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Critical Appraisal on Comparative Legal Research in Development of Laws

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Abstract: *A critical appraisal is presented in this paper concerning to comparative legal research in the development of laws within the legal system of a particular country. The emphasis is given on the essential roles of comparative legal research from different aspects of legal branches which co-related to one another. This is closely connected with acceptance of Comparative Law as a legal subject. The analysis is done by viewing the importance of comparative legal research from five (5) main different legal angles of those who involved directly or indirectly with the development of the legal system itself. Such different perspectives are listed as: (i) legal education, (ii) legal scholarship, (iii) legal practice, (iv) practice of the judiciary, and (v) practice of the legislature. Several examples of practices in relation to comparative legal research are taken into account for references, such as from Malaysia, Japan and European countries.*

Keywords: *Comparative Law, Comparative Legal Research, and Legal Practice.*

I. Introduction

In the era of advancement of technology and expeditious encounter of human interactions with one another, the key to the gate of discoveries and adventures of learning seems in need of only one single touch of a finger to the keyboard of a computer. With the development of internet such as through famous medium of Google or Yahoo!, this position is rather true in one sense of thinking. However, such position is unfortunately and reluctantly difficult to be accepted as true since the nature in advancement and discovery of knowledge are more complex and diverse. By referring to legal learning process, such position is unrebutted truth. From Comparative Law's context, versatile legal learning and research processes are needed in order to survive within its limitless boundary of expeditions in discovery of legal knowledge;[1] especially when two or more legal systems are compared in order to establish comprehensive and better approaches in tackling legal problems that exist within civilized and established legal systems. In parallel level, the essentiality of improvement within the said legal systems for society at large must not be ignored. Through the appreciation of comparative legal research as a podium of reconciliation for similarities and differences of such legal systems, solutions and improvements for occurrences of legal problems within the society are significant to be achieved.

II. Emergence of Comparative Legal Research

As a practicing advocate and solicitor, a lawyer cannot refuse or abhors from neglecting the importance of legal research. Such legal research is essential especially in a manner to handle the demands of clients, to make concrete and comprehensive legal opinion and to serve with best manner for the sake of fulfilling the true duties and responsibilities in strengthening the rules of law and justice. Legal research, in the view of legal practitioners, can appropriately be defined as:

> "… the process of identifying and retrieving information necessary to support legal decision-making. In its broadest sense, legal research includes each of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communications of the results of the investigation."[2]

Such definition is true within the limited realm of fulfilling the demand of a certain client or in settling legal disputes before a national court. However, in connection to prevailing and ever changing Comparative Law especially in matter of globalization and internationalization, where it involves "the study of, and research in, law by the systematic comparison of two or more legal systems; or parts, branches or aspects of two or more legal systems",[3] a more complex and complicated legal research is needed. As such, the emergence of comparative legal research is crucial to be scrutinized and its significance must not be ignored in the process of developing, reforming and improving a certain legal system of a country by viewing such legal system in

manner of comparative perspective with other civilized legal system. Such comparative views are necessary in lieu of finding better mechanisms, institutions and solutions in managing any occurrences of legal problems.

It is proper for comparativists[4] to understand that comparative legal research as a process of investigation by way of comparative methodologies[5] between two or more different civilized legal systems in discovery of new knowledge and opening new horizons in settling legal problems that faced by society at large. The comparative legal research can be conducted based on study of macro-comparison or micro-comparison.

By referring to Zweigert and Kort, Igor Stramignoni explains that the macro-comparison study is a study that involves techniques and methods in dealing with legal materials and it is extended to procedures in settling and deciding disputes.[6] It does not stop there, but it covers the roles of those people who engaged in establishing the said legal systems. As for micro-comparison, by referring again to Zweigert and Kort, Igor Stramignoni elaborates it as a more specific study which may be referred to a certain problem or specific legal institution.[7] Such specification of micro-comparison study can also be concentrated to the law or mechanism in dealing with the occurrence of legal conflicts in two or more legal systems. In other words, micro-comparison study is useful in ascertaining solutions which are adopted by two or more legal systems. This can be most useful in studying particularity of phenomenal legal problems. Indeed, such studies regardless macro-comparison or micro-comparison is able to reveal the best solutions or mechanisms in resolving problems of society and even to strengthen the law in the country itself.

