

THEORETICAL AND CONCEPTUAL FRAMEWORKS IN SOCIAL SCIENCES AND LAW: MEANING, FUNCTIONS AND DIFFERENCES

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ABSTRACT

Both theoretical and conceptual frameworks play a significant role in research studies. However, majority of the researchers do not properly understand their meaning, functions and differences between them. The present study had two objectives; first, to explore the meaning, differences and functions of theoretical and conceptual framework and second, to analyze the need of theoretical framework in legal research. After the systematic review of the literature, the present study found that a theoretical framework is the map constructed with one or more theories to guide a proposed study from inception to reporting. Similarly, the study found that a conceptual framework is constructed with various ideas and concepts taken from numerous theories or empirical studies. Besides, theoretical and conceptual frameworks are similar to the extent of their function and different to the extent of their constituents elements. Moreover, the study found that doctrinal legal research needs a normative framework whereas empirical legal studies require a theoretical or conceptual framework. It is hoped that the present study will enable the researchers to properly understand the meaning, functions and differences between theoretical and conceptual framework.

Keywords: Theoretical Framework, Conceptual Framework, Functions of Theoretical and Conceptual Framework, Difference between Theoretical and Conceptual Framework

INTRODUCTION

The theoretical or conceptual frameworks are the most significant aspects in the research process since they play substantial role in relation to various steps in the research process. Despite their importance, the first researcher of the present study have experienced that majority of the researchers doing their dissertations are not aware of the importance, role and difference between theoretical and conceptual framework. Across many years of supervising dissertation and assessing the research proposals, one of the thing which the first researcher of the present study have realized that a great majority of the students are not able to understand the meaning, importance, functions and difference between theoretical and conceptual framework which is very important to carry out research at M. Phil level. It is important to point out that both theoretical and conceptual frameworks play very significant role in the selection of a topic, the development of research questions, the conceptualization of the literature review, research approach, and analysis planning for the dissertation study (the various functions of theoretical and conceptual framework are discussed in section 4). In addition, research in the social sciences in general and in law and management sciences in particular does not have a tradition of adequately explicating the notion of conceptual and theoretical frameworks. Consequently, the understanding of the development and use of theoretical and conceptual frameworks may be limited. In fact, some researchers do not fully understand what it means to adopt a theoretical or conceptual framework. On the same line of thinking, Kivunja (2018)

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points out that the majority of the text books on research methods in social sciences are either silent or offer inadequate discussion on the scope and meaning of theoretical and conceptual framework in research studies. He adds that majority of researchers do not understand the difference between theoretical and conceptual framework and use them interchangeably. To him, each terminology in research projects have peculiar meaning which must be understood by researchers and finally he suggests researchers to pay more attention towards understanding the meaning, role and difference between theoretical and conceptual framework (Kivunja, 2018, p. 44). Moreover, one may notice that researchers use three terminologies related to research frameworks i.e. theoretical, practical (Scriven, 1986) and conceptual (Eisenhart, 1991). However, the present study covers two research frameworks namely theoretical and conceptual and it does not intend to ponder over practical framework.

The primary objective of the present study is to assist researchers to have firm understanding of these concepts and enable them to use these terminologies properly in academic research. The current study has the following four research questions to achieve the said objectives. What is theoretical and conceptual framework? What are their functions in research? How are they different from each other? Does legal research need theoretical framework? These research questions are addressed by the systematic review of the literature and researchers' personal experience. This paper, other than introductory section, has five sections. The second section discusses the meaning of theoretical framework, the third section describes the meaning of conceptual framework and the difference between theoretical and conceptual framework. Similarly, the fourth section is dedicated to narrate the functions of theoretical and conceptual framework, the fifth section discusses the need of theoretical framework in legal studies and the last section concludes the study.

What is a Theoretical Framework?

This section is dedicated to address the first half of the first research question. This section discusses in detail the meaning of theoretical framework in research studies. As the name implies, the theoretical framework is composed of two words; theory and framework and it is indispensable to comprehend the meaning of theory and framework before understanding the meaning of theoretical framework. Keeping in mind these points, the following paragraphs offer discussion regarding the meaning of "theory" and "framework" and then, this discussion is intended to be used to apprehend the meaning of theoretical framework.

a) What is a theory?

