed. Therefore, according to him, normative legal research is not merely an inventory of norms, but a process of prescriptive legal reasoning.

The comparison between Kelsen and Satjipto Rahardjo reveals the ontological tension between law as an autonomous norm and law as a social institution. Kelsen demanded methodological purity by purifying law from sociological, ethical, and political elements, in order to maintain the autonomy of legal science (Faqih, 2024). Satjipto, on the other hand, believed that such a separation could potentially render law devoid of a sense of justice and alienated from society. This tension has direct implications for normative legal research methods: whether analysis should be conducted solely on the text and hierarchy of norms, or whether it is necessary to consider values and social context. If normative research fully follows Kelsen, the approach must be limited to formal validity. However, if it follows Satjipto, normative research cannot ignore the dimensions of utility and substantive justice. This debate demonstrates that legal ontology fundamentally determines the direction of methodology.

The prescriptive character of legal science is a logical consequence of the ontology of law as a norm. Hans Kelsen firmly separated *das sollen* from *das sein*, so that law operates within the realm of necessity that cannot be derived from empirical facts (Fadillah, 2024). Sudikno Mertokusumo reinforces this view by emphasizing that law is a rule that commands and prohibits, accompanied by coercive sanctions (Ismoyo et al., 2025). This prescriptivity positions law as a normative guideline that imperatively regulates human behavior. In the context of research, the prescriptive character requires researchers to formulate normative answers to legal issues, not simply describe regulations. Therefore, normative legal research methodology must be directed at constructing arguments that produce valid prescriptions.

Soerjono Soekanto clearly distinguishes between normative legal research and sociological legal research, thus clarifying the prescriptive domain of legal science. Normative research focuses on law in the books, while sociological research examines law in action. This distinction is important to maintain methodological purity and prevent ambiguity in the object of study. Philipus M. Hadjon adds that legal research aims to discover legal rules and principles as answers to the legal issues faced (Bediona et al., 2024). This means that prescriptivity is not only theoretical but also practical in resolving concrete problems. Criticism of normative research practices that are solely descriptive is relevant, as description without prescription is inconsistent with the epistemological character of legal science.

The relationship between prescriptivity and the principle of legality emphasizes that the validity of legal arguments depends on their conformity to applicable norms. The principle of legality requires that every action be based on valid law, so normative legal research must be rooted in a structured system of norms. This prescriptive character necessitates the use of rational and coherent methods of legal interpretation and

reasoning. Without a clear ontological foundation and consistent prescriptive understanding, normative legal research risks becoming trapped in textual formalism or, conversely, in social relativism. Evaluation of Indonesian doctrine indicates a tendency to accept law as a norm, but has not been fully consistent in maintaining its ontological and methodological boundaries. Therefore, strengthening the ontological and prescriptive basis is a primary requirement for normative legal research to remain solid as an autonomous and argumentative scientific discipline.

The conceptual distinction between normative, doctrinal, and juridical legal research is a methodological issue that has yet to achieve full terminological clarity in Indonesian legal literature. Some scholars use the term "normative legal research" synonymously with "doctrinal research," referring to the doctrinal legal research tradition in common law systems that focuses on the analysis of legal precedents and principles. However, in civil law, doctrinal research is often understood as the study of scholarly opinions (doctrine) that serves to explain and systematize positive law. Meanwhile, the term "juridical" is often used loosely to refer to anything related to law, without clarity as to whether it refers to a normative approach or simply a general legal perspective. This inconsistent use of terms indicates that there is no academic consensus regarding the conceptual boundaries of each category. From a scientific methodology perspective, this unclear terminology has the potential to weaken analytical precision and obscure the epistemological identity of normative legal research (Firmanto et al., 2024).

Critically examined, normative legal research is essentially oriented toward norms as the primary object of study, while doctrinal research places greater emphasis on the construction and systematization of legal teachings developed in the literature. Thus, doctrinal research can be positioned as part of normative research, but is not absolutely identical. Normative research encompasses the analysis of laws and regulations, legal principles, and court decisions, while doctrinal research focuses more on the conceptual elaboration of these norms through expert opinion. The term "juridical" should be understood as a characteristic or perspective, not a type of method, so the phrase "normative juridical research" actually contains repetition of meaning. This conceptual imprecision creates ambiguity in the formulation of research methods, especially when researchers do not explain the approach and analytical techniques used. Therefore, a conceptual reconstruction is needed that clearly separates the ontological dimension (norms), the doctrinal dimension (teachings), and the methodological dimension (method of analysis).

