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Strategies for Identifying Research Gaps and Novelty in Doctoral-Level Legal Research

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Abstract: Doctoral-level legal research demands clear scientific contributions through the identification of research gaps and the formulation of novelties. However, in practice, methodological weaknesses are still found, such as research gaps that are formulated in general, non-explicit terms, and novelties that are not connected to research gaps. This study aims to analyze the concepts of research gaps and novelties, identify methodological problems in legal research, and formulate a systematic strategy for finding research gaps and generating novelties. This research is a normative legal study with a conceptual and comparative approach, using secondary legal materials in the form of books and scientific journal articles. The analysis was conducted qualitatively with an argumentative approach. The results show that research gap identification is often not carried out systematically and is not supported by critical analysis. Furthermore, novelties tend to be declarative and not integrated with research gaps. This study offers a strategic model that includes issue identification, literature mapping, gap analysis, and the formulation of novelties as a direct response to research gaps. This study confirms that the quality of legal research is largely determined by the ability to formulate research gaps and novelties systematically.

Keywords: Research Gap, Novelty, Legal Research, Research Methodology, Doctoral Research.

INTRODUCTION

The development of science cannot be separated from the role of research as a means of producing, refining, and advancing knowledge. The same applies to the field of law, which continuously evolves in response to societal changes, technological advancements, and demands for justice. In this context, legal research is not merely an academic activity but also serves as an important instrument for addressing various legal issues, both at theoretical and practical levels.

Legal research plays a central role in the development of legal science as well as in solving legal problems in society. Abdulkadir Muhammad explains that legal research is an activity aimed at re-examining existing legal concepts, facts, and systems, and subsequently developing or adjusting them to societal needs. It also involves efforts to discover new values relevant to the advancement of science and technology (Lukito, 2022). This view is in line with F. Sugeng Susanto, who emphasizes that legal research is research specifically applied in the field of law. Meanwhile, Salim HS and Erlies Septiana Nurbani view legal research as an analytical process of legal norms and their implementation in society using specific methods and systematic approaches to solve legal problems in depth (Widiarty, 2024).

This direction indicates that legal research does not stop at understanding norms, but is also directed toward legal reform to remain aligned with contemporary developments, particularly in facing global advances in information technology (Widiarty, 2024). In other words, legal research is expected to provide real contributions, both in theoretical development and legal practice.

On the other hand, not all legal research is able to produce significant contributions. One of the common obstacles is the researcher's limited ability to identify research gaps and formulate novelty. This condition often results in studies that are merely descriptive and tend to repeat existing research without offering new contributions (Kumala et al., 2024).

The identification of research gaps is an important stage in research design. Iba & Wardhana (2023) explain that a research gap refers to the effort to identify gaps or voids in existing literature or knowledge, which then serve as the basis for further research. Understanding this helps researchers determine a more focused research direction and ensures that the study is relevant and contributes to scientific development.

The ability to recognize research gaps also opens space for innovation. Researchers can identify unanswered questions while designing more appropriate methodological approaches. This results in improved research quality, both in terms of validity and the value of findings. In this way, research does not merely replicate existing studies but genuinely expands the scope of knowledge.

In addition to research gaps, novelty is also a crucial element in research. Baharuddin (2023) states that novelty represents an accumulation of distinguishing elements in research that demonstrate originality and usefulness. Munawwar (2021) adds that novelty is closely related to originality in a study. Such novelty may appear in various forms, including the problem addressed, the approach used, research variables, or instrument development.

Researchers are expected to present such novelty, whether in part or across the entire research design. The presence of novelty adds value to research because it enriches scientific knowledge and provides different perspectives for readers studying similar topics. In legal research practice, the relationship between research gaps and novelty is not always clearly articulated (Haqqi & Risnita, 2023). Many studies still fail to clearly position themselves within the academic landscape, making their contributions difficult to identify. This reflects problems in the early stages of research design, particularly in determining research focus and scientific contribution.

This situation indicates the need to strengthen methodological studies specifically addressing strategies for identifying research gaps and formulating novelty in legal research. Existing discussions have generally remained too broad and have not fully addressed the characteristics of legal research, particularly at the doctoral level, which requires deeper analytical rigor and stronger academic contribution.

Moreover, there is still a lack of practical guidance explaining systematic steps that legal researchers can use to identify research gaps and develop novelty appropriately. Legal research

has distinctive characteristics compared to other disciplines, thus requiring more specific approaches.

This condition highlights the importance of developing more systematic and applicable strategies to assist legal researchers, especially at the doctoral level, in identifying research gaps and formulating novelty. Such strategies are expected to improve the quality of legal research and strengthen its contribution to the development of legal science.

