Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

EMPIRICAL AND SOCIO-LEGAL APPROACH OF A LEGAL RESEARCH (LEGAL RESEARCH PERSPECTIVE IN INDONESIA)

Bambang Herry Purnomo[1], Jonaedi Efendi[2], Prasetijo Rijadi[3] and Archi Rafferti Kriswandanu[4]
[1,4]17 August 1945 University, Semarang, Indonesia
[2,3]Bhayangkara University, Surabaya, Indonesia
[*]Email: bambangherryp20@gmail.com

Abstract - In the world of studies, the importance value of a scientific reality is highly respected, and it becomes the main foundation for the progress of science. Scientific research is intended to obtain correct knowledge regarding the object under study based on a certain series of aspects recognized by peer scientist of expertise (inter-subjective), thus the finding of scientific research result can be recognized as scientific (wetenschappelijkheid). A good legal research uses legal methods and language that could be understood by the empirical approach of the same believes on every legal subject. This study is done by evaluating some sources related to empirical and social legal approach. Empirical legal research within the sociological juridical research model has an object of study on people's behavior. Therefore, an empirical approach can help the process of normative research, however, within the consequence of using different method by a clear and firm separation. Therefore, in national curriculum for legal studies education, quantitative analysis techniques such as statistics are also taught as a combination of the legal and statistical research methods courses.

Keywords: Empirical approach, Socio-legal, Legal research.

1. INTRODUCTION

A research begins from curiosity (niewgierigheid) to find answers to an actual faced problem. If the answer of a problem is known, a research is no longer necessary. Scientific research is intended to obtain correct knowledge regarding the object under study based on a certain series of aspects recognized by peer scientist of expertise (inter-subjective), thus the finding of scientific research result can be recognized as scientific (wetenschappelijkheid), can be traced back by interested sides and include as new (nieuw moet zijn). That is why it is said that scientific knowledge is knowledge that has been verified [1].

In the world of science, the importance on the truth of scientific value is highly respected, because it is the main foundation for the progress of science. In order to defend the scientific truth that is believed to be, various discourses emerge that voice justifications to refute the justifications found earlier. In order to defend the scientific truth that is currently believed, various discourses emerge that voice justifications to refute the justifications found earlier. Initially, what is called the flow

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

of empiricism (empeiria=experience) emerged, within a famous statement “Experience is the source of all human knowledge”. Science can be proven empirically, thus the method can be used based on inductive logic. However, the opposition on the idea of empiricism soon emerged from those who embraced the rationalism school of thought within the certain well-known statement: "The reason is the source of all human knowledge". By that stated statement, the method used was based on the logic of deduction.

The elaboration of the sophistication of thought and the subsequent opposition has a purpose to defend the scientific truth. Based on this principle, a scientific decision is correct only if the decision can be verified empirically where the test field is an observable fact or reality. Thus, it can used the empirical method through induction approach.

The opinion of the flow of logical positivism received refutation from the flow of critical rationalism of Karl Raymund Popper. Critical rationalism develops its elaborate theory of falsification. Basically, the main point of critical rationalism thinking can be depended on the explanation of: “scientific knowledge should be objective and theoretical within a final analysis and capable to describe the observable world”. Critical rationalism stated that scientific decisions which correspond to observed facts only yield knowledge which might be correct. the right scientific method of this knowledge is deduction method, that is, based on general propositions to draw specific conclusions or particular propositions. A scientific decision should meet the requirements: it can be tested empirically, scientific theory should be logically consistent, and scientific decision should be falsified as much as possible. If scientific decision is able to withstand attempts at falsification, then it can be said that objective scientific truths have been correctly formed for the particular time.

Other thoughts also came from Imre Lakatos regarding the superior rationalism, Thomas Kuhn put forward the scientific revolution and the need for the new paradigms; Paul Feyerabend within his antimetodological idea, while Heidegger and Gadamer emphasizes on understanding of what will happen if people understand or interpret and no longer a matter of teaching a methods. Their works of thought basically presented to explain the truth of science or knowledge that should bring the truth; therefore it requires a scientific accountability of the methods used to obtain certain knowledge, which must be able to be traced back to the research procedures by interested parties.