The potential for blurring academic norms due to inconsistent terminology is not merely a semantic issue, but also concerns the methodological validity of research. In the scientific tradition, methodological terms serve as epistemological markers that define objects, approaches, and analytical techniques (Hafiz & Rijal, 2024). When the terms "normative," "doctrinal," and "juridical" are used interchangeably without clear operational definitions, the boundaries of the research scope become blurred. This ambiguity weakens argumentation, as readers cannot identify the analytical framework used. In the principle of legal certainty, consistency in methodological terminology is a prerequisite for legal research to be scientifically accountable (Mustafa, 2025). Therefore, conceptual standardization does not limit academic creativity, but rather an effort to maintain the coherence and integrity of the legal discipline.

An evaluation of the scope of each term indicates that normative legal research should encompass the entire process of identifying, interpreting, and constructing norms to address legal issues. Doctrinal research, in the narrow sense, can be positioned as a method of analyzing evolving legal teachings to enrich normative argumentation.

Meanwhile, the term "juridical" is more appropriately used as a marker of perspective, for example, a juridical approach rather than an economic or sociological approach. Conceptual reconstruction efforts should be directed toward establishing precise and operational definitions, so that each term has a clear methodological function. Thus, this distinction is not merely a theoretical classification, but rather an instrument for improving the quality of legal research. Such reconstruction is crucial to avoid reducing normative research to mere literature reviews without the construction of prescriptive arguments.

Legal sources constitute the epistemological foundation of normative legal research because they are the basis for argumentation and validation. The classification of primary, secondary, and tertiary legal materials has been widely accepted in Indonesian legal methodology literature, although there are variations in emphasis among scholars. Primary legal materials generally include legislation and court decisions, while secondary legal materials include doctrine, literature, and previous research findings (Zainuddin & Karina, 2023). Tertiary legal materials serve as supporting sources, such as legal dictionaries or encyclopedias. Differing views arise regarding the position of court decisions within the civil law system, whether they are merely interpretations or possess broader argumentative power. Critical analysis shows that in practice, court decisions often serve as normative references that determine the direction of interpretation, so their role cannot be reduced to merely illustrating the application of norms.

The position of legal principles and doctrines in normative argumentation is strategic because they serve as a bridge between normative texts and substantive justice. Legal principles, such as legality, legal certainty, and justice, provide a value orientation that guides the interpretation of positive norms. Scholars' doctrines serve to systematize and critique norms, thus forming a more comprehensive conceptual framework. From the perspective of norm hierarchy theory, legal principles are often viewed as fundamental norms that provide legitimacy to more concrete norms (Wibowo & Sugitanata, 2023). Therefore, normative legal research cannot be limited to statutory texts alone but must integrate principles and doctrines into argumentation. The methodological strength of normative research is largely determined by the researcher's ability to coherently manage the relationship between norms, principles, and doctrines.

The relationship between the hierarchy of norms and the techniques for using legal materials requires high methodological precision to avoid argumentative contradictions. The principles of *lex superior derogat legi inferiori*, *lex specialis derogat legi generali*, and *lex posterior derogat legi priori* serve as guidelines for determining the applicable norm when a conflict occurs (Wijayanti et al., 2024). Legal material analysis techniques must take this hierarchical structure into account to ensure that arguments do not violate the principle of legal systematicity. In this regard, normative legal research does not simply cite norms but places them within the structure of the legal system as a whole. Failure to understand hierarchical relationships can lead to erroneous and non-prescriptive conclusions. Therefore, mastery of legal theory and interpretation techniques is an integral part of normative research methodology.

