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INTERDISCIPLINARY CONTEXTUALIZATION OF LEGAL EDUCATION AND RESEARCH

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The article aims to assess the possibility to revise the current theoretical-methodological framework of legal science, in order to update the law foundations by adopting an interdisciplinary research framework. Drawing on the multitude of differences between fields and disciplines, and although some closeness could be found between the object of the study or the identity of the object of study of human sciences, we argue that there is a need to overcome the current format of legal knowledge (understood both as a process of legal education and research). We conclude that the way in which we consider useful this transition from the current segmented and specialized formula of legal education and research to the formula of an integrated approach should be implemented through the interdisciplinary legal knowledge in the framework of a reformed general theory of law.

Keywords*: law theory, legal methodology, legal knowledge, integration, interdisciplinarity.*

CONTEXTUALIZAREA INTERDISCIPLINARĂ A EDUCAȚIEI ȘI CERCETĂRII JURIDICE

În conținutul acestui articol evaluăm perspectiva unei revizuiri a cadrului teoretico-metodologic actual al științei juridice, în vederea reactualizării fundamentelor dreptului prin adoptarea cercetării de tip interdisciplinar. Invocând existența multitudinii de diferențe dintre domenii și discipline, chiar dacă în linii mari noi am constata cu ușurință apropierea dintre obiectul de studiu, ori mai degrabă identitatea obiectului de studiu al științelor socio-umane, argumentăm necesitatea depășirii formatului actual în care se realizează cunoașterea juridică (înțeleasă atât ca proces de educare juridică cât și de cercetare). Argumentăm cu referire la modalitatea în care considerăm utilă tranziția de la formula actuală segmentată și specializată a educației și a cercetării juridice, la formula de abordare integrată prin implementarea cunoașterii juridice interdisciplinare în formatul unei teorii generale a dreptului reformat.

Cuvinte-cheie: *teoria dreptului, metodologie juridică, cunoaștere juridică, integrare, interdisciplinaritate.*

LA CONTEXTUALISATION INTERDISCIPLINAIRE DE L’EDUCATION ET DE LA RECHERCHE JURIDIQUE

Dans le contenu de cet article nous évaluons la perspective d’une révision du cadre théorique-méthodologique actuel de la science juridique, afin de réactualiser les fondements du droit par l’adoption de la recherche de type interdisciplinaire. Invoquant l’existence de la multitude de différences entre domaines et disciplines, même si en général on remarquerait facilement la proximité entre l’objet d’étude, ou plutôt l’identité de l’objet d’étude des sciences socio-humaines, nous soutenons la nécessité d’aller au-delà du format actuel dans lequel la connaissance juridique est réalisée (compris à la fois comme un processus d’éducation juridique et de recherche). On présente les arguments à la manière dont nous jugeons utile la transition de la formule actuel, segmentée et spécialisée de l’éducation et de la recherche juridique à la formule d’approche intégré, par l’implémentation de la connaissance juridique interdisciplinaire dans le format d’une théorie générale de droit reformé.

Mots-clés: *théorie du droit, méthodologie juridique, connaissance juridique, intégration, interdisciplinarité.*

МЕЖДИСЦИПЛИНАРНАЯ КОНТЕКСТУАЛИЗАЦИЯ ПРАВОВОГО ОБРАЗОВАНИЯ И ИССЛЕДОВАНИЙ

В данной статье мы анализируем перспективу пересмотра существующей теоретико-методологической базы юридической науки с целью обновления основ права путем введения междисциплинарных исследований. Ссылаясь на существование множества различий между областями и дисциплинами, даже если бы мы легко обнаружили близость между объектом изучения или, скорее, идентичность объекта изучения гуманитарных наук, мы аргументируем необходимость преодоления нынешнего формата юридических знаний (понимаемые как процесс юридического образования и исследования). Мы аргументируем свое видение, ссылаясь на то, как мы считаем полезным переход от нынешней сегментированной и специализированной формулы юридического образования и исследований к формуле комплексного подхода путем внедрения междисциплинарных юридических знаний в формате общей теории реформированного права.

