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A school of modern law

Alfred O. Filani[1], S. A. AINA[2]
LL.B. (Ogun), LL.M.
(Lagos), Senior Lecturer and Head, Department of Public Law,Faculty of Law, Olabisi Onabanjo University, Ago-Iwoye, Ogun State, Nigeria.

Research Article

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Abstract
An examination of how contemporary jurisprudence may affect sociological and political science in the future. The judiciary, democracy, and state control are expected to alter.

Keywords: Impact of the future, modern jurisprudence

1. Introduction

Our current democratic and judicial systems will be greatly impacted by any changes made at the level of jurisprudence, which may be thought of as the engineering level for our democratic, judicial, social, and political systems. A number of jurists have provided a broad explanation of the School of Contemporary Jurisprudence in the History of Jurisprudence in order to improve comprehension of the legislative process. The School of Contemporary Jurisprudence has recently been proposed with a distinct philosophy of jurisprudence. As is well known, the legal field is unpredictable. Each person has a different perception of it. Everybody views the law differently. These disparate viewpoints may be grouped together under several legal schools. This article provides a quick overview of the most recent schools of contemporary jurisprudence together with a historical overview of the anticipated developments brought about by contemporary jurisprudence in the near future. The role of earlier schools of jurisprudence, such as the Analytical, Historical, Realist, Sociological, Philosophical, or Natural schools, is taken into consideration.

1.1 School of contemporary jurisprudence

The school of contemporary jurisprudence was recently introduced by Mr. Deepak Sharma, an Indian jurist who is often referred to be its father. He has questioned the fundamental tenets of democratic jurisprudence and the modern judiciary.

According to him, 1. The Legislative Assembly or Parliament cannot be regarded as the public's representative body as an elected official's (MLA or MP) personal interests are never the same as the public's collective interests. In opposition to the public-parliamentary system, he proposed the three-level representative sessions as the public-society representation of the legislative assembly. According to his theory, any representative of a group of people who have a common interest in their economic existence is referred to be a society. As a result, the representative's common interest will be the same as that of the society group. He also said that the degree of democracy must be raised if both Parliament and society representation take part in the legislative process together.

2. Judicial system: The fundamental tenet of the existing judicial system was also contested by the School of Contemporary Jurisprudence, as

3. Judges and the bench should never be regarded as an autonomous judicial body. This is due to the fact that the court's varied functions are controlled by the state or the country.

4. The first centralized trial process in history, just-in-trial (J.I.T.) offers the advantage of public representation in the legal system.

In comparison to the present Bar-Bench trial procedures system, J.I.T. is thought to be 20 times more transparent and 25 times quicker.

1.2 Other main features of Contemporary Jurisprudence

1. Five categories of laws have been identified, and the process of codifying them involves a joint session of Parliament and a session of representatives from society.
2. Degree of Democracy (specifics are no longer in the public domain).
3. Any state's judicial system's developmental stage (specifics are not publicly known)

It is evident from all of the aforementioned claims that the School of Contemporary Jurisprudence gave humanity a fresh perspective on the future phase of jurisprudence.

The notion of School of Contemporary Jurisprudence has idle challenged the fundamental principles of our democratic and judicial system from the beginning, which will have an impact on the whole structure of our democratic and judicial system.

2. Historical View of Jurisprudence

Nowadays, civilization is dependent on the state, and while democracy, the judiciary, human rights, civil and criminal laws, etc. exist, the aforementioned concepts have been developed from different schools of thought, such as the Natural/Philosophical School of Jurisprudence's Concept of State and Fundamental/Human Rights. The Realist School of Jurisprudence has stolen the idea of the judicial system's structure, while the Analytical and Sociological Schools of Jurisprudence have stolen the concepts of criminal and civil law. Let's examine some notable jurists' contributions to the historical overview of jurisprudence.

2.1 Analytical School

This approach is frequently referred to as Austinian School since it is supposed to have been established by John Austin. According to this school, the law is an order from the highest authority (Sovereign). This school holds that the law is the sovereign's command and that the state is the source of its existence. This school's proponents consider legislation to be the primary source of law. They contend that custom has no place in the law.

Although Bentham established the notion of positive law, Austin was the one who first proposed it.

