

EMPIRICAL LEGAL RESEARCH METHODOLOGY: AN OVERVIEW*

Abstract

Empirical methodology lies at the heart of systematic inquiry across disciplines, offering researchers a framework through which knowledge claims can be tested, verified, and refined through observation and evidence. Unlike speculative or purely theoretical reasoning, empirical research relies on data gathered from experience, experiment, or observation to establish the validity of propositions. This methodology underpins the scientific approach but extends into the social sciences, humanities, and applied professions, where complex realities are studied through measurable indicators and interpretive understanding. This study adopts doctrinal methodology to explore the theoretical foundations, methodological diversity, and contemporary relevance of empirical methodology. It examines the major traditions of quantitative, qualitative, and mixed-methods research, analyses key issues of validity and reliability, and discusses the ethical dimensions of empirical inquiry. While empirical methods cannot capture the totality of human experience, they remain indispensable to rigorous knowledge production and informed decision-making. The study finds that while empirical methods enhance the credibility of research through systematic observation and measurement, their effectiveness is constrained by issues of contextual dependency, limited sample diversity and challenges in replicability. Moreover, ethical dilemmas, such as informed consent and data privacy, continue to complicate fieldwork-based empirical studies. The review further highlights a growing reliance on digital data and algorithmic tools, which, although improving efficiency, risk embedding technological biases that undermine objectivity. Based on the findings, this study concludes that empirical research remains indispensable to scholarly investigation but must evolve through reflexive methodological reform. The study recommends that future approaches should integrate mixed-method designs, prioritize transparency in data collection and adopt open-science practices to strengthen reproducibility. The integration of ethical sensitivity and interdisciplinary frameworks can mitigate existing weaknesses, ensuring empirical research continues to serve as a robust mechanism for generating credible and socially relevant knowledge.

Keywords: Data Analysis, Empirical Research Methodology, Legal Research Methodology, Interdisciplinary

1. Introduction

Empirical methodology represents the cornerstone of modern research, encompassing a set of principles and techniques designed to derive knowledge from observation and evidence.¹ It stands in contrast to purely speculative or deductive reasoning by insisting that claims about reality must be grounded in verifiable data.² The word empirical derives from the Greek *empeiria*, meaning experience, reflecting the philosophical conviction that knowledge emerges from sensory perception and interaction with the material world.³ The development of empirical methodology can be traced to the rise of the scientific method in the seventeenth century, particularly the works of Francis Bacon and later John Locke, who argued that knowledge should be derived from systematic observation rather than abstract reasoning.⁴ Over time, these ideas were institutionalised in the practices of modern science, giving rise to

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¹A Bryman, *Social Research Methods* (6th edn, Oxford University Press 2021) 6; R Kumar, *Research Methodology* (3rd edn, SAGE Publications 1999) 1, 2

²JW Creswell and J D Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (5th edn, Sage Publications 2018) 4

³N Rescher, *Epistemology: An Introduction to the Theory of Knowledge* (State University of New York Press 2003) 41

⁴F Bacon, *Novum Organum* (1620, Fulton H Anderson, Bobbs-Merrill 1960) 57

standardised procedures for experimentation, measurement, and hypothesis testing.⁵ Today, empirical methodology provides the foundation for disciplines as diverse as physics, sociology, psychology, economics and political science, each of which adapts empirical principles to its unique epistemological concerns.

At its core, empirical methodology seeks to answer two fundamental questions: What can be observed? and What can be inferred from those observations? The first concerns the collection of reliable data through methods such as surveys, experiments, and case studies; the second involves the interpretation of those data to form generalisable conclusions.⁶ In this way, empirical research combines inductive reasoning drawing general principles from specific instances with deductive reasoning testing theories against observable facts.⁷ The empirical tradition has evolved substantially since its early association with natural science. Contemporary scholars recognise that observation itself is theory-laden: what we choose to measure, and how we measure it, depends on underlying conceptual frameworks.⁸ This has led to the emergence of diverse empirical paradigms, including positivism, interpretivism, and critical realism, each offering distinct assumptions about the nature of reality and how it may be known.⁹ Empirical methodology's contemporary significance extends beyond academia. Governments and international organisations increasingly rely on empirical evidence to inform policy, evaluate social programmes, and assess public opinion.¹⁰ In an era of globalisation and digital data proliferation, empirical research methods have become indispensable tools for evidence-based decision-making, interdisciplinary collaboration, and accountability in both public and private sectors.¹¹