At national level, a legal system of a certain country can benefit more from the progressive nature of Comparative Law by way of embodying the expertise of comparative legal research to those who involved directly or indirectly with the development of the said legal system. Critically, the important role of comparative legal research can be traced and analysed from:

(1) Legal Education
(2) Legal Scholarship
(3) Legal Practice
(4) Practice of Judiciary
(5) Practice of Legislature

III. Legal Education

Legal education is the underlying structure of the dynamic fortress of legal system of a particular country. In the realm of legal education, the expenditure of legal knowledge is important in opening the horizon of thinking and understanding for those who are teaching and studying the knowledge of law. At an early stage of and throughout legal education, it is suggested here that the law students should be exposed to the comparative study, where they can evaluate the paradigm of their national legal system in the light of other respective legal systems of the world.

By using this comparative style of study, the law students are able to be educated in more expose and diversity styles of study in searching, discovering and learning any relevant mechanisms and solutions for their own legal system. It is crucial to always remember that the legal education is based on rational orientation and its main function is to develop critical thought.[8] Such critical thought can only be stimulated by research. When research is done in complex, diverse and comparable manner, the exposition of knowledge and critical thought can be upgraded.

One may say that law students are just mere pieces of parchment and they have less contribution towards the legal system, however it is contradictory in real sense. These law students are the greatest potentials of a country. Metaphorically, they are valuable seeds that can grow and transform into great and giant trees that can support the entire fortress of the legal system. The law students are eventually able to contribute more than one can imagine when they are holding important positions such as Federal Court's judges, professors of laws, eminent legal academicians and senior practicing lawyers. As such, it is crucial to equip these young students with skills and exposure of research methodologies in a comparative nature at an early stage, so their potentials of critical thinking can be maximized to the highest ability in the expenditure of knowledge.

However, such dynamic mission will be left as a utopian dream, if schools of law themselves do not provide comprehensive access to all relevant materials to facilitate the legal learning. As such, from the accessibility of online legal resources, skillful legal librarians and newly updated books and articles are essential to be provided in one-centered library. Not only that, teachers, lecturers, educators and professors of laws

themselves must ready to upgrade and enhance their knowledge in comparative perspectives and must be able to assist their students in finding the best materials in upgrading their understanding of the laws. Nonetheless, this is only possible if the educators and professors of laws themselves are voluntarily indulged with comparative legal research. Such position is highly noted by Yntema:

> "VI. Systematic attention should be given to the development of a corps of specialists in comparative legal research to staff the law schools. … it is vital that there should be a sufficient continuing supply of qualified individuals from whom the law schools can be staffed".[9]

It is undeniable that knowledge is power and in developing one's legal system, education is a great tool in developing the said legal system and to increase the understanding of citizens of the country itself. As such, realization and expenditure of knowledge especially the legal knowledge should be started from the schools or faculties of law themselves; where special exposition of comparative legal research to the educators and professors of laws should be conducted. Additionally, it should also be extended with special care to young but yet potential legal students.

IV. Legal Scholarship

The development of law in particular country direct or indirectly depends on the creativeness of experienced legal scholars and academicians. This is highly expected from their vast knowledge and long years of experiences in apprehending legal subjects and issues that emerged in the society. The contributions of legal scholars and academicians are notably persuasive, especially in the legal sense as they are the experts of the country's legal systems. Considerably, they are the first group of experts that should be able to detect any weaknesses or strengths of a certain legal system. In emergence of legal problems and conflicts, contrary to laymen, they are the first group of experts that can be relied on in finding solutions. In amendment of law, they are also the first group of qualified people that can be referred to.

Effective contributions can be done by these knowledgeable legal scholars and academicians to the society at large by way of legal scholarship. At the same time, they are also eligible to contribute to the development of law in their particular country. Legal scholarship is not limited to the writing of certain articles or books[10] which concern with the law, but it is an end result of serious study and research of law where a particular methodology can be used in achieving the results of such study or research. Legal scholarship has rapidly changed with the progressive nature of Comparative Law. The legal scholarship is developed based on the interpretation of cases and legislated statutes. Traditionally, such legal scholarship is known as 'black-letter law' tradition.[11] This attitude in the early practice of legal scholarship is understandable since legal scholarship is limited only to discussions of resolving legal disputes which are raised before national courts or in the treatment of a certain law within the specific legal system itself.