The law is directly related to human life who always wants to live together by each other, both in small groups and large groups. it exactly as what Cicero said more than 2000 years ago, *ubi societas ibi ius*, where there is coexistence inside the law [2].

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

2. METHODOLOGY

This study is a part of normative research with conceptual approach. Conceptually, research method means that the investigation is carried out according to a certain plan. Taking a certain path to achieve the goal means that the researcher does not work randomly, but have to face a methodology. The sequential steps should be clear and there are certain restrictions to avoid a misleading and uncontrolled path. Therefore, scientific method arises by strictly limiting the language used of certain sciences [3]. This is in line with the opinion of Van Eikema Hommes who stated that every science has its own method [4]. Legal research uses legal methods and language that are understood by peers of the same faith and every legal bearer.

This research can be categorized as descriptive qualitative research. According to Sugiyono, qualitative research methods are research methods used to examine the conditions of natural objects where the researcher is the main instrument[5]. Carry out scientific researches that clearly use a method, because the characteristic of science is by use a method. This research used normative legal research or literary research. This research is a research that review document studies that used a variety of secondary data such as statutory regulations, court decisions, legal theory, and the opinions of scholars.

3. DISCUSSION

3.1. The relation between Legal research and Legal Knowledge

Human life is controlled by law. Law controlled human element even before they were born and still exist after human dies. Law provides protection to a person immediately after he was born. The association of human life occurs over an infinite number of relationships between humans and other humans, direct relationship of origin, blood ties, marriage, residence, nationality, trade, the provision of various services (transaction, transportation), bewaargeving, insurance, and others. All of these activities are regulated by law. Consider this existence, the law is unlimited and everywhere [6].

Law plays a role in social control system. It means that, law provides guidance to the society concerned on laws and regulations to hold social interactions in which there are various interests that differ from one another. Thus, it will not cause any conflict. Therefore, law is a universal social phenomenon, which is bound by its validity in society of every space and time. Lloyd emphasize that “Law is one of the institutions which are central to the nature of man and without law, human would be a very different creature” [7].

Symptoms of law are directly related to justice, order, power, and human dignity and destiny in daily life. Therefore, it has more than 2500 years since the phenomenon of law has received attention and become the object of intellectual activity for thinkers and scientists. Originally, philosophers such as Plato and Aristotle thought and wrote

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

about law. Then, the philosophical thought obtains a positive knowledge whose object is the phenomenon of law, which called as Legal studies.[8]

During the Roman Empire, Legal studies are highly prioritized because it should convey the lines of policies that are necessary in regulating citizens' social life and national regulation. The determined and thorough study of law, Roman Empire can survive the centuries [9]. Based on in-depth historical research, Berman stated that Law Science is the first modern science that was born in Western era [10].

Legal studies emerged in the XII and XIII centuries, along with the educational system in university. Famous universities in Europe were emerged in cities where well-known teachers taught [11].

The emergence of universities in Europe did not just happen, but was influenced by various social factors. on XII century and XIII century in west europe, there is a social change happen. It was at that time when the political power began to emerge and bring the discipline to society. Along with this situation, political arrangements and regulations are made in society.

At the same time, the dynamics of trade across political territories raise the number of cities in Europe. Then a new class was emerged in society, the class of professional jurisprudents, judges and professional legal advisors. People also started writing "legal treaties", compile and systematize legal materials from Roman times, which encouraged the development of law as an independent and integrated set of legal principles and procedures [11].

Whereas the creation of a modern legal system in 11 - 13 centuries in Europe was a response to a process of social and economic change that influenced by religious factors, which is the revolutionary change in church and the relationship between church and secular authority. Thus, in certain extent, the modern western legal tradition has been engendered by the explosive separation of church power and secular power [10].

Legal teaching system that was developed in Bologna during 13th century spread in Europe when each country established its universities and law schools and because of this Bologna was seen as an "alma mater" of law. The use of Bologna legal teaching system is not just a coincidence that teachers are alumni of Law School at University of Bologna, because often in the formation charter of universities from the authorities, such as regional leader, which explicitly stated to use the teaching system of bologna model [12].