Regarding the scope of normative legal research, there are differing opinions as to whether it is limited solely to positive law or also encompasses legal philosophy and legal theory. A narrow view limits normative research to the analysis of legislation and judicial practice, in order to maintain positivistic purity. However, a broader view incorporates legal theory and philosophy as a reflective framework for assessing and reconstructing norms. This expansion enriches the analysis, but has the potential to obscure methodological identity if it does not clearly distinguish between normative analysis and philosophical reflection. Conceptual common ground can be found by positioning legal

philosophy as the reflective foundation, rather than the primary object of normative research. Thus, a systematic methodological boundary can be formulated: normative legal research focuses on positive norms and applicable principles, supported by theory and philosophy as analytical tools, thereby avoiding conceptual ambiguity without sacrificing scientific depth.

Approaches and Analytical Techniques in Normative Legal Research: A Comparative Study of the Methods of Interpretation and Argumentation Construction of Legal Scholars

The statute approach is the primary foundation of normative legal research because it positions statutory regulations as the starting point for analyzing legal issues. Peter Mahmud Marzuki emphasized that this approach is the primary approach in the civil law tradition, considering that law is positioned as written norms systematically arranged in a specific hierarchy (Ismoyo et al., 2025). Mukti Fajar and Yulianto Achmad elaborated that the statutory approach does not merely inventory regulations but also demands an analysis of the consistency, synchronization, and harmonization between regulations (Jiwantara, 2023). From Hans Kelsen's perspective, the hierarchical structure of norms (Stufenbau theory) provides theoretical justification that each norm derives its validity from a higher norm. Thus, the statutory approach cannot be separated from the theory of norm hierarchy as its ontological and epistemological framework. Without an understanding of this structure, normative research risks losing the foundation of formal validity in constructing its arguments.

The relationship between the statute approach and the theory of norm hierarchy requires researchers to understand the legal system as a structure composed vertically and horizontally. Vertically, the validity of norms must be tested based on the principle of *lex superior derogat legi inferiori*, so that lower norms must not conflict with higher norms. Horizontally, the application of the principles of *lex specialis derogat legi generali* and *lex posterior derogat legi priori* serves as an instrument for resolving conflicts between norms of the same level (Saputra, 2025). This approach demonstrates that normative legal research is not merely a textual reading, but rather a systematic analysis of the relationships between norms. Criticism arises when the statutory approach is reduced to a narrow textualistic analysis, without considering the principles and systematics of law as a whole. Rigid textualism has the potential to ignore the purpose of norm formation and its systemic context. Therefore, the statute approach must be integrated with an analysis of principles and principles to produce comprehensive arguments.

A textualistic approach that relies solely on the wording of norms is often inadequate in addressing ambiguity or conflicting norms. In practice, many regulations contain terms that are open to multiple interpretations or are not explicitly formulated, requiring systematic and teleological interpretation. If researchers stop at grammatical analysis, normative research becomes merely descriptive and loses its prescriptive character. This criticism aligns with the need to integrate legal principles as interpretative guidelines within the statute approach. This integration ensures that norms are not understood in isolation, but rather within the framework of the entire legal system. Thus, the ideal approach to legislation is systemic, not merely literal.

Mukti Fajar and Yulianto Achmad emphasize the importance of vertical and horizontal synchronization in normative research as part of a statutory approach. Vertical synchronization aims to ensure conformity between regulations under statute and the law or constitution, while horizontal synchronization assesses consistency between regulations at the same level (Banola et al., 2025). This analysis requires

researchers to be able to interpret the regulatory structure as a unified system. Within Kelsen's framework, failure to maintain hierarchical consistency will undermine the validity of the norm as a whole. Therefore, the statute approach is not merely a technical method but an instrument for maintaining the coherence of the legal system. The quality of normative research is largely determined by the accuracy of the application of these hierarchical principles.

Moving away from the legislative approach, the conceptual approach places legal principles and principles at the center of normative analysis. Sudikno Mertokusumo stated that legal principles are the heart of the legal system because they provide direction and meaning to concrete norms (Hotta, 2025). Without principles, written norms can lose their value orientation and become trapped in procedural formalities. The conceptual approach allows researchers to explore the rationale behind norms and discover their underlying principles. In the context of normative research, this approach broadens the scope of analysis from mere text to the value structures that underpin them. Thus, legal principles serve as instruments to clarify and complement written norms.

