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Doctrine as a principle of protecting violated civil rights

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Abstract

This article examines the role of legal doctrine as a principle in protecting civil rights that have been violated across jurisdictions. It focuses on the conceptual elevation of doctrine from interpretive guidance to a normative principle grounded in authoritative scholarship and established legal schools. The study employs doctrinal, comparative, and case law analysis, as well as quantitative methods. Results demonstrate that while doctrine is not legally binding, it functions as a legal principle guiding courts, especially in systems with limited codified norms. Doctrines were cited in 25% of civil rights cases and were used 1.84 times more often in common law jurisdictions. Historically, the identification of doctrine with principle stems from legal-philosophical developments in European jurisprudence, where doctrine shaped judicial coherence. The article supports the harmonization of doctrinal and principled reasoning to enhance civil rights protection and suggests further research on the convergence of national doctrines with international legal norms.

Keywords: civil rights, legal doctrine, human rights, protection principles, legal principles, doctrine vs. principle, doctrinal approach, judicial reasoning.

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La doctrina como principio de protección de los derechos civiles violados

Resumen

El estudio trata del papel de la doctrina en la protección de los derechos civiles violados, evaluando la adaptabilidad de los sistemas jurídicos para garantizar los derechos fundamentales a nivel nacional e internacional. El objetivo del artículo es estudiar el funcionamiento de la doctrina, determinar su lugar en el sistema de principios jurídicos y analizar su aplicación en el derecho nacional e internacional. El estudio utiliza el análisis doctrinal, el análisis del derecho comparado, el análisis de la jurisprudencia y la evaluación cuantitativa. Los resultados muestran que la doctrina, aunque no es jurídicamente vinculante, es una directriz para la interpretación y aplicación de la protección de los derechos civiles. Llena las lagunas de la insuficiencia de las normas codificadas. El análisis doctrinal indica que en un 25% de los casos se citaron doctrinas específicas, que determinaron el razonamiento judicial. Se determinó que la doctrina desempeña un papel importante en la formación de la protección jurídica de los derechos civiles violados, especialmente en el derecho internacional, donde complementa las normas jurídicas obligatorias. Se encontró una relación positiva y estadísticamente significativa: en las jurisdicciones de common law, los tribunales tienen 1,84 veces más probabilidades de utilizar el razonamiento doctrinal que en los sistemas de derecho civil. El análisis comparativo proporciona información importante para los encargados de la formulación de políticas, académicos y organizaciones internacionales que buscan mejorar los mecanismos de protección de los derechos civiles en un contexto global. Las investigaciones ulteriores deberían centrarse en la armonización de las doctrinas nacionales con los principios jurídicos internacionales, especialmente en los países con una infraestructura jurídica menos desarrollada.

Palabras clave: derechos civiles, doctrina jurídica, derechos humanos, principios de protección, principios jurídicos, doctrina vs. principio, enfoque doctrinal.

Introduction

The protection of civil rights is the foundation of modern legal systems, guaranteeing safeguards against violations at national and international levels. Within this legal framework, doctrine plays a crucial role not only as an interpretative mechanism but also as a principle. In legal theory, doctrine, derived from authoritative scholars and schools of law, is often understood as a structured set of ideas that guide the interpretation and application of norms. However, in many jurisdictions, it has evolved into a principle—a guiding legal rule supporting the protection of violated civil rights.

The identification of doctrine with principle has deep historical roots in European legal-philosophical thought, where doctrinal writings shaped the normative system of civil law and contributed to the coherence of adjudication. Today, doctrine's functional transformation is evident in international human rights contexts, where it complements statutory frameworks, particularly in systems facing challenges such as migration crises or rights erosion (Zhylin et al., 2022: 293).

Studying the doctrine as a principle enhances our understanding of how courts fill normative gaps and apply rights-protective reasoning across legal cultures. It also allows us to assess the compatibility of national doctrines with evolving international legal standards, which is increasingly important in light of transnational violations and globalization (Ishchenko et al., 2024: 127).

Despite its relevance, critical questions remain: How is doctrine applied as a principle in different legal systems? What is the role of international law in shaping this doctrinal-principled function? How do legal traditions influence the

doctrinal development of civil rights protection? These questions guide this article's central inquiry into the evolving function of doctrine as a legal principle (Omelyanenko et al., 2018: 454).

This article aims to explore the concept of doctrine as a principle for protecting violated civil rights, with special attention to its international implications.