Furthermore, it can be explained that the scientific nature of legal science can be understood within two approaches, as the word or term "science" actually carries two meanings, as a product and as a process. As a product, science is knowledge that has been proven true in a certain field and organized into a system. As a process, the term science refers to the activity of human mind to acquire knowledge in systematic particular field or systematic manner by using a set of meanings specifically created for certain purpose [11].

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

The meaning of science as a product and a process in scientific terms also emphasize on the function that was stated by *Van Peursen* presents as a policy, a strategy for gaining reliable knowledge of reality. The term strategy in this definition refers to a methodical-systematic way of working within a set of symbols in processing and explanation of given symptoms (gegevens), and the arrangement of those symptoms as the system [11]. Whereas, according to *van Peursen* the scientific system is dynamic in nature, because it is a distinctive form, through objectivity and tolerance, regarding human efforts to reveal the world in their culture, while strategy is the whole rule to achieve a goal [3]. Because of that, *van Peursen* categorizes Law Science in Group of Practical Sciences, as the study on the activity on the implementation as an object [3].

In Latin, The implementation of science group called as “ars”, which means are scientific expertise or skills that should be scientifically accounted. A group of practical studies has a purpose to change the condition, or offers a solution toward a concrete problem. As studies, group of practical science does not present moral rules the similar as theoretical scientific group, however for practical science and its application, moral rule called as moral expertise or professional ethics [11].

Practical Science group can be divided into two types, such as Nomological Practical Science group and Nomological Practical Science group. Nomological Practical Science also called as normative science which tried to find a relationship between two or more things based on imputation (linking responsibilities / obligations) and determine what should be the obligations of certain subjects in certain concrete situations related to the occurrence of certain actions, incidents or circumstances [11].

Therefore, law is included in a group of practical studies which is a field where various sciences interact (converge) that the final product is scientific (rational) problem solving that can be justified [13].

Legal Studies as Normative-Authoritative Practical Science, has its distinctive character not only because of its long history which describes the comparison of other sciences, and normative characteristic has direct impact on human life. Besides, people who are carried away by their characteristic and problems that inherent for daily life that rise and guide the study and its development.

The other important factor of law is the object of study regarding the demands of behaving in a certain way which compliance does not depend entirely on the concerned side’s free will; it can also be imposed by public power. Nowadays, the object of study in law is not only the object that is traditionally known, however, the task has been focused on creating new system that required to accommodate the emergence of various relationships due to social dynamics influenced by advances in science and technology. In relation to the object of study, Legal studies are related to the process of products on various other studies without turning into others by losing its distinctive character as normative science [11].

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

Legal studies are contributed discoveries that had an extraordinary impact on human civilization, and help to lay the foundations of understanding to build the regularity in society which leads to the progress of human development. The modern finding of legal entities as legal subjects, for example, a tremendous impact in economic field [14].

Find the role of legal studies and its contribution throughout the history of human civilization, the history and its scientific characteristic, it turns out that there are still those who question the scientific status of Law Science [15].

There are two approaches that can be used to explain the characteristic of legal science: first: from the point of view of philosophical science and second from the point of view of legal theory. Those approaches have different consequences of the method of study [14].

First, the philosophical studies distinguish science based on two points of view, a positivistic view gave birth to empirical science and a normative view gave birth to normative science. A legal study has two sides. It displays the distinctive character as a normative science and shows characteristics as an empirical science. The empirical side has developed by using social research methods without a doubt of people includes social sciences [16]. the terms of data sources, data collection techniques, data analysis, and problem formulation in interrogative sentences such as 'how' and 'how far' have empirical meaning. Meanwhile, as normative science, the accent of juridical work is under ex ante dimension [17]. In this case, critical assessment of legal content build in the peculiar characteristic of law and this cannot be done through empirical studies.

The mistakes that often occur in legal research force to use of empirical research formats in social sciences against Legal normative research. It should be prevent, beside to shows the superficiality of knowledge a researcher forgets the distinctive character of Law as normative science. On the other hand, a genuine and extreme rejection of empirical legal research in a social science format is inadvisable, because it ignores the contribution of legal materials review which builds the symptoms that based on social facts (ipso facto). In it relation to social facts, it can be explained by legal aid, while legal principles (legal symptoms) can be explained within the help of social facts [17]. If empirical analysis required in normative research, then an empirical approach can help normative research, within the consequence of using different method with a clear and firm separation. Therefore, in national curriculum of Legal Studies, it recommend to uses quantitative analysis technique such as statistical counting which combined inside the Legal and Statistical Research Methods subject courses. Statistical analysis was carried out on the basis of observations or empirical data collection which is not required in basic normative research. Normative research does not require any data, because the requirement is an analysis of legal materials.

