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Review of Literature in Legal Research: A Critical Survey of Scholarly Contributions, Debates, and Research Gaps
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ABSTRACT

The literature review constitutes a fundamental methodological pillar in legal research, yet its application within the discipline remains contested and under-theorized. This paper critically examines the evolution, methodologies, and scholarly debates surrounding literature reviews in legal research. Through systematic analysis of recent contributions spanning 2018 to 2025, this review identifies three dominant approaches: traditional narrative reviews, systematic reviews adapted from evidence-based disciplines, and emerging hybrid methodologies that bridge doctrinal and empirical legal research. The analysis reveals persistent tensions between the discipline's hermeneutic foundations and the increasing demand for methodological transparency, replicability, and interdisciplinary integration. Key debates center on the appropriateness of systematic review methodologies for doctrinal legal research, the epistemological status of legal literature reviews, and the challenge of synthesizing heterogeneous legal sources. The paper identifies significant research gaps, including the lack of standardized quality assessment tools for legal literature reviews, insufficient engagement with computational methods for large-scale legal text analysis, and limited cross-jurisdictional comparative review methodologies. This critical survey argues that legal scholarship must develop context-specific review methodologies that preserve the interpretive richness of legal analysis while embracing the transparency standards demanded by contemporary interdisciplinary research.

Keywords: *Legal Research Methodology, Literature Review, Systematic Review, Doctrinal Research, Empirical Legal Studies, Interdisciplinary Legal Research*

Introduction

Legal research occupies a distinctive methodological position within the academy, characterized by what scholars have termed its "relative autonomy" as a discipline (Taekema & van der Burg, 2015). Unlike empirical sciences that prioritize falsification and replicability, legal research traditionally relies on hermeneutic interpretation of authoritative texts including statutes, judicial decisions, and regulatory materials to construct coherent doctrinal accounts (Varuhas,

2023). However, the methodological landscape of legal scholarship has undergone significant transformation over the past two decades, driven by the empirical turn in legal studies, the rise of interdisciplinary research, and increasing pressure for evidence-based policy analysis (Taekema & van der Burg, 2015).

The literature review, as a methodological component, sits at the intersection of these developments. In legal research, the literature review serves multiple functions: it establishes the current state of doctrinal development, identifies gaps in judicial reasoning or statutory interpretation, provides historical context for legal evolution, and synthesizes competing theoretical perspectives (Daly & Tomlinson, 2023). Yet, the methodological standards governing legal literature reviews remain less developed than those in neighboring social sciences, creating both opportunities and challenges for legal scholars.

This paper provides a comprehensive critical survey of literature review methodologies in legal research. The analysis proceeds in four parts. Section 2 examines the theoretical foundations and typologies of literature reviews in legal scholarship. Section 3 analyzes major scholarly contributions and methodological innovations from 2018 to 2025. Section 4 identifies ongoing debates regarding the appropriateness of systematic review methodologies for legal research. Section 5 maps research gaps and proposes directions for future methodological development. The conclusion argues for a pluralistic approach that respects legal research's interpretive traditions while incorporating methodological innovations from empirical disciplines.

Theoretical Foundations and Typologies of Legal Literature Reviews

Defining the Legal Literature Review

Legal literature reviews defy simple categorization because they operate across multiple research paradigms. In doctrinal research often characterized as "research in law" literature reviews primarily examine primary legal sources (cases, statutes, regulations) and secondary doctrinal commentary to construct systematic accounts of legal rules and their interrelationships (Varuhas, 2023). In socio-legal or empirical research "research about law" literature reviews synthesize social scientific studies of legal phenomena, drawing on sociology, political science, economics, and anthropology (Daly & Tomlinson, 2023).

This dual nature creates methodological complexity. As Taekema and van der Burg (2015) observe, the incorporation of interdisciplinary methods into legal research presents a fundamental challenge: "From the perspective of the empirical and natural sciences, the largely implicit methods used in doctrinal research may seem highly questionable." Conversely, legal scholars often view empirical methods as insufficiently attentive to the normative dimensions of legal analysis. This tension between interpretive depth and methodological transparency remains a defining characteristic of legal literature review methodology.

