

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

LAW IN PRACTICE AND PRINCIPLE: REIMAGINING THE LEGAL PROFESSION AND THE JUDICIAL SYSTEM

AUTHORED BY - VARSHA SHREE A I & SHRISH VIBHUTI

BEYOND DOCTRINES: A SOCIO-LEGAL EXPLORATION OF EMPIRICAL RESEARCH METHOD IN INDIAN LAW

This paper focuses on the need of non-doctrinal legal research on bridging the gap between the legal principles and law in practices in India. It complements the traditional doctrinal research that consists of precedents and statutes, and this approach has overshadowed the structural problems experienced by vulnerable classes. Drawing upon methods of non-doctrinal legal research like, surveys, questionnaires, case studies, interviews and data analysis; this paper analysed how empirical inquiry can enrich the understanding of issues such as child labour laws, dowry prohibition, legal education reforms and enforcement of Article 21. It also engages with key theoretical debates on socio-legal research and examines challenges such as data reliability, research ethics and feasibility of conducting research within Indian legal academia. Overall this research emphasized the integration of empirical research into legal scholarship can reimagine the role of lawyers, judges and legal institutions in responding to contemporary social justice concerns.

THEORETICAL FRAMEWORK

I Doctrinal vs. Non Doctrinal Research

Doctrinal legal research is defined as into legal doctrines through analysis of statutory provisions and cases by application of power of reasoning. On the other hand, non doctrinal legal research is the research method which is linked with law and other behavioral science. The non- doctrinal research or socio-legal research often involves the use of social science research methods such as surveys, experiments and case studies, to investigate a particular phenomenon.

The pattern of research is based on the nature of research questions and research objectives. In some cases, both elements are used to provide a comprehensive understanding of legal issues.

1. Methodology of Doctrinal Research

The main objective of doctrine research methodology that focuses on analysing and interpreting legal documents such as statutes, case law, regulation and treaties in understanding legal concepts, principles and doctrines. The methodology of doctrine legal research:

1. Identification of the research problem: it involves defining the research problem or question and clarifying the scope of research.
2. Collection of legal sources: to gather information such as statutes, regulation, case laws and legal treatises.
3. Evaluation of legal sources: once the legal sources have been collected, the researchers must be evaluated on the basis of relevance, reliability, and credibility.
4. Analysis of legal sources: after evaluating the legal sources, the researcher must analyse them to identify legal principles, concepts and arguments.
5. Synthesis of legal principles: the researcher must synthesize the legal principle and concepts that have been synthesized to the research problem or question, to arrive at a conclusion or recommendation.
6. Application of legal principles: finally, they must apply the legal principles and concepts that have been synthesized to the research problem or question to arrive at a conclusion or recommendation.

2. Methodology of Non - Doctrinal Research

Non-doctrinal legal method, also called empirical or socio-legal research, focuses on practical, real-world aspects of law instead of only theoretical analysis of legal texts. It gathers primary data through fieldwork, surveys, interviews, and observation to study how law interacts with society and affects individuals. Non-doctrinal research looks at the social, economic, and political effects of laws, their implementation, and how legal policies influence communities. This approach combines legal analysis with social sciences to provide a wider understanding of law in context.

- It focuses on facts and is built on data collected directly, rather than depending only on secondary legal sources.
- It uses methods like surveys, interviews, questionnaires, and case studies.
- The research focuses on how effective laws are in practice, their impact on society, and the consequences they have in the real world.
- It often seeks to improve policy-making and legal reform by pointing out the differences between the law as written and the law as it is applied.

- It is usually seen as more trustworthy because it focuses on primary data. It also gets updated regularly to show social changes.

II Purpose and application of Non-Doctrinal Research

1. Purpose of the study

- The main goal is to tackle current social issues and create strategies to deal with social problems by examining the connection between law and social realities.¹
- It lets researchers look at the real effects of legal principles on society. This goes beyond just theoretical or doctrinal analysis.
- By emphasizing real-world data, it offers insights into how legal rules work in practice. This also brings attention to possible gaps or unintended consequences.

2. Application of the study

- Empirical legal research examines how law affects events outside the legal system. This includes areas like economic trends, technological innovations, and political changes.²
- Researchers use various methods and data collection techniques, such as surveys, interviews, or observations. They do this to answer specific research questions or to confirm hypotheses.
- The approach includes identifying relevant variables, choosing what to observe or measure, examining relationships, and drawing conclusions based on data about how well the law meets societal needs.

3. Nature of Non - Doctrinal Research

- **Empirical and Socio-Legal:** Non-doctrinal research is either empirical or socio-legal. It uses primary sources like surveys, interviews, and case studies to examine how law applies and its effect on society.
- **Fact-Oriented and Multidisciplinary:** This approach focuses on facts and draws from various fields within the social sciences to study the effects and purposes of laws. It aims to understand law as an evolving social phenomenon instead of just a collection of rules.
- **Holistic Approach:** This research offers a wide view of law by looking at social,

¹ Dr. Robergs, Introduction to Empirical Research, Dissertation seminar summer session (2010)

² Mrs. Debashree Chakraborty, Empirical (non - doctrinal) Research Method and its role in legal research, 31 Int. J. Ad. Social Science 23 - 28 (2015)

economic, and cultural results. This helps create more genuine and usable legal studies.

- **Data Collection Techniques:** Non-doctrinal research uses both qualitative and quantitative tools, such as interviews, questionnaires, and observations, to gather real-world data that supports or challenges legal hypotheses.³

4. Theories of Theoretical Framework

- **Structural-Functional Theory:** This theory studies how legal institutions help maintain social order or promote social change.

For example, analyzing how family law supports the family as a basic unit of society uses this framework.⁴

A legal research study that does not follow strict doctrines and uses Structural-Functional Theory could investigate how changes in traditional family roles affect social stability and family law. This research would look at how disruptions like high divorce rates or the rise of single-parent households impact children's development and social integration. These effects could be measured through observation, surveys, or interviews with families and legal professionals. The study would also examine how family law supports standard family structures through legal norms and policies that help maintain societal balance. Furthermore, it would evaluate the gender-based division of labor in families, where fathers usually take on the role of economic provider and mothers often serve as emotional caretakers. It would assess how recent social changes, such as shared parental leave or recognition of same-sex parenting, influence these roles and their effect on family stability. By relying on empirical data, this research could show how family law helps maintain social order by aiding socialization, managing conflicts, and protecting vulnerable family members. This would highlight the law's crucial role in societal stability beyond just theoretical analysis.