Recently, there has been legal research implementation using several methods at once [18]. However, neither empirical research in form of social science towards law

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

science nor normative legal research can be easily synthesized without a clear understanding of the differences that underlie those two research formats.

Legal Theory, The approach of legal theory divides into three main layers, which involved: legal dogmatic, legal theory and legal philosophy. Those three main layers in legal research and practice have different consequences because each of those has unique character and its own unique method.

Jan Gijssels and Mark van Hoecke explain further relationship between Legal Dogmatic, Legal Theory and Legal Philosophy using the concept of "meta-theory", the studies which obtain the objects of study from other disciplines. Within the concept, Theory of Law has two types. First is the meta-theory of legal dogmatic, which related to the teaching of science (discusses about the philosophical basis) and the teaching of legal dogmatic method. Second, the theory of positive law which examines the definitions in law, legal methodology concerning on the methodology of law formation and the methodology of law application. Legal Philosophy is a meta-theory of Legal Theory and a meta-meta theory of Legal Dogmatic, and also about law (reflection on legal fact and justice). Legal Philosophy does not have meta-theory, because as a philosophy, it reflects on itself to be responsible for its existence and explain its meaning and its character [19].

At general level, the relationship between legal dogmatic and legal theory can be explained. Legal dogmatic study about the regulation of juridical technical point of view, and the definition of law from legal perspective and concrete, actual and potential legal problems. Legal theory has two different sides, contemplative side and empirical side. Posner explained that Legal Theory is concerned within the practical problem of law, it approaches from the outside, using the tools of other discipline. It does not consider the internal perspective of legal professional adequate to the solution of legal practical problem” [20].

Meanwhile, legal philosophy is a part of philosophy that directs reflection on legal symptoms. As a philosophical reflection, it is not intended to have a problem on certain positive laws, but reflects on general law. Legal Philosophy tried to reveal the characteristic of law by finding the deepest foundation on the existence of law as possible as human sense. Thus, the main problem as philosophy is the marginal problem related to law [11].

3.2. Empirical Approach and Legal Research

One of the types on legal research is empirical legal research. This method still raises a debate among legal academics. The controversy has arises regarding the existence of empirical legal research, and the approach that has been used. The author is interested in empirical legal research methods. In this type of legal research, law is not only examined from normative aspect, but also studied on how is the implementation in society. Thus, the study of law will be more comprehensive and holistic. Even so, it must be remembered that even though empirical legal

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

research examines the validity of law in society, this research must depart from legal phenomena and legal norms.

If normative legal research is a research based on secondary data, sociological / empirical legal research starts from primary / basic data, the data that was directly obtained from people as the first source through field research, which was done through observation, interview and questioner. Legal research as sociological (empirical) research can be realized through research on the effectiveness of current law or legal identification.

This research is often referred as research on law in action of society. If normative research, examines about a legal case based on the related regulations. The robbery cases always related to the article 3 of criminal code,paying the penalties of wanprestasi always related to the article 1365 of civil code, regional government responsibilities will be related to the rewgional autonomy of law, unable to pay taxes will be sanctioned based on the tax law and the rights of citizens formulated in 1945 Constitution.

In sociological juridical research, the task of researcher is to assess regarding the appearance on the implementation of laws and regulations. For example, examine the obedience of people on obeying the traffic, explaining why business people are reluctant to pay taxes, the role of local governments in realizing the principles of good governance or looking for answers of why business people do not resolve trade problem through the courts.

3.3. Objects and Types of Empirical Legal Research

3.3.1. Research Object of Empirical Law

In several existing literature, it is not clearly stated about the empirical legal research. However, based on the research experience that was conducted by author, several objects of empirical legal research can be formulated as following below;

First, the research of real events, incidents, and actions which occurs in society. In the other words, it examines the legal phenomena in society. This phenomenon happens when the identified aspect is a social phenomenon that has a relation with law. For example, the increase of crime rates in urban societies. Another example is the effectiveness of rehabilitation for narcotic prisoners.

