

Role of Research Methodology Vis-a-Vis Its Value in Socio-Legal Research

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Abstract

Today is the world of research. No one authenticates and appreciates anyone without a solid result of research. The authentication and appreciation of every research is depending upon the research methodology, research area, research design etc. The present papers have some guidelines for those who have phobia of writing, readings and researching. The good research is one of the powerful weapons on the basis of which several dimensions of the life can alter and utilize. The use of research method is important for what conclusions you can make about a phenomenon. It affects what you can say about the cause and factors influencing the phenomenon. It is also important to choose a research method which is within the limits of what the researcher can do. Time, money, feasibility, ethics and availability to measure the phenomenon correctly are examples of issues constraining the research.¹

KEYWORDS: Socio- legal research, Research methodology, Legal research, utility of legal research, Importance of socio- legal research, present value and approach.

1) Introduction:

Research is an academic bustle and as such the term used in a technical sense as it ought not to be done. One can approximately say that the research is a critical and exhaustive investigation having several up and downs. In short, a researcher some time may contemplate that, socio-legal research is nothing but the search and investigation of any fact. Now a days these kinds of tendencies are at high level. It depends upon the survey in the society. Socio-legal research increasingly recognizes the need to employ an extensive variety of methods in studying law and legal phenomena, and the need to be informed by an understanding of debates about theory and method in mainstream of social science.

2) Connotation of Research and Research Methodology:

Research is an enquiry for the verification of fresh theory or for supplementing prevailing theories by new knowledge. No research can be purely new, as even original discoveries are an extension of the research already undertaken, being shaped generally as expressing agreement or reputation or plain addition.² All research is the collection of evidence or information for ascertaining an attempt to push back the bonds of comprehension and pursue beyond the horizons of our knowledge, some truth and some veracity.

a) Definitions of Research:

To define research is not easy task. But it is a precise work. "Research is a careful, critical inquiry or explanation in seeking facts or principles, diligent investigation in order to ascertain something."³ On this account one can easily think that, research is an act of searching a matter very carefully and diligently. The main intention or purpose of research is to generalize and extend the original knowledge. Research means, "A systematized efforts to gain knowledge"⁴ So research is a scientific undertaking aiming to discover new facts or verify old facts. It means it is an analysis to judge something and gives the opinion with relating to any particular thing. It is a tool to handle all types of experiment.

i) Significance of research:

1) To those students who are to write of Ph.D. thesis, research may mean a careerism or a way to attain a high position in the social structure.

2) To professional in research methodology, research may mean a source of livelihood

3) To philosophers and thinkers, research may mean the outlet for new ideas and insights.

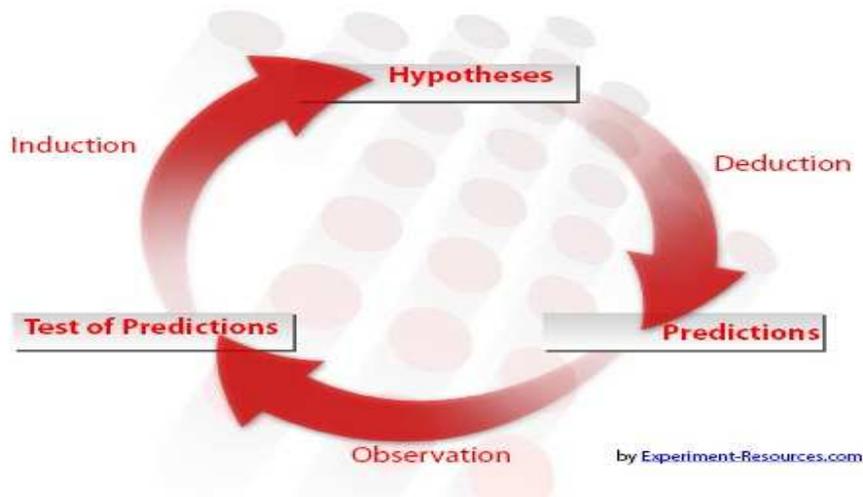
4) To literary men and woman, research may mean the development of new style and creative work.

5) To analyst and intellectuals, research may mean the development of new theories.⁵

b) Research Methodology:

Research Methodology is a way to find out the result of a given problem on a specific matter or problem that is also referred as research problem. In Methodology, researcher uses different criteria for solving/searching the given research problem. Different sources use different type of methods for solving the problem. If we think about the word "Methodology", it is the way of searching or solving the research problem.⁶ Methodology means steps by which researcher doing his/her research. Methodology is the key to open all the doors of research. It is nothing but the scientific way by which researcher search anything he wants for his research and follow some rules and terms for fulfilling his research. So on this account it is clysters clear that research methodology is nothing but the way through which researcher carried their researcher. The concept of research methodology is much wider. The method a researcher follows in pursuing a research is research methodology.

