TRENDS AND AREAS IN RESEARCH IN LAW

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Abstract

Legal research study has a specific purpose but the overall objective of any research is to find out the truth, the truth which is hidden and not yet known. The roots of research lie in the solution of these problems. Research is directly proportional to the development and development is directly proportional to the reformation of society. Legal Research is also an inseparable part of human knowledge. Judiciary will lose its interest if the flavor of research is missing. No law can be purely executed without amendment, it is an extension of the search already undertaken or overruled decisions; Legal Research is also kind of a continuum.

Introduction

Legal Research in my simple estimation is the process of finding and retrieving information necessary to support legal decision-making Legal research includes each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the results of the investigation. Therefore, it involves the process of finding answers to legal questions or checking for precedents that would aid the determination of a subject matter, however obscure. The legal profession and research are inseparable Siamese twins, just as research and information are the twin sides of the same coin. So, Legal research is indispensable to the Legal Profession and the effective practice of law. Without legal research, legal practitioners will find themselves groping in the dark for answers that the light of research brings to their notice.

Significance of areas of research in law :

The importance of legal research is to locate relevant "authority" that will help in finding a solution to a legal problem or issue.

1. To analyze the law by reducing, breaking, and separating the law into separate elements: It can be as simple as examining and explaining new statutes and statutory schemes or as complex as explaining, interpreting, and criticizing specific cases or statutes.
2. To blend the distinct elements of cases and statutes into coherent or useful legal standards or general rules: The product of this research is the legal standard that is consistent with, explains, or justifies a group of specific legal decisions.
3. To look at doctrinal or theoretical issues: The research finding is applied in advising courts or clients about the application of the legal doctrine to specific cases, transactions, or other legal events. It may also criticize judicial opinions and in the case of conflicts between the decisions of a different court, suggests the resolution to those conflicts.

Legal research can have various sources:

1. Primary Source: Primary authorities are the rules of law that are binding upon the courts, government, and individuals. Examples: constitutions, statutes, regulations, treaties, court orders, administrative regulations, and policy material.
2. Persuasive Primary Source: Commentaries on the law that do not have a binding effect but aid in explaining what the law is or should be. Examples: primary authority, which is not binding on the courts, viz. opinions of the judges, attorney General, law minister, a ministry of parliamentary affairs, primary authorities from a foreign jurisdiction.
3. Secondary Source: Commentaries, law journals or periodicals, articles, textbooks, a legal encyclopedia, legal dictionary, annotations, legal opinions, surveys, and legislative history Secondary sources are important in legal research because they point the researcher to primary sources of the law.

Research is considered to be the more objective, methodical, well-determined scientific process of investigation. Through research, a decision-maker can quickly get a summary of the current scenario, which improves his/her information base for making sound decisions

affecting future operations of organizations. It is useful to accelerate the decision-making power and it alone can make possible the identification of the determinants.

Legal Research Methodology

As noted ably by Tijani and Popoola (2019), historically, research on the law has been classified as "black-letter law" and "law in context", referring to research that uses doctrinal and non-doctrinal research methods, respectively.

However, I utilize doctrinaire, linear research methods that involve mainly obtaining, studying, and working with legal statutes, case law, articles, and scholarly opinion and policy documents. They also seek to review and possibly rely upon previous interpretations and adjudications of legal matters in case law, to aid their arguments.

Modern Trends In Legal Research Methodology

Whichever methodology the Legal Researcher has to adopt in his research, there is no doubt that this has been largely impacted by modern trends in Legal Research. The Legal Researcher therefore cannot be left out of these monumental changes in the development of the law and legal tools. No trend has been more significant than developments in legal information brought about by new technology. It is therefore expedient to examine some of the new trends in legal research and look at how it affects us as Legal Researchers.

Cross-Disciplinary Legal Research

A recent trend in legal research is the movement toward a closer working relationship between the Legal Researcher and other genres such as the social and behavioral scientists in the development of solutions to legal problems. This straddles the areas of technology, criminal law research, and business/economic crimes research, among others. The result of this collaboration is a large body of research that is now available online for the average Legal Researcher to access and better help in assisting their Lordships to arrive at a better-informed decision that would otherwise not be achievable through the traditional monosyllabic research of old. The lack of availability of textbooks would have rendered such research impossible in any event. For example, Artificial Intelligence Dispute Resolution, which, whether one likes it or not, is set to be the trend to come in justice delivery. An assiduous Legal Researcher should be aware of this trend as it arises.