Second, the unwritten rules of law that currently applied in society (living law, common law, customary law), are not regulated by lawmakers, but by the behavior of society. For example, the inheritance distribution of *karo* people customary law.

Third, the implementation of law in society. Basically, every legal research of examining the implementation or legal implementation and regulations in society includes as empirical legal research. For example, the research on the implementation of left lane arrangement for two wheels vehicle in Law number

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

22/2009 concerning on Road Traffic and Transportation in Surabaya City, or research on the implementation of granting the suspect rights in Criminal Procedure Code at Surabaya Police Region.

According to Mukti Fadjar there are two objects on empirical legal research included:

Sociological Juridical Legal Research

Empirical legal research within the sociological juridical research model focuses on the object of study on people's behavior. The studied behavior of people is behavior that arises from the interaction with the existing norm system. The interaction appears as a form of public reaction on the implementation of positive legal provision and can be seen from society behavior as a form of action that influence the formation of positive legal provision. An example of the research object is: Observing legal regulation of land laws especially the matter of land registration. It can start from the laws of land regulation and observe on the behavior of public awareness in terms of land registration (or vice versa).

Sociological juridical research can also be used to examine the effectiveness on the operation of law in society. Several experts in legal sociology books tried to explain the effectiveness of law as a form of interaction between laws, regulations or other norm systems that implemented in society. The implementation as community behavior will be influenced by social factors that exist within themselves and their environment.[11]

Sociological Research of Law

Sociological research on law observes and characterizes the behavior of people in an area as the aspect of social life, then described and analyzed descriptive qualitatively to get a complete description of relationship between the interests and every values that was held and believed by the society. The Values and interests are a reflection of beliefs or ideologies that people adhere in all aspects of their life such as political, economic, social, cultural and religious aspects that give color and characteristics to human lives. For example, observe the economic activities of people in Jogja, especially livestock traders [11].

3.4. The Approaches in Empirical Legal Research

The approach used in empirical legal research is socio-legal approach. This approach requires a variety of social and legal disciplines to learn the existence of positive law (State). Socio-legal approach is important because it is able to provide more holistic view of social legal phenomena. The flow of legal approach (doctrinal legal research) is not sufficient yet to provide the sources of solving legal problems in current Indonesian conditions. An interesting complexity in socio-legal studies in Indonesia is a direct hostility to some lawyers who interpret this study differently

There are differents opinion of “genuine legal studies”. Whereas, it is undeniable that the analysis of products legislation and legal case obtained through legal studies. It

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

may include the analysis beyond an understanding of doctrinal jurisprudence, for example in a way to determine a 'proper rule of social behavior' of defining a law with no clear substance. Basically, socio-legal thinking includes another perspective to consider the process of forming legislation, implementing law, and resolving disputes. Among the leading figures who developed this study were R. Banakar, Soetandyo Wignjosoebroto, Satjipto Rahardjo, T.O. Ihromi, Keebet, Franz von Benda-Beckmann, Karen, Herman Slaats, Sulistyowati Irianto, and Esmi Warasih.[21]

The characteristics of socio-legal research method can be identified in following two ways. First, socio-legal studies carry out by textual studies, articles of laws, regulations and policies can be analyzed critically based on its meaning and implications for legal subjects that can be explained. In this case it can be explained that the meaning contained in these articles is detrimental or beneficial to certain groups of society and in certain ways [21].

Second, socio-legal studies develop various recent methods as a combination between legal methods and social science, such as socio-legal qualitative research (Ziegert 2005), dan socio-legal ethnography (Flood 2005). Thomas Scheffer uses network actor theory to describe the work of judges and lawyers through micro-historical legal discourse (Scheffer 2005). Reza Banakar developed a case study to examine legal culture (Banakar 2005). Sally Merry in an article writes about the ethnography of the international trial, The UI Center for Women and Gender Studies (PKWJ) developed a courtroom study (Irianto et al. 2004; Irianto & Nurchayo 2006; Irianto & Cahyadi 2008) [21].