Ronald Dworkin, through his concept of law as integrity, asserts that law consists not only of rules but also of principles that have moral and argumentative weight. This view differs from normative positivism, which tends to limit law to formally recognized norms. Dworkin points out that in difficult cases, judges and legal researchers must refer to principles to reach just and coherent decisions (Maulana et al., 2025). This comparison reveals that the conceptual approach has a corrective effect on overly formalistic positivism. Principles serve as evaluative standards that ensure that norms are not applied mechanically. Therefore, the conceptual approach strengthens the prescriptive dimension of normative legal research.

Philipus M. Hadjon emphasized that legal doctrine plays a crucial role in normative research because it serves as a medium for systematizing and rationalizing norms (Anas, 2025). Doctrine enables researchers to understand the development of legal thought and identify consistencies or shifts in interpretation. In a conceptual approach, doctrine is not simply cited as authority but is critically analyzed to construct prescriptive arguments. The strength of this approach lies in its ability to bridge written norms with legal principles and theory. Thus, normative research does not stop at an inventory of regulations but moves toward constructing argumentative legal thought. The integration of doctrine and principles enriches the depth of analysis while maintaining the coherence of the legal system.

Methodologically, the conceptual approach has the power to construct more reflective and substantive prescriptive arguments. While the statute approach ensures formal validity through a hierarchy of norms, the conceptual approach guarantees rational legitimacy through principles and principles. The combination of the two creates a balance between legal certainty and substantive justice. Without a conceptual approach, normative research risks becoming formalistic; conversely, without a statutory approach, it can lose its normative foundation. Therefore, synergy between the two approaches is a prerequisite for systematic and prescriptive normative legal research. This integration also provides a methodological solution to the problem of normative ambiguity, as norms are interpreted within a coherent framework of systems and principles.

The historical approach in normative legal research serves to trace the background to the formation of a norm in order to understand the underlying legal rationale. Mukti Fajar and Yulianto Achmad position the historical approach as a crucial instrument for exploring the intentions of lawmakers and the dynamics of the development of legal regulations (Tahir, 2023). Within a normative framework, history is not intended to solely examine social facts, but rather to clarify the normative context that influences the

formulation of a provision. However, the use of a historical approach must be limited to prevent normative research from shifting into purely sociological or historical research. History serves as an interpretive tool, not the primary object of research. Therefore, its methodological limits lie in its historical relevance to the concrete legal issue being analyzed.

Theoretically, Montesquieu asserted that law does not arise in a vacuum but is influenced by the social, political, and cultural conditions of society (Anggara, 2024). This idea reminds us that norms have a context that cannot be ignored in the interpretation process. However, in normative legal research, this context must be placed within a normative analytical framework, not as the sole determinant of legal validity. This means that history and social context serve to explain the rationale for norm formation, but their validity remains determined by the applicable legal system. If a historical approach is used without methodological control, it has the potential to blur the lines between normative and empirical analysis. Therefore, a historical approach must be instrumental and directed at strengthening prescriptive arguments.

The comparative approach in normative legal research has a strategic function in enriching and testing arguments through comparisons with other legal systems. Peter Mahmud Marzuki positions the comparative approach as a means to find alternative normative solutions and strengthen the legal construction being analyzed (Kristiawanto, 2024). Through comparison, researchers can assess the strengths and weaknesses of national regulations by referring to practices in other countries. However, comparisons should not be made haphazardly without considering the systematics and characteristics of each legal system. Without an understanding of the systemic context, comparisons risk producing incompatible legal transplants. Therefore, a comparative approach must be based on an analysis of the legal system as a whole, not simply on textual similarities.

The primary function of a comparative approach in normative research is to reformulate norms, particularly when faced with normative gaps or ambiguities. Comparing legal systems allows for the identification of more effective and rational regulatory models. However, such reformulation must adhere to the fundamental principles of national legal systems to avoid compromising their internal coherence. Criticism of non-systematic comparative practices is relevant, as many studies simply compare norms without analyzing their underlying structures and principles. Superficial comparisons tend to be illustrative rather than argumentative. Therefore, a comparative approach must be accompanied by conceptual and systemic analysis to contribute prescriptively.