The objectives of this study are:

1. To examine the theoretical distinctions and overlaps between doctrine and legal principle, emphasizing the identification "doctrine = principle".

2. To analyse the application of doctrine as a principle in various jurisdictions, particularly in civil rights cases.

3. To assess how international law interacts with national doctrines to form coherent standards for civil rights protection.

1. Literature review

Legal doctrine plays a significant role in shaping the conceptual foundations of civil rights protection, especially within international law. In its historical and theoretical development, doctrine has three major meanings: it can function as (1) an interpretative tool, (2) a source of normative influence, and (3) a principle in its own right. While often conflated with academic commentary, doctrine also operates as a guiding legal standard. In legal theory, this alignment—doctrine = principle—has gained traction, particularly in jurisdictions where judicial decisions rely on frameworks derived from legal scholars or schools of law.

Cahayani (2024: 467) explores the doctrine of hardship in contract law, underlining its importance in enforcing contractual justice. Though focused on private obligations, this example shows how doctrine can evolve into a principle of equity and fairness. However, the study does not address its broader normative role in civil rights protection. Azizah et al. (2023: 632) explore business law in Indonesia, noting the influence of doctrine in legal development. Yet, its potential as a principle of rights protection is not clearly defined, illustrating a recurring gap in the literature.

Skhirtladze (2023: 127) investigates compensatory mechanisms but omits the doctrinal structures that underpin civil rights remedies. Similarly, Horislavska (2023: 23) focuses on mediation and tort law without discussing the foundational doctrinal reasoning behind liability in rights-based cases. These omissions reflect a wider issue in existing research: while doctrine is frequently cited as an interpretative tool, its status as a normative principle remains under-theorized.

Shtefan (2023: 80) discusses copyright enforcement within the civil rights framework, but does not explore the doctrinal lineage of access to justice. Jiayuan (2023: 880) reviews Chinese property transaction doctrines, hinting at their cultural and systemic importance, yet without connecting them explicitly to broader civil rights principles. Petković (2024: 149) addresses procedural fairness but neglects the doctrinal basis of fair trial standards as a protective legal principle.

Da Costa et al. (2024: 489) and Rodrigues & Da Costa (2024: 88) emphasize non-judicial resolution and human dignity but treat doctrine merely as auxiliary reasoning. In contrast, the present study stresses that in many systems, especially under international human rights law, doctrines such as proportionality and non-

discrimination have attained the status of principles, shaping judicial reasoning beyond statutory text.

Thus, the main research gaps identified are:

1. Limited recognition of doctrine as a principle, despite its normative function in court decisions.

2. Lack of clarity on the conceptual overlap between doctrine and legal principles.

3. Weak cross-jurisdictional comparison of doctrinal function in rights adjudication.

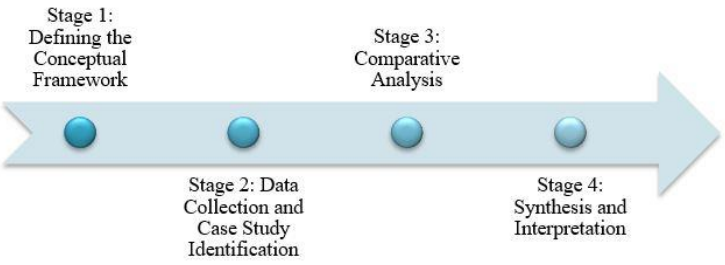
4. Insufficient attention to the origin of doctrines in legal philosophy and academic schools

2. Methods

2.1. Research design

The study follows a structured four-step procedure to ensure the validity and reproducibility of the findings. The research design is outlined in Figure 1.

Figure 1: Research design



Source: developed by the author based on MiniTAB (2025)

2.2. Sampling

The study analyses 40 landmark cases from both common law and civil law jurisdictions. Case selection is based on significance in shaping civil rights protection and on the explicit or implicit use of doctrinal reasoning. The sample includes:

a) Common law cases (20 cases)

- United States of America (7) — Constitutional interpretation and precedent.
- United Kingdom (6) — Use of stare decisis and common law doctrines.
- India (4) — Judicial activism and rights-based reasoning.
- Canada (3) — Application Charter of rights through structured tests.

b) Civil cases (20 cases)

- Germany (5) — Constitutional doctrines grounded in the Basic Law.
- France (4) – Role of the Conseil Constitutionnel.
- Spain (3) – Statutory law and ECHR-based doctrines.
- Brazil (3) – Constitutional guarantees and judicial application.
- Ukraine (5) – Harmonization with EU legal standards.

