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Legal Reconstruction Methodology and New Theory Development in Legal Dissertations

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Abstract: This research is motivated by the continued dominance of legal research at the doctoral level, which is oriented towards a normative-descriptive approach and thus fails to produce scientific contributions such as legal reconstruction or the development of new legal theories. This condition causes many dissertations to focus only on the inventory and interpretation of legal norms without offering conceptual updates that have novelty value. This research aims to analyze the concept and nature of legal reconstruction, examine appropriate methods in developing new legal theories, and formulate a systematic methodological model of legal reconstruction to produce theoretical contributions to doctoral research in legal science. The research employs a normative legal research method, using a statutory and conceptual approach. The legal materials, comprising primary, secondary, and tertiary sources, are collected through literature review and examined qualitatively using argumentative and deductive analytical methods grounded in legal reasoning. The results of the study indicate that legal reconstruction is a scientific process that is not only oriented towards changing norms, but also rebuilding concepts, paradigms, and legal theories based on a critical analysis of the weaknesses of the existing legal system. The development of a new legal theory requires systematic steps, including identification of legal issues, analysis of norms and theories, critical evaluation, conceptual synthesis, theory formulation, and scientific validation. This research proposes a methodological model for legal reconstruction that integrates normative, conceptual, philosophical, comparative, and legal reasoning approaches as a scientific framework for generating novelty and theoretical contributions. This model is expected to serve as a guideline for doctoral research, resulting in innovative, high-quality dissertations that contribute to the development of legal science and the national legal system.

Keywords: Legal Reconstruction, Legal Research Methodology, Legal Theory, Novelty, Doctoral Research.

INTRODUCTION

The development of legal science in the modern era demands research that is not only oriented toward understanding applicable legal norms but also capable of generating conceptual reform as a form of scientific contribution to the development of national law (Al-Fatih, 2023). The dynamics of social life influenced by globalization, digital transformation, the development of artificial intelligence technology, and the complexity of social relations have given rise to various legal issues that cannot always be answered through conventional normative approaches (Sukmana, et al., 2025). This situation places legal research at the doctoral level as a strategic instrument for generating legal ideas, concepts, and theories that can more adaptively address societal needs. As the highest form of academic research, a dissertation is expected to go beyond merely explaining existing legal norms by producing scientific novelty that provides a substantial contribution to the development of legal scholarship and the enhancement of legislative practices in Indonesia (Rachbini, Wulandjani, & Evi, 2024).

Higher education has a mandate to develop knowledge through innovative research that benefits society (Abdillah, 2024). The mandate is reflected in Law Number 12 of 2012 concerning Higher Education, which places research as one of the main pillars of scientific and technological development. The position of legal research within this framework is crucial, given that law is an instrument that regulates life in society, the nation, and the state (Aji & Utama, 2025). Doctoral research in law is expected to generate new concepts that not only enrich the academic treasury but also serve as references in the formation of regulations, the development of public policies, and the renewal of the national legal system that is responsive to changing times.

A normative-descriptive approach remains an important method in legal research because it enables researchers to identify, interpret, and systematically analyze applicable laws, regulations, and established legal doctrines. However, when doctoral research is directed toward generating scientific novelty and theoretical contributions, a normative-descriptive analysis may be insufficient if it stops at describing the existing legal framework and identifying its weaknesses. The critical issue, therefore, is not the prevalence or dominance of this approach among Indonesian doctoral dissertations, which requires empirical examination of a defined dissertation population, but the methodological capacity of legal research to proceed from the analysis of existing norms toward conceptual synthesis and legal reconstruction. In this regard, legal reconstruction provides a framework for moving beyond the identification of normative weaknesses by systematically evaluating existing norms and theories, developing legal arguments, and formulating new legal concepts, models, or theories that can contribute to the further development of legal science.

The concept of novelty is a key indicator in doctoral research because it measures the scientific contribution that distinguishes a study from previous research (Fernandes, Erwinda, Hardianti, & Arini, 2023). Novelty is not only understood as the presence of a different research object but also encompasses the formation of new concepts, theory development, methodological innovation, and analytical models that provide new perspectives on legal issues (Kurniati & Jailani, 2023). This value of novelty is a characteristic that distinguishes a dissertation from research at previous academic levels. The absence of novelty causes the research to lack academic contribution, while its presence demonstrates the researcher's ability to synthesize, critique, and construct scientific research independently based on accountable legal arguments (Haqqi, 2023).