Ключевые слова: *теория права, правовая методология, правовое знание, интеграция, междисциплинарность.*

Preliminary landmarks

The context in which the current legal research is carried out has multiple approach formats, but also dimensions of development. Not only the rapid, multidimensional and multiaspectual nature of practical realities imposes the revision of theoretical landmarks, but also the development of technologies determines the dynamics of research methods used in conditions where it is necessary to objectively assess the processes taking place in the society, identification and determination of strategic priorities, at the conditions under which legal regulation seeks to keep pace with the development of technologies, to ensure legal protection, security and safety, and to be predictable with regard to as yet unknown situations that could mark legal science in the future.All this implies the knowledge of the social reality, which can only be the result of scientific research, more precisely it is necessary that a legal decision is based on the social complexity.In this regard, I. Vida states that "the fundamental rule of complex analysis must lead to the harmonization of individual conduct in order to achieve the common interests of the inhabitants, to the sacrifice of individualism that affects the safety of human communities or affects the peace and security of collective life."[1, p. 34] Further, the same author states that "the issue of the complex decision is in the legislative field of a technical nature.Within it it is necessary to establish the issue that will be legally regulated; then follows its inclusion in the multitude of possible plans; on this background, the legal solution is established on each level; finally, we move to the correlation of legal solutions, in order to reach a fair and legal solution, able to meet the requirements of legal security." [1, p. 34]

Also, in the preface to the work Romanian Legal Doctrine: between tradition and reforms (Doctrina juridică română: între tradiție și reforme), M. Dutu starting from the particularities of the current Romanian society (major legislative reforms, globalization, etc.) shows the need for appropriate reactions in theory and in legal practice. In his view, "Law is, despite appearances sometimes invoked, one of the most complex areas and forms of human knowledge and thus the most difficult and specific to investigate, as it plays a major role in organizing and ensuring the development of society. Indeed, it is one of the few cases in which science, technology and art join, coexist, intersect and combine in a single equation, resulting in three interdependent colors, but which retain their specificity of search, identification, manifestation and expression of knowledge (legal): the doctrine, jurisprudence and science of law." [2]

According to these views, the field of legal studies and research is undergoing rapid changes of an extremely diverse nature. The growing specialization, globalization, increasing importance of interdisciplinary legal studies and the growing separation of legal research and legal education (teaching / learning) raise questions regarding the ways in which both legal studies and legal research achieve their objectives.In this sense, the problem arises both in relation to the aim pursued and in relation to the methods used in legal education and research. If in the case of legal education studies are carried out in the light of what the lawyer should do in law, then legal research should extend from what is the nature of the law to what law should be in society and how it should be to be, which in the opinion of the author Jan M. Smits [3] determines the exploration of an inevitable normativity. Thus, the transfer from the autonomy of the right to interdisciplinary dependencies is made.

As a result, on this dimension of changes in the traditional approach to legal knowledge (which includes both education and research), the valorization of the theoretical-methodological framework of legal science has increasingly given way to comparative, inter- and multidisciplinary research that seek to integrate the current complex framework of rapprochement between private and general, between public and private, between local, regional and global, or between national and global, between theory and practice - overlaps and relationships that shape the current legal order.This fact necessarily determines the revision of the format of law analysis through emphasis on either the autonomy of law or on updating the importance of doctrinal approaches, which in the European space have been conducted through comparative and / or interdisciplinary research.

Integrated approach to legal knowledge

In this content we express our opinion regarding the way in which we consider useful the transition from the current segmented and deeply specialized formula of legal education and research, to the integrated approach formula by implementing comparative and interdisciplinary legal knowledge. For Craiovan I. integrative knowledge is configured “as a concept of coordination of a kaleidoscopic picture of legal knowledge, which blurs dogmatic exclusion and intolerance.He tries to correlate various ways of thinking - some neglected or wrongly appreciated, in a common activity of solving legal problems.” [4, p. 65].