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Technology And The Impact Of The Internet Of Things On

Legal Research Methodology

The world of legal information is in a state of continuous change as law firms and legal researchers now find themselves surrounded by a variety of sources arrayed in formats. Judges and Lawyers can now speedily access court cases and decisions from anywhere in the world just by logging into smartphone applications, websites, or software that keeps a legal database. With frequent updates, it is easy to access the latest decisions, keeping Judges and Lawyers continuously informed about what is happening in the practice of law. One of the biggest steps that have enabled technology to evolve the practice of law is the development of digitalization of the storage of case law, statutes, and regulations. In this sense, I would define Legal. Technology as technologies and software that are changing legal services delivery, which in turn is easing the time constraints attributed to the old-fashioned practice of reading through hard copies of books and other resources. Legal Technology is creating software and Legal research databases that are changing the legal profession; some databases have broken down case law and statute. Mobile application as Indian Bare Acts Pack. (This app is another reason to leave your bulky books at home..)Online RTI, schedule Lawyer, Lawyers Club India, law guru, Barbench, AIR on Mobile (Developed by All India Reporter), ecourt, etc.

The benefit of Technology in Legal Research

i. It saves time: the traditional legal research is performed manually investing valuable time in pouring through law reports, statutes, books, etc. when researching. With legal technology, time-consuming tasks such as searches are automated and managed through algorithms that make it easy for more time to be spent on other productive tasks.

ii. Speed: As stated above, time-consuming processes in the practice of law can be sped up, therefore allowing more work to be done in less time. This will lead to speedy justice delivery. For example, legal software like Law Pavilion, LegalPedia, etc., has made it easy to search and get results in seconds, leaving more time for expounding the law.

iii. Ease of Research: Although Judges and Lawyers have adapted to the Internet and added it to their research methods, many still use print products regularly. Some of these print products can take a while to be updated, and the law

always changes so an online legal research platform could help researchers stay up to date with the law and could provide tools that are otherwise unavailable with print products.

iv. Wider Skills deliverability: An example of this is the use of e-sources and software to perform complex legal analytics (which often involves the classification of data contained in case laws to reveal trends and patterns in past litigation that helps in the adoption of strategies and anticipate outcomes for present cases).

v. Abundance of Resource Materials: for a Legal Researcher who knows their way around the internet, it is a potential gold mine for information on any subject matter. This resource is far larger than any information that a library could get. In 2018, a total of hundreds of Zetabites of information (100..x one billion, billion, billion Bytes) was uploaded and is available for access. This information far exceeds the sum total of printed books anywhere in the world at this current time. Such breadth is a potential research tool opening up a new and wide-ranging source of information and knowledge. Information is probably the biggest advantage the internet is offering to the users. The Internet is a treasure trove of information and information on any topic is available on the Internet. The job of the researcher is to sift through this information and make use of those that are relevant and apply them according to their research needs.

Disadvantages of Trend Technology in Legal Research

As with all things, technology in legal research provides a double-edged sword for the average legal researcher. The most obvious are as follows:

i. Leads to Information Overload: The internet provides a huge amount of information thereby causing information overload. It may leave one confused with this infinite amount of books, texts, and materials on a topic because of the overwhelming information available on the Internet, one must be cautious about the information obtained.

ii. Institutionalized Lazy attitude to Research and reduces the quality of work: Over-dependence on technology can present a threat to the Legal Researcher because the legal researcher relied on its seemingly easier access as their only source of information. This information may be unverified and an overreliance on the same, without more, can

institutionalize laziness and be detrimental to their work.

iii. Problem of False Information: There is no regulatory procedure to organize, monitor/supervise, check, and confirm the accuracy of any information that is published on the internet. Most information on The Internet does not go through any evaluation process. Anyone can publish on the web, without first proper editing and proofreading of their content through an editor. Pages might be written by an expert on the topic or a child or even a disgruntled contributor. Therefore, getting information from books or various other printed sources guarantees high standards and peer review.

iv. Virus Threat: A Virus is a program that interrupts the normal functioning of computer systems. Computers that are attached to the internet are more likely to be attacked by viruses, either as ransomware, Trojans or malware, etc. These attacks could result in the hard disk crashing, thereby causing a big disaster on the computer and unsaved research work. Although this can be prevented or stopped by installing antivirus software to create a firewall, imagine all your research work is on a computer that's infected. That could be a valuable loss.

v. Infrastructural Deficit: The non-availability of high-speed and stable internet networks is adversely affecting the use of technology. Added to this is the epileptic electricity supply which increases the cost of adopting and using this technology making the maximization of the legal technologies unachievable?