Legal reconstruction has developed as an approach capable of addressing the need for novelty in legal research. Legal reconstruction is not simply defined as a change to existing norms, but rather as a process of rebuilding the structure of legal thought through a critical analysis of the weaknesses of existing norms, theories, and legal practices (Sanusi, Munandar,

& Masduki, 2026). This approach enables researchers to produce legal formulations that better align with societal developments and the needs of the national legal system. Legal reconstruction embodies a philosophical perspective by recognizing law as a dynamic and adaptive system that is continually open to renewal in line with the evolving principles of justice, utility, and legal certainty.

The development of legal thought demonstrates that the development of new theories is one of the most valuable academic contributions to doctoral research. Legal theory not only serves to explain existing legal phenomena but also provides a conceptual framework for understanding the relationship between norms, legal institutions, and societal behavior (Simanjuntak, Sinaga, Manullang, & Pasaribu, 2026). The emergence of new theories allows for the emergence of new paradigms for viewing legal issues, while simultaneously opening up space for the continuous improvement of the legal system. The development of these theories requires a systematic methodological process through the identification of legal problems, critique of existing theories, synthesis of various scientific approaches, and the formulation of legal concepts with logical validity and social relevance (Reumi, Judijanto, Kristanto, Yoesry, & Rahadian, 2025).

Studies on legal research methodology have been extensively conducted by scholars using various approaches, including normative legal research, conceptual approaches, and socio-legal approaches. In his *Introduction to Legal Research*, Soerjono Soekanto emphasized a normative approach to legal research, viewing law as a set of norms that serve as the primary object of scientific study (Sukmawan & Damayanti, 2025). Peter Mahmud Marzuki then expanded this methodological framework by developing a conceptual approach and a statute approach as analytical instruments in normative legal research (Nugroho, Haryani, & Farkhani, 2020). Satjipto Rahardjo, through his progressive legal theory ideas, offered a socio-legal perspective that places law in relation to social dynamics and societal needs (Rizqullah, Situmorang, Bakti, & Hukum, 2025). These various ideas have made significant contributions to the development of legal research methodology, but have not specifically formulated a systematic methodological model for legal reconstruction or explained the operational stages in developing new legal theories as a form of novelty in doctoral research.

The academic gap is further reflected in the absence of a methodological framework for legal reconstruction that provides systematic stages and serves as a practical guide for doctoral research. While many existing studies effectively identify the shortcomings of prevailing regulations or legal theories, relatively few explain the structured scientific process through which new legal concepts are developed and validated. In practice, legal reconstruction requires a coherent methodological sequence, beginning with the identification of legal issues, followed by normative and theoretical analysis, critical evaluation, the development of legal arguments, the formulation of new concepts, and the validation of the proposed reconstruction. The lack of a systematic methodological framework makes it difficult for many legal studies to demonstrate the theoretical contributions that are the primary characteristic of doctoral research.

Strengthening the methodology of legal reconstruction is crucial for the development of legal science in Indonesia because it can encourage more innovative, critical, and solution-oriented research. This methodology allows for the integration of various approaches, such as normative, conceptual, philosophical, comparative, and legal reasoning, into a single, coherent research framework. This integration results in analyses that go beyond explaining legal norms but also focus on developing new legal models and theories relevant to societal developments. This characteristic is crucial in addressing the increasingly complex challenges of contemporary law, driven by technological developments, the digital economy, social change, and increasing cross-border legal interaction.

This research offers a new perspective in the form of a systematic legal reconstruction methodology model as a scientific framework for generating new legal theories in doctoral research. The model is built through the integration of normative analysis, conceptual approaches, legal argumentation, and interrelated theoretical constructions, resulting in novelty with philosophical, juridical, and academic foundations. The presence of this methodological model is expected to strengthen the quality of legal research at the doctoral level, expand theoretical contributions to the development of legal science, and serve as a reference in producing dissertations that not only explain the law as it is, but also can construct the law as it should develop according to the demands of society and the development of civilization.