Various studies in recent years show that discussions on research gaps and novelty have developed significantly, although their implementation in legal research still faces several challenges. Several studies indicate that researchers often fail to explicitly and systematically articulate research gaps in academic writing, making the position of their research within the academic landscape unclear. This is supported by Oktaviani et al. (2024), who found that only a small proportion of journal articles explicitly state research gaps in their introduction sections.

On the other hand, various legal studies show that research gaps often arise from discrepancies between legal norms and real-world practices, as reflected in studies such as Jitmau et al. (2025) on the principle of equality before the law, as well as analyses of uneven law enforcement effectiveness. In addition, technological developments have further expanded research gaps, particularly when legal regulations fail to keep pace with innovation, such as the use of artificial intelligence in legal systems, which raises new issues related to accountability and legal responsibility.

Setiawan & Kusumaningtyas (2025), in their study on public policy, also identify a gap between legal norms and their implementation, showing that research gaps are not only theoretical but also practical in nature. Meanwhile, discussions on novelty in legal research generally emphasize the use of new approaches or interdisciplinary integration, such as combining normative legal analysis with social, economic, or ethical perspectives. However, these studies tend to be sector-specific and focused on particular legal issues, and there is still limited research specifically addressing systematic methodological strategies for identifying research gaps and formulating novelty, particularly in doctoral-level legal research.

Based on this background, this study aims to examine the concepts of research gap and novelty in legal research, identify effective strategies for finding research gaps, and formulate appropriate approaches for producing novelty in doctoral-level legal research.

METHODS

This study is a normative legal research with a conceptual orientation, focusing on the examination of concepts, theories, and methodological approaches in identifying research gaps and formulating novelty in doctoral-level legal research. This study is not directed toward the analysis of specific legal cases, but rather toward the development of a systematic framework of thinking that supports the formulation of scientific contributions in legal research.

The research employs two main approaches, namely the conceptual approach and the comparative approach. The conceptual approach is used to examine and analyze the concepts of research gap, novelty, and legal research methodology based on legal doctrines and expert opinions. Through this approach, a theoretical framework is constructed to understand the position and function of research gaps and novelty within legal research. Meanwhile, the comparative approach is used to analyze previous studies, particularly journal articles and scholarly works, in order to identify patterns in research gap identification as well as variations in the formulation of novelty. This approach also contributes to the development of more systematic and applicable strategies in doctoral-level legal research.

The data sources in this study consist of legal materials categorized into primary, secondary, and tertiary legal sources. Primary legal materials include statutory regulations related to the legal system and legal research. Secondary legal materials, which constitute the main source of this study, include books, scientific journal articles (particularly from the 2021–

2026 period), dissertations, and other scholarly works relevant to research gaps, novelty, and legal research methodology. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources that support the understanding of key concepts in this study.

The data analysis technique used in this research is qualitative analysis with an argumentative approach. The collected data are systematically analyzed to identify concepts, patterns, and relationships between research gaps and novelty in legal research. In addition, this study applies a deductive method through legal syllogistic reasoning, which draws conclusions from general premises toward more specific strategic formulations (Ludiana et al., 2025). This analytical process is aimed at producing a systematic and applicable strategy for identifying research gaps and formulating novelty in doctoral-level legal research.

RESULTS AND DISCUSSION

Conceptual Analysis

1. Research Gap in Legal Research

a. The Concept of Research Gap

A research gap is one of the essential elements in designing scientific research. In general, a research gap can be understood as a condition of inconsistency, incompleteness, or discrepancy between previous research findings and existing data, theories, or reality (Kumala et al., 2024). Such gaps often arise because certain aspects have not been explored in depth or because previous studies have produced inconsistent findings, leading to divergent interpretations.

In another definition, Oktaviani et al. (2024) explain that a research gap refers to gaps emerging from differences in concepts, theories, data, or empirical phenomena found in previous studies. These gaps serve as a foundation for further research aimed at providing more comprehensive explanations.

b. Types of Research Gaps

According to Baharuddin (2023), research gaps can be classified into several types:

1) Theoretical Gap

A theoretical gap occurs when existing theories used in previous studies are limited in explaining a phenomenon. This may happen because the theory is outdated, incomplete, or insufficient to fully explain the phenomenon. In such cases, new research is needed to test, develop, or replace the theoretical framework.

2) Evidence Gap

An evidence gap refers to the discrepancy between commonly understood phenomena and empirical evidence found in the field. In some cases, reality is not fully supported by available data or previous findings, creating inconsistencies that form a research gap.