- **Conflict Theory:** applies to research on inequality or access to justice. It explores how legal systems can reinforce or challenge social hierarchies.

For example, a study on how criminal laws affect marginalized communities might use this framework.

An example of conflict theory in non-doctrinal legal research can be shown through real studies that reveal the gap between the law as it is written and how it is actually

³ P. Ishwara Bhat, in *Idea and Methods of Legal Research* (Delhi, 2020; online edn, Oxford Academic).

⁴ S. Taekema, *Theoretical and Normative Frameworks for Legal Research*, 14 *Erasmus L. Rev.* (2018).

practiced. These studies demonstrate how law enforcement and court practices may mirror deeper social conflicts and power struggles. Conflict theory emphasizes that law benefits dominant groups. Non-doctrinal research looks at the social, economic, and psychological factors behind legal processes instead of just focusing on legal texts.

One example discussed in the file is the study of criminal justice administration. Non-doctrinal research shows how judges' personal biases can influence sentencing practices. This highlights a gap between the ideal legal system and its actual application. It also reveals the systemic inequalities and power dynamics that are present in the law (Prasannan, 1966)⁵. This approach differs from doctrinal research by focusing on how social realities and conflicts affect legal outcomes.

- **Behavioral Theory:** focuses on the behaviors and attitudes of legal actors, such as judges, litigants, and police.

For example, this approach helps us understand why people comply with certain regulations or why they do not.

It involves studying judicial compliance and decision-making. This research would look closely at the behaviors and attitudes of judges, police, and litigants to figure out why they follow legal rules or choose to ignore them. The study might use surveys and interviews with judges to explore how personal beliefs, ethical concerns, and views on social and political pressures affect judicial decisions. It could also analyze police behavior in law enforcement, looking at factors like discretion, bias, or following procedures. Similarly, it could examine litigants' attitudes toward the justice system and their reasons for settling or pursuing litigation.⁶

By collecting primary data on these actors' behavior patterns and attitudes, the researcher can see how legal rules work in practice, beyond just theory. The study might also look at the factors that help or hurt following regulations. This could offer insights for legal reforms that would improve compliance and justice delivery.

- **Systems Theory:** looks at law as part of a larger system that includes economic, political, and social factors, as well as how these systems interact with each other.

For example: Research on environmental regulations and how effective they are in practice highlights this approach.

An example of system theory in non-doctrinal research can be found in environmental

⁵ R. Prasannan, *The Need for Non-Doctrinal Research in Criminal Justice Administration*, 8 J. Indian L. Inst. 252 (1966).

⁶ John J. Rachlinski, *Judging the Judiciary by the Numbers: Empirical Research on Judicial Behavior*, 90 Cornell L. Rev. 765 (2005).

law studies. Researchers use systems thinking to look at environmental law as a mix of social and natural elements interacting with each other. This method helps to break down the complexity of socio-ecological systems and suggests ways to improve them through legal and institutional actions. For example, systems methods can describe complex socio-ecological systems, diagnose the dynamics of coupled social-ecological systems, and pinpoint where legal or institutional actions can improve environmental and social results. Some examples include using participative systems methods for regional landscape strategies and creating system flowcharts to examine the role of judges in enforcing environmental law.⁷

- **Socio-Legal Paradigm:** This approach uses both qualitative and quantitative methods to evaluate the impact of reforms or legal aid programs. It measures policy outcomes and societal perceptions.

An example of non-doctrinal legal research using the Socio-Legal Paradigm looks at legal aid programs to see how they affect access to justice and public perceptions. For instance, a recent socio-legal study in India from 2018 to 2021 evaluated the effectiveness of legal aid for undertrial prisoners in Maharashtra. This research used both qualitative methods, like interviews and case studies, and quantitative methods, such as analyzing prison population data and case outcomes, to assess the impact of legal aid interventions. The study looked at how legal aid helped reduce prison overcrowding, improved legal representation for marginalized groups, and provided support for rehabilitation in the criminal justice system. By examining policy outcomes and societal feedback, the research showed how important legal aid is as a means of promoting equal access to justice.⁸

- **Case Study and Field Observation Models:** Use detailed case studies, surveys, and interviews to examine law in action.

For example, research the impact of legal reforms by gathering primary data from affected populations.

An example of non-doctrinal legal research using case study and field observation models on the Right to Education (RTE) Act in India involves detailed surveys, interviews, and census data analysis to examine the implementation and impact of the Act on elementary education.

⁷ Paul Martin & J.B. Ruhl, Systems Thinking in Environmental Law Research, in *Non-Doctrinal Research Methods in Environmental Law* 11–13 (2025).

⁸ Prayas, *Legal Aid to Undertrials Prisoners in Maharashtra 2018–2021: A Socio-Legal Intervention Model in the Criminal Justice System* (2021).

One study conducted across Delhi/NCR used a mix of qualitative and quantitative methods. The research team gathered information through semi-structured questionnaires, face-to-face interviews, focused group discussions, and participant observations in government and private schools. The findings showed limited improvement in education quality, even with increased enrollment due to the RTE Act.⁹ It pointed out socio-economic and infrastructure challenges that hinder effective implementation and called for stronger operational support of the Act's provisions.¹⁰

Another study analyzed three waves of National Sample Survey Organisation data from 2007-08 to 2017-18 to look at school completion rates among rural low-income children. It found a significant increase in primary school completion linked to the RTE Act, but noted uneven progress across gender and marginalized communities. The research also revealed that private unaided schools played a limited role in enforcing mandatory admissions under RTE.¹¹

These studies highlight the value of combining case studies, fieldwork, and census data to assess policy outcomes, such as enrollment, retention, and education quality, along with societal views on the effectiveness of the RTE Act.

5. Nature of Non - Doctrinal legal research

- **Fact-Oriented and Practical:** Prioritizes primary data collection from observation, fieldwork, or interviews instead of relying solely on legislation and court rulings.
- **Holistic and Multidisciplinary:** Studies how law functions in its social, economic, and political context, often called “socio-legal research,” and includes ideas from sociology, psychology, and political science.
- **Evaluative and Policy-Relevant:** Concentrates on assessing the effectiveness, implementation, and social effects of laws. This provides feedback for changes in legislation and improvements in policy.

a) Examples of nature of non doctrinal research

- 1. Justice System Field Survey:** Researchers interview and survey incarcerated individuals to understand the social impact of criminal justice policies. They look into

⁹ Seema Ojha, A Case Study of Delhi/NCR Schools Post Right to Education Act, 2009, *Int. Res. J. Social Sci.* 6(7), 17-25 (2017).