METHOD

This research employs normative legal research with a conceptual approach and a statutory approach to critically examine the concept of legal reconstruction and the methodology for developing new theories in doctoral research in legal science. The conceptual approach is utilized to analyze legal doctrines, principles, and scholarly views concerning legal reconstruction, legal theory development, and the concept of scientific novelty. The statutory approach, in turn, is employed to examine the legal framework regulating the advancement of science, research, and the national legal system. The legal materials used include primary legal materials in the form of the 1945 Constitution of the Republic of Indonesia and Law Number 12 of 2012 concerning Higher Education, secondary legal materials in the form of books, scientific journal articles, and relevant previous research results, and tertiary legal materials in the form of legal dictionaries and legal encyclopedias. The collection of legal materials is carried out through library research, then analyzed qualitatively using argumentative and deductive methods through legal reasoning to identify the methodological weaknesses of developing legal research, formulate a systematic legal reconstruction, and build a methodological model that can produce theoretical contributions and novelty value in doctoral research in legal science.

RESULTS AND DISCUSSION

The Concept and Nature of Legal Reconstruction in Legal Research at the Doctoral Level

Legal reconstruction is a scientific process that aims to rebuild concepts, norms, and legal systems so that they can adapt to the development of society and the ever-changing legal needs. (Adrian, Dewi, & Hidayat, 2025). Reconstruction goes beyond merely amending existing legal provisions; it also involves a thorough effort to rebuild the legal framework through critical, systematic, and reasoned analysis. The essence of reconstruction lies in the researcher's ability to identify weaknesses in norms, discover the roots of legal problems, and then offer new formulations that better achieve legal certainty, justice, and benefit. The role of legal reconstruction is crucial in doctoral research because dissertations are not only required to explain the existence of a norm but also to produce conceptual updates that make a real contribution to the development of legal science.

The understanding of legal reconstruction needs to be clearly distinguished from the concepts of legal reform and legal interpretation. Legal reform focuses more on policy changes, the creation of new regulations, or the improvement of the legal system through legislative mechanisms and government policies (Firdaus & Panjaitan, 2024). Legal interpretation focuses on understanding and clarifying existing laws to ensure that their meanings align with the intentions and goals of the lawmakers who created them (Susetiyo, 2025). Legal reconstruction has a broader scope because it does not stop at changing or interpreting norms, but rather rebuilds the legal paradigm based on an evaluation of conceptual, philosophical, and implementative weaknesses. This characteristic makes legal reconstruction a more in-depth scientific approach than simply revising regulations or interpreting existing norms.

The essence of legal reconstruction is also closely related to the nature of legal science as a dynamic science that continuously evolves in response to societal changes. Law cannot be positioned as a static system because every change in the social, economic, political, cultural, or technological sphere will influence the need for new legal regulations. The emergence of various contemporary phenomena such as digital transformation, artificial intelligence, electronic transactions, personal data protection, and the development of the digital economy demonstrates that many legal issues cannot be fully addressed by norms established in the past. This situation underscores the need for legal reform to be undertaken through a rigorous process of legal reconstruction capable of producing more adaptive legal concepts while preserving the fundamental values of the national legal system.

The philosophical foundation of legal reconstruction cannot be separated from the development of legal philosophy, which positions law as an instrument for achieving justice. Hans Kelsen, in his pure legal theory, viewed law as a hierarchically structured system of norms that must be understood based on their normative validity. This perspective provides a basis for analysis of the existing legal structure, but does not fully address the dynamic social changes that are taking place. Satjipto Rahardjo then developed the idea of progressive law, which places humans as the primary orientation of law, so that law must be able to adapt to societal needs (Setyawan, 2025). This development of thought demonstrates that legal reconstruction has gained philosophical legitimacy as an effort to shift the orientation of law from merely maintaining normative certainty to achieving substantive justice that is more responsive to social dynamics.

Another perspective that strengthens the essence of legal reconstruction comes from the Critical Legal Studies school, which views law as not always neutral because it is influenced by power structures, political interests, and social constructs that develop in society (Nadir, 2020). This critical approach encourages analysis that not only accepts legal norms as final but also examines the extent to which these norms are capable of realizing justice for all levels of society. Legal reconstruction becomes a means to evaluate the various inequalities that arise from the application of a norm while also offering a more inclusive legal paradigm oriented toward protecting community rights. This approach provides greater scope for doctoral research to generate transformative legal ideas.