3) Population Gap

A population gap occurs when prior studies focus only on specific groups, regions, or subjects, without covering broader or different populations. New research is needed to test whether previous findings remain valid in different contexts or populations.

4) Empirical Gap

An empirical gap arises from inconsistencies or contradictions in research findings based on field data. Such differences indicate that the phenomenon has not been fully understood and requires further investigation.

5) Methodological Gap

A methodological gap occurs when the methods used in previous studies are considered insufficient to properly address the research problem. This opens

opportunities to apply different approaches or analytical techniques to obtain more accurate results.

6) Contextual Gap

A contextual gap appears when research conducted in a specific context may not be applicable to different social, cultural, or legal settings. Differences in context create the need for further studies in new environments.

c. Differences Between Research Gaps in Normative and Empirical Legal Research

In legal research, the understanding of research gaps depends on the type of research approach used, particularly between normative legal research and socio-legal (empirical) research.

In normative legal research, research gaps generally relate to legal norms and legal concepts. Gaps may arise from legal vacuums, conflicts between regulations, ambiguity in legal provisions, or limitations in legal theory (Masnun & Prasetyo, 2025). In other words, normative research focuses on “law in the books.”

Meanwhile, in empirical or socio-legal research, research gaps are primarily related to discrepancies between legal norms and their implementation in practice (Negara, 2023). This type of gap emphasizes “law in action,” focusing on how law operates in social reality.

This distinction shows that research gaps in legal studies depend heavily on the research approach: normative research focuses on conceptual and doctrinal gaps, while empirical research emphasizes implementation and factual gaps.

2. Novelty in Legal Research

In legal research, novelty does not always mean discovering something entirely new, but may involve renewal, development, or improvement of previous studies. Novelty can appear in various forms that reflect significant differences compared to earlier research (Indraswara, 2025). According to Murtadho (2025) and Widiarty (2024), novelty in legal research can be categorized as follows:

a. Conceptual Novelty

Conceptual novelty refers to the development or formulation of new legal concepts. It may involve refining existing concepts, combining multiple concepts, or creating entirely new concepts that have not been previously used.

b. Theoretical Novelty

Theoretical novelty relates to the use or development of legal theories. It may arise when researchers apply different theories, critique existing theories, or develop new theoretical frameworks to explain legal phenomena.

c. Empirical Novelty

Empirical novelty refers to new findings based on field data or factual evidence. It emerges when new empirical results differ from previous studies.

d. Methodological Novelty

Methodological novelty refers to innovations in research methods, approaches, or analytical techniques. This may include using previously unused methods, combining multiple methods, or developing more effective analytical techniques.

e. Contextual Novelty

Contextual novelty occurs when research is conducted in a different context, such as location, time, or social conditions, producing new insights even when using the same theories or concepts.

f. Integrative Novelty

Integrative novelty arises from combining different approaches, theories, or perspectives into a unified analytical framework. This is commonly used in modern

legal research that integrates normative, social, economic, or technological perspectives.

3. The Position of Research Gap and Novelty in Doctoral Research

In doctoral-level research, research gaps and novelty are key indicators of scientific quality and academic contribution. Unlike earlier levels of study, doctoral research is not only required to analyze legal issues but also to produce original contributions to legal scholarship.

An important aspect of identifying research gaps is understanding the state of the art. Through comprehensive literature review, researchers can map existing studies, identify research trends, and locate underexplored areas (Munawwar, 2021). Without a clear understanding of prior research positions, it becomes difficult to determine the contribution of a study.

Critical thinking also plays a crucial role in identifying research gaps and formulating novelty. Researchers must not only summarize literature but also evaluate, compare, and critically analyze previous studies (Golden, 2023; Lopez et al., 2023). Through this process, weaknesses, inconsistencies, and limitations in prior research can be identified as a foundation for new studies.

In practice, many studies still fail to properly position research gaps and novelty. A common issue is purely descriptive research that merely explains laws or theories without deep analysis. Another problem is the lack of a clear position within the academic landscape, making contributions unclear. In addition, novelty is often not explicitly stated, making the originality of the study difficult to identify.

These conditions show that understanding research gaps and novelty is not only theoretical but also requires strong analytical skills and appropriate methodological approaches. In doctoral-level legal research, both aspects must be systematically and integratively formulated to ensure meaningful academic contribution.