Theories are considered to be the part and parcel of a research project and no research can be possible without theory whether a researcher is cognizant of the applicable theory or not (Martin Albrow, 1999, p.41). As far as the word theory is concerned, various researchers have offered different definitions of "theory" which differ in their scope and nature. This fact has been recognized by various researchers who maintain that though the word "theory" is frequently used and defined in research projects; however, there is no precise and systematic definition of theory (Sandberg, & Alvesson, 202, p.488). This situation makes it necessary to consult and examine variety of definitions propounded by various researchers from multiple disciplines to understand the meaning of theory. The following seven definitions of "theory" will summarize the literature on the definition, importance, functions and constituting elements of a theory.

To Kerlinger, (1966) a theory is composed of logically related propositions which show relationship among various constructs and propositions (Kerlinger, 1966). Similarly, Fain (2004) defines a theory as an ordered and systematic set of interconnected statements exhibiting relationship among various variables to understand a particular thing or phenomenon. Similarly, Fox and Bayat (2007) opine that a theory is composed of interconnected propositions, concepts and definitions which show methodical approach to lay down links among numerous variables (Fox, & Bayat, 2007, p. 29). Similarly, Baden & Major (2012) define the term theory in the context of social sciences research. They believe that theories in social sciences are probable understanding of the social world. In addition to this, they also discussed the ingredients of theory in qualitative or quantitative research in social sciences. To them, concepts, systems, structure, ideas, beliefs and models are the building blocks of quantitative studies; on the other hand, propositions are the building blocks of theories in qualitative studies. They add that the theories are used to analyze actions or observation and to predict consequences of certain observed actions (Baden, & Major, 2012). Similarly, Wacker (1998) argue that a theory has four necessary ingredients namely definitions, applicability zone, set of relationships among variables and its capability of making specific predictions regarding particular phenomenon

(Wacker, 1998). Hawking believed that a good theory fulfills two conditions; first, a theory must correctly describe broad observations with the help of a model containing just a few arbitrary parts. Second, a theory must make specific predictions about the outcomes of future observations (Hawking, 1988, p. 9). In addition, Abend (2008) argues that researchers develop or refine theories in various disciplines to understand, explain or predict any phenomenon or to challenge or extend the existing knowledge (Abend, 2008, p). Moreover, a researcher needs a theory since it not only guides him regarding his research but also enables him to understand phenomenon under study (Gay, & Weaver, 2011, p. 29). In addition, the nature and application of theories vary from discipline to discipline. For instance, the theories developed in basic science have different nature and application than the theories developed in social sciences. The social sciences are meant to produce organized knowledge about a social reality which refers to common sense experience of things and happenings in social setting (Schutz, 1962, p.53).

The definitions discussed above indicate significant aspects of a “theory”. These definitions show that theories are logically related propositions (these propositions are given various names like concepts, constructs, variables, and definitions) which show a specific relationship between these propositions. The relationships among various propositions describe, explain or predict a particular phenomenon and it is helpful in understanding the world around us. The phenomenon, explained, described or predicted by a theory, may be social world, behavior or actions of human being. Furthermore, these definitions show that each theory has a specific area or phenomena where a particular theory is applied. Likewise, one can learn from these definitions that each theory has certain assumptions and will be applied or used when these assumptions exist. In addition, these definitions reveal a number of terminologies like concept, construct, variables, definitions, assumptions and factors which are necessary to understand the meaning of a theory. These terms are briefly explained in the following lines.