The legal aspect of legal reconstruction is constitutionally based on Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which affirms that Indonesia is a state based on the rule of law. The consequence of this principle is that the law must be continuously developed to ensure legal certainty, justice, and benefits in a balanced manner. Legal development is carried out not only through the formation of legislation but also through scientific research that produces new concepts as a foundation for national legal reform. This mandate is further reinforced by Law Number 12 of 2012 on Higher Education, which recognizes research as the primary vehicle for advancing science and innovation. Within this framework, doctoral-level legal research occupies a strategic role by bridging academic inquiry with the broader needs of national legal development.

The position of legal reconstruction in doctoral research differs from that of legal research at the undergraduate and master's levels. Research at the former level is generally directed at understanding legal norms, analyzing the application of regulations, or evaluating policy implementation based on existing theories. Doctoral research carries higher academic demands because it is expected to produce scientific innovation through the development of new legal concepts, models, and theories. Legal reconstruction is a key instrument in meeting these demands because it provides researchers with space to critique old paradigms while simultaneously developing a more comprehensive legal framework. The success of legal reconstruction reflects the researcher's intellectual ability to produce scientific contributions that go beyond mere descriptions of prevailing norms.

The process of legal reconstruction in doctoral research requires systematic steps to ensure strong academic validity. These steps begin with the identification of urgent legal issues, followed by an analysis of established norms and theories. Critical evaluation is conducted to identify conceptual and implementation weaknesses within the existing legal system. The evaluation results form the basis for formulating new concepts, developed through legal argumentation, a philosophical approach, and in-depth conceptual analysis. This series of stages demonstrates that legal reconstruction is not an intuitive process, but rather a scientific activity built through academically sound research methods.

A common problem in legal research practice is the dominance of a normative-descriptive approach that emphasizes the inventory of norms rather than the development of new legal concepts. Many studies successfully identify regulatory weaknesses but fail to offer conceptual solutions that truly provide a new direction for legal development. This situation tends to result in research results concentrating on critiques of the legal system without generating significant theoretical contributions. This tendency is also influenced by a limited understanding of the methodology of legal reconstruction as a scientific approach that demands in-depth legal analysis, synthesis, and argumentation. Strengthening understanding of the concept of legal reconstruction is essential for doctoral research to produce innovative scientific work that is useful for the development of national law.

The concept and nature of legal reconstruction ultimately demonstrate that doctoral research must be positioned as a means of developing legal science, not simply a means of explaining existing law. Legal reconstruction presents a research paradigm that integrates normative analysis, philosophical approaches, conceptual thinking, and legal argumentation into a scientific process that results in systematic legal reform. This paradigm provides the opportunity for the birth of legal concepts and theories capable of addressing the challenges of societal development while simultaneously strengthening the quality of legal research in Indonesia. The presence of legal reconstruction as a scientific approach enables doctoral research to make a broader contribution, not only to the development of academic knowledge but also to the formation of a more adaptive, progressive, and equitable national legal system.

The Right Method in Developing New Legal Theories to Produce Novelty in Legal Science Dissertations

Legal theory serves as a conceptual foundation that explains, analyzes, and provides direction for legal developments in social, national, and state life. The existence of legal theory not only helps understand the relationship between legal norms, principles, and institutions, but also serves as a framework for thinking about resolving various evolving legal issues. (Makruf, Pratama, Muslimah, Pratama, & Shaleh, 2025). Doctoral research positions legal theory as one of the highest forms of academic contribution because research results are no longer limited to describing legal phenomena but are also capable of building new knowledge that enriches the treasury of legal science. The development of legal theory is an important indicator of a researcher's intellectual quality, as the resulting theory is expected to have broad reach, explain various legal issues, and serve as a basis for further research and the formation of legal policy.

The concept of novelty is closely related to the development of legal theory in doctoral research. Scientific novelty is not simply defined as the use of a different research object but must be manifested in the form of a substantive contribution to the development of science. This novelty can take the form of the emergence of new concepts, new legal models, innovative methodological approaches, or the development of legal theories that provide a different perspective on a legal issue. The value of novelty is the primary distinction between doctoral research and research at other academic levels, as doctoral research is required to produce scientific contributions of high originality. The presence of new legal theories demonstrates

that research does not stop at the stage of evaluating existing theories but rather successfully synthesizes and constructs scientific theories that produce new paradigms in legal science.