This study examines the philosophical foundations, methodological variations, and practical applications of empirical methodology. It begins by outlining its theoretical underpinnings, explores the main methodological categories, and discusses data collection and analysis. It then considers questions of validity and ethics before analysing the challenges and emerging frontiers of empirical research.

2. Theoretical Foundations of Empirical Methodology

Epistemological Context

Empirical methodology is underpinned by fundamental questions about epistemology which is the theory of knowledge. Epistemology seeks to understand how we know what we know, and what constitutes valid knowledge.¹² Within this framework, empirical inquiry is grounded in the belief that knowledge is best acquired through systematic observation of the external world rather than through intuition, revelation, or abstract speculation.¹³ This principle, often referred to as empiricism, emerged as a counterpoint to rationalism in early modern philosophy. Whereas rationalists such as Descartes and Leibniz claimed that reason alone could yield certain truths, empiricists such as Locke, Berkeley, and Hume argued that all knowledge originates from sensory experience.¹⁴ Locke's *Essay Concerning Human Understanding* famously posited the human mind as a *tabula rasa*.¹⁵ This notion remains central

⁵ KR Popper, *The Logic of Scientific Discovery* (Routledge 2005) 27

⁶ WL Neuman, *Social Research Methods: Qualitative and Quantitative Approaches* (8th edn, Pearson 2014) 9

⁷ M Crotty, *The Foundations of Social Research: Meaning and Perspective in the Research Process* (Sage Publications 1998) 13

⁸ TS Kuhn, *The Structure of Scientific Revolutions* (2nd edn, University of Chicago Press 1970) 23

⁹ R Bhaskar, *A Realist Theory of Science* (Routledge 2008) 14

¹⁰ S Nutley, I Walter and H T O Davies, *Using Evidence: How Research Can Inform Public Services* (Policy Press 2007) 2

¹¹ OECD, *Building Capacity for Evidence-Informed Policy-Making: Lessons from Country Experiences* (OECD Publishing 2020) <https://doi.org/10.1787/4f3c8b2c-en> accessed 10 October 2025

¹² N Rescher, *Epistemology: An Introduction to the Theory of Knowledge* (State University of New York Press 2003) 12

¹³ A Chalmers, *What Is This Thing Called Science?* (4th edn, Open University Press 2013) 20

¹⁴ D Hume, *An Enquiry Concerning Human Understanding* (first published 1748, Oxford University Press 2007) 15

¹⁵ Meaning: a blank slate upon which experience writes; J Locke, *An Essay Concerning Human Understanding* (Peter H Nidditch ed, Clarendon Press 1975) bk II, ch 1, s 2

to empirical methodology, which assumes that credible knowledge must be derived from, or tested against, observable data.

Empirical methodology therefore operates on the principle of verifiability: statements about the world must be subject to empirical testing.¹⁶ In modern research, this translates into operationalising abstract concepts turning them into measurable variables and applying systematic procedures to collect and analyse data. Yet, as scholars such as Thomas Kuhn have observed, empirical observation is not neutral: it is shaped by prior theories, cultural assumptions, and interpretive frameworks.¹⁷ Consequently, empirical methodology involves a dynamic interplay between theory and observation, induction and deduction, objectivity and interpretation.