Typology of Review Approaches

Recent scholarship has identified three primary approaches to literature reviews in legal research, each with distinct methodological characteristics and epistemological commitments. The traditional narrative review remains dominant in doctrinal legal scholarship. These reviews provide broad overviews of legal development, identify trends in judicial interpretation, and synthesize doctrinal commentary without explicit systematic protocols (Steel, 2024). Narrative reviews offer flexibility and interpretive depth, allowing scholars to trace the evolution of legal concepts across time and jurisdictions. However, critics note that such reviews are "prone to bias, not exhaustive, lacks reproducibility, and may overlook important studies due to the lack of a systematic search process" (Salehijam, 2018).

Systematic reviews, adapted from evidence-based medicine and social science, apply explicit, transparent, and pre-specified methodologies to synthesize legal sources. These reviews follow

structured protocols including comprehensive search strategies, explicit inclusion criteria, quality assessment, and systematic synthesis procedures (Hall & Wright, 2008). The systematic approach aims to minimize selection bias and enhance reproducibility particularly valuable when making descriptive claims about the state of legal doctrine (Hall & Wright, 2008). This methodology has gained traction as legal scholarship faces increasing demands for evidence-based analysis and transparent methodology.

Emerging hybrid methodologies attempt to bridge the gap between narrative and systematic approaches. Grant and Booth's (2009) influential typology of reviews, adapted for legal contexts, suggests that different review types serve complementary purposes: "Systematic reviews address narrowly focused questions; their key contribution is summarizing data. Narrative reviews provide interpretation and critique; their key contribution is deepening understanding." Recent legal scholarship has explored rapid evidence reviews, realist reviews, and systematic content analysis as intermediate approaches that combine the rigor of systematic methodology with the interpretive flexibility required for legal analysis (Salehijam, 2018).

Scholarly Contributions and Methodological Innovations (2018–2025)

The Systematic Turn in Doctrinal Research

A significant methodological development has been the adaptation of systematic review techniques to doctrinal legal analysis. The Chicago Law Review's intervention in this debate proved particularly influential, proposing a four-step process for making claims about the state of legal doctrine: clearly stating the legal question, defining the sample of cases, explaining how cases will be weighted, and conducting analysis and stating conclusions (Hall & Wright, 2008; Linos & Carlson, 2018).

This systematic approach addresses a persistent vulnerability in doctrinal scholarship: the tendency toward unconscious bias in case selection. As noted by proponents, "Readers of doctrinal work cannot assess any bias from this case selection process, and can compound the problem by citing uncritically the conclusions of the doctrine analysis" (Hall & Wright, 2008). By requiring explicit sampling protocols and transparent weighting methodologies, systematic doctrinal review aims to enhance the reliability of descriptive legal claims.

Cambridge legal scholar Stephen Steel's (2024) contribution to this debate emphasizes the "carefully tailored" nature of doctrinal methods, arguing that empirical and doctrinal approaches serve complementary functions in legal scholarship. Steel contends that doctrinal research involves distinctively legal forms of reasoning including analogical reasoning, rational reconstruction of judicial decisions, and principled interpretation that resist full reduction to empirical methodology. This position acknowledges the value of systematic approaches while maintaining that doctrinal research requires methods specifically adapted to legal materials.

Computational Methods and Large-Scale Text Analysis

The period 2023–2025 witnessed explosive growth in computational approaches to legal literature analysis, driven by advances in large language models (LLMs) and natural language processing. Kelsall et al.'s (2025) rapid evidence review of LLM evaluation in legal contexts represents a methodological milestone, analyzing 140 studies to identify trends, gaps, and recommendations for future research. This review employed a "rapid review two-step screening method" adapted for the fast-paced AI research environment, demonstrating how legal methodology must evolve to address technological change.

This study reveals significant heterogeneity in evaluation methods across the field, with implications for how legal scholars conduct and assess literature reviews involving computational tools. The analysis found that while LLMs show promise for legal text analysis, methodological

standardization remains lacking, creating challenges for systematic synthesis of AI-assisted legal research.

Savelka and Ashley's (2023) work on "zero-shot semantic annotation of legal texts" using LLMs suggests new possibilities for large-scale legal literature synthesis. However, these technological advances raise methodological questions about the role of human interpretation in legal analysis a tension between efficiency and the hermeneutic depth that characterizes traditional legal scholarship. The challenge lies in developing review methodologies that leverage computational power while preserving the contextual understanding and normative sensitivity that legal analysis demands.