The development of legal theory cannot be done spontaneously or based solely on intuition, but must be carried out through a systematic, scientific method. The first step is to identify legal issues that have academic and practical urgency. This identification must be based on gaps between legal norms and societal needs, conflicts between norms, legal gaps, or the ineffectiveness of legal implementation in practice. The selected legal issue must be sufficiently significant to be worthy of being used as a basis for developing a new theory. Identifying the appropriate legal issue will facilitate researchers in determining the direction of their research and clarify the theoretical contribution they wish to achieve.

The next stage is to conduct a critical review of established legal theories. This review aims to identify the strengths, weaknesses, scope, and limitations of theories currently used to explain legal phenomena. Analysis of existing theories is not intended to negate the contributions of previous thinkers, but rather to identify aspects that are unable to address contemporary legal developments. A critical approach to evaluating theories is essential for doctoral research because without scientific critique, the theory development process will end in a repetition of established concepts. Theory evaluation also helps researchers determine their scientific position, ensuring that the new theory they develop has a clear argumentative basis.

The conceptual approach is fundamental to the development of new legal theories, as it enables researchers to critically examine the concepts, values, and legal principles underlying a legal system. Rather than focusing solely on the interpretation of legal terminology, it also situates legal concepts within the broader social, political, economic, and cultural contexts that influence the evolution and application of the law. A philosophical approach also contributes to building a deeper foundation for thinking about the purpose of law, the values of justice, utility, and legal certainty. The integration of these two approaches produces a more comprehensive conceptual framework, ensuring that the theory developed not only has normative validity but also has philosophical relevance to the needs of society.

The comparative approach is also a crucial method for developing new legal theories. Comparisons with other countries' legal systems provide researchers with the opportunity to understand various regulatory models, policy approaches, and legal practices that have been successfully applied in different contexts. Comparative analysis goes beyond simply adopting foreign legal concepts to identifying principles that can be adapted to the characteristics of national legal systems. This process allows for a synthesis between national legal concepts and best practices from various legal systems worldwide. Legal theories developed through a comparative approach generally have a broader analytical scope because they consider multiple perspectives in explaining a legal phenomenon.

The role of legal reasoning is crucial in the overall process of developing legal theory. Legal reasoning is used to establish logical relationships between legal facts, legal norms, legal principles, existing theories, and new concepts to be developed. Legal arguments must be structured systematically so that each conclusion has a strong scientific basis and can be academically justified. Deductive and inductive reasoning can be used simultaneously, depending on the nature of the legal issue being analyzed. The ability to develop consistent legal arguments is a crucial indicator of the quality of a legal theory, as it is determined not only by the novelty of the ideas but also by the strength of the underlying logic.

The process of developing a new legal theory requires a synthesis stage that connects the results of problem identification, evaluation of existing theories, conceptual analysis, philosophical approaches, and legal argumentation into a coherent framework. This synthesis gives rise to a new legal concept, which is subsequently refined into a theory through the formulation of coherent and interrelated scientific propositions. The resulting theory should provide a logical explanation of the relationships among relevant legal variables while offering

a sound and systematic solution to the legal issues under investigation. The synthesis stage is the core of doctoral research because it demonstrates the researcher's ability to process various sources of thought into an original scientific construct.

Validation of a new legal theory is an indispensable stage in doctoral research. The formulated theory must be tested for logical consistency, conformity to legal principles, relevance to societal developments, and its ability to explain various legal issues with similar characteristics. Validation can also be achieved through analysis of legal practice, comparison with other legal systems, and examination of relevant cases. This stage aims to ensure that the resulting theory is not only conceptually compelling but also has practical value in the development of national law. Theories that successfully pass the validation process will have stronger academic legitimacy and the potential to serve as references in research and legal policy formulation.

The method for developing new legal theories must ultimately be understood as a scientific process that integrates the identification of legal issues, critique of existing theories, conceptual exploration, philosophical analysis, comparative approaches, legal reasoning, conceptual synthesis, and scientific validation in a systematic manner. This approach enables doctoral research to produce novelty that not only takes the form of conceptual renewal but also generates legal theory that makes a significant contribution to the development of legal science. The application of this comprehensive method will strengthen the quality of the dissertation as the highest academic work and encourage the development of legal research that is more innovative, progressive, and responsive to the various legal challenges of the modern era.