The method of legal interpretation is the operational heart of normative legal research because it is through interpretation that norms acquire concrete meaning. Sudikno Mertokusumo proposed grammatical, systematic, historical, and teleological interpretation methods as the primary tools for understanding norms (Harini & Diding, 2025). Each method has a specific function: grammatical interpretation emphasizes the meaning of language, systematic places norms within legal structures, historical traces the background to their formation, and teleological leads to the purpose of norms. Within Hans Kelsen's framework, interpretation remains within the boundaries of basic norms and formal validity systems (Djauzie, 2025). However, the scope of interpretation is not entirely mechanical, as norms often provide a space for possible meanings. Thus, interpretation is a rational process that must maintain a balance between certainty and flexibility.

Ronald Dworkin expanded the concept of interpretation through the idea of constructive interpretation, which positions interpretation as the process of constructing the best meaning for legal practice within a framework of moral principles (Bakir, 2025).

Unlike the positivistic approach, which emphasizes formal validity, Dworkin views interpretation as an effort to achieve legal integrity. This comparison demonstrates the tension between rule-based and principle-based interpretation. In the face of norm ambiguity, Dworkin's principled approach offers a more substantive solution because it considers values and justice. However, this approach must remain controlled so as not to ignore the boundaries of the positive legal system. Therefore, the integration of classical interpretation methods and principled approaches is crucial in normative research.

The construction of legal arguments and normative logic determines the final quality of normative legal research as a prescriptive discipline. Chaïm Perelman, through argumentation theory, emphasizes that legal argumentation aims to achieve rational acceptance through logical persuasion techniques. Neil MacCormick adds that legal reasoning must meet standards of systemic coherence and internal consistency (Citrawan, 2023). Meanwhile, Philipus M. Hadjon emphasizes that the core of normative legal research lies in the ability to construct systematic and accountable legal arguments. The deductive model through legal syllogisms is indeed important as a basic framework, but it is not always sufficient to address the complexity of norms. Therefore, a more flexible and principle-based argumentative model is needed to strengthen the prescriptive dimension of research.

Systemic coherence is a primary measure of the quality of normative legal research because law is understood as an interconnected system. Good arguments are not only logically valid but also consistent with the prevailing principles, tenets, and normative structures. A more systematic reconstruction of argumentation models must integrate deductive syllogisms, principle analysis, and coherence considerations, as proposed by MacCormick. This approach ensures that normative research does not become trapped in procedural formalism or value subjectivity. Thus, the construction of prescriptive arguments must be built on the basis of formal validity, principled rationality, and systemic coherence. The integration of these three dimensions is a methodological prerequisite for addressing the issue of norm ambiguity in a sharp and scientifically responsible manner.

CONCLUSIONS *(Cambria, Bold, size 12, Space 1.0)*

Normative legal research methodology cannot be reduced solely to the activity of inventorying written norms, but rather is a scientific process that relies on the construction of systematic prescriptive arguments and is based on the hierarchy of norms, legal principles, and fundamental principles of the legal system. A comparison of expert thinking shows that the legislative approach as emphasized by Peter Mahmud Marzuki and elaborated by Mukti Fajar & Yulianto Achmad has its theoretical basis in Hans Kelsen's theory of norm hierarchy, but becomes inadequate when applied textually without integrating the principles of *lex superior*, *lex specialis*, and *lex posterior*. On the other hand, the conceptual approach developed through the ideas of Sudikno Mertokusumo on the principle of law, Ronald Dworkin on law as principle, and Philipus M. Hadjon on the centrality of doctrine, shows that written norms always require rational legitimacy through coherent principles and conceptual construction. Historical and comparative approaches enrich normative analysis as long as they are used methodologically and do not get caught up in empirical descriptions or ahistorical and unsystematic comparisons. Furthermore, the method of legal interpretation and argumentation construction as debated between the positivistic model and the principle-based interpretative approach shows that the quality of normative legal research is measured by its logical coherence, systemic consistency, and prescriptive power in offering solutions to legal problems. Thus, the problem of the article regarding how the

conceptualization and approach of normative legal research are understood from the perspective of experts is answered through a critical synthesis that normative legal research is an integrative methodological building: combining the analysis of norms, principles, interpretations, and arguments within the framework of a coherent and scientifically responsible legal system.

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