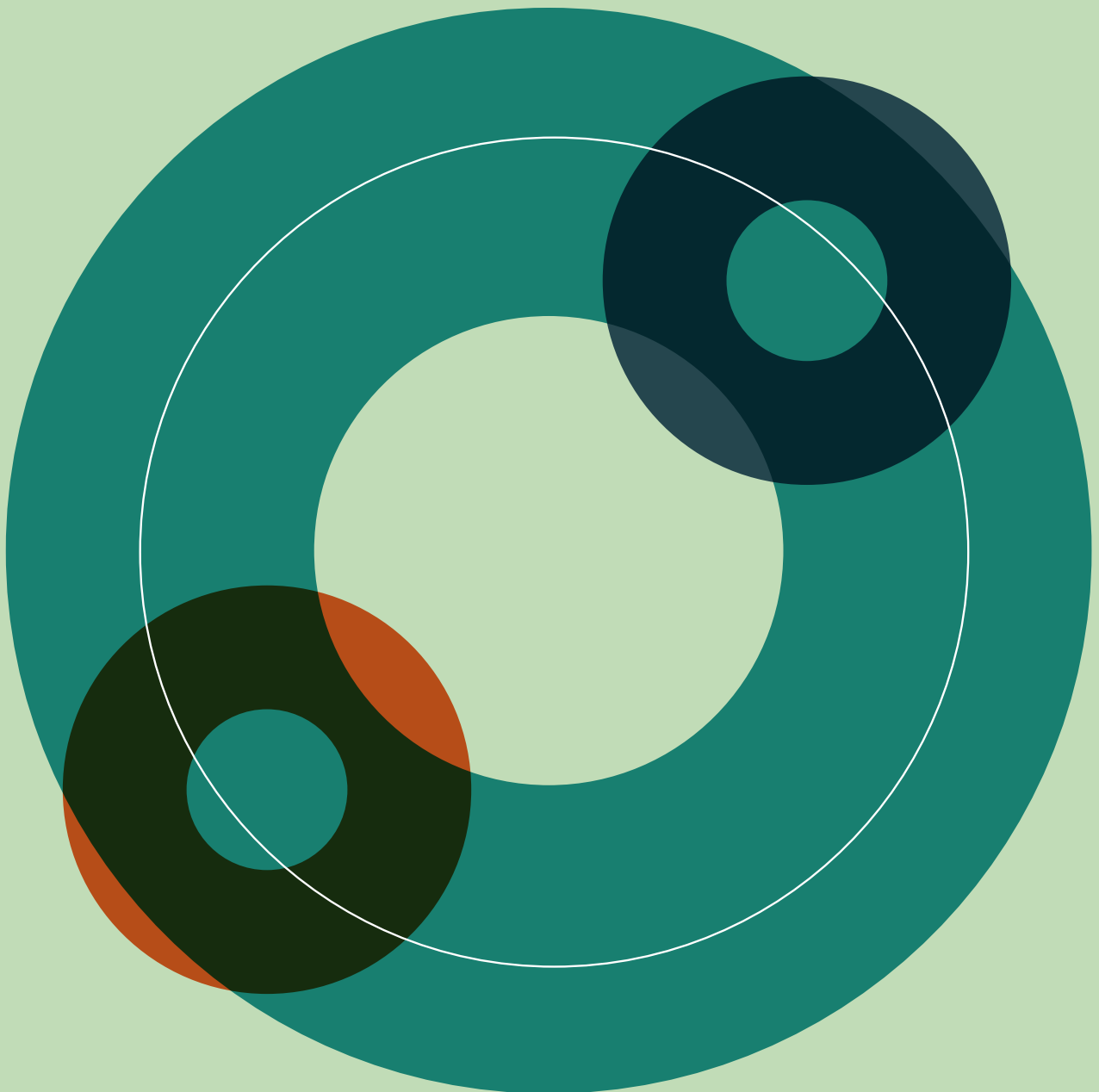


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**Faculty of Law**

**Dynamics between legal orders**

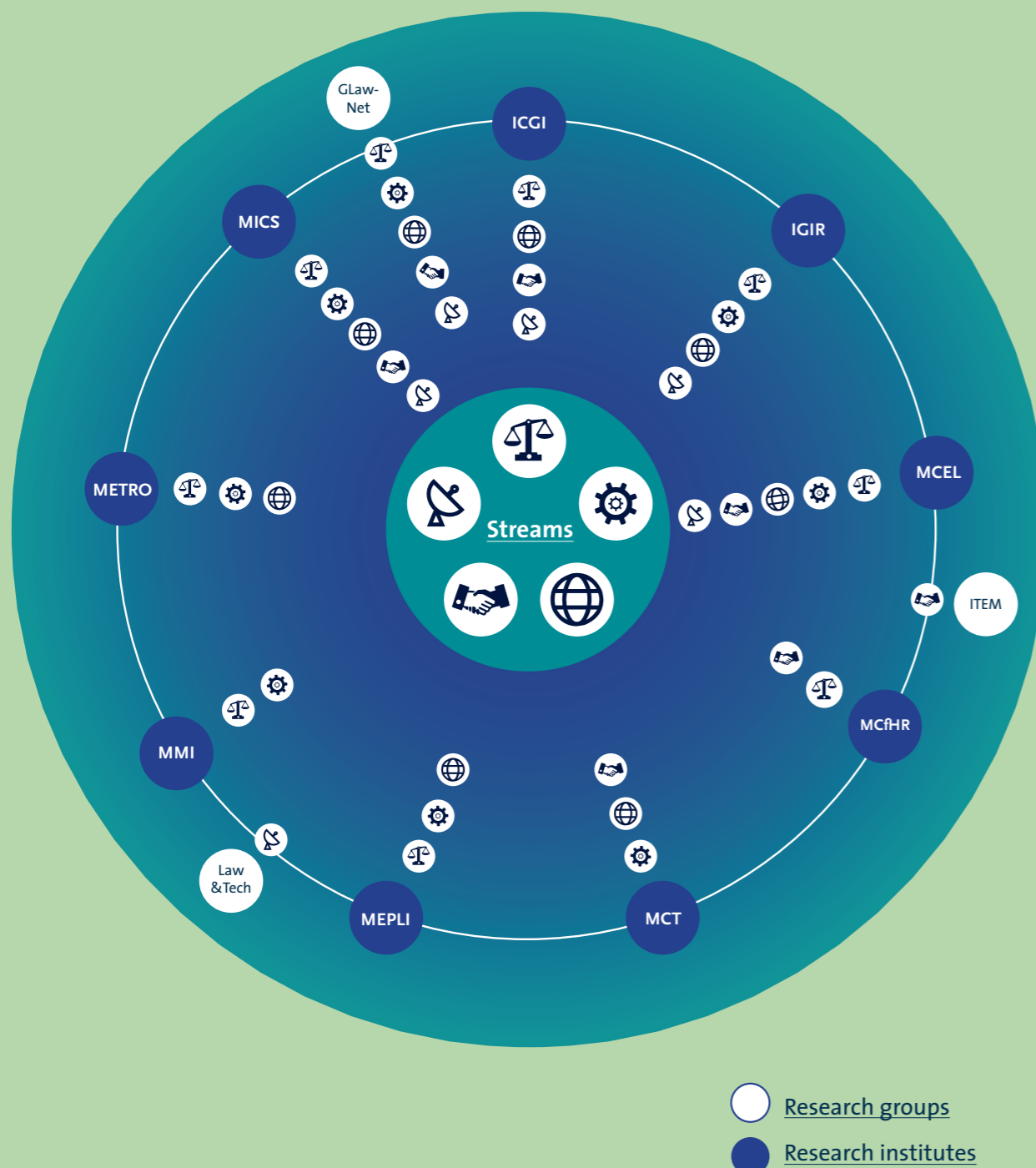
**Research programme 2022 - 2027**



# Research Programme: Dynamics between legal orders



The Faculty of Law of Maastricht University is home to a diverse community of Dutch, European, and international scholars, teachers, students, and supporting staff. In this document, we present our research programme and describe its implementation.



## Research streams

Our Faculty engages in doctrinal legal research, comparative legal studies, interdisciplinary analysis, empirical investigation, philosophical deliberation, and historical inquiry. We are especially, although not exclusively, interested in interactions in and between different legal orders such as that of the Netherlands, the European Union, and international law.

It is through the lens of these interacting legal orders that we study issues related to individuals, organisations, and institutions within their legal, social, political, economic, cultural, environmental, and historical context. As a law faculty situated in the Netherlands, we of course also research issues from a Dutch legal perspective and publish in Dutch.

### Our research activities are organised into five interrelated research streams:

- 1. Values** - Global justice, human rights, and values
- 2. Institutions** - Powers, constraints, and transformations
- 3. Markets** - Trade, sustainability, and globalisation
- 4. Mobility** - Cross-border cooperation and mobility
- 5. Digitalisation** - Digital technologies, justice, and regulation.

We examine these streams using a range of legal and non-legal disciplines. Their content is described in the following sub-sections.

### Research stream 1: Values

#### Global justice, human rights, and values

This stream examines how dynamics in and between local, national, European, and international legal orders can raise questions of fairness, inequality, accountability, legitimacy, and sustainability. It investigates how legal rules and instruments can be used to safeguard these values and reflects on the extent of integration and fragmentation in and between these orders.