The “concepts” in a theory are the basic building blocks that explain, predict or define any phenomenon under inquiry. To Liehr and Smith (1999), concepts are either abstract ideas or symbolic depiction of abstract idea (Liehr & Smith, 1999, p.7). Similarly, Chinn and Kramer (1999) assert that concepts are multifaceted mental constructions of experience and these are one of the constituents of a theory which conveys the abstract idea in a theory (Chinn, & Kramer, 1999, p. 252). Cohen et al. (2000) argue that concept refers to a link between the word or symbol and an idea or conception and they show generalization from particular to general. They add that concepts enable us to impose some sort of meaning on the world and they give sense, order and coherence to reality. They further explain that concepts enable human beings to come to terms with their experience (Cohen et al., 2000, p. 13). Some researchers opine that concepts may be extracted from models which may be in the form of verbal, visual or mathematical representations and which are formed after experiencing the world (Silverman, 2000, p. 77). However, equating models with theories is incorrect as the models in research are used in conceptual framework whereas theories are used in theoretical framework. It is significant to keep three points in mind regarding the concepts in a theory. First, a single theory may contain various concepts, second, each concepts may have its own ingredients, problem or context and third, various concepts in a theory interact with each other to solve a particular issue. Owing to these reasons, Deleuze and Guattari (1991) advised the researchers to understand the concepts by considering their components, related concepts, the context of their definition, particular problem under study and proposed solution to the problem (Deleuze, & Guattari, 1991, p. 21). Moreover, the concepts in empirical theories have independent meaning in a theory and are real since these concepts exist and can be perceived and indicated with specific words (Willer, & Webster, 1970, p.751). The above discussion shows that a concept gives a particular name to objects or ideas, or identifies the meaning of an object of observation or phenomenon.

Similarly, “constructs” are also regarded as the building blocks of a theory and they are composed of various concepts. There are four significant features of constructs. First, constructs theoretically represent objects and processes in a theory. Second, constructs can be abstract but are not necessarily directly observable (like fear, intelligence or life satisfaction). Priem & Butler (2001) state that “constructs” cannot be observed by senses instead they are abstract statements of categories of observations (Priem & Butler, 2001, p.). Third, a theory usually contains a detailed list of the constructs with their related concepts and their precise definitions. Fourth, constructs in a theory are used to isolate one phenomenon from another phenomenon. Anfara & Mertz (2006) point out that

construct are made up of many concepts which enable us to separate one phenomenon from another (Anfara & Mertz, 2006). It is important to point out that some researchers do not differentiate constructs and models. For instance, Creswell (2009) states that “constructs” are interchangeable with variables (Creswell, 2009, p. 50). However, both are different from each other in terms of their definition, scope and role in research projects.

Likewise, variables in a theory refer to any aspect of a theory that can vary or change as part of the interaction within the theory and can effect or change the results of a study. A theory may contain variety of variables but construct variable and concept variables are the general forms of variables which are regarded as the strains of concept and constructs (Markus, 2008, p.55-59). A variable is a symbol or label that can have a different value for each object depending on the degree to which the property that is given by a concept is present in each of the objects. Moreover, variables are merely a specialized part of the total collection of verbal tools that are needed to define a theory (Markus, 2008, p. 61). It is important to mention that variables are regarded as tools to empirically observe the concepts in a theory. It is also significant to point out that some researchers use the word “factor” for variables. For instance, Royce (1963) highlighted that factors in a theory refer to a variable, process, or determinant which accounts for co-variation in a specified domain of observation (Royce, 1963, p. 522). On the same line of thinking, every theory has certain basic assumptions which refer to such propositions which are deemed to be true without any empirical evidence or analysis of facts. Having discussed the meaning, constituent elements and purposes of a theory, the next section discusses the meaning of framework in research projects.

b) What is framework?

The term “framework” in research context has been defined and elaborated by numerous researchers and their definitions vary in terms of scope and limitations. The following three definitions are worth mentioning to understand the meaning and scope of framework in research activities. First, Fulton and Miller (2010) believe that a framework is an atlas for researchers which they use to cultivate hypothesis and research questions (Fulton, & Miller 2010). Second, Wood (2010) opines that framework is a design for researchers which they use to align literature review and research questions (Wood, 2010). Third, Liehr and Smith (1999) argue that framework in research is a structure which assists researchers to fine-tune research questions, to select methods for computing variables and to plan analysis of collected data (Liehr, & Smith, 1999, p. 13).

These three definitions indicate that a framework is the lens or a tool which researchers use to coin or fine tune research questions, formulate hypothesis, collect and analyze data, and align literature review with research questions or hypotheses. The various purposes for which theoretical framework or conceptual framework are used are discussed in detail in the fourth section of the present study. After discussing the meaning of theory and framework, the next section elaborates the meaning of theoretical framework in research projects.

c) What is Theoretical Framework in Research Projects?