Interdisciplinary Integration and Methodological Pluralism

The Centre for Interdisciplinary Legal Studies has advanced a framework for interdisciplinary legal research methodology that explicitly addresses literature review practices (Taekema & van der Burg, 2015). This framework identifies the need for "eclectic and inter-disciplinary" approaches that combine doctrinal, empirical, qualitative, and quantitative methods to address complex legal questions.

Key contributions to this methodological pluralism include theoretically informed sampling techniques. Linos and Carlson's (2018) methodological guidance for law review writing introduces qualitative social science techniques including process tracing, most similar case design, and purposive sampling to legal literature review. These techniques address the "cherry-picking" problem in legal scholarship by providing explicit protocols for case selection, thereby enhancing the transparency and credibility of doctrinal claims.

Systematic content analysis (SCA) has emerged as a distinctive legal research methodology. Salehijam's (2018) article in the *Tilburg Law Review* established SCA as "a replicable technique that can be applied in the analysis of a variety of texts, ranging from interview transcripts to legal texts such as case law, legislation and contracts." SCA offers a middle ground between traditional close reading and computational analysis, providing structured protocols for analyzing legal texts while maintaining attention to interpretive context.

The *Journal of Law and Society* has promoted literature reviews that combine doctrinal analysis with empirical data, requiring authors to "situate the research question within the broader sociolegal literature and show clearly how the paper fills an important knowledge gap" (Daly & Tomlinson, 2023). This approach encourages reviews that bridge the traditional divide between doctrinal and empirical legal research, creating more comprehensive accounts of legal phenomena.

Critical Debates and Methodological Controversies

The Systematic vs. Narrative Debate

A central controversy concerns the appropriateness of systematic review methodologies for legal research. Proponents argue that systematic reviews bring necessary rigor to legal scholarship, addressing concerns about selection bias and methodological transparency that have long plagued doctrinal research. Critics contend that legal research involves interpretive judgments that resist algorithmic synthesis, and that the complexity of legal reasoning cannot be captured through standardized protocols.

The debate reflects deeper epistemological divisions about the nature of legal knowledge. As Grant and Booth (2009) note, "Systematic reviews are generally placed above narrative reviews in an assumed hierarchy of secondary research evidence," yet "systematic reviews and narrative reviews serve different purposes and should be viewed as complementary." In legal contexts, this complementarity is particularly salient: systematic approaches excel at mapping the extent of legal doctrine, while narrative approaches better capture the normative nuances and

contextual factors that shape legal development. The challenge for legal methodology is to develop approaches that combine these strengths without sacrificing either rigor or interpretive depth.

The Challenge of Heterogeneity

Legal sources present unique synthesis challenges that complicate the application of systematic review methodologies. Unlike clinical trials or social surveys, legal cases vary across multiple dimensions including jurisdiction, procedural posture, factual context, judicial philosophy, and temporal setting that complicate direct comparison. As noted in evidence synthesis research, "Heterogeneity limits the strength of pooled conclusions" because "studies rarely follow identical designs" (Grant & Booth, 2009).

In legal research, this heterogeneity is compounded by the common law system's reliance on distinguishing precedents and contextual reasoning. Systematic reviews that aggregate cases without attending to legal context risk "the illusion of comprehensiveness" while missing the nuanced reasoning that characterizes legal analysis (Grant & Booth, 2009). This creates a methodological dilemma: the more systematic the review, the greater the risk of decontextualizing legal sources; the more contextualized the analysis, the more difficult to maintain systematic transparency.

Publication Bias and Source Selection

Legal literature reviews face distinct forms of publication bias that differ from those in empirical sciences. Judicial opinions represent a filtered sample of legal disputes, with selection effects operating at multiple levels: which cases are litigated, which reach appellate courts, and which are published in official reporters. As systematic review methodology acknowledges, "Positive or statistically significant findings are more likely to be published than null or inconclusive results," and in legal contexts, "routine monitoring studies remain unpublished" while exceptional or controversial decisions receive disproportionate attention (Grant & Booth, 2009).