This stream also examines how national, international, and European law are or could be used to address political, economic, criminal, environmental, social, and military challenges, and how they relate to domestic policies. It discusses whether the idea of global justice is achievable and to what extent it entails extraterritorial obligations for issues such as human rights violations, refugee crises, the emergence of pandemics, the threat of terrorism, or the transgression of planetary boundaries.

Other important themes include the role of different actors in the national, European, and international legal orders, whether there are interdependencies between these orders, and how they influence each other.

The rights-related research in this stream investigates the appropriate scope of economic, social, and cultural rights, and to what extent these rights impose or steer policy making at the national, European, and international level. It also examines the relations between national, regional, and international law, for instance in the context of the European Union or in sub-fields and policy areas, such as security, migration, climate change, digitalisation, social security, and criminal law. Special attention is given to the relationship between the EU and the Council of Europe systems, as well as their interaction with national legal orders.

### Research stream 2: Institutions

#### Powers, constraints, and transformations

This stream studies how institutional arrangements are affected by interactions and harmonisation between local, national, European, and international legal orders. It is concerned with matters of international peace and security, issues of accountability and legitimacy deficit, new modes of governance, the emergence and resolution of economic, political, and financial crises, and with safeguarding the rule of law, sovereignty and the autonomy of States. Special attention is given to the balance of powers between national parliaments, courts, governments, and their EU counterparts.

Research in this stream is geared towards mapping changes and new developments within various legal orders and identifying how this affects existing institutional structures and arrangements. It also examines how crises challenge the competences of different institutions to protect matters of national, regional, and international concern.

Some important questions include whether traditional ideas such as legitimacy, accountability, and the separation of powers are still appropriate to today's context, and how institutions within the various legal orders can foster the rule of law, protect rights and values, or shape future integration. Also relevant is how institutions and legal instruments shape integration processes, how they can protect fundamental rights and non-economic values, and how they do, can, and should respond to developments such as the dissatisfaction of EU citizens and the rise of new technologies.

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### Research stream 3: Markets Trade, sustainability, and globalisation

The integration of national, regional, and international markets is a key driver for the harmonisation and convergence of different legal orders. This research stream investigates how public authorities facilitate markets and empower private actors to engage in the production, distribution, consumption, monitoring, and safeguarding of resources, services, and information. It also examines whether and how governments and private actors can ensure that the economy operates within planetary boundaries and does not harm matters of social, political, and environmental concern.

Research in this stream investigates, for example, the role of law in facilitating, curtailing, and providing access to markets. It examines whether and how the law can address economic disembedding from society.

Research in this stream typically draws on a range of different disciplines. Economists, for example, might ask how incentives of liability rules, private regulation, and market solutions can be used to prevent and compensate for harms caused by oil pollution, nuclear accidents, or natural disasters. Tax lawyers may examine how different tax structures can help or hinder the transition to a fair and sustainable economy. Corporate lawyers can investigate how to make company groups sustainable and hold them accountable for harmful activities at home and abroad. Comparative lawyers could explore what lessons we can learn from the regulation of markets and economic actors in other countries. Art lawyers might examine the interaction between the market for cultural goods and recent European measures. Empirical researchers may consult various data sources to infer causation, identify correlation, and reflect on the right way to regulate markets. Legal historians can help us understand how we got where we are today by exposing, for example, the ancient roots of commercial law or the origins of corporations.

### Research stream 4: Mobility Cross-border cooperation and mobility

Some of the main priorities of the European Union and other institutions relate to the mobility of persons, the provision of services, addressing crime and insecurity, promoting trade and sustainable development, taxation, the social security of cross-border workers, and protecting the environment. These priorities presuppose cooperation between public and private organisations across borders. This research stream investigates how such cooperation can lead not only to the integration, coordination, and harmonisation of legal and social orders, but also to tension, conflict, and disintegration, in light of differences in rules, jurisdictions, legal cultures and more.

Within this stream, several focal points can be identified. The first is the relationship between rules, regulations, and cross-border mobility at the national, European, and international level. This can lead, for example, to the study of cross-border regions as living labs of EU integration, to questions about the enforcement of cross-border cooperation and mobility, and to assessments of whether existing cross-border rules and activities are compliant with the rule of law.

The second focal point relates to the operations of various actors in a cross-border environment. It studies, for example, how multi-agency approaches between public-private actors are used to control crime through collaboration between police, municipalities, social services, and others. It also examines the effects of cross-border arrangements on nationality and family relationships, and how citizens are affected by differences in social security, labour, or tax regulations. Relevant economic questions include how companies take advantage of cross-border mobility and the broader impacts of their cross-border mergers, divisions, and seat transfers.