Thus, by contextualizing interdisciplinary legal knowledge we aim to place legal understanding and research in broader context. Or, currecntly, legal research is marked by learning that does not involve the perspective of interdisciplinary vision. In order to identify the reconstruction of the current model of legal knowledge, we aim to identify the conceptualization landmarks of legal scientific research by updating the theoretical-methodlogical framework of law in the updated formula of general law theory, aimed at sharing major trends in current science globally, which has increasingly been inclined to assimilate models of interdisciplinary approach.

Or, due to globalization, we are witnessing the change of the international order, establishing a new order, in which the old paradigms of analysis are no longer functional, an era in which education and scientific research are to finalize its status at local, regional, global level. “States, acting by virtue of neoliberal ideology and adapting to the process of globalization, have moved from a position of strategic state to that of a state of development, a competitive state, an innovative state. The classical aspects of the state have undergone quite profound transformations, in an attempt to meet the challenges posed by the increase in international interdependencies and the aggravation of some of the problems, which have turned into global ones.” [5] Moreover, global interdependencies also imply local interdependencies, among them the one between the level of science and the development of society is distinguished in distinct formulas in different areas of the world.In this sense, the authors of the article *Interdependence between science and socio-economic development* [6] present the results of the quantitative analysis of the interdependence between the level of science development and the level of social and economic development of the Republic of Moldova, stating: “Science is multifunctional. Being part of the culture, influencing the level of education, the level of population health, but also the country’s economy, the multifunctionality of science determines the level of economic and social development of the country ”. Therefore, they say, “the analysis of such interdependencies is extremely important, because the president, parliament, the cabinet, in other words, the state leadership is responsible of the level of economic and social development of the country, and they do not always (in especially in the Republic of Moldova) understand the importance and need for the development of scientific research” [6]. According to the data presented by the above cited authors, we find that the research situation is not the most favorable, even if the National Development Strategy “Moldova 2020” [7], approved in 2012, stipulates that “the development paradigm (…) implies (…) promoting the knowledge-based society, including by strengthening research and development, innovation and technology transfer activities, geared towards efficiency and competitiveness”. Moreover, the Basic Strategic Framework of the Republic of Moldova in the field of research, development and innovation, consisting of the National Program in the fields of research and innovation for the years 2020-2023 [8] and the Roadmap for the integration of the Republic of Moldova in the European Research Area 2019-2021 [9], seconds the development of a conducive environment to research and

development, but despite the strategic developed framework, the research and innovation system of the Republic of Moldova remains insufficiently funded and fragmented, far from being considered strategic and relevant. Statistical data show that research and development is not integrated [10].

The EU Framework Program 7 (FP7) [11] has launched the accumulation of all initiatives related to interdisciplinary and multidisciplinary scientific research, considering that, at European level, interdisciplinary partnerships, cooperation between researchers in related fields is a necessity in articulating the broad analysis directions and solving many problems.As a result, large-scale research projects, which have received European funding, generally deal with cross-cutting issues and bring together teams of researchers from various scientific fields.

At national level, in accordance with the Education Code of the Republic of Moldova [12], in particular, with the provisions of art.140 paragraph (1) let. a) and art.149 par. (1), as well as in accordance with the Code on Science and Innovation of the Republic of Moldova [13], art.63, paragraph 4), art.47, paragraphs (1) - (3) and art.49, have been approved the National Roadmap for the integration of the Republic of Moldova in the European Research Area for the years 2019-2021 and the Action Plan for its implementation.However, so far in the scientific space of the Republic of Moldova we do not have a disciplinary framework focused primarily on interdisciplinary theoretical and methodological research that would facilitate a significant increase in the quality of scientific research and implementation mechanisms in national legal practice of results. Due to the fact that by their nature the problematic framework of a legal methodology would have more theorized dimensions of approach, at the same time perceived to be less useful in the legal professions they remain a framework of interest for those involved in the management of legal scientific research and in the non-systematic formula for those involved in research, for a certain period and not for a prolonged scientific career.In this sense, many authors appreciate social processes as having a direct impact on triggering the crisis of law in correlation, or rather starting from the methodological crisis of legal science. In this sense, many authors appreciate social processes as having a direct impact on triggering the crisis of law in correlation, or rather starting from the methodological crisis of legal science.Thus, we will identify the perceived as problematic and uncertain substantiation of the theoretical-methodological framework of law in correlation with the major social transformations, registered since the beginning of this century.