¹⁰ Leena Bhattacharya, Examining the Right to Education Act, 2009: School Completion and Disparities, *UNESCO Global Education Monitoring Report* (2021).

¹¹ SK Jha, Effects of the Right to Education Act on School Education in India, *Research Review Int'l J. Multidisciplinary*, 10(3), 63-80 (2025).

whether harsher penalties deter crime and how pretrial detention affects rehabilitation. Non-doctrinal legal research aims to understand how law works in the real world, beyond just statutes and precedents. For example, researchers studying criminal justice policies might conduct in-depth interviews and surveys with incarcerated individuals. They try to gather firsthand accounts and data on how specific policies impact those individuals. This study could look into whether harsher penalties work as effective deterrents or whether they lead to higher rates of repeat offenses.

Additionally, research might examine conditions of pretrial detention. This includes how delays in release affect inmates' mental health, social relationships, and their chances of rehabilitation. Data collection would include direct surveys, qualitative interviews, and observational studies within prisons. It would also involve analyzing policy documents and crime statistics.

This approach captures personal experiences and social dynamics related to criminal justice. It offers detailed insights into systemic problems and the effectiveness of policies. The research connects legal theory with social reality by focusing on real-life experiences. This kind of data can help guide reforms that aim for better rehabilitation and humane treatment instead of just punishment.¹²

- 2. Human Rights Fieldwork:** Non-doctrinal studies rely on field observation and direct interviews with affected groups, such as refugees or victims of discrimination. They aim to document real human rights abuses and shortcomings in law enforcement.

A detailed example of non-doctrinal legal research through human rights fieldwork involves studies among refugees or victims of discrimination. These studies document real abuses and gaps in enforcement.

Such research depends largely on quantitative methods like direct interviews, participant observation, and field surveys within affected communities. For example, a 2022 field survey conducted around the Rohingya Refugee Camp near New Delhi gathered primary data directly from refugees and camp leaders. Researchers recorded their experiences regarding violations of legal rights related to education, health care, housing, and protection.¹³ These issues are poorly addressed by current immigration and human rights laws in India. This study aimed to reveal the gaps between legal protections in theory and the realities people face, highlighting both physical abuses

¹² Bureau of Justice Statistics, Survey of Prison Inmates, 2021, U.S. Dep't of Justice (2022).

¹³ Human Rights of Refugees and Asylum Seekers in India, National Human Rights Comm'n (June 2022).

and systemic neglect.¹⁴

By using social science tools alongside legal analysis, non-doctrinal research in this context reveals how laws fit with or oppose social realities. It highlights the law's role as a social institution shaped by political, economic, and cultural factors, not just by abstract statutes.

- 3. Environmental Regulation Impact:** A study might include gathering pollution data and interviewing important stakeholders. The goal is to measure how effective environmental protection laws are and to spot differences between legal requirements and what really happens.

A detailed example of studying the impact of environmental regulation using non-doctrinal research methods involves collecting pollution data and interviewing key stakeholders to evaluate how effective environmental protection laws are. The study aims to measure the alignment between legal requirements and real-world environmental outcomes. It seeks to identify gaps or discrepancies between the law's intentions and its practical enforcement. This includes assessing the ability and motivations of implementing agencies, the behavior of regulated entities, and the socio-political and economic contexts that affect compliance.

The study might combine quantitative pollution measurements with qualitative stakeholder interviews to gather evidence from multiple sources. For instance, pollution data offers objective evidence of environmental conditions, while interviews with regulators, industry representatives, local communities, and NGOs provide insights into how laws are enforced, the obstacles they encounter, and their views on fairness and effectiveness.

This approach acknowledges the complexity of socio-ecological systems. It recognizes that legal effectiveness depends on more than just doctrine; it also relies on institutional capabilities, political will, and cultural acceptance. Methodological designs usually involve mixed methods research, combining both quantitative and qualitative data for a fuller understanding.

This approach is illustrated in Paul Martin and colleagues' work in non-doctrinal environmental law research. They emphasize creating practical, mixed-method studies tailored to specific legal and environmental questions while upholding scientific rigor

¹⁴ Michael S. Miller et al., Patterns and Evidence of Human Rights Violations Among US Asylum Seekers, 135 Int'l J. Legal Med. 693 (2021).

and ethical governance. Their discussions highlight how to break down research questions into sub-questions, select appropriate data-gathering methods, consider the feasibility of research, and navigate ethics approvals in empirical legal research contexts.¹⁵

- 4. RTE Act Case Study:** Researchers use mixed methods, including case studies, school census data, and interviews, to examine how the Right to Education Act has increased enrollment rates. However, it may not be as effective in terms of quality or inclusivity for marginalized children

The study of the Right to Education Act, 2009, shows non-doctrinal legal research. It looks beyond just examining laws and court decisions. It explores how the law works in real life and its impact. This approach uses data from enrollment statistics, the socio-economic background of beneficiaries, and education quality assessments like those in the Annual Status of Education Report (ASER). It also looks at challenges such as teacher shortages, lack of infrastructure, and the actual effectiveness of the 25% reservation for economically weaker sections in private schools. By combining constitutional mandates, interpretations of case law, and data from the field, this research reveals the gap between legal theory and practice. It provides critiques of policy and practical suggestions for improving access to education and outcomes for marginalized groups under the RTE framework. This thorough examination focuses on real-world effects and insights from various fields rather than just analyzing texts.¹⁶

METHODOLOGY IN NON - DOCTRINAL LEGAL RESEARCH

I Tools and techniques

1. Surveys and Questionnaires

Surveys and questionnaires are both tools for collecting information from multiple groups or people, but they differ mainly in scale and purpose. A questionnaire is a form containing questions for respondents to answer, which can be self-administered or interviewed. Survey is the combination of questions, processes and methodologies that analyse data about others.

A survey always involves questionnaires. But, a single questionnaire is only a small part of the

¹⁵ Supra 7.

¹⁶ Suresh Chandra Pandey, Right to Education Act, 2009: Universalising Elementary Education, Uttarakhand Judicial Legal Review (2013).

survey. Creating a survey requires a greater time and effort and it is a strategic method of research that provides us with great insights. Collecting or interpreting data incorrectly can reduce the validity of results. The ultimate purpose of a survey is to find out more about a certain set of people.

