

Classifying comparative research – assignment

Education



Hyland cites Zweigert and Kotz who classify comparative legal research into macro-comparison, which deals with general questions like different types of codifications and development of law and decision mechanism of courts.

While micro-comparison deals with more specific legal issues and how they are solved.

Hyland also divides comparative legal research into descriptive comparison which discusses a specific style of a foreign legal system, while theoretical comparison deal with similarities and differences in the legal systems and applied comparison tries to identify the best standard for a social or economic situation.

Hyland further elaborates about how comparative legal research is considered in different circles. According to some since it is not a separate field of law, it should simply be considered as a method by which different laws can be studied. While others contend that it is the only way that study of law can become a science. Comparative legal research tries to find similarities and differences between different legal systems, as in the case of Punder, who compares delegation of legislation to the executive in three countries. Not only does it give rise to discussion internationally but it also minimises national prejudices, and helps researchers and jurists to understand different cultures and value systems. It is also very important for law reformation in developing countries and development of one's own system. Zweigert and Kotz give describe various uses of comparative legal research.