Authors from various scientific fields have expressed opinions regarding the current state of legal knowledge (education and research) and why it would be necessary to strengthen the methodological dimension of law in the direction of comparative and interdisciplinary research.In the current conditions of social dynamics, the dogmatic dimension of law is at least part of the concern of jurists" [14]. And N. Tarasov [15], identifies the state of lack of a consistent methodology in law with a state of metastasis that manifests itself through a gnoseological and methodological syncretism, which was established in theoretical and dogmatic attitudes towards law. At the same time, the lack of an appropriate methodological framework also determines, in the opinion of C. Cassio [16, p.423], that the preferences for a particular "theoretical approach formula should become for the contemporary researcher not a question of seeking truth, but one of the opinion, preference and mood of the researcher. In addition, for contemporary jurisprudence it is also specific not to understand the importance of a general theory of law in an extended formula, which could take into account the particularities of all legal systems, as well as include ways of manifesting supranational and non-state law. [17 , p. 256] Therefore, currently restoring the status of the general theory of law in the reconceptualized formula, as a theoretical-methodological foundation of legal education and research is becoming necessary, an opinion promoted by Gh. Bobos, who points out that „the current development of the legal sciences is based on two trends: on the one hand, a tendency of diversification, of particularization, and on the other hand, a process of integration that takes place mainly methodologically and that coexists in equalizing the level of development, the accuracy of the methods used in legal sciences". [18, p. 21] Likewise, I. Craiovan indicates that a multi-, inter- and transdisciplinary approach must "go beyond the signaling of connections and interdependencies, which must be effective, to penetrate by attracting exemplary elaborations on the legal field". [19, p. 20] Or, the neglect of the dimensions of multiaspectual approach in the development of the general theory of law and branch legal sciences give rise to discrepancies between the styles of used language, but also models of distinct legal thinking.

For Jan M. Smits [3] the problem of the crisis in law is explained by the rapid and fundamental changes in societies in recent decades, an opinion shared by us as well.In this sense, the author identifies several correlated developments that contribute to the exacerbation of the crisis of law.Thus, the cited above author indicates: 1. The growing complexity of society has constantly led to deepening segmentation and fragmentation, to extreme differentiations in the study of the legal order.This is caused not only by the further expansion of the various traditional subfields of law, such as constitutional law, criminal law and civil law, but also by the growing separation from the study of positive law, philosophy and theory of law.As a result, we have a growing distance between the branches of branch legal science and their foundations, and legal research often neglects the interconnections between different background areas; 2. Legal studies are becoming less and less doctrinaire and more interdisciplinary. In this sense, the interrogations regarding the right and the law cannot be solved only on the basis of the doctrinal study, because it is necessary to take into account aspects of social, economic, political, psychological aspect, etc. Moreover, there is the opposite situation in which representatives of other fields (economists, sociologists, philosophers, etc.) engage in research on law. Thus, we witness mutual influences and two-way ratios that outline phenomena of of the social becoming legal, politicization of law, legalization of politics, etc.; 3. The growing distance of the process of teaching / learning the right from legal research, but also the insufficient training of graduates from law schools not only to conduct scientific research, but also to practice law. In relation to this situation, it is required to initiate the unitary vision between legal education and legal research; 4. Uncertainty about social developments and the capacity of institutions to meet challenges (such as the internationalization and rise of the information society, and the massive digitization of spheres of human activity). The English author, R. Susskind [20] claims that many jurists will fall victim to the digital and technological revolution. In his opinion, the standardization of legal aid will lead to the outsourcing of legal activity, which will affect the need for specialized legal services.At the same time, A. Toqueville mentions that society becomes more civilized and more stable over time, the various relationships between people become more complicated and more numerous (...). Gradually, knowledge spreads (...) the spirit then becomes a factor of success, science is a means of government, intelligence - a social force”. [21, p. 54-55]