CONCLUSION

Law plays a role in social control system. It means that law provides guidance to the society concerned on the legal form of laws and regulations to obtain social interactions within the various interests that differentiate one from another and will not causes any conflict. Empirical legal research within the sociological juridical research model has an object of study on people's behavior. Sociological juridical research can also be used to examine the effectiveness of the operation on social law.

Sociological research on legal studies observes the behavior of a society in an area of social life aspect, and then described and analyzed in a descriptive qualitative method to obtain a complete description of relationship between interests and every values that held and believed by community. Empirical legal research uses socio-legal approach. This approach requires a variety of social and legal disciplines to study the existence of positive law (in a country).

REFERENCES

[1] A. F. Chalmers, “What is this thing called science? 4e edition,” *Hackett*

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

Publishing Compagny. 1999.

[2] S. Soekanto, “PERSPEKTIF SOSIOLOGI HUKUM TERHADAP PEMBINAAN HUKUM,” *J. Huk. Pembang.*, 2017.

[3] J. Drost, *Susunan Ilmu Pengetahuan Sebuah Pengantar Filsafat Ilmu*. Gramedia Pustaka Utama, 1988.

[4] J. D. Dengerink, “H. J. van Eikema Hommes, De elementaire grondbegrippen der rechtswetenschap. Een juridische methodologie. Kluwer, Deventer, 1972, XVI-583 p., f 55,–.,” *Philos. Reformata*, vol. 39, no. 1–2, pp. 84–89, Feb. 1974.

[5] Sugiyono, “Memahami Penelitian Kualitatif,” *Bandung Alf.*, 2016.

[6] L. J. V. Apeldoorm and O. Sadino, *Pengantar Ilmu Hukum*. Jakarta: Pradnya Paramita, 1993.

[7] D. LLoyd, *The Idea of Law*. Middlesex, England: Penguin Books, 1973.

[8] L. Rasjidi and A. Sidharta, *Filsafat Hukum, Mahzab dan Refleksiny*, Cetakan ke. Bandung: Remaja Rosdakarya, 1989.

[9] H. Theo, *Filsafat Hukum Dalam Lintasan Sejarah*. Yogyakarta: PT Kanasius, 1995.

[10] H. J. Berman, “The Origins of Western Legal Science,” *Harv. Law Rev.*, vol. 90, no. 5, p. 894, Mar. 1977.

[11] B. A. Sidharta, “Reflection concerning the foundation and scientific character of the legal science as the basis for developing Indonesia’a National legal science,” Bandung, 1996.

[12] W. Boyd, A. Edmund J. King, and C. Black, *The History of Western Education*. 1977.

[13] K. J.H. Kok, *Fakta, Nilai dan Peristiwa, Berbagai Sistim Disiplin Ilmiah*. Jakarta: Gramedia, 1990.

[14] P. M. Hadjon, *Argumentasi Hukum*. Yogyakarta: Dadjah Mada University Press, 2009.

[15] K. Wibisono, “Arti Perkembangan Menurut Filsafat Positivisme Auguste Comte,” Gadjah Mada University Press, 1983.

[16] S. Wignjosoebraoto, “Ilmu Hukum dan Ilmu Sosial (Sebuah Perbincangan Tentang Perbedaan Ancangannya dan Tentang Upaya mengatasi Silang Selisihnya),” Universitas Airlangga.

[17] van Apeldoorn, *Inleiding tot de Studie van het Nederlandse Recht*. 1985.

[18] A. W. Bedner, *Administrative Courts in Indonesia:A Socio-Legal Study*. 2001.

[19] J. Gijssels and M. van Hoecke, *Wat Is Rechtstheori*. Kluwer, Antwerpen, 1982.

[20] R. M. Smith, “Frontiers of Legal Theory by Richard A. Posner,” *Polit. Sci. Q.*,

Tianjin Daxue Xuebao (Ziran Kexue yu Gongcheng Jishu Ban)/
Journal of Tianjin University Science and Technology
ISSN (Online): 0493-2137
E-Publication: Online Open Access
Vol:54 Issue:07:2021
DOI 10.17605/OSF.IO/5J4Q2

vol. 117, no. 2, pp. 345–346, Jun. 2002.

[21] D. Supriyadi, “A Summary to Socio-legal Research,” *blogspot.com*, 2013.