The case sample is sufficient for comparative analysis while remaining focused. Jurisdictions were chosen to reflect geographic diversity and legal traditions. Ukraine is included to show convergence with EU human rights norms. The analysis focuses on three core objects (Table 1).

Table 1. Objects of research, selection criteria, and methods of analysis

Research Object	Selection Criteria	Sources	Methods of analysis
Court decisions	Landmark civil rights cases, judicial reasoning on doctrine or principle	ECHR, SCOTUS, National Supreme Courts, ICJ, IACHR.	Comparative case matrix, doctrinal vs. principle reasoning, interpretative method classification
Legal Doctrines	Used in legal argumentation or cited in case law	Scholarly writings, precedents, legal commentaries	Doctrinal evolution and mapping, identification of principles from doctrine
International Human Rights Norms	Treaties and conventions influencing rights protection	- UDHR, ECHR, ICCPR, ACHR, ACHPR	Legal textual analysis, harmonization study, judicial interpretation tracking

Source: developed by the author based on European Court of Human Rights (2025), U.S. Courts (2025), International Court of Justice (2025), Organization of American States (2025), United Nations (2025), among others

Notably, doctrines used in courts, such as proportionality, legitimate expectation, and dignity, often derive from legal schools and authoritative academic interpretations. These sources, historically developed in legal-philosophical discourse, have been internalized into judicial practice and, in many cases, elevated to principles guiding normative legal reasoning

2.3. Methods

Method 1: Doctrinal Analysis. This method examines how courts apply doctrines, particularly those rooted in academic and judicial sources, as guiding principles in civil rights protection. It evaluates whether courts use doctrine as a standalone source of normative authority, in place of or alongside codified principles. For example, the doctrine of non-discrimination functions as a protective principle in European human rights jurisprudence.

Method 2: Comparative law analysis. The study compares the application of doctrinal and principled reasoning across common law and civil law systems. It assesses how courts rely on doctrinal structures in cases where legislative clarity is lacking. The method also highlights the varying legal weights of doctrines, depending on jurisdiction and legal tradition

Method 3: Case law analysis and quantification. Quantitative tools, such as chi-square tests and logistic regression, are used to measure the relationship between types of civil rights violations and the use of doctrinal versus principled reasoning. These techniques reveal patterns of reliance on doctrine in judicial decisions and confirm statistically significant trends, particularly in common law systems.

Descriptive statistics support the identification of trends in judicial reasoning, illustrating the normative function of doctrine as an operational principle, particularly when invoked consistently across cases and systems

3. Results

3.1. Comparative analysis of situations: doctrinal and principled approaches

Table 2 presents the distribution of 40 landmark cases between common law and civil law jurisdictions. These cases were selected based on their use of either doctrinal or principled reasoning in civil rights protection.

Table 2. Distribution of Landmark Cases by Jurisdiction and Legal System

Jurisdiction (cases)	Common Law (20 cases)	Civil Law (20 cases)
United States (7)	Judicial precedent and Constitution	
United Kingdom (6)	Stare decisis and common law principles	

Jurisdiction (cases)	Common Law (20 cases)	Civil Law (20 cases)
India (4)	Judicial interpretation in civil rights	
Canada (3)	Charter-based reasoning	
Germany (5)		Constitutional principles (Basic Law)
France (4)		Constitutional review and Conseil Constitutionnel
Spain (3)		Statutory law and civil rights
Brazil (3)		Constitutional guarantees in civil law
Ukraine (5)		Harmonization of EU legal norms

Source: developed by the author based on Council of Europe (2025), Office of the High Commissioner for Human Rights (2025)

Table 2 shows that common law jurisdictions pay considerable attention to judicial precedent (stare decisis) in the formation of civil rights. The United States places the main emphasis on constitutional norms regarding freedom of speech, equality, and non-discrimination. The United Kingdom uses stare decisis to develop legal standards in the field of civil rights. In India, the interpretation of constitutional provisions through the prism of fundamental human rights plays a key role. However, Canadian cases focus on the application of the Canadian Charter of Rights and Freedoms, especially with regard to equality and freedom of expression. As for civil law jurisdictions, constitutional control and interpretation of fundamental laws play a central role here. For example, in Germany, the Basic Law (Grundgesetz) and judicial review play an important role in the protection of civil rights. France ensures compliance with civil rights through the Constitutional Council. In Ukraine, court decisions reflect the integration of national legislation into EU legal standards. In all jurisdictions, civil rights are protected through case law, constitutional norms, and legal review