Survey is wider process that involves:

- An approved sampling method to ensure representation.
- Standardised data collection method through questionnaires.
- Statistical analysis to generate findings to a wider population.

The survey required a clear purpose and well - phrased questions. It must be unbiased and must be in comprehensible format.

A questionnaire is a research instrument consisting of well structured questions designed on collecting information from respondents about their attitudes, experiences, opinions or behavior. It is mostly used in social science research, market research, health studies on gathering qualitative and quantitative data. It can be administered in various ways like in person, online, phone or through paper forms. They often have a set of closed - ended questions and open - ended questions. A questionnaire is a key data collection tool within a broader survey process but it is distinct from the survey itself that encompassed the entire procedure of collecting, analysing and interpreting data. Effective questionnaire design involves careful question formulation, logical sequencing and choosing appropriate administrative methods to ensure reliable and valid response. They are viewed as:

- Cost effective
- Standardisation
- Ability to collect data from larger samples.¹⁷

1.1. Measuring awareness of RTI Act among villagers

Research measuring awareness of the Right To Information Act at the village level employs surveys by well structured questionnaires administered through face - to - face interviews. Through this method, they found awareness of the RTI Act around India is percent but a notable 34 percent still unaware, mainly in rural and less educated populations. This study exhibited the barriers including bureaucratic resistance and difficulties in accessing information that affected around 39 percent of respondents. This means despite outreach efforts, educational

¹⁷ INTRAC, Survey and Questionnaires (2017)

campaigns and institutional strengths are the requirement to improve RTI awareness and usage among villagers empowering them to use RTI as a tool to address corruption and governance issues.¹⁸

One Comprehensive Survey in Bangladesh included 12800 respondents across both urban and rural areas, using Computer - Assisted Personal Interview (CAPI) methods with structured questions. It contained quantitative surveys with qualitative focus group discussions involving multiple stakeholders. This mixed - method approach gave a holistic picture on awareness, effectiveness, challenges and actual use of RTI provisions at the grassroots level.¹⁹

Surveys administered via questionnaires are the primary data collection tools in non - doctrinal research on RTI awareness and usage. For large scale studies like the RTI awareness survey mentioned above, the Computer Aided Personal Interview (CAPI) technique is allowing electronic data entry during interviews to improve accuracy and efficiency. These surveys and questionnaires collect variables such as demographic details to identify significant correlations and insights.

2. Interview

Interview is a method to collect qualitative data providing detailed information about research issues. It extracts knowledge from views, opinions called a “system” of elements via interaction. Interview is both an art and a skill requiring rapport, freedom for respondents to express views and attentive observation of responses that includes emotions and contradiction. There are types of interview includes:

- Structured interview: focus on specific questions with limited respondent influence.
- Unstructured interview: encourages respondent led discussion.

The content and process are different: content is “what is said” focusing on research ideas; process includes observing behaviour, tone, and body language to understand deeper meaning. Interviewers must note inconsistencies, emotions and speaking styles as data. Using information from interviews involves deciding its relevance, support or contradiction to research, and meaningful insertion into the research with summaries, short quotes or separate paragraphs. Interviews are best suited for exploring perspectives, beliefs, feelings, motivations and future plans in detail. They allow qualitative insights beyond mere description of events.²⁰

¹⁸ Bijnor Villagers using RTI to expose graft in Local Bodies, Times of India (August 2019)

¹⁹ Bangladesh Right To Information survey 2019.

²⁰ Vivek. V. Jawale & V.M. More, Interview Technique in Legal Research, 2 Online International Interdisciplinary Research Journal, Volume II, Issue VI, November - December 2012, pages 197 - 204.

2.1. Undertrial Prisoners about bail delays

For non - doctrinal research on undertrial prisoners regarding bail delays using interview methods, the approach would involve qualitative interviews aiming to explore the perceptions, feelings, motivations and experiences of undertrial prisoners about bail delays. The interview serves as a powerful data collection tool to extract individual viewpoints beyond mere factual description.

The main purpose for Undertrial Prisoners on Bail Delays

- To gather firsthand perceptions and emotions related to delays in bail processes faced by undertrial prisoners.
- To understand the impact of bail delays on prisoners' mental, social and economic conditions.
- To capture motivations, experiences and anticipation regarding the judicial process from the prisoners perspective.
- To explore systematic issues contributing to bail delays through qualitative narratives.

3. Case studies

Non - doctrinal legal research involves qualitative data collection methods such as interviews, focus groups, and personal narratives to explore perceptions, beliefs, feelings, motivations and experiences related to legal research. It emphasizes the use of personal interviews in case studies for collecting rich qualitative data that reveal subjective elements and complex perspectives.

The key points for case studies

- Interviews allow obtaining in depth, nuanced views directly from participants.
- Both structured and unstructured interviews are used depending on the research aim.
- Personal and group interviews help understand diverse experiences and social dynamics.
- Interview content and process are crucial for valid interpretation.
- Ethical consideration includes obtaining informed consent and ensuring confidentiality.
- Case studies in legal research use interviews to shed light on practical problems, legal perceptions and socio - legal phenomenon.

a) Nirbhaya case in case studies

The Nirbhaya case, a brutal gang rape and murder in Delhi in 2012, led to significant

reforms in Indian criminal law (Amendment) Act, 2013. This legislation broadened the definition of rape, introduced more stringent punishments that include the death penalty for certain offences, and added new offences like stalking and voyeurism. It also mandated fast track courts to reduced delays in the prosecution of sexual assault cases and introduced victims protection measures during trial proceeding.

The researchers use the non- doctrinal research to examine on the basis:

- How the public reacts on the matters.
- The effect of public protest on legislative reforms.
- Data of National Crime Records Bureau and field interviews to evaluate the courts and juvenile justice provisions.

4. Observations

For a proper non- doctrinal research, crucial observation is required on the study of law in action rather than law in books. This approach uses tools like interview , surveys, case studies and statistical analyses to investigate how legal rules work on the ground and impact individuals or communities, going beyond a mere examination of statutes or case law.

A core observation is used on the implementation and impact of what statute is diverse from intended observation.

For example, empirical studies may reveal that despite robust legislative frameworks, social, cultural and procedure barriers can limit access to justice or hinder effective enforcement - issues that are not always visible through doctrinal methods. Non - doctrinal research also exposes the lived experience of stakeholders, shows a deeper understanding of challenges faced by victims, law enforcement, and the judiciary, thus informing more effective policy interventions.

