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# **'GLOBALISATION' IN EDUCATION AND RESEARCH OF LAW: EVOLVING PRACTICES**

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## **I. Introduction**

Law serves various purposes in society and is an impeccable tool in bringing radical changes in society, thereby ensuring timely justice. Legal education and its research play a massive role in developing able social engineers for the cause of nation building. The stress in the criminal and civil justice system is increasing day by day with new challenges all over the world. Thus, the function of law schools in delivering legal instruction and creating rational social engineers in the field is core to the future and development of the economy of a nation. This role can be effectively fulfilled only by attracting the finest minds committed to learning and research who are able to inspire and deliver knowledge to the younger generations.

Our economies, cultures, and population of the globe are becoming more intertwined as a result of technology, international trade in goods and services, and the mobility of capital, labour, and information. "Globalization" is the term used to describe this phenomena. Countries have formed socioeconomic coalitions over several years to cover these initiatives. Nevertheless, the fact that all these cooperation agreements had such a substantial impact on contemporary life led to the phrase becoming more well-known after the Cold War in the early 1990s.. Globalization has diverse, complex, and divisive political repercussions. Similar to major technological advancements, globalisation has positive implications as a whole while having detrimental repercussions on certain sectors. While keeping more advantages, challenges may be resolved by being aware of the respective costs and benefits.

The role of globalization in economies all over the world, especially in sectors of legal education and research, is outstanding and serves the role mentioned in the above paragraph. It has altered societal and political dynamics. "Since the development of a knowledge economy remains an important goal of both developed and developing countries, the establishment of educational institutions of global excellence ought to become the priority of the developing

countries.” (Anil Kumar Thakur, 2010). Thus, the area of legal study and education is evolving with new practices in the era of globalization facing various challenges.

### ***Statement of Problem***

Globalization has created multiple challenges to legal education all over the world, especially to developing nations. Promoting judicial and legal reforms in society is fraught with difficulties. The efficient operation of legal research and education in the field of law is one of the major challenges. The training and the exposure given to the lawyers and academicians are vital to build a worthy generation of social engineers who could contribute to society. Globalization by bringing new practices has brought forward the need for competent lawyers and scholars with multi-disciplinary knowledge at the international level. Curbing these challenges is the task that all nations, especially developing nations, must deal with.

### ***Research questions***

1. What are the evolving practices in education and research of law regarding globalization?
2. What are the challenges faced along with the evolving practices in the field of education and research of law upon globalization?

### ***Hypothesis***

Globalization has brought new practices in education and research of law, along with these evolving practices came new challenges faced by the nations in the world in effective adaptation and implementation of it.

### ***Objectives of the study***

- To find out the evolving practices in education and research of law regarding globalization.
- To find out the challenges faced along with the evolving practices in the field regarding globalization.

### ***Scope of the study***

The scope of the study is to understand all the evolving practices in education and research of law regarding globalization and the challenges that must be overcome by the education system to address the problems in its full capacity. Thereby finding out effective solutions and

recommendations that could help international actors to overcome the persisting and future challenges in education and research of law regarding globalization.

### ***Research methodology***

The methodology of this study is broadly characterized as an analytical method involving analysis of books and articles by applying logic and reasoning and identifying the issues, barriers encountered in the world of education and research of law upon globalization. By using the available data relating to globalization and evolving practices in the world in general and developing countries in particular, the study analyzes the various challenges and their impact both in education and research of law.

### ***Chapterization***

Chapter I - Introduction

Chapter II - Education and Research of law: Evolving practices upon globalization Chapter III - Challenges to the evolving practices upon globalization

Chapter IV - Conclusion and suggestions

## **II. Education and Research of law: Evolving practices upon globalization**

Traditional legal education was not created to prepare lawyers for a global practice or to handle development concerns. Most law universities and colleges adopt the renowned Langdell model, which was introduced at Harvard in 1870–1871 and is known as such. The first year of law school's curriculum requires general common-law topics like property, contracts, criminal law, torts, civil procedure, and contracts after a two-year, less structured program in which students choose from a variety of electives in the areas of jurisprudence, corporate entities, trusts and estates, international norms, professional ethics, evidence, bankruptcy, insurance, and courses geared to teach professional skills, like negotiating and legal writing. Much of the time, survey courses are the extent of the study of international and comparative law. However, as Harvard Law School emphasized when introducing its curriculum, with the advent of specializations, globalization, and a more regulated environment at both the international and domestic levels over the last few decades, the legal world has grown transnational in scope and has evolved to demand a systematic knowledge of regulatory and legislative institutions and procedures as much as an ability to discern legal concepts from court judgments. Due to multidisciplinary perspectives on law and the rising significance of acquaintance with other legal systems, international law, and world trade law in a world that is becoming more

interconnected, attorneys today face a corpus of knowledge that is more complicated.

The entire polity and society's dynamics have transformed because of globalization. The relevance of the knowledge economy is now recognized by all nations. Since the information economy has grown, emerging nations like India should prioritize the creation of excellent educational institutions and updated new curricula that meet international standards. The entire structure of law school and the legal profession has undergone a radical transformation because of the globalization of the legal profession. The evolving practices that are notable in the international level across education and research of law are as follows.

#### *Privatization*

Private sector plays vital role in the future of higher education depending on the environment, which is the framework, and policies various nations provide them to work in. The private sector's role must be notably expanded and highly appreciated to provide venues of quality education and research in law as globalization has brought vast opportunities. In the dynamic world, private players can understand and can compete to bring necessary changes in the field in no time benefiting the higher education sector.

