

COMPARATIVE LEGAL RESEARCH-BUILDING A LEGAL ATTITUDE FOR A TRANSNATIONAL WORLD

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Abstract: Comparative Legal Research (CLR) is a valuable tool for legal research because it expands the history of community experience. Understanding basic knowledge in different systems fills the knowledge gap. However, the principles of globalization and universal human rights require a greater role for systematic CLR. This article analyzes the role of comparative legal research in contemporary legal education. The discussion is based on the idea that it is useful to distinguish between the education of lawyers and the conduct of comparative legal research. Comparative law is a successful field of study that has ignited a growing interest in academic and legal education in recent decades. It is proposed to pay more attention to the comparative pedagogy of legal research in today's world, where law students must be prepared to function in a global context. While comparative academic research, the goal is to foster a deep cultural understanding of foreign law, but in legal education, the goal is to learn the spirit as an advocate. This article provides an overview of the key conceptual tools to tackle the problem of the comparative methodology by introducing the logical argument to help the researcher to filter his approach. A literature review method will adopt for this article.

Keywords: Comparative Legal Research, Legal education, Transnational world, Law.

1. Introduction

Comparison is a logical and inductive way of thinking that can objectively identify the advantages and disadvantages of a standard, practice, system, procedure, or institution concerning others. Comparative studies are a tool used in various disciplines of the natural and social sciences. Its importance for legal research lies in the comparative evaluation of human experience in different areas of law in different jurisdictions.

When compared, two things are measured together. Comparison is the construction of similarities or dissimilarities between different facts. The criteria for

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differentiation or similarity can be referred to as "Tertium Compatatonis" (Nils, 2006). The choice of the criterion in question and its objective application is a prerequisite for competition. A comparison is essential for the advancement of knowledge. Etymologically, the 'equation' consists of the association (com) of different objects or elements to study the degree of similarities, so that conclusions can be drawn that would not have been possible by analyzing a single element. Comparative legal research (hereinafter referred to as CLR) is a systematic presentation of rules, institutions, and procedures or its current application in a single or multiple legal systems or sub-systems with a comparative assessment based on an objective assessment of similarities and differences and their consequences. It can be doctrinal or non-doctrinal, theoretical or fundamental, historical or contemporary, qualitative, or quantitative.

CLR is a successful area of law that has aroused a growing interest in studying and researching law in recent decades. This is evident from the numerous articles published in specialized quality journals and the constant number of research events organized by universities, research institutes, and many other organizations. A comparative perspective can be more or less systematically integrated into the study of different legal subjects (Wilson, 2007).

There are several reasons why a legal scholar would like to do comparative research. One possible reason is that the researcher wants to take advantage of his research. It often happens that a research topic that is not strictly falling within the ambit of international law or criminal law but has a comparative legal dimension. At first glance, that's a good reason. As the legal discipline becomes more multicultural in an environment called 'globalized,' the rejection of an external vision in a doctoral thesis is considered short-sighted and would remove a more ambitious relevance from the work. The usage of comparative law is indeed a strategic decision of the researcher.

CLR offers a much broader range of solutions than country-specific legal science because different systems around the world can offer a broader range of solutions than one can imagine. Even the most visionary jurist was involved in his own system (Zweigert & Kotz, 1998). It expands and enriches the range of solutions and allows the critical researcher to find the best solution.

CLR operates in three ways, namely the description of the comparative objective defined by other legal systems; the comparative ethics that defines the evaluation of relative merit; and the comparative genetics that describe the study of the development of the justice system in relation to the others (Patrick, 2006). To carry out such a study, a broad historical justification in the socio-cultural context of legal systems is essential.

The purpose of this paper is to provide an overview of the most important conceptual tools to deal with the problem of comparative methodology and to

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present the motivating topic to help the researcher filter his approach. Comparative law-based material and teaching should be viewed as an improvement that sets the learning procedure into movement. Also, it is asserted that more centrality should be given to the transnational components of law as a major aspect of lawful training inside all branches of law.

2. Comparative legal research

The status of legal education is a developing discussion among lawyers and scholastics in disciplines, for example, economics, sociology, political science, psychology, history, and linguistics. Likewise, numerous legal scholastic has unrestrained their standard role of looking at and seeing on judgments and laws including attempts to harmonize the judicial system from a general perspective. This change has been accompanied by internationalization, Europeanization, and globalization processes over the last three decades (Van Den Bos, Thomas, Michael & Van Rossum, 2017).