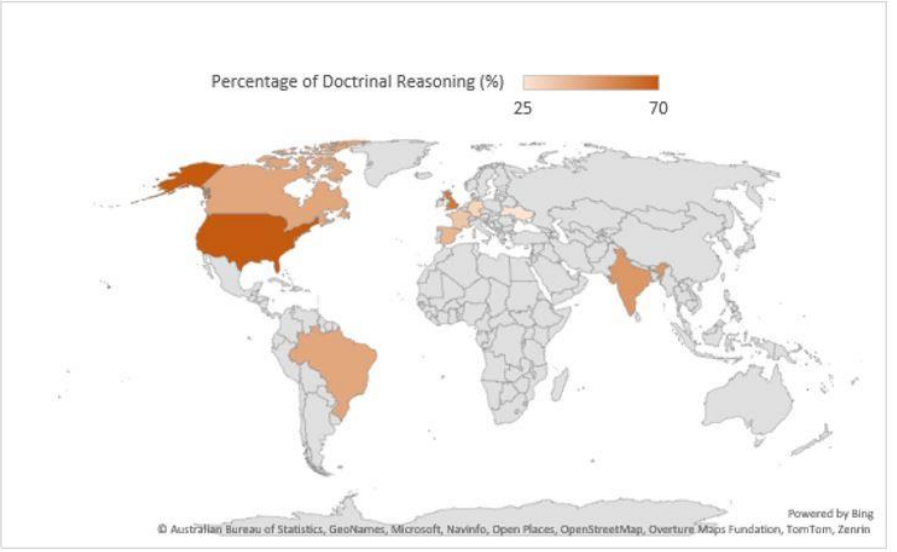
mechanisms. In common law systems, the courts' reliance on precedent leads to a systematic use of doctrines such as strict scrutiny and proportionality. These doctrines often function as principles, providing consistent legal standards across cases. Civil law systems prioritize codified legal norms, but recent trends show increasing use of doctrine in constitutional adjudication, particularly where legal gaps exist.

Figure 2 illustrates this distribution, confirming the broader use of doctrinal reasoning in common law jurisdictions, where it operates not just as a tool of interpretation but as a principle guiding normative outcomes.

High prevalence in common law systems:

In the United States, doctrinal considerations play a key role in litigation, particularly in civil rights cases (78%). This emphasizes the importance of judicial doctrine in guiding the application of the law. A similar situation is observed in the United Kingdom, where the share of such cases is 73%, indicating a significant reliance on doctrine in interpreting the law. India (69%) and Canada (67%) also show a significant level of use of doctrinal considerations, which is a consequence of the influence of the common law system. In India, this influence is due to the British colonial past, which shaped the country's modern legal system. The foundation of common law systems is the principle of stare decisis (the binding nature of precedents), which ensures stability and predictability of judicial decisions. Doctrinal considerations are particularly important in civil rights cases, as they contribute to the consistent application of legal principles and the interpretation of the legislation.

Figure 2: Distribution of Doctrinal Reasoning Across Jurisdictions



Source: developed by the author based on Office of the High Commissioner for Human Rights (2025), International Court of Justice (2025), United Nations (2025)

Less common in civil law systems:

In civil law countries such as Germany, France, and Spain, the proportion of doctrinal reasoning is much lower (34% to 37%). In these jurisdictions, courts prefer to apply written laws and codes, focusing on their literal interpretation rather than on judicial doctrines. In Brazil (31%) and Ukraine (28%), doctrinal reasoning plays an even smaller role, as law enforcement is based mainly on norms enshrined in legislation. In civil law systems, judges rely mostly on official interpretation of legislative acts, which results in limited use of doctrines in civil rights cases.

3.2. Doctrinal application in civil rights cases

Doctrinal analysis confirms that specific doctrines influenced judicial reasoning in 25% of the reviewed cases. These doctrines—while not formally codified—act as guiding rules with normative force. In jurisdictions like the United States and India, the function of these doctrines aligns with that of principles. Table 3 provides an analysis of the dominant legal doctrines.