1. Studies of terrorism trials in Dutch courts have combined observation, detailing note-taking, courtroom drawing to capture dynamics, power relations and legal ritual performance from multiple perspectives, offering nuanced insights into how trial has unfold complex social and political events. ²¹
2. In Chile, a collective courtroom ethnography conducted in lower criminal courts observed the transition from inquisitorial to adversarial oral public trials, highlighting challenges such as openness, access to justice, and courtroom atmosphere under legal reforms.

²¹ Tasniem Anwar & Machteld Aardse, The Courtroom as four landscapes: Reflection on Terrorism Trials through Ethnographic Research, 34 Soc. & Legal Studies 558 (2025)

5. Data Analysis

It involves the examination and interpretation of primary data collected from empirical sources like surveys, interviews, observations and case studies. This type of research focuses on understanding the real - world social impact of laws and legal institutions, going beyond doctrinal analysis. It should be empirical and fact oriented where researchers rely on first - hand data rather than secondary data. Data is needed to be quantitative in nature for a better result to know about the current scenario well. The main aim of the research is to bring and draw conclusions about the practical impact of laws on society that include social, economic and political effects. Final analysis often leads to recommendations for law reform or critique of legal policy based on observed realities.

a) National Crime Records Bureau analysis

The latest NCRB crime statistics provided detailed insights on current trends that show a significant increase over recent years. Cybercrime cases rose sharply by 31.2% in 2023 compared to 2022, reaching 86,420 reported cases, up from 65,893 the previous year.²² The category of fraud accounts for the largest cybercrime cases around 68.9%, followed by sexual exploitation (4.9%) and extortion (3.8%). Financial losses are common due to cyber frauds at a period that surged with losses crossing rs.22,845 crores in 2024, representing a 206% jump compared to 2023. Daily average cyber crime complaints have been increasing over the period of time that become an upward threat.²³

II Reliability issues

This refers to errors and distortions in research outcomes that reduce the consistency and trustworthiness of data and findings. This bias can arise from several factors in tools and techniques used in empirical research:

- Interpretation of quantitative data from interviews, surveys, observations may reflect personal biases, affecting consistency and objectivity.
- The design of questionnaires, surveys or interviews guides may lead to biased answers due to poorly worded questions or leading prompts.
- Non- representative samples affect the generalizability and reliability of findings.
- Inaccurate coding, classification or data entry can distort analysis.
- Non-doctrinal research often lacks uniform tools or methods, leading to variability of

²² National Crime Records Bureau, Crime in India (2023).

²³ National Crime Record Bureau, Crime in India 2023 45 (2024)

results.

- Socio - economic, cultural or political variables influencing data can be unaccounted for affecting reliability.²⁴

APPLICATION IN INDIAN LEGAL CONTEXT

I Child Labour Laws: Statutory ban vs Actual Persistence of child labour in brick kilns and restaurants:

India's primary legislation, The Child Labour (Prohibition and Regulation) Act, 1986 (amended in 2016), prohibits employment of children below 14 years in hazardous occupations and regulates adolescents labour (14-18 years)²⁵. The Act lists 18 hazardous industries included brick kilns and restaurants where child labour is banned. The Child and Adolescent Labour (Prohibition and Regulation) Act prescribing penalties for violations. Furthermore, the Right To Education Act mandated Free and compulsory education for the age of 6 to 14 years, to curtail child labour.²⁶ Supreme Court encountered cases that helped to mitigate child labour such as:

- *Bandhua Mukti Morcha v. Union of India*²⁷: The Supreme Court addressed forced labour of children in the carpet industry and ordered release & rehabilitation of child laborers.
- *M.C.Mehta v. State of Tamil Nadu*²⁸: this case resulted in directions for surveys, withdrawal of children from hazardous industries like fireworks and matchstick factories, welfare fund contributions from employers, and ensuring education for the withdrawn children.
- *Jayakumar Natarajan & Anr v. State of NCT of Delhi & Anr*, Delhi High Court, 2015²⁹: directed the government for economic help schemes for rehabilitation of rescued child labourers and emphasized prevention of re-employment of children.³⁰

1. Persistence of Child Labour in Brick Kilns and Restaurants

Child labour in the brick kiln industry in India is a critical socio-economic issue characterised

²⁴ Arevik Avedian, Promoting Reliability and Replicability in Empirical Legal Research (2025)

²⁵ Child Labour (Prohibition & Regulation) Act, No. 61 of 1986

²⁶ Right of Children to Free and Compulsory Education Act No. 35 of 2009.

²⁷ (1984) 3 SCC 161.

²⁸ Writ Petition (civil) No. 465/1986, (1996) 6 SCC 756.

²⁹ W.P.(CrI) 1548/2015.

³⁰ Rupak Verma & Sarvind Chaudhary, Modern Slavery in the Shadows: Addressing Child Labour in the Brick Kiln sector, 9, International Journal Social Impact 109 (October - December 2024).

by the exploitation of impoverished migrant families. Children mostly living on site with their families, work long hours (typically 10 to 12 hours per day) performing strenuous and hazardous tasks such as molding bricks, hauling materials, and cleaning. They receive wages significantly lower than adults, sometimes only Rs. 150 to Rs. 200 per day, despite performing similar work that adults are paid Rs 300 to Rs 400 for. Due to their involvement in labour, these children miss out on education as schools are distant or nonexistent near kiln sites, and kiln owners do not facilitate access to schooling. The exploitation extends beyond economic aspects that affects the physical and psychological well - being.

From a legislative perspective, India's Child Labour (Prohibition and Regulation) Act, 1986 bans employment of children below 14 years in hazardous industries including brick kilns with penalties for violations. However, enforcement challenges persist due to weak inspection mechanisms and informal labour practices. The system of debt bondage increased child labour where families accept advances from kiln owners or contractors and are forced to work intensively to pay off debts, often involved their children. Despite constitutional and Supreme Court mandates prohibiting child labour, the informal nature of the brick kiln sector and socio-economic vulnerabilities perpetuate this practices.³¹

2. Gaps Revealed by NGO Survey

- Lack of effective enforcement and inspections due to resource constraints and corruption.
- Children's families rely on labour income due to poverty and lack of social protection.
- Absence of local schools near work sites and kiln owners neglect education access.
- Cultural and socio-economic factors normalising child labour.
- Discrepancies between legal mandates and ground realities show children continue despite statutory bans.