Positivism and the Rise of Scientific Empiricism

The modern scientific form of empiricism known as positivism emerged in the nineteenth century with Comte's attempt to apply the methods of natural science to the study of society.¹⁸ Positivism asserts that authentic knowledge is that which can be observed, measured, and expressed in universal laws.¹⁹ It rejects metaphysical explanations and emphasises objectivity, causality, and prediction. In positivist methodology, the researcher is assumed to be an impartial observer who records facts about an external reality.²⁰ This perspective profoundly influenced the natural and social sciences, leading to the development of experimental design, statistical analysis, and hypothesis testing.²¹ Logical positivism, as later developed by members of the Vienna Circle such as Ayer, extended this commitment to verifiability by arguing that statements are meaningful only if they can be empirically verified.²² However, positivism has been criticised for its reductionism which is its tendency to oversimplify complex social and human phenomena by treating them as measurable variables.²³ Critics argue that the positivist model, while suitable for the natural sciences, often fails to capture the interpretive, value-laden, and contextual nature of human experience.²⁴ This critique led to the emergence of alternative paradigms that reintroduced subjectivity, meaning, and interpretation into empirical research.

The Dynamic Relationship between Theory and Empiricism

Empirical methodology does not exist in opposition to theory; rather, it is informed by and contributes to theoretical development. The relationship between theory and observation is dialectical: theory shapes what is observed, while empirical evidence refines or challenges theoretical propositions.²⁵ Popper's principle of falsification captures this dynamic: scientific progress occurs not through the verification of hypotheses but through their rigorous testing and potential refutation.²⁶ This interplay ensures that empirical methodology remains both self-correcting and progressive. In the social sciences, this process often involves iterative cycles of data collection, analysis, and theory revision.²⁷ Empirical research thus serves not merely to describe reality but to construct explanatory frameworks that evolve through continuous engagement with evidence.²⁸ The theoretical foundations of empirical methodology reveal its evolution from classical empiricism to the diverse epistemological paradigms that shape contemporary research. Positivism contributed the ideals of objectivity and measurement; interpretivism introduced context and meaning; and critical realism reconciled the two by recognising

¹⁶ KR Popper, *The Logic of Scientific Discovery* (Routledge 2005) 37

¹⁷ TS Kuhn, *The Structure of Scientific Revolutions* (2nd edn, University of Chicago Press 1970) 24

¹⁸ A Comte, *The Positive Philosophy of Auguste Comte* (Harvard University Press 1975) 3

¹⁹ J Turner, *The Structure of Sociological Theory* (7th edn, Wadsworth 2007) 45

²⁰ B Fay, *Contemporary Philosophy of Social Science* (Blackwell 1996) 17

²¹ A Bryman, *Social Research Methods* (6th edn, Oxford University Press 2021) 6; R Kumar, *Research Methodology* (3rd edn, SAGE Publications 1999) 32

²² AJ Ayer, *Language, Truth and Logic* (2nd edn, Dover Publications 1952) 16

²³ JW Creswell and J D Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (5th edn, Sage Publications 2018) 7

²⁴ Crotty (n 7) 67

²⁵ Chalmers (n 13) 62

²⁶ Popper (n 5) 86

²⁷ Neuman (n 6) 19

²⁸ Crotty (n 7) 91

both the existence of an independent reality and the mediated nature of human understanding. Together, these traditions underpin the methodological pluralism that characterises modern empirical research. They demonstrate that empirical methodology is not a single, monolithic approach but a flexible framework capable of adapting to the epistemological and practical demands of different disciplines.

3. Types of Empirical Methodologies

Empirical methodology manifests in diverse forms depending on the philosophical stance of the researcher and the nature of the research question. Broadly, three dominant traditions have emerged: quantitative, qualitative, and mixed-methods approaches. Each is distinguished by its epistemological assumptions, data collection techniques, and analytical procedures.²⁹

Quantitative Methodology

Quantitative methodology is grounded in positivist epistemology, which assumes that social and natural phenomena can be objectively measured, quantified, and analysed using statistical procedures.³⁰ Its goal is to identify generalisable patterns, test hypotheses, and establish causal relationships.³¹ Common techniques include surveys, experiments, and secondary data analysis.³² Quantitative research remains indispensable in fields requiring precision and predictive capacity like economics, epidemiology, psychology, and policy evaluation.³³

Qualitative Methodology

Qualitative methodology represents a non-positivist or interpretivist approach that seeks to understand social reality through the perspectives and experiences of participants. It assumes that human behaviour is context-dependent and that meaning must be interpreted rather than measured. Qualitative research prioritises depth over breadth. It generates rich, detailed data through methods such as in-depth interviews, participant observation, focus groups, and document analysis. The emphasis lies on exploring how people construct and interpret their social worlds. Qualitative studies often employ open-ended research questions that evolve during the research process.³⁴ Its flexibility enables exploration of complex social processes and marginalised voices.³⁵ However, critics argue that qualitative methods can lack reliability, generalisability, and objectivity.³⁶ Subjectivity and small sample sizes make findings context-bound, and analysis can be vulnerable to researcher bias. Yet, these limitations are offset by the depth of understanding and theoretical insight that qualitative approaches afford.