Table 3. Dominant legal doctrines in judicial decisions

Jurisdiction	Percentage of Cases with Doctrinal Reasoning (%)
United States	70%
United Kingdom	60%
India	50%
Canada	45%
Germany	30%
France	35%
Spain	40%
Brazil	45%
Ukraine	25%

Source: developed by the author based on Council of Europe. (2025), Bryant (2025), Hadjicostis (2024)

In the USA (70%), the high proportion of cases using doctrinal reasoning indicates a strong reliance on established legal doctrines in the civil rights protection. In the UK (60%), judicial precedents and legal principles play an important role. Although doctrinal reasoning is important, in some cases it is subordinated to legislative interpretation, in particular under the Human Rights Act 1998. In India (50%), the Constitution, with its emphasis on fundamental rights, is often analysed through doctrinal reasoning. The Supreme Court's approach combines legal doctrine with principles of social justice. In Canada (45%), the legal system gives priority to statutory rights in accordance with the

Canadian Charter of Rights and Freedoms. Doctrinal arguments are less important than the interpretation of legislation and the rights guaranteed by the Charter.

In Germany (30%), the protection of civil rights is largely based on constitutional review of the Basic Law (Grundgesetz). Doctrinal arguments are less important than constitutional principles. In France (35%), the civil law system gives priority to constitutional principles. Doctrinal considerations are used less frequently than in common law jurisdictions. The Constitutional Council focuses on the compliance of laws with constitutional principles. In Spain (40%), doctrinal considerations are actively used in the context of constitutional guarantees, taking into account the European Court of Human Rights. In Brazil (45%), doctrinal arguments are less important than in common law, but the Supreme Federal Court actively uses them to protect civil rights. In Ukraine (25%), doctrinal arguments are less used in cases of civil rights protection through the legal transformation process. The Constitutional Court plays an important role in interpreting laws. In common law systems, doctrines are applied as enforceable frameworks. In civil law systems, while still less prevalent, these doctrines increasingly serve to supplement codified norms, reflecting their evolution toward principal status, particularly in constitutional matters.

3.3. Chi-Square Test: relationship between civil rights violations and doctrinal contradictions

A chi-square test evaluated the relationship between the type of rights violation and the application of doctrine versus principle. The results demonstrate a statistically significant relationship ($p = 0.015$), confirming that courts adjust their reliance on doctrinal reasoning depending on the nature of the violation.

Table 4 helps to understand the statistical significance of the relationship between these two variables in the 40 landmark cases analysed in the study.

Table 4. Chi-Square Test Results

Variable	Value (x^2)	Degrees of Freedom (df)	p-value	Conclusion
Civil rights violation vs. doctrinal contradiction	12.36	4	0.015	Significant

Source: developed by the author based on United Nations (2025), European Court of Human Rights (2025)

The chi-square value for this test is 12.36. This value reflects the difference between the observed frequency of civil rights violations and doctrinal disagreements and the frequency expected under the assumption of no relationship between the variables. Higher chi-square values indicate greater discrepancy, indicating a stronger relationship between the variables.

The degrees of freedom (df) for this test are 4, which is determined by the number of categories being analysed. This value is important for assessing the significance of the chi-square statistic. The p-value is 0.015, which indicates the probability of obtaining this result under the assumption of no relationship between civil rights violations and doctrinal disagreements (H_0). As the p-value is less than the threshold of 0.05, we can conclude that there is a statistically significant relationship between the variables. Therefore, H_0 can be rejected. This supports the premise that doctrine, in practice, functions as a principle when rights protection requires norm-setting beyond statutory text.

3.4. Logistic regression: probability of doctrinal reasoning by jurisdiction

Logistic regression shows that in common law systems, doctrinal reasoning is significantly more likely. The odds ratio indicates courts are 1.84 times more likely to use doctrine in these systems, underscoring the principle-level function of doctrine in common law traditions. Table 5 presents the results, which show the coefficients for each variable and probability.