2.1.1 Jeremy Bentham

This method seems to have been invented by Bentham. He was a staunch advocate of the laissez-faire economic theory. In 1945, his work "Limits of Jurisprudence defined" was released. He believed that only the legislature should make laws, and he opposed judge-made legislation. He was an individualist. According to him, the purpose of the law is to liberate people from servitude and limitations on their freedom. The goal of the law is to prevent suffering and provide joy. "Utilitarian individualism" is the name of his legal philosophy.

2.1.2 John Austin

Austin is regarded as the founder of the analytical school and English jurisprudence. "Province of Jurisprudence Determined" is one of his books. "A rule laid down for the guidance of an intelligent being by an intelligent being having power over him" is how he described law. Law is a sovereign's order supported by sanction.

2.2 Historical School

Austin is credited with founding both English jurisprudence and the analytical school. His work "Province of Jurisprudence Determined" is among them. "A rule laid down for the guidance of an intelligent being by an intelligent being having power over him" is the way he defined law. A sovereign's edict backed by penalty is called law.

2.2.1 Savigny

He is recognized as the founder of the Historical School. The Volkgeist Theory has been advanced by him. The broad awareness (Volkgeist) of the populace is the wellspring of law. According to him, law has a national character and evolves like a language. The people's lives produces the law, which is an expression of their spirit.

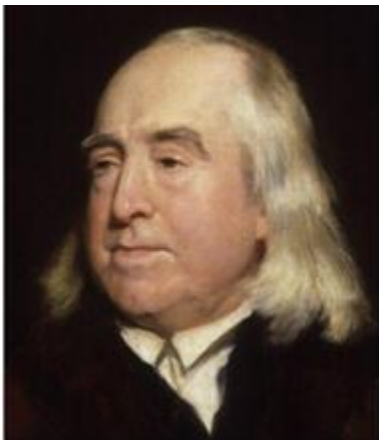
Edmund Burke and Sir Henry Maine are two other notable proponents of this school.

Fig 1: Savigny, Friedrich Carl von Savigny

2.3 Realist School

"Fidelity to nature, accurate reordering of the things as they are, as contrasted to things as they are imagined to be, wished to be, or as one feels they ought to be" is how Roscoe Pound defines "realism." In essence, English jurisprudence is where the Realist school evolved. It is recognized as a subset of the sociological method. The two major jurists who are credited with giving rise to this realist approach are Gray and O.W. Holmes. "What Judges Declare" is Gray's definition of law. Moving on to Llewellyn, he claimed that the Realist School should be referred to as

Sociological Jurisprudence rather than as a distinct school of law.



ig 2: Lord William Bentinck and Utilitarianism

Next, there are a lot of things that contribute to this strategy. The pragmatic philosophy is the most significant. Instead of being constrained by the principles, they began to engage with the law in a practical manner. The structure of the American judiciary appears to be the second most significant factor that has influenced this idea. Holmes, Gray, Jerome Frank, Llewellyn, and many others are notable supporters of this school.

2.4 Sociological School

This school views the law as a social marvel and uses it as a tool for social advancement. This institution examines how society and the law interact. This school law is the result of society's collective desire. This type of strategy was developed for a variety of reasons. The development of this approach was influenced in many ways by the historical school, the philosophical movement, and the comparative analysis of legal systems.

The following is a discussion of a few notable proponents of this viewpoint:

2.4.1 Auguste Comte

He was the first person to use the word "sociology." His approach may be referred to as "Scientific Positivism." In terms of legal philosophy, Comte's theories influenced Durkheim, who in turn influenced Duguit, a renowned sociological jurist.

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2.4.2 Eugen Ehrlich

His main argument was that social realities, not formal legal sources, are where the law of community may be discovered. He claims that social existence is governed by "Living Law." His usage of the term "Sociological Jurisprudence" indicates that a society's laws should be created and implemented with the highest consideration for its needs.

2.4.3 Roscoe Pound

In the area of sociological jurisprudence, he is recognized as a "American leader." Some authors have dubbed his approach a "functional school" since he focuses more on the practical elements of law. His primary argument is that "Social Engineering" is the mission of law. In this context, "social engineering" refers to striking a balance between society's conflicting interests.