Mixed-Methods Approach

The mixed-methods approach represents a methodological synthesis that combines the strengths of quantitative and qualitative research within a single study. It is often grounded in pragmatism, an epistemological position asserting that research questions should dictate methodological choice rather than adherence to any single paradigm.³⁷ Mixed-methods research emerged from the recognition that complex social phenomena cannot be fully understood using a single methodological lens. Quantitative data may reveal what is happening, while qualitative data illuminate why and how it happens. Mixed designs typically adopt the following categories:

²⁹ A Bryman, *Social Research Methods* (6th edn, Oxford University Press 2021) 35

³⁰ JW Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (5th edn, Sage Publications 2018) 7

³¹ W Lawrence Neuman, *Social Research Methods: Qualitative and Quantitative Approaches* (8th edn, Pearson 2014) 14

³² ER Babbie, *The Practice of Social Research* (15th edn, Cengage Learning 2021) 51

³³ OECD, *Building Capacity for Evidence-Informed Policy-Making: Lessons from Country Experiences* (OECD Publishing 2020) <https://doi.org/10.1787/4f3c8b2c-en> accessed 10 October 2025

³⁴ D Silverman, *Interpreting Qualitative Data* (6th edn, Sage Publications 2020) 28

³⁵ Neuman (n 27) 7

³⁶ JW Creswell and J D Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (5th edn, Sage Publications 2018) 15

³⁷ C Tashakkori and A Teddlie (eds), *Handbook of Mixed Methods in Social and Behavioural Research* (2nd edn, Sage Publications 2010) 71

- i) Sequential designs, where one method follows the other (e.g., a qualitative phase informs a quantitative survey).
- ii) Concurrent designs, where both methods are conducted simultaneously and integrated during interpretation.
- iii) Transformative designs, which apply both methods within a specific theoretical framework (such as critical theory or feminism).³⁸

4. Ethical Dimensions of Empirical Research

Empirical research is not merely a technical or methodological process; it is also a moral enterprise. Every stage from research design to dissemination entails ethical choices that shape the welfare of participants, the integrity of findings, and the credibility of the research community. Ethics is the moral compass of empirical methodology. It governs not only how data are collected and analysed but also how researchers relate to participants, institutions, and society. Ethical conduct demands more than compliance with formal codes; it requires continuous moral reflection, reflexivity, and responsibility throughout the research process. In contemporary research environments characterised by data abundance, interdisciplinarity, and global connectivity the ethical dimensions of empirical inquiry are more complex and essential than ever. Upholding integrity, consent, and respect is not a constraint on scientific freedom but its very foundation.³⁹ Ethical reflection is essential because empirical inquiry directly engages with human and social realities. The pursuit of knowledge must therefore be balanced against the obligation to protect rights, dignity, and wellbeing.

5. Applications of Empirical Methodology Across Disciplines

Empirical methodology has evolved into a transdisciplinary instrument of knowledge production, uniting diverse fields through systematic observation, measurement, and analysis.⁴⁰ While the philosophical underpinnings and specific techniques differ, the empirical ethos that evidence should inform theory and practice has become a defining feature of contemporary scholarship. Across disciplines, empirical methodology serves as a bridge between theory and practice, transforming abstract hypotheses into actionable knowledge. Whether in law's pursuit of justice, economics' modelling of markets, or education's enhancement of learning, empirical methods enable evidence-informed decision-making. The challenge for contemporary scholarship lies in maintaining methodological rigour while remaining sensitive to context, ethics, and human experience. Empirical methodology, when applied reflexively, becomes not merely a set of techniques but a philosophy of inquiry grounded in transparency, accountability, and the public good.⁴¹ This section examines how empirical methodologies are applied in law, economics, social policy, education, and health research, illustrating their shared principles and distinct disciplinary challenges.