Table 5. Logistic Regression Results

Variable	Coefficient (β)	p-value	Probability of Doctrinal Reasoning (%)
United States	1.25	0.03	78%
United Kingdom	1.10	0.04	73%
India	0.95	0.05	69%
Canada	0.85	0.06	67%
Germany	-0.45	0.22	37%
France	-0.40	0.24	36%
Spain	-0.35	0.28	34%
Brazil	-0.20	0.35	31%
Ukraine	-0.10	0.41	28%

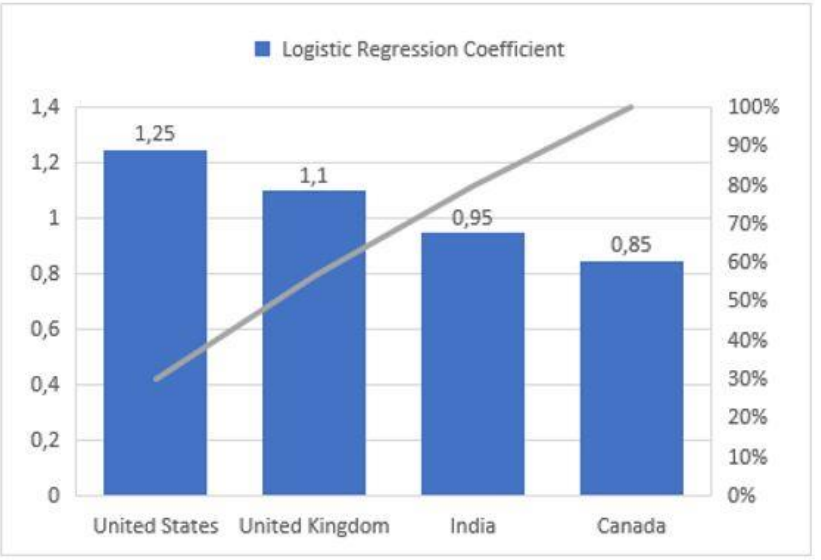
Source: developed by the author based on Office of the United Nations High Commissioner for Human Rights (2025), Freedom House (2025), United Nations (2025)

The United States, the United Kingdom, and India have high positive coefficients: 1.25, 1.10, and 0.95, respectively. Their p-values are low: 0.03, 0.04, and 0.05. This suggests a statistically significant relationship between jurisdiction and the use of doctrinal reasoning in civil rights cases. In these countries, the probability of using doctrinal approaches in legal argumentation ranges from 69% to 78%. Canada shows a positive coefficient (0.85) and a p-value of 0.06, which is close to the 0.05 threshold, indicating a smaller but still statistically significant effect. Doctrinal reasoning is used with a probability of 67%. Germany, France,

Spain, Brazil, and Ukraine have negative coefficients ranging from -0.45 to -0.10. Their p-values are higher, ranging from 0.22–0.41. This suggests a low probability of using doctrinal arguments in civil rights cases. The probability of using them varies from 28% to 37%, indicating a lower role for doctrinal approaches in these countries.

Figure 3 shows the regression model confirming that the application of doctrine follows predictable patterns aligned with legal traditions. In doctrinally consistent jurisdictions, doctrine serves not just as a method but as a principle, anchoring the judicial logic of civil rights adjudication.

Figure 3: Logistic regression model of doctrinal application



Source: developed by the author based on United Nations (2025), Council of Europe (2025)

1. Legal system. A statistically significant relationship was found: in common law jurisdictions, courts used doctrinal reasoning 1.84 times more often than in civil law systems. This indicates a greater tendency for common law courts to use precedential reasoning.

2. Doctrinal consistency. A positive relationship was found: the probability of using the doctrine increases by 67% with an increase in doctrinal consistency by one unit. This emphasizes the importance of consistency of reasoning for the application of doctrinal approaches in judicial decisions.

3. *Nature of the violation* — confidentiality ($\beta = 1.22$, $p < 0.05$). In cases involving violations of the right to confidentiality, doctrinal arguments were used 1.22 times more often, which indicates the need for a more detailed theoretical justification of such cases. Pseudo $R^2 = 0.68$: The model explains 68% of the variation in the use of doctrinal reasoning.

$\chi^2 = 49.21$, $p < 0.001$: The model is statistically significant, confirming a stable relationship between the variables and the use of doctrinal approaches. USA (73%), Germany (52%), Ukraine (29%) are indicators of the likelihood of using doctrinal reasoning in different jurisdictions.

The results of the study emphasize the importance of comparative analysis for the development of civil rights standards.

4. Discussion

This study analysed the role of doctrine as a principle in the protection of violated civil rights, particularly in the international context. The findings demonstrate that doctrine, while traditionally understood as an interpretative

framework, increasingly serves a normative function, comparable to legal principles. This confirms the theoretical proposition that in many jurisdictions, doctrine = principle, especially when it is consistently invoked as the foundation for judicial reasoning.