At the end of 1960s, the approach of 'law in context' emerged.[12] The legal scholarship is shifted to a more dynamic style of tradition where the law is viewed within the context of its study. This style of legal scholarship gives priority in analysing the law from legal phenomenal problems that occurred within a society. The appreciation of interdisciplinary studies between law and other related subjects such as sociology and economy in the manner of 'law in context' tradition, indisputably improves the conditions of the society and the application of the law. The operations of the law and legal system are also can be viewed by way of this 'law in context' approach.

With globalization and internationalization, legal scholars and academicians must cope with the progressive nature of international legal scholarship where shadows of differences and similarities between legal systems of the world are showered with bright light of comparative perspectives. Here, the comparative legal research becomes imminently important to be used as a tool in developing and curing any *lacunae* that exists within different legal systems. For example, there is notable practice of public interest litigation in India which well accepted as a medium to cure discrepancy between written and practical laws. If such practice of public interest litigation should be adopted in Malaysia, a serious comparative legal research must be conducted where constitutional aspects and legal systems of both countries must be analysed in detail. It does not stop there; the suitability of such concept must also be scrutinized from cultural and sociological aspects where interdisciplinary study should be done comprehensively. In this complex imposition where laymen are normally left in confusion, the legal scholars and academicians are the most reliable persons to be referred to. The results of their findings are supposed to be published for the views of society at large which are able to increase their legal awareness and understanding in relation to the practice of laws.

V. Legal Practice

In continuity and performance of a certain legal system, practices of qualified and educated people from legal profession are crucially important to be considered. It is highly acknowledged that legal profession is a very privilege and honourable career which has the ability to uphold the purity of rule of law and justice. As such, lawyers or advocates and solicitors must equip themselves with knowledge of law and upgrade themselves in the application of professional ethics and skills in dealing with cases which being brought in front of them. At national level, the practice of law in front of courts operates depends on the claims of clients who appoint the advocates and solicitors as their representatives. Usually, in deciding legal disputes, comparative perspectives of the laws are extremely rare to be touched or even discuss in national court; unless and until, there is existence of legal problems which involved foreign elements that the national court needs to resolve.

Arguments from competent lawyers are much reliable by judges in making decisions at national level. Under the adversarial legal system, in comparison with the inquisitorial legal system, direct adoption of legal principles from foreign cases can be done rapidly due to active involvement of advocates and solicitors in representing the legal cases. Such adoption of legal principles from foreign cases can only be done effectively, if the law which is referred in the foreign cases is in *pari materia* with the law as related to the legal claims. However, it is entirely depended on the attitudes of national courts. When the comparative aspect of laws is raised before the national court, advocates and solicitors must be able to appreciate the differences and similarities of their own national law and the foreign law which are needed to be compared. As such, the use and application of comparative legal research become extremely important to be considered. The understanding of the similarities and differences especially in realm of resolving legal disputes and attaining justice can only be achieved if the appointed advocates and solicitors are able to dig and appreciate the comparative elements of the laws. By doing such comparative legal research, the advocates and solicitors are directly helping the national court to uphold justice in much proper way. Indirectly, they are also helping the law of the country to develop and progress by viewing *pari materia* laws in different perspectives and from viewpoints of another country.

In the realm of expansion of internationalization and globalization, it is undeniable that lawyers need to catch up themselves with the progressive development of laws, not only within their own country's legal system, but it is well expected from them as professional people to master themselves with other legal systems in the world. With the existence of such notion of internationalization and globalization, the legal profession is heavily influential and become potentially marketable profession. This observation is apparent in India, where:

> "Globalization is already molding the legal landscape in emerging economies and blurring the boundaries between global and local. Global law firms spread their operations through corporate groups to expand to fast-growing markets, and local firms are altering their structures and products to globalize – although the extent to which these firms truly conform to global standards remains an open question. Both international and domestic law firms find themselves in competition with other legal service providers, including legal process outsourcing companies, flexible staffing organizations such as Axiom Legal Services, accounting and consulting firms packaging legal and other professional services in multidisciplinary partnerships, and large and sophisticated in-house legal departments. All of these global players must compete in markets where the vast majority of lawyers are solo or small firm practitioners, and in a world where lawyers can potentially play – and in countries like India, have a strong tradition of playing – a crucial role in the maintenance of national identity and sovereignty, access to justice, and the rule of law".[13]

However, whether such legal practitioners, or advocates and solicitors, or lawyers are able to reach the highest standard of skills and expertise, it is indeed a question of facts which must be answered by lawyers themselves. Mastery in comparative legal research supposes to be a relevant tool in achieving such purposes.