In customary legal research, pertinent texts, for example, enactment, statute, and scholarly literature are viewed as the most significant perceived sources of data to comprehend positive law. At the point when jurists examine a legal issue from a customary viewpoint, they generally attempt to comprehend it via cautiously investigating and reproducing the ideas in express viewpoint. The quality of legal research is measured by and depends upon the standards of conceptual analysis, thought and rhetoric, and finally by the references in the text.

The application of comparative law is no longer peripheral and is mostly enshrined in legal practice. The main reason is the need for a more complex perspective in which law functions at the local, national and international level, which has changed the system of the legitimacy of the rules and their hierarchy. Progressively, this is associated with the need to solve social problems.

3. The methodology of comparative legal research

As comparative legal research is done for different purposes, the methods or techniques used may differ accordingly. The first step is to choose the field of comparison between the concept that will be analyzed separately in the two legal systems, and the analysis of the legal systems by using the data collected in the first phase, both from the knowledge acquired through cultural immersion stepping back to assess from a strangers perspective. This gives the study some credibility and accuracy, as required by the principle of research ethics.

The second step is to choose the sphere of comparison, and the question arises, why compare? In specific comparative research projects, the topic of research and research questions will include some form of legal comparison. If the purpose of the study is to make the coherence part of domestic law, it can be without external

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comparison. For example, if harmonization of laws is sought, there is already a comparison of the different legal systems included, but this is also partly determined by the approach that will be followed, as the focus is on common points and a common core of comparative legal systems and possible ways to eliminate differences (William, 2007).

When trying to improve your legal system, both as a legislator and as a researcher, you don't need to talk about crossing borders. Import rules and solutions may not work due to a different context. Therefore, a more comprehensive contextual approach will be needed. CLR requires that you regularly compare your legal system with other systems. The purpose of the CLR is to use comparative law as a learning tool to better understand and use comparative law as a tool as a taxonomic and evolutionary taxonomy tool with joint development, diachronic changes, legal families, and legal reconciliation.

The third step is to choose the legal systems that can be compared. Comparative research focuses primarily on the comparison of national legal systems. Most individual researchers make a decision based on their language skills and knowledge. Common law countries that still use English as their official language make CLRs relatively easy in most areas of legislation, as the entire conceptual framework and oldest common law history are the same for all legal systems.

The fourth step is to decide what you want to compare it with. The comparative researcher must study the foreign legal systems: legislation, case law, or the full context thereof. Relevant legislation and published case law are relatively easy to find, mainly through manuals and articles, and in recent months and years through the internet.

Comparing case law and legislation needs exact information on the historical and socio-economic framework resulting from available sources. By comparing neighboring countries, the researcher can get a general picture of historical and socio-economic resemblances and dissimilarities. For dissimilarities, the researcher needs a better understanding of that context. The law can be fully integrated into individual research if the researcher is lucky enough to find adequate sources and relevant literature to compare all legal systems.

The fifth step is to choose the kind of comparison. Comparative law is frequently criticized for not adopting an approach in comparative studies. Sometimes the 'comparison' is regarded as a separate 'method' and is termed "comparative method" without other specific explanations or suggestions. The "functional method" is the only process recommended in the comparative literature that goes ahead. It provides clear guidelines, as it suggests focusing on general legal issues and solutions in comparative legal systems, rather than on diverse rules and a doctoral framework.

4. Level of comparison

The "comparison levels" can fluctuate from alternate points of view. The levels at which law is made and applied geologically, for example, global, European and national, will influence comparison (Örücü, & Nelken, 2007).

4.1. Macro and micro-level

The most exemplary is the distinction between the macro level and the micro level, a comparison of lawful frameworks, as opposed to an examination of progressively explicit legal standards and answers for social issues in the diverse legal frameworks.

Since the structure of the two kinds of legal frameworks varies from their basic targets, this will likewise influence the strategies for comparison. In this manner, there is generally a mixture of various methodologies that can be utilized at different stages of comparison. For instance a comparison between EU organizations and the law-making procedure with the customary partition of government structures in States, Parliament, Government and Courts.