Legal Regime And The Legal Researcher

One of the lasting trends exacerbated by the COVID 19 has been the rise of the e-hearing or remote hearing provisions. IDRC's eADR Software has an inbuilt facility to arrange for and book Virtual Hearings with the aid of the World's leading Video Conferencing Companies. Entire eHearings carried out under IDRC are end-to-end encrypted. It is important to note that technology and virtual hearings have the potential to provide real benefits for parties:

a) Efficient - Remote hearings are time- and cost-efficient. For example, clients save money on travel and wait times, and counsel can dedicate travel time to further preparation. Digital files also make it easier for all parties to locate relevant information, which can add up significantly through the course of a proceeding, saving hours.

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b) Paperless - Parties provide all of their documents to the Court and the Tribunal and third-party electronically, usually in advance of the hearing.

c) Customized - There is no one-size-fits-all approach to virtual dispute resolution. As with an in-person dispute resolution, clients should be informed of all the available options and associated best practices.

d) Varied options - The closing of some court appearances may lead to future backlogs, and clients can consider alternatives to disputes, including mediation and arbitration, should the required parameters be met.

e) Accessible - Remote hearings can be more accessible and could democratize access to justice.

Improved Access To Decisions Of The Courts

The legal researcher is now exposed to a plethora of decisions by various courts of coordinated or superior jurisdiction that may or may not conflict with one another, but are usually delivered with little or no fanfare in the press or further information. As such, a Legal Researcher has the onerous task of ensuring that they visit various courts or in some other way, avail themselves of the latest decisions of the Appellate Courts to guide the work that is produced for our principals.

In Summary

The goal of legal research is to find the relevant jurisprudence and analysis of legal issues that will ultimately solve a legal problem. In doing this, no doubt making changes to the processes involved in legal research would help researchers. There is a need to be a 21st Century Legal Researcher and embrace the multiplicity of solutions that are available to all to ease the workload and be more strategic in the delivery of a successful outcome. There are challenges to the application and implementation of technology in legal research. There are also new policy changes that point to the rise of the remote hearing template for our Courts. The COVID 19 pandemic has brought about an urgency in digitalization and we must adapt to this inevitability.

Recommendations

1.Invest In Yourself: I must confess that the cost of technology presents an obstacle to the use of technology that can assist researchers in their work.

2.Check All Information: We should not take all information at face value but need to educate ourselves on how to ensure that only verified

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information is used while doing research work to ensure that the correct information is disseminated to end-users of this information.

3.Prepare Self For The Change: The world is evolving research trends that will inevitably be different from that which we have been used to. The rise of artificial intelligence technology may help in facilitating non-doctrinaire approaches to adjudication research while presenting us with virtual assistants.

Conclusion

It is advisable to embrace new trends and technology in our research work as this is a tool of ease. However, we must remember that technology is an extension of our duties and not the other way around. We must not become slavishly reliant on its use, at the expense of other physical sources which are more likely to be verified and certified. it is just useful for corroborative data and information that will help us to ensure that the quality of our work has veritable and sound.

Reference

1.https://www.google.com/url?sa=t&source=web&rct=j&url=http://www.aasmr.org/liss/Vol.6/Vol.6.2.2.pdf&ved=2ahUKEwiz2prisLT4AhXTRmwGHavNCuMQFnoECA8QAQ&usg=AOvVaw3JuULr8Dff75o9ZUc4jsaj

2. Human Rights at Grass-Root Level: Relevance of the 73rd & 74th Constitutional Amendments Act, 1992

3. http://www.ili.ac.in/

4. https://www.jstor.org/stable/43952203

5.https://guides.library.harvard.edu/law/researchstrategy