II Dowry Prohibition Act 1961

This was enacted to prohibit the giving and taking of dowry and penalties associated with harassment. Despite this statutory framework, National Crime Record Bureau data and family court interviews indicate persisting dowry harassment in India. The Act defines dowry broadly to include any property or valuable security given at or before marriage and criminalising

³¹ Vinay Kumar, Child Labour in the Brick Kiln Industry: A socioeconomic & legislative perspective, 12, International Journal Food & Nutritional Science (2023).

giving, taking or demanding dowry (sections 2, 3 and 4).³² It empowers authorities including Dowry Prohibition Officers to take actions. The penalties range from imprisonment to fines, and the burden of proof lies on the accused person in dowry cases. Data from NCRB, dowry cases shows 13,479 law violations and 6450 dowry death reports have been significant in some states like Uttar Pradesh, and Bihar. Studies find underreporting of harassment due to victim stigma, family pressure, fear of law enforcement attitudes, and misclassification of dowry death as accidental. Family court interviews reveal continued psychological and physical harassment pertaining to dowry demands, despite legal protection. Enforcement challenges have been viewed in this case, which includes lack of trained officers, resource shortages and socio-cultural normalisation of dowry practices. The gap between reported harassment and death indicates many women endured prolonged abuse before filing complaints and received inadequate protection.³³

Despite the rising rate of dowry death across India, conviction rates remain low. A minimum number of 33 percent of cases are completed trials end in conviction. Section 304B and 498A are limited in implementation due to lack of enforcement factors.

Family courts, NGO reports and scholarly surveys emphasized factors like lagged awareness of legal protection, socio-economic dependence, cultural factors and others are taken into consideration as the contributors of dowry death and cases.³⁴

III Legal Education - a post modernist perspective

This is fundamentally linked with non - doctrinal research, as they advocate moving beyond rote learning and doctrinal learning of law. Post-modernist thinkers often think that they are more into legal and doctrinal aspects that confines and they relied heavily on statutes, cases and commentaries that often cost the engagement of other factors such as social, political and ideological underpinnings. Effects of law are said to be real in the society where people thrive accordingly. Their outlook encourages the study of law in interaction with other disciplines.

Empirical and analytical approaches in post modernist legal pedagogy and non-doctrinal research investigates law in real world experiences, data collection and critical analysis that surpass the boundaries of traditional text based study. Empirical inquiry involves gathering primary data through fieldwork, survey, interview and direct observation to understand the operation of law and consequences of social realities rather than deducing answers from

³² Dowry Prohibition Act, No. 28 of 1961.

³³ Shreya Seth & Seema Modi, Critical Study of Dowry Death in India, 6, Journal of Positive School, Psychology, 3134 (2022).

³⁴ National Crime Record Bureau, Crime in India Statistics 2022 (2023)

statutes or judgments. Analytical methods incorporate both qualitative or quantitative research to identify the measurable trends and patterns within legal systems and their societal impacts. Together, these allowed the gap between legal norms and societal behaviour, and the broader impacts of legal intervention.

By integrating empirical data analysis, non-doctrinal research challenges the notion that the legal knowledge is derived from statutory interpretation and case law analysis. Instead it provides a dynamic, responsive and socially engaged legal education that produces lawyers and scholars that are equipped to address contemporary legal challenges, advocates for social justice, and contribute to effective law reforms.³⁵

4.4. Non doctrinal legal research role in Article 21 of Indian Constitution

Non doctrinal research played a vital role in understanding and expanding the scope of Article 21 of the Indian Constitution that guarantees the right to life and liberty. This brings out the practical implication of the society that highlights the life and liberty of an individual. The laws are applied in real life context like prison, health, environment, administration review.

Non doctrinal highlights the gaps between the constitutional guarantees and judicial enforcement by looking at the prisoner rights and their right to life in the prison, some data revealed that they have a prolonged detention without a trial.³⁶

Empirical research on public facilities reveals the inadequate infrastructure that impacts the fundamental rights of people. It also shows that the right to be aided by doctors in the case of accidents without going through a legal procedure, as the human interest is the paramount interest and procedural laws cannot interfere in the life of humans when at stake.³⁷

It also supported environmental jurisprudence under Article 21 by documenting pollution impact on health and life quality. The Supreme Court's recognition of the right to a healthy environment. This linked the environment with the right to life approach to examine the social, economic and political context of legal problems to know how law works in real life.³⁸

Appointment of an expert committee that conducted ground research on the factory and report on safety implementation and the hazards posed by the industrial unit. They evaluated legislative inadequacy like strict liability rule from the case of *Ryland v Fletcher*³⁹, were insufficient to address the modern intricacies of laws.

³⁵ A. Lakshminath & Prafulla Lele, *Legal Education in India: The challenge of change* 52, (2nd edition 2019)

³⁶ Francis Coralie v. Union Territory of Delhi, AIR 1981 SC 746.

³⁷ Paramanand Katara v Union of India & Ors 1989 AIR 2039.

³⁸ M.C.Mehta v. Union of India 1987 SCR (1) 819.

³⁹ (1868) L.R. 3 H.L. 330.

Empirical data show their prevalence to mentally ill persons, women and children from marginalized communities and pavement dwellers; their life and implementation of law shows a stark contrast to the law that failed to implement at many facades of society. People from such vulnerable classes show how their lives are not improved despite numerous laws and schemes established by the government for their welfare. They are considered as unimportant in society, like bringing reservation of 25 percent to children of SC/ST in all schools but people from local communities and downtrodden are not aware of their own rights. People of Dom communities from Banaras are being brutally abused and treated as untouchable at current period despite Article 17 emanating Abolishment of untouchability. People from the upper class are not to accept them as brotherhood.

It is difficult to implement the laws despite statistical data showing the requirement of laws and implementation of amendments that are stringent. And through the statistical reports, there were improvements and more are yet to improve.

CHALLENGES OF NON DOCTRINAL LEGAL RESEARCH

I Access to Respondents

Bureaucratic resistance is a common barrier when it comes to access to respondents in prison or police office. Officers are reluctant to allow entry or sharing of data due to institutional protectionism or fear of security.

For example: The prison studies on misconduct shows the prisoners are facing threats quite often, pressure from gang affiliated inmates, and bureaucratic interference, complicated research access to data collection.