Systematic Legal Reconstruction Methodology Model in Order to Produce Theoretical Contributions in Legal Research

The legal reconstruction methodology is a scientific framework designed to reconstruct legal concepts, norms, and systems through a critical, systematic, and argumentative analysis process. This approach emerged in response to the limitations of legal research methods, which have historically focused on normative-descriptive analysis without producing adequate conceptual renewal. Legal reconstruction believes that every legal norm must be continuously evaluated based on societal developments, social dynamics, technological advances, and ongoing changes in legal needs. This methodological characteristic makes legal reconstruction function not only as an analytical instrument but also as a means to generate new legal formulations that have both academic and practical value in national legal development.

The legal reconstruction methodology model is based on the premise that doctoral research must produce theoretical contributions that can enrich the development of legal science. This contribution cannot be realized solely through interpretation of laws and regulations or an inventory of existing legal norms, but rather requires a scientific construction process that produces new legal concepts, models, or theories. Legal reconstruction serves as a medium that connects criticism of the existing legal system with the formation of a legal paradigm that is more relevant to societal developments. The position of legal reconstruction methodology in doctoral research plays a strategic role because it is the primary instrument for generating conceptual and theoretical novelty.

The principle of rationality is the primary foundation of the legal reconstruction methodology model. All arguments constructed must establish a logical connection between the legal problem, the norms analyzed, the theories used, and the new concepts formulated. Legal reasoning should not be based on subjective assumptions but must be supported by academic arguments that can be scientifically tested. Rationality also requires consistency in each stage of the research so that the conclusions drawn are truly the result of a systematic

analysis process. Applying this principle will result in legal reconstruction that has scientific validity and can be accounted for in academic forums and legal practice.

The systematic principle is a key characteristic that distinguishes legal reconstruction methodology from conventional legal research approaches. The entire research process must be carried out through interrelated stages, forming a coherent series of analyses. Research begins with the identification of the actual legal issue, followed by an analysis of applicable legal norms, an evaluation of relevant theories, the identification of conceptual and normative weaknesses, the development of legal arguments, and the formulation of a new concept or theory that becomes the final research outcome. These stages provide clear direction for researchers in developing scientific constructs, ensuring that the reconstruction process is not partial or intuitive.

The legal issue identification stage is the initial foundation of the legal reconstruction methodology model. The selected legal issues must have academic urgency and practical relevance to the development of society and the national legal system. The issues raised should demonstrate normative conflicts, legal gaps, inconsistencies between norms and practice, or conceptual weaknesses that cannot yet be explained by established theories. The identification of legal issues is carried out in depth so that the research truly stems from the real needs of legal development. Accurately identifying legal issues will significantly impact the quality of the analysis and the direction of the reconstruction carried out in subsequent stages.

Analysis of legal norms and legal theory is the next stage, aiming to obtain a comprehensive picture of the legal conditions being studied. Norm analysis is conducted through a statutory regulatory approach to understand the prevailing positive legal structure, while theory analysis is conducted through a conceptual and philosophical approach to assess the suitability of theories currently used to explain legal phenomena. This analytical process enables researchers to identify normative and conceptual weaknesses that fail to address contemporary legal developments. The results of the analysis serve as the basis for developing a scientific critique of previously developed legal paradigms.

The critique and evaluation stage is the core of the legal reconstruction methodology because it is during this phase that researchers examine the weaknesses of the norms and theories being researched. The critique is not aimed at rejecting all existing concepts, but rather at identifying aspects that require improvement based on scientific developments and societal needs. Evaluation is conducted objectively through an analysis of norm effectiveness, theoretical consistency, social relevance, and the legal system's ability to provide fair legal protection. The results of this evaluation serve as the basis for developing a new, more comprehensive formulation than the previous paradigm.