After discussing the meaning of theory and framework, it is now easier to understand the meaning of theoretical framework in research context. It is important to point out that numerous researchers have offered variety of definitions of the term “theoretical framework” which vary in their scope and nature. For instance, Eisenhart (1991) defined a theoretical framework as “a structure that guides research by relying on a formal theory...constructed by using an established, coherent explanation of certain phenomena and relationships” (Eisenhart, 1991, p. 205). Swanson (2013) claims that the theoretical framework in a research study is the structure that can hold or support a theory of a research study (Swanson, 2013, p. 122). Likewise, Imenda, (2014) asserts that theoretical framework refers to the application of a theory or set of concepts abstracted from one theory which not only guides research project but also explains or elucidate research questions or any phenomenon under study (Imenda, 2014, p. 189). Finally, Merriam (1998) describes the theoretical framework as the structure that supports and structures a research study (Merriam, 1998, p. 45). In addition to the definitions propounded by prominent researchers, it is also significant to mention that theoretical framework plays a clear role in quantitative studies as compared to qualitative studies. It is because of the reason that qualitative studies do not usually involve hypotheses testing and that is why such studies do not need theoretical framework (although hypotheses may be tested in case of grounded theory and consequently it may require a theoretical framework, Glaser & Strauss 1967). On the other hand, quantitative studies begin with theories which generate hypotheses which require empirical

testing on the basis of collected data and resultantly the theory may be improved on the basis of the findings and this cycle keeps on going (Corbetta 2003, p. 57-59).

The above discussion exhibits very significant perspectives of a theoretical framework which can be described in the following eight points. First, theoretical framework is the basic structure which holds a research study, second, this basic structure may be constructed in numerous ways; by using one theory, by using some concepts of a theory, by using more than one theories and by extracting various concepts or aspects from more than one theory. Third, the theoretical framework is helpful in elucidating or explaining the research questions of a study. Four, the theoretical framework assists a researcher in explaining the phenomenon under study. Five, the theoretical framework is the basis from which all knowledge is constructed in research studies. Six, a researcher constructs a theoretical framework with the systematic and organized knowledge produced and tested in the past to explain or pin his study. Seven, a theory and empirical research are interconnected with each other; a theory breeds a research problem or potential description whereas the description is tested with empirical studies. Lastly, a theoretical framework is usually a part and parcel of quantitative studies as compare to qualitative studies. After discussing the meaning of theoretical framework, the next section discusses the conceptual framework.

What is Conceptual Framework?

After discussing the meaning and features of a theoretical framework, the current section intends to address two issues; first, it addresses the second part of the first research question by discussing the meaning and features of conceptual framework and second, it offers discussion regarding the third research question by describing the difference between theoretical and conceptual framework.

a. Meaning and Features of Conceptual Framework

Various researchers have defined conceptual framework and the following five definitions summarize the literature on the definitions of conceptual framework in research projects. In the context of the social sciences, Gunnell (1969) defined the conceptual framework as an analytical framework composed of a group of ideas which collectively gives a well-defined direction which is neither subject to philosophical criticism nor logically fallacious (Gunnell, 1969, p. 143). Similarly, to Miles and Huberman (1984), a conceptual framework is the most recent repetition of the researcher's map of the domain under study. Their argument implies that conceptual frameworks might change as research progresses. Their theory takes into account the aim (boundaries), flexibility (evolution), and coherence of the research (plan, analysis, and conclusion), all of which are derived from conceptual frameworks (Miles, & Huberman, 1984, p. 33). Similarly, Fain (2004) offered a very simple and brief definition of conceptual framework. To him, when a researcher constructs his research framework with concepts, it is called conceptual framework and when he constructs it with theory or theories, it is called theoretical framework (Fain, 2004, p.). Likewise, Jabareen (2009) argues that a conceptual framework is a web of interconnected concepts that collectively offer a thorough explanation of a phenomenon or set of phenomena under study. He adds that various concepts in conceptual framework assist each other to explain particular phenomena or to build a philosophy that is distinctive to the framework. He also pointed out that a conceptual framework may contain ontological, epistemological, and methodological assumptions and each concept in a conceptual framework fulfills ontological or epistemological functions (Jabareen, 2009, p. 51). Lacey (2010) suggests that a conceptual framework identifies researchers' 'world views' of their research topics and to define the assumptions and preconceptions about the areas being studied.