VI. Practices Of Judiciary

Judges or collectively known as judiciary are the most important figures under a certain recognized, civilized and matured legal system. They are the servants of justice, fairness and rules of law. Regardless the differences or similarities of the legal systems of the world which are subjected to external factors such as history, social, politics, religion, culture and economics; the preservation of justice, fairness and rules of law are superior objectives that need to be achieved in maintaining harmony and social order within society and country.

This is the general notion of having judiciary in the very first place. The practices of judiciary in upholding and implementing the laws are crucially important in shaping the entire fortress of legal system itself.

These practices of judiciary is closely related to the judgements that they produced in deciding legal cases that been brought in front of them as the sitting judges of courts. In producing judgements which are balanced and followed the spirits of justice and fairness, the judges who are sitting on the bench must realize that their hands not only bind by rules of laws and the relevant legislations; but they are also confined to logic, rationality and common sense.[14] It is relevantly true when in this era of globalization and internationalization, the national courts are promptly facing with variety of legal issues which only can be decided effectively and tied along with the spirit of justice by practices of comparative legal study and research.[15]

When a judge confined himself within his own legal system where he fails to make a glance into the practices of other legal systems, he is not only avoiding healthy development of his own country's legal system but he is also deepening himself into static legal opinion and rigidity in establishing laws. The impacts are severe in matters of upholding justice, fairness and rules of laws, especially when his own country's legal system is full with *lacunae* of laws. This is observed by Kamba by viewing common law and civil law systems, where he says:

> "No system of law is so complete as to be without any gaps. In systems of the common law tradition lacunae occur in cases which are plainly covered by legislation or binding judicial precedents. In systems of civil law tradition gaps are said to exist when there are no code provisions directly in point. It is the function of the courts to fill up gaps and in doing so comparative legal studies can be great assistance. Acquaintance with the law and practice of foreign courts may not suggest possible and preferable solutions but also indicate possible but undesirable ones. It may be said that at this point the judicial function converges with the legislative function, and extends to the court's important and implicit, though limited, power to mould and adapt the law to meet changing conditions i.e., power to effect reforms by the judicial process. So that the points made in the preceding pages apply mutatis mutandis to judicial law-making".[16]

The comparative legal studies are only available to assist the judges in the decision making process only if they are exposed to comparative legal research and skills where appreciation and evaluation of one's own legal system with other legal systems can be done comprehensively by using them as a part of mechanisms in finding and understanding the laws.

Not only limited to appreciation of two extinguished legal systems, a judge who is sitting within a country which have a legal pluralist nature of legal system[17] will have a better opportunity in realizing justice and fairness in giving decision when conflict arises as a result of collision of the legal pluralist systems of laws. By possessing comparative legal research and skills, a judge in such position will be ultimately able to rescue the very essence of legal pluralist systems of law with proper acknowledgement and appreciation.

In legal pluralist countries such as Malaysia, at the early stage of the introduction of Islamic banking (which is rooted from Islamic legal system), a very heavy blow had struck the entire newly founded Islamic banking industry as a result of a decision[18] made by a learned judge who observed and decided the Islamic finance dispute based on conventional banking perspectives in evaluating the true nature of Islamic banking instruments. Such gross mistake can be avoided if the judge is equipped with comparative legal studies, researches and skills where he can evaluate the conflict in the said legal case and appreciated the true nature of Islamic banking instrument from the viewpoint of Islamic banking framework. The decision of the said legal case was later overturned by another decision of court,[19] where a proper acknowledgement of Islamic banking law is upheld and appreciated. The decisions of courts are crucial in the emergence of colourful practices of conventional and Islamic banking systems in Malaysia.[20]

The progressive nature of globalization and internationalization leads to the expansion and movement within society that influenced by immigration of people from countries to other countries. This movement within the society leads to changing of social, political and economics within one country that reluctantly the laws are bound to change in order to preserve the social order within the society itself. These changes in a society force the courts to face a new dimension of conflict of laws, especially when personal laws of a certain minority of citizens are in collision with *lex loci* of a country. Here, again the judges are in the most prominent position in resolving such conflict, where their decisions are influential in determining the correct flow of laws as according to the spirits of justice, fairness and rule of laws.