To comprehend the distinctions, it is important to break down the various functions of these organizations on two levels (practical methodology) and to investigate the various abilities of every organization so as to get a full image of the similitudes and contrasts (analytical methodology) and simultaneously examine a general picture, finally, dissect the connections between the various bodies (structural methodology) lastly place them in a historic point of view (historical methodology).

4.2. Underlying general and professional legal cultures or traditions

At a deeper level, there are also comparisons between legal culture, legal reasons, and judicial decision-making, legal styles (Bomhoff, 2012), different ways to deal with lawful sources and lawful understanding, the utilization of legal interpretation, the role of the lawful hypothesis (Komárek, 2012), respectively roles of the legal professions and the role of the legal form with respect to content. This CLR has a solid hypothetical measurement and tries to depict the setting where legal frameworks are comprehended and utilized by those working in these lawful societies. The methodology to be thought about at this level is to a great extent analytical and historical.

4.3. Law in action vs law in the books

The law in action can be very different from the law in the books. Most proponents are aware of this conclusion. Therefore, rule-level comparisons need to be cohesive, or in some cases, comparisons of court decisions have to be started. In

some circumstances, for example, due to recent legislation or the availability of other sources in an available language, the comparison is limited to the legislative level. Any substantive analysis of comparative law requires that law and jurisprudence have to study jointly since it is important to know the law in all legal and civil justice systems. It can show how deviations from rules and doctrines can lead to similar decisions or how similar rules and doctrines can lead to diverse practical solutions.

4.4. Surface level vs deep level

A more profound glance at the similitudes and surface contrasts between legal frameworks can show that a more profound degree of the doctoral or paradigmatic structure should be appropriately thought about. If we compare the law in unique lawful societies, plainly an important examination must be made at the lower level of principal societies and not at the shallow degree of rules and ideas. Here, the right to confront the surface inevitably becomes the right to confront at the highest level and becomes especially legal anthropology.

4.5. *Tertium comparationis*

For comparison, we needed a "*tertium Comparationis.*" We should not look at a foreign legal system from the perspective and instructional framework of our legal system, but try to intersect it with 'neutral' external components to compare legal systems. The comparator must damage its internal legal system. The comparator must remove prejudices about his domestic legal system.

The depiction of the law isn't generally an aimful effort, however, it doesn't give unadulterated realities that everybody would look similar. The examination of opinions, rules, organizations, and so forth in different social orders will consistently be done in any event in the initial step with respect to the legal framework and doctrinal setting itself.

Examining the methods of CLR, we have seen that as a rule, strategy situated correlations have attempted to build up a moderately nonpartisan second-order language that depicts ideas containing distinctive lawful frameworks, even when comparative research is used mainly in first-rate languages. Rather than seeking tertiary comparison, legal comparatists should develop second-order comparative language through their research. Indeed, what is offered as a 'comparison tertium' is sometimes even a secondary language. From its internal perspective, legal systems can only be understood in their own language, but to develop a comparative legal practice as a discipline, some kind of the second language must be developed. Only if the law is harmonized should a new common law language (first-order) be developed (Bomhoff, 2012).

5. Methods of comparative legal research

The different approaches discussed below are not mutually exclusive. It is also possible to combine all of them in the same search. The name of the method represents the specific feature of this method, without associating it with another method.

5.1. The Functional method

Zweigert and Kötz introduced the classical functional approach, and acknowledged that universities often found that education is a "functional method" of the comparative approach to legal research, which hopefully supports their alleged decision that rules and ideas might be unique (Zweigert & Kotz, 1998)., yet most lawful frameworks take care of lawful issues similarly (Legrand & Munday, 2003). The functional approach is actually used in many different ways and for different purposes, i.e. understanding the law, comparing the *tertium compareationis*, emphasizing the similarities, i.e. *praesumptio similitudinis*, building a system, e.g. legal families, uniform law, critical evaluation of the legal system.

This variability of "functional methods" indicates the significance of the research objective and research question in picking the suitable comparison technique. What the researcher wishes to look at and how he will analyze relies upon the research question and the attentiveness of the research. The method used must achieve its goal. The idea of functionality is to examine how practical problems are solved to resolve conflicts of interest in different societies according to different legal systems. This means that these problems can be largely solved, regardless of the doctoral structure of each of the comparative legal systems.