A closer look at the above-mentioned definitions exhibit number of features of a conceptual framework in a research project. These features are helpful in understanding the meaning and nature of conceptual framework and these may be summarized in the following five points. First, a conceptual framework is constructed when a single theory cannot be used in a research project. The same point has been highlighted by Liehr and Smith (1999) who argued that at times a single theory or its concepts cannot explain or address the research problem of a research project. In such situations, researchers synthesize the existing theoretical or empirical literature to make sense of the research problem which may be called conceptual framework or a model (Liehr, & Smith 1999). Second, researchers may construct conceptual framework by extracting one or more concepts and constructs from various theories and the same point has been endorsed by Parahoo (2006) who suggested that conceptual framework drew on concepts from various theories and findings to guide research. Third, researchers construct a conceptual framework to give a specific direction to their research studies.

Four, various concepts or constructs extracted from various theories or literature in a conceptual framework are logically and philosophically correct and interlinked with each other to explain particular phenomenon. Five, a conceptual framework in a research project is not static; instead it is dynamic and may be changed as research proceeds. Six, various concepts, constructs, variables or ideas derived from empirical literature in a conceptual framework jointly explain phenomenon under study. Apart from the above mentioned features extracted from the definitions, various researchers have also associated a number of features with conceptual framework and these may be described in the following seven points. First, only concepts and not factors or variables (these may be called models) form a conceptual framework. These concepts constitute constructs in which each concept has a specific role to play. Second, conceptual framework offers an approach to interpret a social reality instead of providing a causal or analytical setting. Third, conceptual framework offers understanding instead of providing a theoretical explanation of social phenomenon. Four, a researcher may develop or construct a conceptual framework through qualitative studies. Five, the data for constructing a conceptual framework may be derived from different theories propounded in various disciplines (Jabareen, 2009, p. 51). Six, a conceptual framework is composed of factors, constructs or variables and it is presumed that there is a relationship between them (Miles, & Huberman, 1994, p. 440). Finally, conceptual frameworks are not deterministic in nature and that's why they cannot predict the outcome of any phenomenon (Levering, 2002, p. 38).

The discussion regarding the definitions and the features of conceptual framework offered in this section show that conceptual framework consists of various concepts extracted from one or more theories or from empirical literature. It is an ultimate outcome of putting together a set of linked concepts to make clear a particular occurrence which is the subject of a research study. Logically, it is an inductive process in which small pieces are knitted together to make a big idea to explain or tell various relationships in a research study. It is significant to highlight that the discussion in the above sections indicates that theoretical and conceptual frameworks share many common points. It is also necessary to understand the similarities and dissimilarities between these two terms to grasp their meaning and the next section discusses the differences and commonality between these two concepts.

b. Comparing Theoretical and Conceptual Framework

Though theoretical and conceptual frameworks in research studies are two different concepts, yet, they are similar from one perspective and different from another perspective. The present section intends to discuss the similarities and dissimilarities between conceptual and theoretical framework and the researchers of the present study first describe the similarities and then dissimilarities between these two concepts.

The first common point between theoretical and conceptual framework is their ability to offer a unified understanding of the phenomenon under study to enable researchers to address the research questions of their studies. Imenda (2014) argues that both conceptual and theoretical frameworks demonstrate an integrated awareness of the challenges that are present within a specific field of study, which enables the researcher to tackle a specific research task (Imenda, 2014, p.190). Similarly, the second common feature of both theoretical and conceptual framework is their common function in a research study. Imenda (2014) highlights that both theoretical and conceptual framework have the similar function; both are meant to enable researchers to clearly understand the various variables and concepts in their research studies (Imenda, 2014, p.193).