The most critical challenge was protecting officers from potential retaliation. The respondents were detailing how their professional discretion is constrained by criminal gangs,

1. Risk of retaliation: risking themselves on revealing information that could undermine a gang's power or exposing an officer's non-compliance with institutional rules.
2. Potential for veto: the institution allows research that could harm or expose the organisational flaws, especially those who have related to the state's inability to fully control its own facilities against organised crimes.
3. Social desirability bias: officers are trained to uphold state laws and policy. Admitting they account for criminal gangs to maintain order goes against the formal mandate. A

major challenge was ensuring the officers were candid and truthful, overcoming their professional obligation to report only what is officially acceptable.⁴⁰

II Ethical Concerns

Protecting the identity and dignity of vulnerable set of people in society such as rape survivors and juvenile offenders is ethically paramount. Research must ensure confidentiality and informed consent to avoid retraumatization or social stigma.

For example, when we are taking rape survivors on account, several things are needed to be considered;⁴¹

- Researchers must be highly confidential in protecting the identities of the survivors, and at this current rate, there are high chances of being disclosed. So researchers must ensure about the consequences of trauma, social stigma of the victim concerned.
- Handling sensitive data such as counselling records, medical reports and court documents that contain sensitive records to be protected from the purview of the public under evidentiary privileges and privacy laws.
- There are high chances of re-traumatization when the researcher interviews or surveys the victims or survivors. So the questions of the interview must be well clear and make sure it must not touch their past.
- The researchers must be well aware of their legal and ethical laws that have been mandated on the ambit of the scope they are researching towards.

III Data reliability

Data reliability is a significant challenge in non-doctrinal legal research that mainly rely on the government records are

- Outdated
- Delayed
- Politically manipulated according to the ruling parties.

A recent investigation in early 2025 noted that at least 16 key databases and 9 reports from ministries are held back without explanation that resulted in widespread speculation about intentional data suppression that circumvented public scrutiny.

It is also held that this information has been hidden from the mainstream on the account of

⁴⁰ Marcella Nery, Muriel Akkerman, & Amanda Lagreca, Criminal Accountability and Street Level Bureaucrats, X Encontro Brasileiro de Administração Pública (2023).

⁴¹ Jessica Mindlin & Liani Jean Heh Reeves, Confidentiality and Sexual violence survivors: A toolkit for state coalition (National Crime Victi Law Institute) (2005)

preserving the credibility of the ruling government. The key points that are focused in this article are:⁴²

- The government has delayed releasing important dataset without explanation and created suspicion, where the delays have become politically motivated.
For example: the suppression of child malnourishment data from the National Family Survey that created a political speculation on hiding sensitive data.
- There are instances where data appeared inflated to create politically favourable narratives. The government's claim on widespread open defecation free status is contradicted by independent audits showing significant gaps. The revised GDP calculation methodology released years later showed upwardly reviewed growth figures during the tenure.
- Certain data are said to be withheld such as unemployment figures, farmers suicidal statistics and FDI flows are being withheld over a longer period that limited the policy evaluation.

IV Interdisciplinary Gap in Training

Lawyers in non doctrinal legal research often face significant challenges due to gaps in interdisciplinary training mainly in sociology and statistics. At present, lawyers lack in sociology, statistics and research methods that are required for empirical data collection and analysis and making it difficult to design studies, interpret data or apply sociological theories effectively in legal research. This gap necessitates either interdisciplinary collaboration or additional training as a non-doctrinal research demands familiarity with social science concepts and quantitative and qualitative data analysis tools that lawyers do not possess.

There are challenges in non-doctrinal legal research on interdisciplinary gap:

- **Complexity of methodology:** there are diverse tools available in data collection and they balance legal knowledge with social science research approach.
- **Time consuming and resource-intensive:** conducting empirical research that involves fieldwork, data collection, and analysis can be costly and take much longer than doctrinal legal awareness.
- **Lacks the standardized methods:** non-doctrinal research lacks the uniformity standards typical in doctrinal research, leading to variability in findings.

⁴² Diego Maiorano, Politicisation of Data under Modi Regime, ISAS Insights No. 550 at 1- 6 (March 2019)

V Marital rape on non - doctrinal legal research

The difficulty in gathering data on marital rape is caused by multiple pervasive challenges, stemming from stigma, legal gaps and social dynamics. Marital rape is stigmatized in many societies, including India where marriage is culturally regarded as conferred implicit sexual consent. Women often fear social stigma, humiliation, loss of family honor or community ostracism if they disclose such abuse.⁴³ The main problem in marital rape is victim blaming, once the victim tries to get out of the loop, the society pulls her/ them down on their character or behaviour rather than the perpetrator that deterred the spirit of victims. In reality check, married women have limited autonomy in India and spousal control on their finance and emotions are normalized, making sexual abuse on the name of privilege of marriage.

On the basis of legal and structural barriers, marital rape is not criminalised in India and the case on them are not legally recognised and yet the survivors received no redressal. This mainly showcase the mental health perspective on the consequences of marital rape in India. The prevalence of marital rape has been gradually increased from 2 percent to 56 percent with significant associations between marital rape and mental health issues like depression and PTSD⁴⁴. Police and legal authorities often do not take complaint on marital rape seriously or lack of knowledge about relevant laws, resulting in non-registration of cases and misclassification under other domestic violence laws.

Despite researches on marital rape, many people are unaware of this crime and it becomes difficult to ascertain it, and on the other hand, victims are feared of retaliation, divorce and economic insecurity. Hence this becomes the reason for women to tolerate the silence in pain rather than having a sound confrontation.

It is noted that non-doctrinal research played a vital role on looking into the marital rape through various means like interviews, surveys, statistical data and socio economic literature. The Researchers faced uncertainty in citing empirical datasets, reports, interview transcripts and digital or unconventional sources. Researchers are also pressured to maintain the rules of Bluebook on researching purposes.

⁴³ Debanjan Banerjee & T.S.Sathyanarayana Rao, The Dark shadow of Marital Rape: Need to change the narrative, 4, issue 1, Journal of Psychosexual Health, (8 March 2022)

⁴⁴ Nandini Agarwal, Salma M Abdalla & Gregory H Cohen, Marital Rape and its impact on the Mental Health of women in India: A systematic review, 2, PLOS Global Public Health (2022).

COMPARATIVE AND INTERNATIONAL PERSPECTIVE ON NON-DOCTRINAL LEGAL RESEARCH

I United States

The Law and Society movement in the US played a key role in emphasizing empirical research and their legal studies as a part of non doctrinal research. It is also called socio-legal research or empirical research which involves studying law in its social context by collecting and analyzing primary data through methods such as surveys, interviews, case studies and observations. This approach contrasts with traditional doctrinal research that focuses on the actual impact rather than just legal texts.