Many social problems such as civic, municipal, family, civil and criminal, etc. happen in almost all societies. Every society has a kind of 'law' that helps them to solve these problems. Sometimes the legal concept, legal rules, and legal procedures are different, but the solution to these problems may be the same, if not identical. Simply, stated that a legal solution can be the same, although the ways of obtaining the solution are different. The functional method searches for these functional equivalences at the resolution level (Örücü, 2006). The functional approach is often used on the assumption that problems are the same everywhere. This may be accurate in countries with similar historical and socio-economic backgrounds, such as India and Pakistan, but not always in all cases, and certainly not in all countries and legal cultures globally.

5.2. The Structural method

The functional approach is typically used at the micro-comparison level. More broadly, a more structured partial analysis of legal systems can be used. Structural analysis can be done in many different ways based on a multiplicity of

dissimilarities and criteria. At the most fundamental level, it tends to be said that every single legitimate framework has a typical structural core related to the meaning of the law as a recognizable system in all social orders (Hart, 1961). One of these significant differences, typical of all legal structures, is the existence of most important rules of conduct and, moreover, the secondary rules that determine the origin and implementation of these primary rules.

In developing the 'legal family' classifications, one relies on a structural approach. Legal rules differ from legal systems if they have sufficient structural similarities, for example, Roman legal standards and ideas of private law, as individuals from the equivalent 'lawful family', as opposed to legal systems and different families that don't share these commonalities. Traditional classifications of 'legal families' further imply that a specific criterion or structure can be regarded as decisive in classifying each legal system into a single-family. Since all these classifications are centered exclusively on private law, it is clear that the classification of public law may yield different results depending on the criteria used. In private law, it can also be said that it is not possible to make a general classification, but that an additional distinction must be made.

5.3. The Analytical method

According to this method, the term 'right, 'law' can be used in different opinions. This may mean 'claim', 'power', 'freedom', or other legal impressions defining 'immunities' which avoid the legitimate power and "privilege" of others, rather than a general prohibition. This enhancement of the term 'right' was a significant advance forward in the examination of the 'significant structure' of the term 'right' and the importance of this word, as utilized in various discernments. Furthermore, the logical connection between several sub-concepts of 'right' and other concepts such as 'duty' or 'responsibility' has been widely explored (Hohfeld, 1917).

The main significance here is the analytical power of such a distinction for comparative law. Numerous legal concepts contain a number of different rights in all legal systems, namely property, including a claim, freedom, and power. By further analyzing this level, one can better differentiate the variances and resemblances between legal systems in terms of seemingly similar or different concepts. A comprehensive analytical approach can eventually form the foundation for structural comparison of legal structures.

5.4. The law-in-context method

The law in context as a method can't be isolated from different modes. It is reciprocal and related to the comprehension of the law. While a few kinds of the scientific technique might be set up at an increasingly dynamic reasonable level, as opposed to being isolated from the hidden social reality, this isn't the case with

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different methods of comparison. The presentation of the law with regards to understanding the law is proposed to be comprehended as a foreigner to the legal framework and in this way to clarify why the law is as it is. This definitely includes empirical perception. It ought to be evident that case law doesn't generally give an exact image of existing law in society.

5.5. The historical method

The historical method is just a piece of the law in the logical mode, the context here being the historical basis of the current laws for comparison. A specific element of this historical methodology is that it can't maintain a strategic distance from in any comparative investigation. A complete understanding of how the law works today in some societies is possible only if we know where it came from and why it is so today. It is no happenstance that even among legal students of history, the comparative history of law has gotten exceptionally well known in the most recent decade. For the researcher, data and sources on legal history are commonly progressively reachable than other contextual legal approaches.

Historical comparisons cannot just clarify the starting points and establishments of the law, as in contemporary society, yet now and again they can likewise show that rules or approaches comparable to law present in one legal framework are historically present in another lawful structure. However, current laws or opinions may differ today. These differences appear to be only modifications in the stages of development of the legal system or differences in the continuing strain between two opposing attitudes that remain alive in compared societies, at least for a period as a dominant position in one jurisdiction, while the other opinion becomes dominant in various legal systems (Nicholas, 2007). So the historical method may indicate other similarities or differences at deeper levels than in the surface analysis.

5.6. The common core method

In the late nineteenth and mid-twentieth centuries, researchers of comparative law endeavored to find legal ideas, lawful norms, and lawful formations basic to all social orders and impacted by positive sciences (Andrew, 2008).