The formulation of legal reconstruction is not merely the final step of a sequential research process, but an analytical transformation from a demonstrated deficiency in the existing legal framework into a justified legal construct. The process integrates problem identification, normative and theoretical analysis, critical evaluation, conceptual synthesis, and legal argumentation. Each stage has a specific input, analytical operation, decision rule, and output: the identified legal problem is examined against existing norms and theories; the existing framework is critically evaluated for normative gaps, inconsistencies, conceptual limitations, or implementation deficiencies; and, where a material deficiency is demonstrated, the researcher determines which elements should be retained, modified, supplemented, or replaced. The resulting construct is then formulated and validated through logical consistency, conformity with legal principles, relevance, and applicability. If no material deficiency is established, reconstruction is not required; if the proposed construct fails validation, the analysis returns to the synthesis and formulation stages for revision.

The distinctiveness of legal reconstruction therefore lies not in the use or sequence of conventional legal-research techniques, but in the transformation rule that connects critical

diagnosis with normative reconfiguration. Doctrinal research primarily identifies and interprets existing law, legal interpretation determines the meaning of existing norms, and legal reform focuses on changing legal rules or institutional arrangements. Legal reconstruction goes further by establishing a reasoned basis for retaining, modifying, supplementing, or replacing elements of the existing legal framework. The resulting contribution must also be classified according to explicit criteria: a reconstructed legal norm addresses a specific deficiency through a modified or newly formulated norm; a legal model integrates related norms, principles, institutions, or procedures into a transferable framework; while a new legal theory requires defined legal constructs, relationships or propositions among those constructs, an explanatory mechanism, and clearly specified scope conditions. Accordingly, the methodological novelty of the proposed framework lies in establishing a systematic transformation and classification process that connects doctrinal analysis to legal reconstruction and determines whether its final output constitutes a reconstructed norm, legal model, or new legal theory.

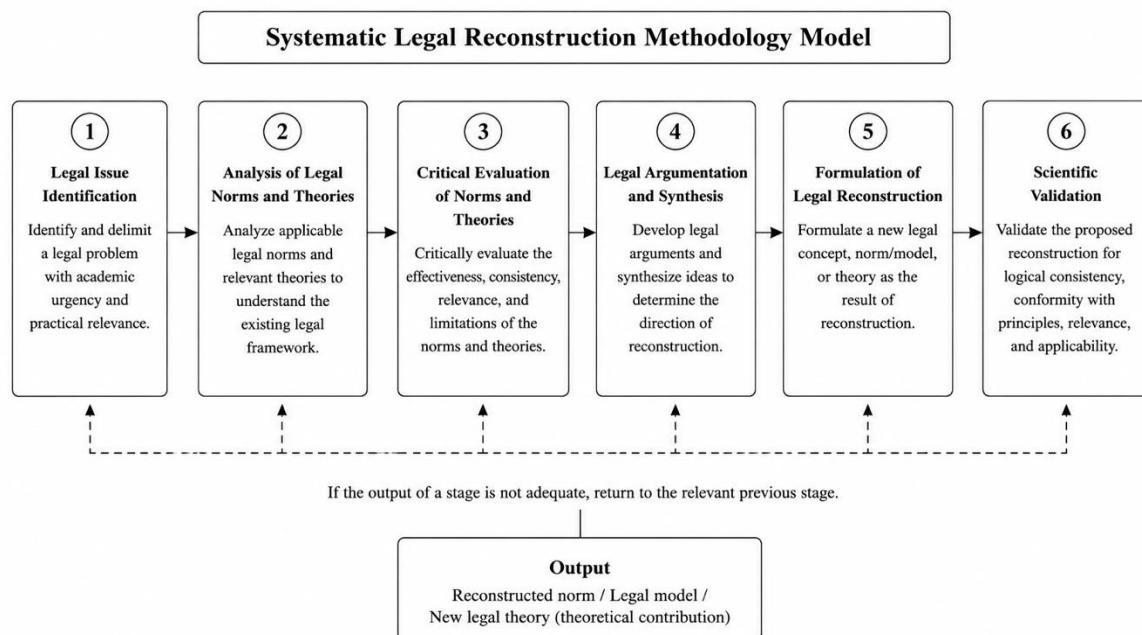
Based on the stages and principles discussed above, the systematic legal reconstruction methodology model proposed in this study can be visualized as follows:

Table 1. Systematic Legal Reconstruction Methodology Model for Generating Theoretical Contributions