Likewise, various researchers have pointed out numerous points of difference between theoretical framework and conceptual framework. For instance, Kivunja (2018) discussed two points of difference between theoretical and conceptual framework. First, he highlights that conceptual framework is the brain child of a researchers about his research project whereas the theoretical framework is the product of others' brain which a researcher thinks is relevant to interpret and analyze his collected data (Kivunja, 2018, p. 47). Second, he points out that there is no need to expressly state the conceptual framework in research studies especially in doctrinal studies; on the other hand, he believes that a researcher must explicitly mention the theoretical framework in academic research studies (Kivunja, 2018, p. 47). Similarly, Imenda, (2014) also highlighted many differences between theoretical and conceptual framework and the following five points are worth discussing. First, to him conceptual framework is the result of synthesis of relevant concepts whereas the theoretical framework is the utilization or application of one whole theory or parts of it in a research project. Second, the conceptual framework is mostly used in social sciences and in inductive form whereas the

theoretical framework is used in natural sciences and it is deductive in nature. Third, conceptual framework may be used in quantitative, qualitative or mixed methods approaches whereas the theoretical framework is mostly used in quantitative studies. Four, the data is collected through empirical and descriptive instruments like survey, interviews and personal observation in studies which construct conceptual framework; on the other hand, the studies having theoretical framework, data is collected through experimental methods, empirical surveys and tests. Five, the scope of conceptual framework is limited since it is limited to a specific study; on the other hand, the theoretical framework is broader in scope and it can be applied on more than one study (Imenda, 2014, p.193). Similarly, there is difference between model and conceptual framework. Jabreen (2009) pointed out that conceptual framework can only be developed with concepts and not with variables or factors. He further explained that when a researcher uses variables or factors, it is model and not conceptual framework (Jabareen, 2009, p. 51).

The above discussion shows that theoretical and conceptual frameworks are similar to the extent of their functions in a research study (the functions of theoretical and conceptual frameworks are further discussed in the next section). However, they are different to each other in terms of their scope, constituting elements and their methodology. However, it must be kept in mind that it is immaterial to ponder whether a researcher has used the correct terminology in his research study, it matters that how he has used theoretical or conceptual framework to underpin his study (Parahoo, 2006). Having discussed the definitions and comparing theoretical and conceptual frameworks, the next section deliberates on the various functions that theoretical and conceptual framework discharge in academic or professional research studies.

Functions of Theoretical and Conceptual Frameworks

The fourth research question of the present study was to explore the numerous functions of theoretical and conceptual framework in research studies in general and social sciences in particular. The present section is dedicated to address the third research question and it describes the various functions identified by numerous researchers of both theoretical and conceptual framework. The following first paragraph describes the functions of the theoretical framework and the second paragraph discusses the functions of conceptual framework.

The literature shows that a number of functions of a theoretical framework have been highlighted by various analysts and these functions may be summarized by quoting the following three authors. Ravitch & Riggan (2012) discuss two functions of a theoretical framework; first, a theoretical framework is used to interpret the collected data and second, it is used to identify gaps in the literature to justify the rational of a proposed study (Ravitch & Riggan, 2012, p.13). Similarly, Imenda (2014) describes four functions of a theoretical framework. First, he believes that theoretical framework is used to explain the circumstances in which a researcher does his study. Secondly, he argues that theoretical framework is used to expound, understand or explore actions or activities under examination. Third, he pointed out that a theoretical framework is used for a well-directed review of the literature and fourthly, he stated that the theoretical framework is used to identify the appropriate research methods (Imenda, 2014, p.188-190). Similarly, Rocco & Plakhotnik (2009) quoting Merriam & Simpson (1995) describe five functions of a theoretical framework. They maintain that theoretical framework is helpful in hypothesizing a study, constructing the base of a study, showing the significance of a study, deciding and developing research design and interpreting the data or findings (Rocco & Plakhotnik, 2009, p.122).