This objective was before long lessened in enlightened nations with a similar degree of advancement, yet it was likewise unreasonable. Resultantly, relatively few researchers accomplished their outcomes. New resourceful activities were taken to build up a typical center of lawful structures in explicit territories in the second half of the twentieth century. It concentrated on how unique lawful frameworks resolved cases, not based on their legal principles and conceptions.

The common core method is profoundly reliant on the functional methodology, partly identified with the contextual strategy. What is explicit to the common core

strategy is that we look for a typical center to synchronize a specific piece of law. This method is to analyze the common features and differences between legal systems as to how a comparative legal system can be harmonized in some way or, for example, how a European rule can be interpreted as appropriate and acceptable for different national jurisdictions.

6. Comparative legal research towards the transnational world

A great interest in much of traditional comparative law is the examination of legal differences and similarities between countries. Therefore, it can be argued that the emergence of transnational and global law, when it becomes obsolete to compare multiple laws with national laws, is a problem for comparative legal research. However, its importance in today's legal world can be justified.

Comparative law is slowly but surely emerging from the hours of misunderstandings and prejudices in which it has been involved for so long in so many aspects and levels that it is now regarded as a separate discipline in many areas (Gutteridge, 1946). Comparative law-based material and teaching material based on legislation should be considered as an incentive to start the learning process. The transnational dimension of law in the context of legal education must be of greater importance in all jurisdictions.

Society usually has problems at one time or another. It is the responsibility of the government to find new rules and solutions for these problems through the legislature. In general, an effective solution should be considered outside the legal system of the country, as the solution is better derived from other legal systems that have had similar problems in the past. It will be more effective because the current country that wants to accept such a solution has already 'tested and proven' itself abroad and can say whether it will be effective or not. This is where the comparator comes in his task is to compare the legal system of the current country with the foreign legal system that has the solution, and to see how effective this solution will be for the current country's situation. The use of a foreign model is certainly not an innovation. The aim is not to find an easily copied foreign institution, but to gain the knowledge from careful research for comparable foreign institutions and to convey it sufficiently that can keep up with the local conditions. Therefore, in the process of employing the above role of comparative legal research, the lawmaker and the comparatists need to be more careful. If the comparison is seen as an inevitable and unavoidable aspect of legal research and a study based solely on the law of a single country or its institutions and principles, without looking across borders, it can hardly be a scientific or can be benefited. A more pragmatic approach to comparative conceptualization should be considered.

It has been frequently observed that there has been a 'cavity' and 'collapse' of the state in recent years. This is partly due to changes at the international level, but it is

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not just about or mainly the conventional rules of international law. In an era of 'transgovernmentalism', international interaction is taking place not only between governments but also between courts, regulators, and other government agencies (Richard, 2010). The interdependence of societies challenges traditional notions of national sovereignty. States have no choice but to cooperate not only by international treaties but also by more complex intergovernmental forms of global governance. This collaboration includes the use of relevant legislation, a concept that can contain not only rigorous standards but also any standards that do not apply, even if in the form of a formal legal source (Blutman, 2010). From a more normative perspective, the debate on global constitutionalism and global justice assesses how accountability and equity can be designed and applied globally (Zumbansen, 2012).

Therefore, the general tendency is that legal comparison extended the methodological toolkit as well as the material perspective. This can be seen as a type of centrifugal effect: there is great interest in the comparison of the law, but also great dissatisfaction with the established core, and in combination, these elements guide research on new methods and new topics. However, there are also centripetal forces at work that confirm the traditional status quo of a smaller core of comparative legal research.

Today's law addresses changing and competing for curricular priorities. Intellectual interest in a study of comparative law will increase not only because of the growing trend of cross judicial borrowing but also because of the increase in the exchange of ideas and experiences between legal systems. Comparative legal research will be appreciated in a time of progressive denationalization through regional and sub-regional integration, which has strengthened the ongoing efforts towards legal harmonization and legal modernization processes. All of these developments require inter-systemic and transnational comparisons in legal research, as a means of demonstrating functional compatibility and adaptability that reflect contextual realities.

Therefore, it is necessary to understand the purpose of comparative legal research. Hence, a researcher must be able to clearly identify the concepts, beliefs and reasons behind a law. Generally, laws do not come without reason. There is always a reason for the wording known as "the legal spirit or framework of legal philosophy that helps to control the legal structure."

