

The Role of Law Schools in Research Development: The Asian Experience

Professor Kamal Halili Hassan
Universiti Kebangsaan Malaysia (UKM)
Malaysia

The Role of Law Schools

The principal role of law schools over the world has always been on imparting legal knowledge to their students. Imparting knowledge and making students understand the basic theory of law has always been the paramount goal and basic undertaking in the academic curriculum. This traditional goal and mission however need to be re-looked at as schools in other disciplines have extended their roles towards research and development. For example in science, health and engineering disciplines, research and development have taken centre stage in their academic activities. I strongly opine that in order for a law school to develop its standing nationally and internationally, it needs to promote and activate its research activities. This is because research activities culminate in sound publication of articles in reputable journals and will consequently raise the standing of the academician and his or her law schools. Nowadays, academicians of other disciplines have been actively publishing their articles in international journals, for example those that are linked to SCOPUS and ISI, which have pre-determined impact factors. Asian law schools in particular are not moving towards that as we seem to be contented to publish articles in national or internal journals. Although I am commencing this article with a somber note, nevertheless it needs be mentioned here that research activities have already been carried out by certain institutions in Asia. Law schools for example have quietly undertaken it. However, research that have been carried out by law schools seems to be kept in the schools' own libraries or shelves and have not been disseminated to others unless they were published in journals or other forms of publications.

Legal Research by Asian Organizations

A good collection of research work has been found in a data base created by an organization in Japan. Research of Asian legal system is important as law has great effect on the society and trade. The proceedings of the Roundtable Meeting Law, Development and Socio-Economic Changes in Asia II organized by the Institute of Developing Economies, Japan External Trade Organization (IDE-JETRO) in Japan (2002) had concluded that "the evolution of the market-oriented economy and the increase in cross-border transactions have brought an urgent need for research and comparisons of judicial systems and the role of law in the development of Asian countries". To that end, there was research carried out by various academicians of Asian countries on various topics mainly on the legal systems of Asian countries. A data base was created that contained various input on legal issues of Asian countries and this can be found in its "Asian Law Series" section. It is indeed a commendable effort undertaken by IDE-JETRO and

it has contributed immensely to the enrichment of legal literature on Asian law. However this effort was not initiated by law schools, conversely by a trade organization. There could be other data bases which I have not been able to find them.

A similar effort is currently attempted by ASLI, an organization consisted of law schools in Asia based in Singapore. (However, law schools outside Asia are allowed to join as associate members). Although its main activity has been the organizing of law conferences, ASLI has already embarked on projects that have research value. For example, a good journal titled "Asian Journal of Comparative Law" has been published which contained sound articles on various topics of Asian law. Its first volume was published in 2006. In the same vein, ASLI has created a fellow program based in the National University of Singapore (NUS). Full time academic staff of its member institutions is entitled to apply for an ASLI Visiting Fellowship at NUS. In its advertisement calling for application, it is stated that: "the duration of the Fellowship is one month and while at NUS, the Fellows are expected to conduct research on legal issues of interest to their respective countries and to Asia in general. The Fellow's research work is expected to be at a reasonably advanced stage by the time of the Fellowship in order to fully benefit from the time spent at NUS. Each Fellow is also expected to present a seminar during the visit and contribute a written work to the Working Paper Series". It is hoped that a research tradition and eventually a meaningful output will be created from this program.

Research Funding

One of the compelling issues that has been raised pertaining to legal research is funding. Although the amount of funding required for legal research is comparatively small, yet the availability of such funding is necessary for the collection of better data and analysis. Undoubtedly, there have been instances where good and sound articles produced without the support of research funding, but in most cases reputable writing arisen from some forms of funding. Funding is required to cover expenses such as to conduct interviews, to liaise with experts, travelling, presenting papers (that can later be produced as good articles) at conferences and other miscellaneous. There are several sources of funding made available by governments, universities, industries or international bodies. International bodies such as Sumitomo from Japan have been supporting researchers from the South East Asian countries to conduct research and several researchers have been given grant albeit in a small sum. So too is the Nippon Foundation Fellowships for Asian Public Intellectuals (API Fellowships) which was launched in 2000 and located at the Institute of International and Malaysian Studies (IKMAS), Universiti Kebangsaan Malaysia. IKMAS is one of the institutions in five Asian countries - Indonesia, Japan, Malaysia, the Philippines and Thailand. The API Fellowships program will enable public intellectuals in Asia to pursue intellectual, cultural and professional projects in other Asian country or countries under/along one of the predetermined themes. Themes for

the Fellowships are: Changing Identities and their Social, Historical and Cultural Contexts; Reflection on the Human Condition and the Search for Social Justice; and Globalization, Structures, Processes, and Alternatives. The themes are couched in broad terms, thus they encourage all researchers from the social science disciplines including law to apply for the grant. The Fellows will be required to propose and carry out research projects in a participating country or countries other than their native country and/or country of residence. So far Indonesian researchers have carried out research relating to law utilizing this grant. Since the research grants of these two institutions are open to all social science researchers they are indeed competitive to obtain. It is proposed that a special research grant especially for law preferably organized by ASLI at NUS be created and rigorously activated.

Research Collaboration

A good research can be carried out and achieved by way of collaboration between faculties and centers. Research collaboration will give rise to a better medium for exchange of knowledge and experience. Undoubtedly, one faculty or centre may be good in one particular area of law and thus it could share the knowledge and resources with its research partner. Particularly, a research based on comparative method will certainly require expertise from more than one institution especially if the research involves comparison between different countries' legal system. Even a study that focuses on a regional basis for example ASEAN would require sharing of knowledge and resources from ASEAN countries. It is very unlikely that Malaysian researchers would be well verse in for example Vietnamese law and vice versa. It is proposed that more research on comparative law of a particular area be carried out by law schools through out Asia which by nature have different and distinct legal systems. To that end, law schools in Asia may enter into research collaborations, by signing MOU, between them.

Research and Law Curriculum

A law curriculum in a law school actually reflects the vision and mission of its University and to a certain extent the country legal system and profession. For example in Malaysia, its law schools' curriculum mostly contains courses that are both theoretical and applied. Courses range from Malaysian law, Common law and Islamic law. Does research have a place in the law schools' curriculum? At the undergraduate level, law schools in Malaysia for example do not offer a course on research or better known as Project Paper which was at one time offered by University Malaya and Universiti Kebangsaan Malaysia. However, at the postgraduate level, most law schools through out Asia offer a Master program by thesis and a Phd by full thesis. Undoubtedly, a good collection of research work has been collated at various law schools in Asia from postgraduate students' thesis and dissertations on various topics of law. However, it is unknown that how many research works from these thesis and dissertation has culminated

into articles published in good journals or even books. I believe some Phd thesis has seen the light of the day in the form of books.

Unlike in the Sciences, the relationship between research students and their supervisors in law study at the postgraduate level seems not to be on a basis of a research work initiated or led by his or her supervisor. In other words, the supervisor acts as a mere supervisor and not directly linked or involved with the students' work or project. It is very uncommon for a law student and his or her supervisor co-write and co-presents a paper at conferences or even co-author an article for publication in journals. It is also uncommon that a Master or Phd work by a law student is funded under a grant obtained by his or her supervisor.

Conclusion

The role of law schools needs to be expanded to include rigorous research activities and developments at both the undergraduate and postgraduate levels. Although such activities have been carried out in a relatively small scale by law schools, it is proposed that more effort should be doubled up especially in the areas which are considered as knowledge frontier. Legal tradition should not be maintained just for the sake of it. Law schools should be the leader in research development for the benefit of the Government and society at large.