In United Kingdom, there are growing demands for acknowledgment of Shariah[21] in the realm of family and personal law, wherein the failure of such acknowledgement will lead to a massive denial of citizenship rights of Muslims who lived in the said country. Even though, there are varieties of opinions as to this recent development of law,[22] by following the practice of Jewish counterparts, Shariah Arbitration Tribunal is recognized with its establishment under Arbitration Act 1996 of United Kingdom.

Furthermore, the Archbishop of Canterbury, Rowan Williams[23] is in the opinion that such position of Islamic law should be acknowledged. There is also suggestion made by an academician for such trend to be followed in appreciating religious tribunal in a secular country.[24] Whereas in another opinion of an academician, such recognition of tribunal is not necessary as the court itself is able to decide based on religious freedom.[25] It is suggested here that, in deciding legal issue such as this, the judges must be ready and dare to decide for the sake of achieving justice and fairness among the parties that appear before them, where in doing so, the comparative legal research and aspects should be done comprehensively.

VII. Practice Of Legislature

In a democratic system of a state, legislators are validly defined as those persons who are legally appointed by way of election by the citizens of the state to represent them in the Parliament. They are responsible to create, pass, enact and amend the laws for the entire country's legal system. Another synonymous term for them is correctly known as lawmakers. With the separation of powers between the judiciary, executive and legislature, the legislators are the most powerful and influential persons who are responsible directly to the progressive development of the law. By following the Westminister style of Parliament, in Malaysia, an enacted law will come into force and become a part of the country's legal system after it is publicly gazetted.

From perspective of comparative law, it is suggested by Kamba that the methods of comparative legal research should be employed by the legislators in (i) the process of making of new rules and solutions or modifying or abolishing the existing law,[26] (ii) it is also essential in developing the techniques of drafting or to formulate the law[27] and a proper assessment by way of comparative legal research should be carried out to monitor the practicability and enforceability of the proposed law or amendment of law.[28] Not only limited to the suggestions as given by Kamba, the comparative legal research is also critically important to be referred to in: (i) process of curing any existence of *lacunae* in a legal system, (ii) formulation of unification and harmonization of law and (iii) the implementation of international instruments practices to the national legal system.

(i) The process of curing lacunae in a legal system:

In this modern era, it is obscure to say that a certain country has a comprehensive and perfect legal system. It is indeed a utopian dream for every legislator to have such kind of legal system within one country. As reluctantly as it may, the existence of *lacunae* cannot be avoided either on the basis of the formulation of law or absent of a proper system for procedural and administrative processes of the law itself. In the process of eliminating such *lacunae*, the legislators cannot avoid themselves from looking to other countries' legislature practices and the way they handle similar *lacunae* (if any) in their own legal system. In certain proper situation, a direct adoption by way of legal transplant can be done by the legislators.

The implementation of legal transplant is the most effective way in developing a legal system, where it can be done voluntarily and involuntarily.[29] It is also effective and influential in eliminating *lacunae* within a certain legal system. Involuntary legal transplant is frequently done during the colonization era where the colonization state invokes to impose an alien legal system over its subjects. However, after such cessation of the colonial era, many states of the world tend to use voluntary legal transplant in developing their own legal system. In doing so, the legislators essentially need to do comparative legal research in viewing whether such legal transplant can be suited to surroundings of their own country, citizens and the legal system itself. This is essential since every country has their respective unique history, culture, social, political and economic foundations. For an example, there is similarity of the Japanese civil code with German and French civil codes,[30] where Japan invokes to adopt such western style of civil code in order to modernize their law. However, such civil code is made to be suited with the local surroundings of their citizens. This is a similar approach which is used in reforming their civil procedure law[31] where the surroundings situation in Japan is highly considered.

Another example can be traced in Malaysia where the Torrens system of registration of land that is applicable in Australia was adopted and implemented into the national legal system.[32] Such adoption is done to cure the lack of mechanism in monitoring land ownership of local people. Once the registration is done on the

land title, the doctrine of indefeasibility of title can be used to secure the ownership of the land. Similar treatment is done in Canada where administration of land is based on the said system of land registration.[33]

(ii) Formulation of unification and harmonization of law

The process of unification and harmonization are versatile concepts where the authoritative legislators can elect to use in systemizing and making their law more coherent with the latest progressive development of their country. The process of unification emerges with the need to uniform the laws or legal systems into a proper and better single regulation or legal system. As for harmonization process, it is a process to bring two or more different laws or legal systems into a compatibility level[34] where it can be utilized in avoidance of conflicts. In invoking these two (2) concepts, without neglect or failure, the comparative legal research must be done by the legislators in scrutinizing any weaknesses or problems that can rise as the results of such processes. It is essential to do so in evaluating and analysing the effectiveness of the said unification or harmonization processes towards a systematic legal system.