In the USA, most reputed universities are from the part of private players having the motto "A private university in the public service" (NYU, n.d.). As a developing nation, in India recommendations to increase private sector's role in the higher education was made by *Committee on Corporate Sector Participation in Higher Education* chaired by N R Narayana Murthy (Murthy, 2012)

#### *Global Universities, programs and curriculum*

All over the world, universities are facing the greatest effect of globalization, which is their global participation and presence. Most of the renowned universities promote internationalization in their education and research. The regulatory bodies of nations are now addressing the need of the hour to facilitate this revolutionary development.

Professor Richard Levin stated that: "The globalization of the university is in part an evolutionary development...But creating the global university is also a revolutionary development signaling distinct changes in the substance of teaching and research, the demographic characteristics of students and scholars, the scope and breadth of external

collaborations, and the engagement of the university with new audiences. When I speak of becoming a global university, I envision a curriculum and a research agenda permeated by awareness that political, economic, social, and cultural phenomena in any part of the world can no longer be fully understood in isolation" (The Global University: Inauguration of the Fox International Fellowships, speech at Jawaharlal Nehru University, 2005)

The Universities in various nations used to focus on their national laws and issues in their legal system. Today their focus is to be shifted to international and comparative law, which a wider horizon is promoted by the era of globalization. Specializations and research in the fields of international trade laws, maritime laws, international humanitarian laws, information technology laws and practices of alternate dispute resolution mechanisms are gaining much importance. Not only imparting academic knowledge but also through various international moot competitions, workshops and internships universities are making students and scholars compete in the transnational marketplace.

The global exposure in the curriculum not only prepares the students and scholars to compete in the global environment of education and research of law but also enables them to deeply understand and find solutions to the problems faced by their own legal systems. The students and legal scholars in the universities are taught a fair mix of courses and subjects for the above-said purpose. The presence of global faculty helps largely to achieve the goals of internationalization as students get exposure to both their national and foreign legal systems.

#### *Global collaboration, interaction and scholarships*

To excel in the sector of education and research of law collaborative approach is being identified and implemented all over the world by various universities. (Cooper, 2006) States, "The law schools of the future ought to provide academic space for engaging in teaching and cutting-edge research on issues of global significance. The institutions ought to constantly reinvent themselves for facing the challenges of globalization through exchange and collaboration programs. This has different implications for faculty, students, and for the development of teaching and research programs." (Cooper, 2006)

Global collaboration by providing internationalism internships and externships has widened the horizon of the legal education system. International student exchange programs accompanied by vast number of scholarships and other financial aid given by both public and private players helped to change the face of traditional legal education system.

### **III. Challenges to the evolving practices upon globalization**

Several hurdles are faced by especially the developing countries in evolving themselves with the new practices of globalization in the education and research of law. Sound physical infrastructure is essential in the growth of legal education and research. Allocation of funds for the purpose is necessary for creating research and related initiatives. Academic freedom cannot be guaranteed if colleges lack the necessary physical infrastructure and resources.

In almost all of the developing countries, legal education largely remains sponsored by states. There is a pressing need to support charitable initiatives that could support expanding legal research and training since philanthropy in the area of law academia is uncommon. Participation from acclaimed law firms of both national and international level in the academic and research areas of law is required to get the desired results.

Global exposure requires faculty from global level, which is another challenge that is faced by universities in the developing countries. The poor financial incentives due to lack of financial resources discourages the scope of providing global exposure in the law schools. Also, the lack of resources prevents best minds from joining the fancy legal profession academics and research making society lose valuable assets.

The law schools must develop sound institutional foundations to enhance the intellectual and scholarly abilities of the group. Competing with the entire world in providing an excellent environment for reaching the maximum potential of the students and scholars requires strong foundations. In the globalizing world, it is inevitable to adopt an interdisciplinary approach of law to address all the relevant issues at the regional and global level, which will also require a variety of resources.

### **IV. Conclusion and suggestions**

The study of the evolving practices of legal education and research in the beginning is understood only as the ways the law schools must adapt and improve themselves according to the demands of globalization. The true or much unseen perspective is the global and local hierarchies, contest of power and influence, rise of corporate law firms and inequalities associated with the career with the globalization.

Education and research of law is the most favorable entry point that provides advantage for productive change in the society. Therefore, reforms in the approach towards the changing scenario all over the world are required to stand and compete globally. In matters of legal research and education, the role of the private sector is inevitable. Private participants could move dynamically with all the dynamic changes globally as they are having the real competitions. It is to be recognized that the governments in nations, especially the developing ones, are not in place to fully back up the financial resources required to create and promote better institutions of higher learning. The essential thing to keep in mind is that any extension or development of the position must be supported by private colleges and institutions that are dedicated to fostering excellence in legal education.

The nations should implement policies for greater development in the sectors of legal education and research so that there will sufficient infrastructure and resources that could help students and scholars to achieve the competence to play in the global level. Expansion of resources like digital libraries and other digital repositories can provide access to vast amounts of data at the fingertips. Thus, providing proper avenues for expansion of knowledge, skills and research capabilities will result in creating an able generation of legal scholars.

Efficient running of the student exchange programs and international internships will bring about great changes in the legal education system. New policies should be implemented among nations to promote exchange programs and internships to students and scholars from all nations irrespective of wherever they are to facilitate proper understanding of legal scenarios all over the world and to promote research in the grey areas where solutions are required.

Education and research in all fields and not only law should be seen as an investment towards a better economy as the developed countries do. All obstacles forming barriers to its development must be curbed at the global level and evolving practices should be strictly adopted immediately to bring about a beautiful world to live in.

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