In addition, a comparator must be objective in deriving this concept of distortion. This means that because the law is culturally immersed, a comparator in the process of inferring the underlying concepts of the law may be tempted to introduce its values into the law of others. While this may be a little difficult, it is one of the ethical principles that all researchers should try to apply in their different studies.

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Another equally important skill that a comparator must acquire is the ability to translate. This is due to the fact that "translation highlights the connection or separation between cultures that offer valuable perspectives." A word from one legal system can mean something completely different in another legal system, as the above laws are culturally rooted. Therefore, it brings the comparator to explain the basic context of the culture in which the idea or word was found. In addition, this ability requires an understanding of the various semiotic systems and linguistic contexts that localize ideas in a given legal system and determine how one worldview can be adapted and transmitted to another. If a comparator manages to acquire all the skills mentioned above, CLR can be effectively carried out, which in turn ensures that the study fulfills its role perfectly. Therefore, the result of CLR can be used in different ways, most importantly, improving one's legal system or reforming the law.

7. Conclusions

The comparatist organizes a pluralistic toolbox with methodological options. The functional method examines the real social problem, for instance, an accident and how it resolves in different dominions, especially by compensating victims for their damage on comparable or different routes, for example, contractual or illegal liability and with comparable results or comparable e.g. compensation or not for purely economic losses. The focus is on the social issue and the real result of the legal approach.

The analytical method examines the complex ideas and rules of law for example properties in various legitimate frameworks, so the normal parts and contrasts are recognized as claims, freedoms and power, and so on. Utilizing 'ideal types,' these ideas, rules and lawful organizations can be scaled by the level of likeness to the basic attributes of the 'ideal types.' The structural methodology centers on the lawful system or components that have been reproduced by the analytical method. It isn't the structure of the lawful framework in comparison, yet a method of looking at it that uncovers the response to the research question. The historical method will quite often be a basic piece of the strategies used to comprehend the distinctions and likenesses of legal structures and their importance for established custom or irregular historical occasions. The law-in-context method centers on the current social setting of law, including, where suitable, culture, financial aspects, psychology, religion, etc. It investigates a context a lot more extensive than the functional or analytical method and includes the utilization of discoveries from different disciplines.

Different levels of comparison can be distinguished, each using certain methods and others not. The first difference is between micro and macro comparison: studying specific legal issues or specific legal concepts, rules, or institutions

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compared with a broader approach. A second distinction is that there is a technical comparison between the comparison of the content of the law and the comparison of the doctrinal framework, relatively independent of the content a more technical comparison. It should be reiterated that the choice of method or level of comparison depends largely on the research questions that guide the research project.

Legislation and legal reform are the main objectives of the concept of comparative legal research. The comparative legal research tool has been used to resolve disputes when they arise internationally. In summary, regardless of the current state of comparative legal research, its influence and effects on the development of the law can be seen, making it difficult for lawmakers to function properly without the help of the comparator.

As the value of comparative legal research can only be seen in the real perspective, an effort is made to visualize its operation by addressing the problems arising from various forms of human activity such as human rights, constitutional jurisdiction, etc. Comparative international jurisprudence is an important factor to adopt a more structured approach relating to a comprehensive public interest.

Currently, comparative law is at the forefront of many contemporary issues, such as the interaction of different levels of norms, the combination of different legal cultures and the increasing variety of soft and hard law. It is, therefore, intended for the interests of advocates and legal researchers, who are not explicitly regarded as specifically engaged in comparative law. As a result, many topics related to comparative law today may be part of the research and teaching of law.

Subsequently, if the comparison is seen as an unavoidable and unavoidable aspect of legal research and a study entirely based on the law of one country or its institutions and principles, it can hardly be considered beyond the bounds of sound or scientific. On a large scale, a more practical approach is needed to conceptualize the current comparative legal research, given the changing and competing priorities. Intellectual interest in comparative legal research is expected to increase not only because of the growing trend in cross-border judicial borrowing but also because of the growing cross-systemic exchange of ideas and experiences. It has to be welcomed in a period of gradual denationalization thanks to regional and sub-regional integration, which led to new efforts to pursue legal harmonization and legal modernization at the national level. All these developments make the comparison between transnational systems and enterprises in legal research essential as a way of ensuring functional compatibility and adaptability that reflects contextual reality. Rightly, there are many ways to deal with the key challenges we face. There is a real need for research, and that is what the comparative approach seeks and makes possible.

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