Thus, if law researchers have begun to reflect on the many current challenges, including the possible consequences of digitalisation on legal research and teaching, then with regard to the impact on the legal professions they are less inclined to assess and anticipate consequences.Moreover, another major challenge is noted - internationalization. In this direction, research on the effects of internationalization must go beyond long-term distinctions between public and private, and national and international. In this sense, the most eloquent example can be made based on the trend of the last decades in the European area, a space where the transfer of accents from national law to European law in both education and research has been made.As a result, internationalization has led to new dividing lines in the national context.On the one hand, researchers oriented towards the national legal framework, who carry out research and publish mainly in their mother tongue, and, on the other hand, researchers focused on issues of European or international interest, who write in languages of international circulation. ”A double orientation is indispensable for the jurist: a historical one, in order to capture precisely what is proper to each epoch, and a systemic one, in order to look at each concept and each norm in a living and reciprocal relationship with the whole,”says T. Avrigeanu [22]. The science of law must identify behind the rules in force the corresponding legal institutions, therefore the social phenomena (family, property, will, etc.).

Those invoked so far are favorable premises for the opening and extension of the interdisciplinary theoretical-methodological analysis framework in legal knowledge, seen as a unit between legal education and legal research. A relevant argument with reference to the need to strengthen the theoretical-methodological framework of law is formulated by Permeacov Iu. who states: “Obviously, the lack of methodological unity between dogmatic law, legislative technique and the practice of law enforcement has a destructive impact on legal education and is manifested by the widespread evocation of the warning that law teachers bring to their students” to not use scientific arguments in court, and to not practice the methods of professional lawyers who use so-called *gray technologies* in their work to resolve legal disputes”. [23, p. 175] In our opinion, it is now necessary to reconceptualize the theoretical frame of reference in which the general and con-

ceptual landmarks of law are systematized, based on the current social framework and the priorities assumed at the level of state policies both in relation to scientific research in general and the legal one in particular, but also in the formula in which the legal education is realized in the current conditions in which the area of the legal professional preoccupations and of the legal professions has expanded. Corresponding to this situation, and it is necessary to initiate the reconceptualization of law by reviewing its theoretical-methodological foundations, which in the opinion of J. L. Bergel [24, p.13], must have a generalizing and integrating character, applicable both in the process of knowing the law as well as in the elaboration of laws.

What do we mean by the integrated approach to law? For clarification, we will refer to the Russian author Pantichina M. [25], who promotes the concept and indicates that it is a legal approach that: 1. recognizes the limits of traditional legal understanding and chooses to identify unifying foundations; 2. points out that any formula for achieving legal knowledge / research on legal issues must be geared towards solving a social problem; 3. is oriented towards the configuration of a specific legal object.

Initially, the integrated approach to law was set in motion as an alternative approach to law as an "anti-crisis" solution that aimed to reveal the essence of law and develop models for its development.As a result, the degraded approach has generated four directions of research: 1. Capitalizing on methodological pluralism and interdisciplinary research in evaluating the results obtained by the branch legal sciences; 2. Integration of the logical perspective with the normative one; 3. Reconstruction of law through a combined retrospective and prospective approach; 4. The integrative approach of law as a field of legal knowledge with a specific categorical and methodological apparatus.