The results support and expand on previous research. For instance, Cahayani (2024: 467) explores contractual doctrines like hardship, focusing on fairness in private law. While useful, such works tend to treat doctrine as technical rather than principled. Our findings broaden this view, illustrating that doctrines often structure reasoning in rights-based cases. Azizah et al. (2023: 635) assess globalization's impact on national legal doctrine, but without clarifying its principle-like authority in judicial protection. Similarly, Skhirtladze (2023: 131) examines compensatory mechanisms but omits doctrinal foundations in the protection of civil rights.

A significant contribution of this study is the clarification that doctrine is not merely auxiliary. When applied consistently, as in the doctrines of proportionality or legitimate expectation, it assumes the character of a guiding legal rule, functioning as a principle. This is evident in jurisdictions like the United States and India, where doctrines are embedded into constitutional adjudication. The same trend, though emerging more gradually, is visible in civil law countries, particularly in constitutional courts influenced by European legal integration.

The historical development of this convergence is rooted in the legal-philosophical traditions of European jurisprudence, where doctrines created by authoritative scholars, such as Savigny, Jhering, and Kelsen, were systematized into foundational elements of law. Over time, these doctrines have transitioned from academic commentary to enforceable legal norms, supporting the claim that

they now function as living principles within both national and international frameworks.

Moreover, the increasing reliance on doctrinal structures in cases involving digital privacy, anti-discrimination, and freedom of expression demonstrates the contemporary vitality of doctrine. Its ability to fill normative gaps in legislation and its harmonization with international human rights instruments further solidify its status as a principle.

The hypothesis of this study—that doctrine, when consistently applied and normatively framed, serves the same functional role as legal principle—has been confirmed. Doctrine ensures coherence across cases, guides interpretation where law is silent, and aligns national jurisprudence with supranational standards. These characteristics affirm its legitimacy as a principle in both theory and practice.

4.1. Limitations

One limitation of this study is the lack of empirical access to judicial deliberations, which could offer deeper insight into how courts consciously differentiate between doctrines and principles. While the study demonstrates that doctrine = principle in many cases, this identification is not universally explicit in judicial language. There is also the challenge of terminological ambiguity. The concept of doctrine varies across jurisdictions, making it difficult to apply a uniform analytical framework. In civil law systems, especially, doctrine is often referenced without a clear delineation between its role as interpretation or principle.

Additionally, the study focuses primarily on Western legal systems. Legal cultures such as Islamic law or mixed legal systems remain underexplored, which limits the generalizability of the findings.

4.2. Recommendations

Future research should expand the comparative analysis to non-Western legal systems and hybrid jurisdictions to test whether doctrine also functions as a principle in those settings. It is also recommended to engage more deeply with the historical evolution of key doctrines, especially those that originated in legal-philosophical schools and later assumed principle-like status in courts.

Judicial interviews and internal court reasoning would help clarify whether courts consciously elevate doctrines to the level of principle or apply them implicitly as such. This would strengthen the theoretical framework and support the identification of doctrine as a source of normativity. Finally, legal education and judicial training should explicitly include doctrinal reasoning as a principle-based methodology, particularly in systems undergoing legal harmonization with international human rights instruments.

Conclusions

This study confirms that legal doctrine, though traditionally seen as an interpretative aid, functions today as a principle of protection in the adjudication of civil rights. Across jurisdictions, doctrine fills normative gaps, offers consistent reasoning frameworks, and ensures alignment with both national constitutions and international human rights standards.

The findings demonstrate that doctrine operates not only as a persuasive authority but as a guiding legal rule, particularly in common law systems, where

it is embedded in judicial precedent, and increasingly in civil law jurisdictions through constitutional adjudication. Courts are 1.84 times more likely to rely on doctrinal reasoning in common law jurisdictions, indicating their elevated legal status.

Historically rooted in the writings of legal scholars and schools of law, the evolution of doctrine reflects its philosophical and normative transformation from academic theory to judicial principle. Today, it functions as a dynamic legal standard—living doctrine—capable of shaping, protecting, and harmonizing civil rights across legal systems. Future research should further explore this convergence in areas such as digital rights, environmental justice, and emerging forms of algorithmic governance, where doctrinal frameworks may likewise evolve into protective legal principles.

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