The process of unification and harmonization is rapidly done by the European Union. For the sake of development of trades, businesses, protection of consumers and economy of the European regional members, the European Union comes with the idea of unification and harmonization of their contract laws.[35] Previously, the members of European Union have their own separate laws for contract laws which lead to increasement to conflict of law cases before their own national courts. The different contract laws between the European countries become a sort of impediment to the progress of trade and business. As a result of unification and harmonization, the European Commission comes out with a common frame of reference for European contract law which is welcomed by the European Parliament by the passing of several resolutions in order to make it workable.[36]

A progressive nature of harmonization can also be traced in the Malaysian legal framework in the introduction of Islamic banking. As required by section 2 of the Islamic Banking Act 1983, the banking business that is carried out under the Islamic banking system must in line with Shariah requirements where there must not be any contradictory elements with the established principles of Islam. The foundation of banking system in Malaysia is generated by the conventional banking system and secular legal framework in which within certain matters, they are contradictory to Islamic principles. In curing such legal impediments in establishing a healthy competitive environment in parallel levels between conventional and Islamic banking systems, the legislators elect to use the process of harmonization within the national legal framework. Without making entire reform of the legal framework,[37] the Islamic banking law is recognized by the decision of courts and it is practiced alongside with other relevant regulations.

This can be seen in *Light Style Sdn Bhd v KFH Ijarah House (M) Sdn Bhd*[38] where a liquidation of a company can be conducted as a result of indebtedness of a company that failed to pay the trade line facilities that concluded based on Islamic transaction law. In another case of *Tahan Steel Corp Sdn Bhd v Bank Islam Malaysia Bhd*,[39] a land which is regulated under the National Land Code 1965 that has the basis of the Torrens system can be used as a security for an Islamic financing agreement that concluded between the parties.

(iii) The implementation of international instruments practices to the national legal system

In the era of globalization and internationalization, a country is said to be left out if the said country remains absent from following the activities which are organized by international organizations or institutions. The establishment of United Nations itself is a good example of success due to the active participation of its member States, similarly with the organization of European Union. Recently, there has been a tendency of the states to make a proper coordination[40] of laws in minimizing the possibility of legal conflicts based on the different legal system of countries. This approach of coordination is not to jeopardize the sovereignty of states as acknowledged under the well-recognized customary international law maxim of *par in parem non habet imperium.*[41] However, it is an approach to make the laws of the countries to be systematic and harmony with a same symphony to achieve a better international communication and relationship in politics, cultures, socials, businesses, trades, economics and in any other related spheres.

Such coordination concept of international law instruments can only be successful in implementation, unless and until the legislators that sit in the chairs of Parliament of the countries codify the said international instruments. The most successful international instrument for coordination of law can be traced from the practical aspects of the treaty-based model law of United Nations Convention on Contracts for the International Sale of Goods or UNCITRAL. In the views of the urgent needs for the interest of trading and businesses, such

model law of UNCITRAL is majorly adopted by the states that refuse to be left behind in matters of developing their economy and generating incomes for their own countries. At this juncture, the legislators have varieties of countries to look into from comparative perspectives in adopting such implementation of model law and its practicability to those countries. It is essential to analyse the impacts and effects of the adoption of the said model law to a certain legal system where comparative legal research can be done effectively by the legislators, with engagements from their own experts, academicians and legal practitioners. By doing as such, the legislators are able to monitor the development of their own laws.

VIII. Conclusion

Comparative law generates the progressive nature of comparative legal studies that majorly contributed by the apprehension of rational thinking and intellects of legal scholars through their legal scholarship. Such appreciation can only be achieved with correct methods and skills in comparative legal research. Not only confined to the realm of legal education and academicians, comparative legal research is prominent as a tool in developing the legal system itself. However, as a tool in developing laws, comparative legal research must be utilized and used properly by those persons who involve directly or indirectly with the said legal system. In failures to appreciate the comparative legal research, the development of law cannot be said comprehensively done as weaknesses and defects are still in existence, apparent and unnoticed within a legal system. Therefore, comparative legal research should be appreciated as a tool in curing such defects and it is significant in developing laws within a country.

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