Foundational Principles	Stages of Legal Reconstruction Methodology	Expected Outcome
Rationality \nLogical, consistent, and argumentative legal reasoning. Systematic Approach \nInterrelated and sequential stages that ensure a coherent and comprehensive reconstruction process.	1. Legal Issue Identification \nIdentifying normative conflicts, legal gaps, inconsistencies between norms and practice, or conceptual weaknesses.	New Legal Concept / Model / Theory \n↓ \n Theoretical Contribution and Novelty \n↓ \n Development of Legal Science and National Legal System
	↓	
	2. Analysis of Legal Norms and Existing Theories \nAnalyzing applicable legal norms and relevant theories to identify the existing legal and theoretical conditions.	
	↓	
	3. Critical Evaluation and Identification of Weaknesses \nEvaluating normative effectiveness, theoretical consistency, social relevance, and existing conceptual weaknesses.	
	↓	
	4. Legal Argumentation and Conceptual Synthesis \nDeveloping legal arguments and synthesizing normative, conceptual, and theoretical findings into a coherent framework.	
	↓	
	5. Formulation of Legal Reconstruction \nFormulating a new legal concept, legal model, or legal theory capable of addressing the identified legal problem.	
	↓	
	6. Scientific Validation \nTesting logical consistency, conformity with legal principles, social relevance, and applicability in legal practice.	

A systematic methodological model for legal reconstruction ultimately demonstrates that doctoral research must move beyond a normative-descriptive approach to research oriented toward the construction of legal science. The integration of legal issue identification, norm analysis, theoretical review, conceptual critique, reconstruction formulation, legal argumentation, and scientific validation results in a research model capable of generating tangible theoretical contributions. This model provides clear direction for researchers in developing novelties with strong philosophical, juridical, and methodological foundations. The consistent application of the legal reconstruction methodology is expected to improve the quality of doctoral research in Indonesia, enrich the development of legal theory, and encourage the formation of a national legal system that is more adaptive, progressive, and responsive to changes in society in the global and digital era.

Figure 1. Systematic Legal Reconstruction Methodology Model



The model illustrates six interrelated stages of legal reconstruction, beginning with the identification of a legal issue and continuing through the analysis of existing norms and theories, critical evaluation, legal argumentation and conceptual synthesis, formulation of legal reconstruction, and scientific validation. Each stage produces an analytical basis for the subsequent stage, while the feedback mechanism allows the researcher to return to the relevant stage when the results are inadequate. The process ultimately produces a reconstructed legal norm, legal model, or new legal theory, depending on the level of abstraction and theoretical contribution achieved.

CONCLUSION

This research demonstrates that legal reconstruction can provide a methodological framework for generating conceptual renewal and theoretical contributions in doctoral legal research. Legal reconstruction is understood not merely as changing existing legal norms, but as a systematic process of diagnosing legal deficiencies, critically evaluating existing norms and theories, synthesizing legal arguments and concepts, and formulating and validating a reconstructed legal construct. The proposed framework distinguishes between a reconstructed legal norm, a legal model, and a new legal theory according to the level of conceptual abstraction and the criteria that each output must satisfy. Its methodological contribution

therefore lies in establishing a structured transformation from the diagnosis of an existing legal deficiency to the formulation of a justified and potentially generalizable legal construct.

Based on these findings, the proposed methodology should be regarded as a preliminary conceptual framework rather than a validated framework ready for institutional adoption. It may provide a structured reference for doctoral researchers in moving beyond the identification of normative weaknesses toward legal reconstruction and the development of theoretical contributions, while its effectiveness and applicability remain subject to further assessment. Universities, doctoral programs, and legal scholars may use the framework as a basis for methodological discussion and further development, but institutional adoption should be preceded by empirical application and systematic evaluation. Such evaluation should examine the framework's logical consistency, conformity with legal principles, relevance, applicability, and its ability to generate the level of contribution claimed.

This study is limited by its primarily normative and conceptual character and by the absence of direct empirical application to completed doctoral dissertations or concrete legal problems. The proposed framework has therefore not yet been comparatively tested against alternative legal-research or theory-building methodologies, nor has it undergone structured expert assessment using predetermined validation criteria. Future research should apply the framework to concrete legal problems or completed doctoral dissertations, compare its analytical results with alternative methodologies, and obtain structured expert assessments to identify its strengths, limitations, necessary revisions, and boundary conditions. Such empirical and comparative testing will be important for determining the framework's effectiveness, applicability, and potential for broader use in doctoral legal research.

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