The integrated approach is also supported by M. Dutu [2] who mentions that theoretical evaluations, reconceptualization, valorization and construction operations, so that knowledge of law, from the three perspectives (doctrine, jurisprudence and science of law), to be coherent, significant and relevant, and the Romanian science of law relaunched.All these priorities are also found in the activity of legal research - scientific and doctrinal".In the case of interdisciplinary doctrinal research, the ultimate goal is that of integrated research from the comprehensive perspective of doctrinal research, namely, the construction, evaluation and reform of legal doctrine.

Legal research, as well as any other research according to the regulations in force, provides for the identification not only of the topicality of the research framework, but also the elaboration and formulation of normative recommendations on how to improve the law and solve socio-legal problems. Moreover, many ongoing researches are financially supported from public resources through state agencies, such as the National Agency for Research and Development, with the express request to assess a particular problematic fragment, a strategic direction and to come up with proposals, and concrete recommendations to overcome the problem or to reform the field. In this case, the mechanism by which the conclusions, ie the research results, supported by content arguments to find their empirical and legal validity must be predictable.So far, we can see that there is a substantial gap between empirical findings and normative recommendations, between legal practice and legal research in doctoral theses, studies, etc., and lack of interest in using research results, the proposed mechanisms considered too expensive, or less credible in order to be appreciated as long-term solutions to social problems. Therefore, probably the most appropriate option would be to carry out interdisciplinary legal research from the beginning, which could offer valid and credible, convincing solutions.For this reason, we also hypothesize that legal research must be carried out by capitalizing on the methodological arsenal of other scientific fields, and even more some of them could be adopted and taken over en masse.However, in R. Dworkin's formula [26] any legal analysis must apply a public morality and a political philosophy.In short, legal doctrinal research can not be other than interdisciplinary in nature, or, in legal science as in other areas of the socio-human has always felt the methodological deficit, which can be overcome by capitalizing on interdisciplinary methodologies.

In our opinion, at present in legal research it is necessary to identify the unifying scientific problem around which teams of researchers must be formed and appropriate research methodologies must be built, and the realization of legal knowledge (education and research) by reference to the concrete legal order, contextualized to social complexity (Europeanization, internationalization, etc.), implemented by methods not local, but global.Therefore, we need to see if it is possible to integrate national legal science into regional and global trends, and assess

barriers to full integration, as well as develop an appropriate theoretical and methodological framework for interdisciplinary legal research.

Conclusions

Since the end of the last century, the methodological deficit of the social and humanities has been recognized and opportunities to conduct interdisciplinary research, especially those in the vicinity, have been exploited, trying to identify the possibility of increasing the effectiveness of legal regulations. degree of social legitimacy, but does not identify solutions to doctrinal problems, at the heart of traditional legal research. With the recognition of the methodological crisis in legal science, there is a lack of well-developed rigorous methods for doctrinal research, says S. Taekema and Wibren van der Burg [27], as well as the existence of an opposition between legal doctrinal analysis and interdisciplinary research,that has to be overcome by their integration.

Previously neglected, the methodology of legal research, however, began with modest steps to be expanded due to the complex nature of the problems facing societies and people, which to be solved requires relevance, rigorous approach, systemicity, complexity, etc. which has determined, we believe, modest but growing interest in theoretical and methodological problems.Or, understanding the relevance of an adequate methodology in the process not only of education and research, but also in the realization of the law, the problematic framework of methods, methodologies and methodological principles was updated.In a narrow sense, the methods of legal research are identified with the methods of legal practice, which interpret, analyze, appreciate contradictions, identify gaps, etc. contributing to the construction of a coherent legal doctrine, which in the opinion of the authors S. Taekema and Wibren van der Burg [27] can be considered the doctrinal legal research.In a broad sense, by assuming two additional objectives (critical assessment and recommendation of legislative reforms) will succeed in establishing a general legal doctrine, which will help identify controversies in court decisions, as well as assess jurisprudence or other sources useful for legal research; to capitalize on the critical analysis in legal matters; when formulating and testing hypotheses by applying rigorous methodologies; they will expand the format of law analysis by providing generalizations to be framed in a general theory of reformed law.

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