Similarly, several researchers have also identified and discussed numerous functions of conceptual framework in a research project and these functions may be summarized in the following four points. First, a conceptual framework is used to systematically synthesize the existing knowledge on a particular topic. Rocco & Plakhotnik (2009) point out that a conceptual framework ties and systematically synthesizes various scattered and less-explored concepts, empirical research, and relevant theories related to phenomenon under study (Rocco, & Plakhotnik, 2009, p. 128). Second, the conceptual work helps a researcher to make sense of the collected data. May (1993) argue that a conceptual framework assists researchers to construe and comprehend the findings of research (May, 1993, p. 20). Third, a conceptual framework is used in a research study as a definite perception to discover, construe or elucidate actions or conduct of the subjects or happenings under examination (Imenda, 2014, p.188). Four, to Polit and Tatano (2004), a conceptual framework makes the findings of research study generalizable and evocative (Polit, & Tatano, 2004).

The above paragraphs show that both theoretical and conceptual frameworks discharge almost the same functions in a research study. The above paragraphs also indicate that theoretical and conceptual frameworks are helpful for a researcher in conceptualizing a study, fine tuning the research questions or hypothesis, identifying the gaps in the existing knowledge, selecting the appropriate research methods, and interpreting, checking or generalizing the findings of a study. Moreover, theoretical and conceptual framework can be considered as normative frameworks which are used as a tool to make sense of a research study.

Theoretical and Conceptual Framework in Legal Research

This section addresses the fourth research question of the present study and it discusses the scope of theoretical or conceptual framework in legal research. Legal research is a distinctive kind of research since most of the legal research is doctrinal in nature. The word “doctrinal” is viewed as legal concepts and principles and it systematically blends different rules, principles, norms, interpretive strategies and standards. In addition, doctrinal research is mostly carried out to bring coherence in contradictory legal rules, or to clarify legal rules (Hutchinson and Duncan, 2012, p. 84). In other words, the major focus of doctrinal research is on the examination of the positive law which may be statutes or case laws. However, the major limitation of the doctrinal legal research is the ambiguity revolving around the method of evaluating a law or previous research (Hutchinson & Duncan, 2012, p. 107). Before discussing the need or role of theoretical or conceptual framework in legal research, four features of legal research, highlighted by Taekema (2018), are worth noticing. First, the legal researchers generally engage in explanatory or descriptive studies and use interpretative methods for that purpose. Second, the legal researchers are not generally engage in empirical research. Third, most of the legal research is normative in nature since the researchers either offer a way out to a difficulty or appraise legal situations; hence such research needs a normative framework and not theoretical framework. Four, Legal research is different from research in social sciences in a sense that legal researchers do not engage in showing the previous work or mentioning the method of evaluation which is the major concern in research in social sciences (Taekema, 2018, p. 1-2). Turning to the question whether legal research needs theoretical or conceptual framework, a great majority of legal studies are silent about the conceptual or theoretical framework. The question related to the necessity of theoretical framework in legal studies is addressed by Taekema (2018). He argues that when legal research addresses normative or evaluative questions; they need a normative framework instead of theoretical framework since a normative framework offers an evaluative criterion to assess whether a particular law is good or bad (Taekema, 2018, p. 6). Westerman (2011) opines that the legal system of any country is the normative framework in doctrinal research (Westerman 2011, p. 90) and Taekema (2018) claims that a legal system works as normative as well as theoretical framework in such situations (Taekema, 2018, p. 7). Similarly, he argues that a researcher needs a theoretical framework when he is doing empirical research (Taekema, 2018, p. 6-7).

CONCLUSIONS

The present study concludes that a theoretical framework is a guiding map consisting of one or more theories to structure and making sense of a proposed research project. The theories selected as theoretical frameworks comprise of concepts, constructs and variables. Likewise, a conceptual framework is also a guide-map in research studies and it is constructed with empirical literature wherein concepts and ideas are systematically interlinked with each other to understand particular phenomenon. Moreover, both theoretical and conceptual frameworks assist researchers in conceptualizing a research study, coining or developing research questions, exhibiting the gap in the literature, showing the significance of the proposed study and interpreting the findings of data. Likewise, theoretical and conceptual frameworks share numerous similarities and dissimilarities in terms of their functions in research studies. They are similar to the extent that both frameworks are used to conceptualize and to give a context to research projects. Similarly, both frameworks are different from each other to the extent of their scope and composition. Likewise, doctrinal legal research requires a normative framework and empirical legal studies need a theoretical framework.

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