Socio-legal research is very important for researcher. Because it gives the way to the researcher to do research within society and analyze its value. Hence, on this account one can easily understand that, it provides the social value to researcher's research. And we know that, social sentiments' are very essential, because it reflect the values of the society. Research investigation is based upon the researcher's assumptions about the nature and man and society. Methodology is therefore concerned with the entire process of research and the logic and assumption on which it is based.



3) Importance of Socio-Legal Research:

a) Legal Research:

Legal research is the one of the aspect of the study of human behavior, their interactions, and attitudes pertaining to any law under the research studies. A/c to Almond, "Law is the body of principles recognized and applied by the state in the administration of justice"⁸ Law is a bunch of rules which govern the various terms, obligations and restrictions on person to do any work by particular manner provided by statute and if any person violates such rules and obligation then, law will be punished such person.

Legal researchers do make systematic research into facts of social, political and economical conditions which give rise to the individual rules, acts or codes. Research may be perused to obtain better knowledge and understanding of any problem of law, legal institutions in society, legal doctrines, legal philosophy, legal history, comparative study of law, or any system of positive law.⁹ Research is a creative process and always includes inquiry, discovery, innovations and more knowledge. It is a beginning of new search which always raises a new question. Every research will have an aim. Its aim may be to discover new facts of verify and test old facts or to develop new scientific tools, concepts and theories.

b) Characteristics of Legal Research:

- The Legal research deals with the socio and behavioral phenomena.
- Legal research is relating to new idea and innovative terms.
- It discovering new view for development and good governs.
- It tries to establish casual connection between various human activities.
- It always provides the solution on any problem and gives the way by which so many problems will be solved.

Legal research provides an understanding of the basic types of law, legal resources, and subject terms will aid the process. The methodology used by legal scholars may be doctrinal or non doctrinal (socio-legal).¹⁰

c) Socio-Legal Research:

Law and society are not divisible as water tight compartments. They are interlinked. Both socio-legal research is inter-related to each other. Means, this type of research is co-operative value and not contravenes to each other. Upendra Baxi says that, 'lawyer must know much of sociology and the sociologists must know much of law' Socio-legal research is one of the aspects to study human behavior, their interactions, and attitudes pertaining to any law under the research studies.

The socio-legal research cannot be expected to be carried out mono-disciplinary which are bound to result in haphazard, isolated from society and incomplete, and it may turn out to be without any success.¹¹ On this account no one deny that, the law and social sciences are integrated and treated as one subject. Because law is reflection of society. And every law follows some rules and regulations prescribed by society. Hence, it is to be said that, law is the instrument through which society put within the control. It is well-known that law does not grow in vacuum and at the same time it cannot be static.

Law has to be dynamic and must change as per social needs and requirements. So, social factors and facts are responsible for the occurrences of change in law. Law governs all subjects like, Economics, political science, history, philosophy, psychology etc not only these subjects are covered under the purview of law but also religion, social science are covered. And society always wants that, law put a control over such subjects and provide better and suitable measures for social development. Law is an important variable in any social investigation. In social research it is very essential that, researcher know about the basic concepts of law and its impact on society. If researcher does not know the basic rules relating to the socio-legal research then he cannot reach perfect conclusion and his research is nearly unimportant. Because it is not beneficial for society and it is not useable for social change method.

i) Vital Areas of Socio-Legal Research:

- Law and poverty
- Study of legal system in connection with cultural, social and national legal system.
- White-collar crimes and their impact on society.
- Labour laws and the welfare of the working classes.
- Sex offences and their effects on social life.
- Effects of customs of society in crime rate and so on

ii) Utility of Socio-legal research:

- Socio-legal research can be useful in formulating new theories.
 - Socio-legal research gives a clue to the decision making.
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- Socio-legal research gives a lead and moulds a public opinion.
- Socio-legal research is useful in framing new laws.
- Socio-legal research paves the way for broad based social reforms and so on.

4) Conclusion:

On this account researcher conclude that, no doubt socio-legal research is very important in research methodology. These types of research are identical imperative for shielding and regulating the society's behaviors. Hence, on this aspect it is clear that, the value of socio-legal research is so vast. It is very central to accomplish its purpose and goal which is necessary for development of society. The prominence of understanding how law is lived and understood in other places can hardly be overestimated in a globalizing world with ever more frequent legal transfers involving impositions, borrowing, or collaborations, and attempts to change other people's legal systems or one's own in the light of theirs. But, with some exceptions, empirical comparative socio-legal research is still relatively undeveloped. There is need that, research scholars adopt the good norms and terms for carrying such socio-legal research. And always gives the best attention towards the societies moral sentiments and responsibilities.

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