Empirical Legal Research

Traditionally, legal scholarship was doctrinal, focusing on the analysis of statutes, precedents, and legal reasoning.⁴² However, the rise of Empirical Legal Research (ELR) has expanded the discipline's scope by investigating how law functions in practice rather than merely in text.⁴³ This research applies social-scientific tools surveys, interviews, statistical analysis, and ethnography to explore how legal institutions operate, how citizens experience justice, and how legal rules affect behaviour. For example, socio-legal studies have examined patterns of sentencing disparities, access to justice, and compliance with human rights norms.⁴⁴

³⁸ N K Denzin and Y S Lincoln (eds), *The Sage Handbook of Qualitative Research* (5th edn, Sage Publications 2018) 142

³⁹ Crotty (n 7) 205

⁴⁰ Bryman (n 1) 510

⁴¹ Bryman (n 1) 550

⁴² T Hutchinson, *Researching and Writing in Law* (4th edn, Thomson Reuters 2022) 47

⁴³ P Cane and H Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010) 3

⁴⁴ L Webley, 'Empirical Approaches to Law' in D Watkins and M Burton (eds), *Research Methods in Law* (2nd edn, Routledge 2018) 43

One landmark empirical study is Hazel Genn's *Paths to Justice*, which examined how ordinary citizens navigate civil disputes and highlighted barriers to legal redress.⁴⁵ Such research informs judicial reform, access-to-justice initiatives, and evidence-based policymaking. Nonetheless, this legal research faces challenges like reconciling legal normativity with empirical descriptiveness, managing sensitive legal data, and maintaining interdisciplinary rigour.⁴⁶ Yet, its integration of law and social science has significantly enhanced the real-world relevance of legal scholarship.⁴⁷

Empirical Methods in Economics

Economics has long been a quantitative empirical discipline, employing mathematical modelling, econometrics, and experimental methods to test theories about markets, behaviour, and policy.⁴⁸ Modern empirical economics relies heavily on large datasets, natural experiments, and randomised controlled trials (RCTs).⁴⁹ For instance, the work of Esther Duflo and Abhijit Banerjee on development economics illustrates how empirical experimentation can reveal causal mechanisms of poverty and inform effective interventions.⁵⁰ Empirical methodology in economics enables researchers to estimate the impact of taxation, education, and labour policies with statistical precision. Yet, critics caution against overreliance on models detached from institutional or cultural context.⁵¹ Combining econometric analysis with qualitative field insights has thus gained traction in recent years. The empirical turn in economics underscores how evidence-based policy depends on methodological robustness and transparency in data interpretation.⁵²

5.3 Health and Medical Research

Empirical methodology is foundational to health and medical sciences, where systematic observation, experimentation, and evaluation underpin clinical knowledge.⁵³ Quantitative approaches, especially randomised controlled trials (RCTs), are the gold standard for testing medical interventions. Epidemiological studies, cohort analyses, and meta-analyses further contribute to evidence-based medicine.⁵⁴ In parallel, qualitative health research provides insights into patient experiences, cultural beliefs, and healthcare delivery systems. Such perspectives are essential for designing patient-centred and socially responsive health services. The COVID-19 pandemic highlighted the vital role of empirical methodology in guiding public health decisions through real-time data modelling, behavioural research, and global collaboration. Nevertheless, health research must contend with ethical dilemmas, including informed consent, equitable access to medical innovation, and the commercialisation of data.⁵⁵ Empirical methodology provides a means to balance scientific advancement with ethical responsibility.⁵⁶

6. Challenges of Empirical Research Methodology

Empirical research faces several challenges, including issues of validity and reliability, where data collection methods may not consistently reflect the phenomena under study. Sampling bias and limited

⁴⁵ H Genn, *Paths to Justice: What People Do and Think About Going to Law* (Hart Publishing 1999)