Moreover, legal scholarship itself exhibits geographic and linguistic biases. Common law jurisdictions dominate English-language legal literature, while civil law systems and non-Western legal traditions remain underrepresented in systematic reviews. This creates "geographic blind spots" that limit the generalizability of review conclusions (Grant & Booth, 2009). Legal literature reviews must therefore attend not only to the content of legal sources but also to the structural factors that determine which sources are available for review.

Research Gaps and Future Directions

Methodological Standardization

Despite growing interest in systematic legal reviews, the field lacks standardized quality assessment tools specific to legal sources. While medical and social science reviews utilize instruments like the Newcastle-Ottawa Scale or Cochrane Risk of Bias tools, legal reviews rely on adapted frameworks that may not capture the distinctive quality dimensions of judicial reasoning or statutory interpretation. Future research should develop and validate quality assessment instruments for judicial opinions considering precedential weight, reasoning quality, and representativeness statutory and regulatory materials assessing clarity, coherence, and implementation data and comparative legal sources evaluating jurisdictional comparability and translation accuracy. Such instruments would enhance the reliability and comparability of legal literature reviews while respecting the distinctive characteristics of legal sources.

Computational Legal Analysis

The integration of artificial intelligence into legal research methodology requires critical examination. While large language models offer unprecedented capacity for text analysis, they also introduce new forms of bias and opacity. Research is needed on validation protocols for AI-

assisted legal literature synthesis, standards for human-AI collaboration in legal interpretation, and methods for detecting and mitigating algorithmic bias in legal text analysis. Kelsall et al.'s (2025) rapid evidence review identifies significant gaps in evaluation methodologies for LLMs in legal contexts, suggesting that methodological development must keep pace with technological innovation.

Cross-Jurisdictional and Transnational Reviews

Globalization and legal harmonization create demand for literature reviews that span multiple legal systems. Current methodologies are predominantly designed for single-jurisdiction research. Future methodological development should address comparative legal synthesis techniques, methods for reviewing "legal transplants" and harmonization processes, and approaches to reviewing customary international law and soft law instruments. Such methodologies would support the growing field of comparative law and the increasing importance of transnational legal regulation.

Temporal and Dynamic Analysis

Legal systems evolve through judicial interpretation and legislative amendment. Static literature reviews risk obsolescence as legal doctrines shift. Methodological innovation is needed for living systematic reviews that incorporate legal developments in real-time, methods for analyzing legal change over time through longitudinal doctrinal analysis, and techniques for predicting legal evolution based on review data. These dynamic approaches would enhance the relevance and utility of legal literature reviews in rapidly changing legal environments.

Conclusion

The literature review in legal research stands at a methodological crossroads. Traditional narrative approaches, while offering interpretive richness and flexibility, face mounting pressure to demonstrate transparency and minimize selection bias. Systematic methodologies imported from empirical disciplines provide rigor but risk oversimplifying the contextual and normative dimensions that characterize legal analysis.

This critical survey suggests that the productive way forward lies in methodological pluralism—developing context-specific review approaches that preserve legal research's distinctive hermeneutic character while embracing standards of explicit methodology, transparent sourcing, and replicable analysis. The "carefully tailored" approach advocated by recent scholarship recognizes that legal research methods must be adapted to the specific questions being addressed, whether doctrinal clarification, empirical description, or normative evaluation (Steel, 2024).

Key priorities for the field include developing quality assessment tools specific to legal sources, establishing standards for computational legal analysis, creating methodologies for cross-jurisdictional synthesis, and designing dynamic review approaches that accommodate legal change. As legal scholarship becomes increasingly interdisciplinary and evidence-based, the literature review will remain central to the discipline's methodological toolkit—but only if legal researchers continue to refine and adapt review methodologies to the distinctive challenges of legal analysis.

The future of legal literature review methodology lies not in the wholesale adoption of external frameworks, nor in the uncritical preservation of traditional practices, but in the creative synthesis of systematic rigor with interpretive depth. This synthesis, achieved through ongoing methodological reflection and innovation, will ensure that legal literature reviews continue to serve their essential function: mapping the terrain of legal knowledge while advancing the discipline's theoretical and practical aims.

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