Critical Analysis

1. Comparison of Previous Research Patterns

Based on the review of previous studies, it is evident that the formulation of research gaps and novelty has not been carried out optimally. Various methodological weaknesses are still found, both in the clarity of gap identification and its connection to research contributions

a. Research Gaps Are Formulated Too Generally

Many previous studies formulate research gaps in overly general terms without clearly specifying which aspects have not been adequately examined. The gaps are often stated only as “previous studies are still limited” without a detailed explanation of the exact limitations. This condition makes the research position unclear and fails to demonstrate a strong contribution to the development of legal science.

b. Research Gaps Are Not Explicitly Stated

In addition to being overly general, research gaps are often not explicitly presented. Researchers tend to only describe prior studies without drawing clear conclusions about existing gaps that can be further developed. As a result, readers are left to interpret the research gap themselves, which weakens the argumentative structure of the scientific work.

c. Novelty Is Not Linked to the Research Gap

Another common problem is the lack of a clear relationship between research gaps and novelty. In many studies, novelty is merely claimed without being grounded in

previously identified gaps. This causes novelty to lose its argumentative foundation, making the research contribution less directed and academically less accountable.

d. Lack of Systematic Gap Identification

Previous studies also show that research gaps are often identified without a clear methodological framework. Researchers do not consistently use structured approaches such as literature mapping or comparative analysis, resulting in partial and fragmented identification of gaps that does not fully reflect the development of existing research.

e. Limited Critical Analysis of Prior Studies

Many studies focus only on describing previous research without conducting critical evaluation. However, critical analysis is essential to identify weaknesses, inconsistencies, and limitations in prior studies. Without such analysis, research gaps tend to be weak and fail to demonstrate the urgency of the new research.

2. Critique of Existing Approaches

An analysis of various studies indicates that the approaches used to identify research gaps and novelty still have fundamental limitations. These limitations are not only related to analytical techniques but also to how researchers construct the argumentative flow from background to research contribution. This indicates that research design has not been fully conducted in a systematic and critical manner.

a. Descriptive-Oriented Approach

Most studies remain focused on presenting information, including theories, concepts, or legal regulations, without in-depth analysis. Researchers tend to summarize previous studies or legal norms without examining their weaknesses, inconsistencies, or limitations. As a result, the research only provides a general overview and fails to identify specific problems. In such conditions, the resulting research gap lacks sharpness because it is not based on critical analysis.

b. Normative Approach Without Critical Evaluation

In legal research, the normative approach is dominant; however, in practice, it is often limited to explaining legal provisions without evaluating their adequacy. Many studies stop at describing “what the law regulates” without analyzing whether the regulation is sufficient, whether there are normative conflicts, or whether it is relevant to current conditions. Without critical analysis, research fails to uncover gaps within the legal system, resulting in shallow and less urgent research gaps.

c. Limited Use of Systematic Approaches

Approaches such as systematic literature reviews or comparative analysis are still rarely applied optimally in legal research. Researchers often select literature selectively without conducting comprehensive mapping. This results in incomplete identification of research gaps because it is based only on a limited number of sources, increasing the risk of overlooking important studies.

d. Lack of a Clear Framework

Many studies do not have structured steps for identifying research gaps and formulating novelty. Researchers often directly choose topics based on interest or phenomena without systematic literature analysis or problem mapping. Consequently, research becomes less focused and lacks clear contribution. This absence of a strategic framework makes the research process intuitive rather than methodologically grounded.

e. Lack of Continuity Between Research Components

Another fundamental issue is the absence of logical coherence between the background, research gap, and novelty. In many studies, the background is general, while the research gap and novelty are presented separately without clear connection. This weakens the argumentative flow and makes the research contribution difficult to

understand. Ideally, the research gap should emerge from the background analysis, and novelty should serve as a response to that gap.

3. Methodological Problems in Legal Research

An analysis of legal research practices reveals several methodological issues that affect research quality, particularly in identifying research gaps and formulating novelty. These problems relate to researchers' basic abilities in literature review, research focus determination, and constructing clear academic contributions.

a. Limited Ability in Literature Mapping

Many researchers lack adequate skills in systematically mapping literature. Sources are often selected partially without thematic grouping or classification based on approach or findings. As a result, researchers do not obtain a comprehensive overview of the development of existing studies.

b. Lack of Understanding of the State of the Art

A lack of understanding of the state of the art is one of the main problems in legal research. Researchers often fail to position their study within the broader development of legal scholarship due to insufficient analysis of research trends, dominant approaches, and key findings. Without this understanding, research risks repeating existing topics or failing to make significant contributions.

c. Overly Broad Research Focus

Another common issue is an overly broad research focus. Researchers tend to raise large issues without clear limitations, making the analysis unfocused. A broad scope also makes it difficult to identify specific research gaps.

d. Inability to Distinguish Between General Problems and Research Gaps

Many researchers are unable to distinguish between general problems and research gaps. General problems refer to broad phenomena or issues, while research gaps refer to specific voids in previous studies. This confusion leads to research that only describes problems without clear academic contribution.

e. Unmeasurable Novelty

Methodological issues are also evident in the formulation of novelty, which is often unmeasurable. Researchers tend to claim novelty without clearly explaining its form or contribution. As a result, novelty becomes difficult to verify and lacks a strong foundation. This indicates that novelty is not systematically formulated as a response to the research gap.