In non-doctrinal legal research, it has gained recognition as an interdisciplinary approach that combines legal analysis with social science methodology to evaluate how laws operate in real world context. It provides a holistic understanding of law by considering economic, social, and cultural factors and aids in policy formulation, legal reform and human behavior analysis. The approach is seen to be crucial for bridging the gaps in legal theory and practices which improves the legal framework based on empirical framework.

This ideology emerged from the 1960s that institutionalized socio-legal and empirical approach which contributed to a broader international acceptance of non-doctrinal legal research. It helped in establishing the field linking law with social sciences, encouraging methodology that took beyond statutes to understand the functioning of society.

Many points are been highlighted by this aspect:

- It highlights the interdisciplinary scholarship that reshaped the legal studies on including social science methods to understand law's role in society.⁴⁵
- It provides a historical perspective of empirical legal research predating the law and society movement. Kritzer notes that early U.S. empirical studies covered topics such as criminal justice, court processes, legal profession and judicial behavior. The foundational empirical work laid groundwork for socio-legal studies by employing data and observation on law in practices.⁴⁶
- It examines the evolution of empirical legal scholarship from legal realism, a U.S. mid 20th century movement that challenged formalist views of law, to the broader

⁴⁵ Lawrence M Friedman, The Law and Society Movement, 20 Law & Society Review 147 (1986)

⁴⁶ Herbert M. Kritzer, Empirical Legal Studies Before 1940: A Bibliographic Essay, 40, Law & Society Review 713 (2006).

interdisciplinary Law and Society movement that applied social sciences to law and legal institutions.⁴⁷

- It also explains the contrast between traditional doctrinal legal research that relies on legal texts and non-doctrinal research approaches like empirical and socio-legal research. It highlights the importance of non-doctrinal research to understand the law's effects beyond texts.⁴⁸

II United Kingdom

Non-doctrinal legal research in the UK that is often termed socio-legal research, examines law within its social context using social science methodologies. This approach focuses on understanding how law operates in society by collecting and analysing primary data through interviews, surveys, observations and case studies. In the UK, empirical research has notably influenced policy reforms in family law by providing evidence on how laws affect family dynamics, parental rights, and child welfare. This Research highlights gaps between legal statutes and lived realities of families, informing lawmakers about practical challenges and the social consequences of legal frameworks related to marriage, divorce, cohabitation and parental responsibilities. The methodology of UK non-doctrinal research emphasized fieldwork and first-hand data rather than solely relying on statutory texts and case law. Researchers analyse how the law impacts individuals and social institutions, aiming to improve legal policies and social justice outcomes.

a) Key feature of UK non-doctrinal research

- Focus on law's real-world effects and social implications.
- Use of qualitative and quantitative empirical methods.
- Policy-oriented outcomes to guide legal reforms especially in areas like family law.
- Strong institutional support fostering academic and governmental collaboration.

b) UK socio-legal research changed family law policy since 1990

- Highlighted the complex realities families face, beyond what statutes address, including the effects of divorce, parental separation, and child welfare issues.

⁴⁷ Brian Garth, From Legal Realism to Law and Society: Reshaping Law for the last stages of the Social Activist State, 32 Law & Society Review 409.(1998)

⁴⁸ Sherlyn Sharma, What is Doctrinal and Non-doctrinal Legal Research?, Legal Bites (Apr. 8, 2021)

This has been more child-centric policies that prioritize the best interest of the child as paramount.

- Influencing legislation encouraging shared parenting and ongoing involvement of both parents after separation, reflecting socio-legal findings that children's well-being benefits from continuing relationships with both parents when safe and appropriate.
- Informing the family justice review and other policy assessment that are used in socio-legal data to advocate for reducing conflict in family disputes, improving access to justice and enhancing dispute resolution mechanisms outside courts.
- Exposing disparities in legal outcomes and barriers within family justice systems that have led to reform addressing accessibility, legal aid provision and procedural efficiency in family courts.⁴⁹

III National Judicial Data Grid

NJDG represents a major advancement towards empirical legal research by systematic tracking and providing real time data on the pendency, institution and disposal of cases across districts, subordinate and high courts. It serves as a comprehensive repository of court data, including orders, judgments and case details accessible publicly, therefore it enhances transparency and accountability in the judiciary.

As an empirical tool, NJDG allows the judiciary and policy makers to monitor case backlog on various dimensions like case types, court level region and reason for delay. This granular data supports evidence-based decision-making to judicial efficiency and further delays will be reduced.

This also aids resource management by providing performing metrics that helps courts prioritised and streamlined case disposal. Its data driven insights have informed policy intervention under the eCourts Mission Mode project and contributed to judicial planning, monitoring and administration reforms. Endorsed by the World Bank in the ease of Doing business report, NJDG exemplifies how digitalisation and empirical data collection can foster a more effective legal system. It has open access, encourages research and public scrutiny, aligning with goals of judicial transparency and governance.⁵⁰

⁴⁹ Parental Perspectives on the Family Justice System in England and Wales: a review of research (May 2010)

⁵⁰ The National Judicial Data Grid, Department of Justice (2025)

CONCLUSION AND SUGGESTION

I Conclusion

- Non-doctrinal legal research bridges the gap between legal theory and social realities by using empirical and socio-legal methods.
- It uncovers how laws affect real lives beyond statutes, and formal texts, highlights implementation challenges and societal impacts.
- Empirical research reveals persistent issues despite legal protections like child labour, dowry harassment and marginalisation of vulnerable groups, showing a gap between law as written and law in practices.
- The approach supports expanding understanding of fundamental rights in real world contexts including health, environment and prison conditions.
- It highlights systematic failures in law enforcement and societal acceptance that hinder effective implementation of laws protecting marginalized communities.
- Non doctrinal methods provide a dynamic framework for responsive, socially engaged legal scholarship that can inform law reforms and social justice advocacy.

II Suggestions

- Strengthen empirical legal research to guide evidence based law reforms and policy improvement.
- Address enforcement gaps by improving institutional capacity and reducing corruption.
- Increase awareness and education about legal rights among marginalised communities.
- Promote interdisciplinary training in sociology, statistics and social science research methods for legal researchers to enhance the quality of socio-legal research.
- Ensuring ethical consideration such as confidentiality and trauma-informed research when working with vulnerable groups.
- Use a mixed - methods approach to combine quantitative data and qualitative insights for comprehensive legal understanding.
- Foster greater collaboration between legal scholars, social scientists, policy makers and grassroot organizations.