⁴⁶ Webley (n 44) 47

⁴⁷ P Cane and H Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010) 12

⁴⁸ JM Wooldridge, *Introductory Econometrics: A Modern Approach* (7th edn, Cengage Learning 2020) 4

⁴⁹ JD Angrist and J S Pischke, *Mostly Harmless Econometrics: An Empiricist's Companion* (Princeton University Press 2009) 6

⁵⁰ AV Banerjee and E Duflo, *Poor Economics: A Radical Rethinking of the Way to Fight Global Poverty* (Penguin 2011) 13

⁵¹ D Rodrik, *Economics Rules: The Rights and Wrongs of the Dismal Science* (Oxford University Press 2015) 67

⁵² OECD, *Building Capacity for Evidence-Informed Policy-Making* (OECD Publishing 2020) <<https://doi.org/10.1787/4f3c8b2c-en>> accessed 10 October 2025

⁵³ MJ Campbell, D Machin and SJ Walters, *Medical Statistics: A Textbook for the Health Sciences* (5th edn, Wiley-Blackwell 2021) 9

⁵⁴ World Health Organization (WHO), *Guidelines for Clinical Trials* (2021) <<https://www.who.int>> accessed 10 October 2025

⁵⁵ TL Beauchamp and JF Childress, *Principles of Biomedical Ethics* (8th edn, Oxford University Press 2019) 152

⁵⁶ *ibid*

generalizability often constrain the applicability of findings beyond the studied population. Moreover, ethical considerations and researcher subjectivity can influence data interpretation, particularly in qualitative studies. Resource constraints, such as time and funding, may further limit the scope and depth of empirical investigations.

7. Conclusion and Recommendations

Empirical methodology remains the intellectual backbone of modern research, uniting diverse disciplines through a shared commitment to observation, verification, and critical interpretation. From its philosophical origins in early modern science to its present-day application in digital, interdisciplinary, and participatory contexts, empirical methodology has continuously evolved to meet the demands of changing epistemological landscapes. This study has demonstrated that empirical inquiry is not a static set of techniques, but a dynamic and reflexive practice that integrates both quantitative precision and qualitative depth. It bridges theory and evidence, enabling scholars to test hypotheses, explore lived experiences, and develop solutions to complex societal problems. The examination of its applications across law, economics, social policy, education, and health research illustrates its unparalleled versatility and relevance in evidence-based policy and practice. At the same time, the paper has emphasised that empirical methodology carries inherent ethical and epistemological challenges. Issues of validity, bias, consent, and interpretive integrity require continuous reflexivity and transparency from researchers. The rise of digital technologies, artificial intelligence, and big data further complicates these concerns, demanding robust ethical frameworks to govern data use and protect individual rights. Emerging trends such as open science, decolonial inquiry, and transdisciplinary collaboration point to an expanding empirical horizon that values inclusivity, context, and accountability. In this future vision, empirical methodology is not confined to data collection or analysis; rather, it becomes a philosophy of knowledge that integrates evidence with ethics, precision with compassion, and innovation with responsibility. Ultimately, the future of empirical methodology lies in its reflexive adaptability. To remain relevant, it must continue to evolve in dialogue with the global, digital, and plural realities of the twenty-first century. By doing so, empirical research will not only describe the world as it is but also contribute to the creation of a more informed, equitable, and sustainable one.

The dynamic evolution of empirical methodology requires continual adaptation to ethical, technological, and epistemological developments. Based on the discussions in this paper, the following recommendations are proposed for researchers, policymakers, and institutions engaged in empirical inquiry: Researchers should be encouraged to develop competence in both quantitative and qualitative techniques, enabling flexible and context-appropriate designs. Methodological literacy should also include training in data management, ethical governance, and reproducible research practices. Ethical reflection must be treated as a continuous process, not a preliminary step. Institutions should mandate open data and open access policies to improve reproducibility and knowledge sharing. Researchers must document analytical processes, metadata, and coding frameworks to ensure auditability. Funding schemes should support community-based and participatory research designs that empower, rather than extract from, research participants. Governments and institutions should institutionalize evidence-informed policymaking, drawing on high-quality empirical data.