Solution

1. Model Strategy for Identifying Research Gaps

Based on various methodological issues identified in previous studies, a systematic strategy is required to identify research gaps. This strategy not only functions as a technical guide but also as a thinking framework that helps researchers clearly map their research position.

According to Muhaimin (2021), the strategy for identifying research gaps in legal research can be outlined as follows:

a. Identification of the Main Issue

The initial stage begins with determining the main issue to be studied. This issue may originate from legal phenomena, regulatory developments, or ongoing academic debates. The issue must be defined specifically so that the research has a clear direction from the outset. Overly broad issues will make further analysis difficult; therefore, delimitation at this stage is essential.

b. Literature Collection

After defining the issue, the next step is to collect relevant literature, particularly journal articles, books, and dissertations within a specified time frame. A sufficient number of sources is needed to obtain a comprehensive understanding of research developments. Literature collection is not only quantitative but must also consider the quality and relevance of sources to the topic.

c. Literature Mapping

The collected literature is then mapped based on themes, approaches, methods, and key findings. This process aims to identify existing research patterns, including dominant approaches and frequently studied aspects. Through this mapping, researchers can understand the position of each study within the field.

d. Analysis of Differences and Gaps

The next step involves analyzing differences and gaps in previous studies. Researchers must identify inconsistencies in findings, methodological limitations, and underexplored aspects. This analysis must be critical, not only describing differences but also evaluating weaknesses and potential areas for further development.

e. Formulation of the Research Gap

Based on the analysis, the researcher then formulates a specific and focused research gap. A well-formulated gap must clearly show what has not been studied, why it is important, and how the current research will address it. At this stage, the gap is no longer general but becomes a strong scientific argument forming the foundation of the study.

2. Model Strategy For Formulating Novelty

After the research gap has been clearly identified, the next step is to formulate novelty as the scientific contribution of the research. Novelty cannot stand alone; it must logically respond to the identified research gap (Sudiro et al., 2025).

a. Linking Novelty to the Research Gap

The first step is ensuring that the proposed novelty directly originates from the identified research gap. Each element of novelty must answer: “what gap is being filled?” and “how does this research fill it?” Without this link, novelty loses relevance and fails to demonstrate a clear contribution to legal scholarship.

b. Determining the Main Contribution of the Research

Once the connection to the gap is established, the researcher must define the main contribution of the study. This contribution may take the form of conceptual development, theoretical refinement, or the formulation of a new approach to understanding a legal issue. The contribution must be specific so that the novelty clearly demonstrates added value.

c. Determining the Form of Novelty

1) Conceptual Novelty

A form of novelty derived from the development or reformulation of legal concepts. This may include redefining existing concepts or constructing new concepts that are more relevant to legal developments.

2) Approach Novelty

Novelty arising from the use of a different analytical approach in addressing legal issues, such as combining normative legal analysis with social or technological perspectives.

3) Model Novelty

Novelty in the form of a new analytical model or framework that can be used to understand or solve legal problems in a more systematic manner.

CONCLUSION

This study demonstrates that the research gap and novelty are fundamental elements in doctoral-level legal research that determine the direction and scientific contribution of a study. However, in practice, several methodological problems are still found, such as overly general formulation of research gaps, lack of explicit gap identification, and novelty that is not clearly linked to the research gap. In addition, limited ability in literature mapping, insufficient understanding of the state of the art, and weak critical analysis also affect the overall quality of legal research.

To address these issues, this study formulates a systematic strategy for identifying research gaps, which includes issue identification, literature collection and mapping, and analysis of differences and research voids. Furthermore, novelty is formulated as a direct response to the research gap through the determination of specific and measurable contributions. This strategy is expected to assist researchers in producing more focused studies with clear scientific contributions.

Based on the findings of this study, several recommendations can be proposed to improve the quality of legal research, particularly in the formulation of research gaps and novelty:

1. Legal researchers, especially at the doctoral level, need to enhance their ability to conduct systematic literature mapping and develop critical thinking skills in identifying research gaps so that research does not remain merely descriptive.
2. Higher education institutions are expected to strengthen research methodology training, particularly in the formulation of research gaps and novelty, in order to improve the quality and scientific contribution of legal research outputs.

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