The third focus is concerned with the link between cross-border mobility and basic concepts and paradigms. It asks, for example, whether the idea of the nation state is eroding and if this is affecting cross-border dynamics, and whether migration flows and demographic changes affect matters of identity, citizenship, fundamental rights, international peace, and security.

### Research stream 5: Digitalisation Digital technologies, justice, and regulation

This research stream examines how digital technologies are affecting legal practices around the world, for example through legal chat bots, smart contracts, and the use of online mediation. It also studies how the law can be used to tackle issues and problems caused by digital technologies, such as abuses of private data, breaches of cybersecurity, and social media manipulation. It asks, moreover, how digital technologies can be used to study legal issues and promote access to law and justice, for example through big data analysis and the development of online legal platforms.

Research on the effect of digital technologies on the law studies, for example, the impact of data-driven business models and the data economy on matters of ethics, privacy, intellectual property, taxation, accountability, transparency, and competition law. It also investigates the relationship between digitalisation and the protection of fundamental rights. Research on how law can address societal issues arising out of digitalisation, can be illustrated by the question whether it is possible to embed compliance with legal standards in the design of digital technologies or how the law can stimulate the adoption of beneficial digital technologies and curtail their negative impacts. Finally, digital technologies can enhance our understanding of law and access to law. Data science can reveal insights that are beyond the capability of qualitative analysis. Big data, for example, can tell us about landmark cases and their changing influence over time. It can, moreover, help us identify factors that influence the duration and cost of legal procedures.

### Implementation of the Research Programme Relationship to the Maastricht University research programme

**The Maastricht University Research Programme consists of four ‘unifying research themes’:**

1. Quality of Life
2. Learning and Innovation
3. Europe in a Globalising World
4. Sustainability & Circularity

The research streams in this document should be understood as an expression of all four research themes. The consistency between the University and Faculty research programmes helps organise research funding opportunities at the University level and makes it easier for researchers at different faculties to collaborate and apply for external funding.

### Embedding in the Faculty organisational structure

Research at the Law Faculty mostly takes place in the context of research institutes and groups.

**It hosts the following research institutes:**

- Institute for Corporate Law, Governance and Innovation Policies (ICGI)
- Institute for Globalisation and International Regulation (IGIR)
- Maastricht Centre for European Law (MCEL)
- Maastricht Centre for Human Rights (MCfHR)
- Maastricht Centre for Taxation (MCT)
- Maastricht European Private Law Institute (M-EPLI)
- Maastricht Institute for Transnational Legal Research (METRO)
- Maastricht Institute for Criminal Sciences (MICS)
- Maastricht Montesquieu Institute (MMI)

**The Faculty has also established three research groups. These groups bring together researchers from various research institutes and disciplines (also from other Faculties) to work on a common research theme:**

- Globalisation and Law Network (GLaw-Net)
- Law & Tech Lab
- Institute for Transnational and Euregional cross border cooperation and Mobility (ITEM)

Each of these research institutes and groups implement their own research programmes within the context of this Research Programme. The programmes of each institute explain how they contribute to the research under the Faculty Programme, in light of their specific expertise.

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The research institutes and groups are the primary forum in which day-to-day academic debate takes place, and where researchers meet to exchange ideas and discuss their work on a regular basis in seminars and other events. They also provide a platform for social engagement and impact. The Faculty complements these activities through community-building and fosters a Faculty-wide academic debate across legal fields and research units. It organises a Research Festival and several Faculty research meetings per year, where researchers share ideas and discuss common challenges.

Researchers are, moreover, encouraged to go beyond the confines of their institute or discipline and to collaborate with others both within and outside the Faculty and University. To that end, part of the Faculty Research Fund is earmarked for ‘collaborative projects’: joint research ventures led by researchers from at least two different institutes, research groups, other UM faculties, or other research partners. Two calls are opened annually.

The grants are awarded on a competitive basis, via a selection procedure conducted by the Science Committee.

## The Research Programme and prioritising research

This Programme helps to structure research priorities. It is used to select PhD candidates in the so-called internal round and plays an important role in hiring new staff. The Programme is also used to distribute research funding via the Research Fund.

The Faculty also recognises that new research topics can emerge and that social, economic, political, environmental, or other developments can call for new themes to be supported. Examples include Brexit, the loss of biodiversity, the child allowance affair (‘kindertoelagenaffaire’), and the COVID19-crisis. In this regard the Research Programme should not be seen as a constraint on curiosity-driven or niche research.

## Document management and contact person

This Research Programme, developed for the period 2022-2027, is subject to periodic review by the Faculty Board and Science Committee in collaboration with the research institutes and groups. The Vice Dean Research is formally responsible for the maintenance of this research programme and is supported in this responsibility by the Research Policy Advisor of the Faculty.

*For any questions, please contact the Research Policy Advisor Patrick van Eijs.*