2.5 Philosophical School

Another name for this institution is Moral School. This school's fundamental goal is to determine the rationale behind the creation of a certain legislation. Among the notable legal experts in this school are Grotius, Hegel, and Immanuel Kant. In essence, they believe that law is the result of human reason and that its ultimate goal is to elevate and honor human individuality. Of all the philosophers, Hegel seems to be the most convincing. He claimed that "the state and law both are developmental." After arriving in Maine, he conducted a comparative analysis of the legal systems of several towns and established a thesis about the evolution of law.

3. Conclusion

Jurisprudence is a methodical study of law, as was previously said. In essence, it looks at different ideas and insightful approaches related to jurisprudence. Each of the five schools of jurisprudence has its own philosophy and significance in the legal arena. Numerous distinguished academics have critiqued each.

When studying law, a practical approach should be considered instead than a theoretical one. A new method has recently been introduced in the same area as the School of Contemporary Jurisprudence, which has criticized the fundamental tenets of the current political, judicial, democratic, and social systems on legitimate grounds. Changes will be made in the near future when the notion of contemporary jurisprudence has been analyzed.

3.1 For considering impact upon Democracy

The current form of Parliament and the legislative assembly will improve the degree of democracy, and the role of politicians will be altered at the legislative assembly and parliamentary levels. The election will depend on how much a politician can help the state; the opposition's role will be to oppose government decisions; representatives of society, such as students, workers, industrialists, and others, will be given constitutional authority to fight for development policies; and the government will be required to implement development policies in accordance with their election manifesto. In such scenario, only eligible candidates may submit their nominations for office; most likely, capitalist financing will be prohibited from participating in elections or its influence would be eliminated.

3.2 For considering impact upon Judiciary

According to the notion of contemporary jurisprudence, courts are mentioned as state bodies rather than autonomous bodies of state; as a result, current trial proceedings and other Cort proceedings have been rejected in contemporary jurisprudence. The bench must not be supreme for finalizing the judgment. According to Deepak Sharma, the Just in Trial (J.I.T.) is an innovative court procedure system that is 25 times faster and 20 times more efficient. In this system, chartered law officers are required to provide a blind review opinion and are recognized as members of society, which is more professional than judges or bench. The Centralized Judiciary System will serve as the foundation for J.I.T. As a result, significant changes are anticipated after J.I.T. deployment.



Fig 3: Roscoe pound social engineering theory

An analysis considering impact of Political Structure 3.3

In my view, because politicians will no longer play a role, the whole political system and structure will be altered. Only professionals with the ability to create development policies for the welfare of society are likely to be elected and form the government. On the other hand, representatives of society, such as students, workers, industrialists, etc., will serve as the opposition in order to monitor the government's performance, corruption, crime, and policies.

An analysis considering impact of Social Science 3.3

After taking into account both concepts in the current scenario, the current society, which is divided into economic class, caste, religion, etc., will place more emphasis on their professional class as members of the working class, entrepreneur class, and professional class. Since contemporary jurisprudence has been designed to represent society in parliament, a different race for obtaining membership based on professionalism will be replaced by the current society shape.

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4. References

School of Contemporary Jurisprudence, Amit K., c2023.

1. Sharma S. An essay on whether the ideologies of modern and earlier schools of law are different; c2021.
2. Gupta S. Salmond's Jurisprudence Theory and Its Significance in the Contemporary World; c2022. school/A Hindi research paper on the School of Contemporary Jurisprudence.
3. School of Contemporary Jurisprudence, Ajit Ravi. 2023, 5(4).

Sharma S. A study on the School of Contemporary Jurisprudence; c2020.

4. By Legal Desire, 2021. https://legaldesire.com/whether-school-of-contemporary-jurisprudence-is-competent-for-the-next-democratic-judicial-revolution/
5. Ashutosh, Ashu. About the founder of contemporary jurisprudence, Deepak Sharma; c2023.
6. Editor, News Nation An independent news item published in 2021.

Journalisof-judiciary-engineering-258906.html, ed.
7. An essay published in 2020 by Patrika, an independent journalist. Modern judicial science is 20 times more transparent (6378754).
8. Rathore R. Feminism in contemporary law, iPleaders, c2021.