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Editors-In-Chief

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Editor-in-Chief's Introduction to the Spring Issue of Volume V of the De Lege Ferenda

It is with great pleasure that I introduce the first Issue of Volume V of De Lege Ferenda. Conceived as the Cambridge Law Review's supplementary undergraduate law journal, De Lege Ferenda serves as a platform for undergraduate students to make their first entry into academia. The high quality of submissions combined with the rigorous review of the Editorial Board have made De Lege Ferenda, in a short period of time, one of the most successful undergraduate law reviews worldwide.

This year we were fortunate to have received an impressive number of submissions of high merit. In the article "The Shadow Pandemic and Access to Justice: A Critical Assessment of the English and Welsh Legal Regime's Effectiveness in Tackling Domestic Abuse", Maisie Ng questions the effectiveness of the English and Welsh legal framework for tackling domestic abuse, a phenomenon which has been exacerbated within the pandemic. The author argues that the fundamental reason behind the legal framework's ineffectiveness in tackling domestic abuse lies in the obscurity of the legal definition of domestic abuse. The article suggests reforms to achieve a more comprehensive definition of domestic abuse, which better addresses structural inequalities and encapsulates an extensive list of domestic abuse-related offences.

Kai Jie Marcus Ho and Ma Chao Jun discuss the challenges arising from the increasing use of robo-advisors in the wealth management industry. In their article "Robo-Advisors: A Comparative Analysis in the Context of Fiduciary Law", they argue for an adaptable standard of care in fiduciary law and for transparent AI development. Based on their analysis of US law, they draw conclusions for the regulation of robo-advisors in the UK and Singapore.

Georgina Pressdee proposes a new framework that the European Court of Human Rights could adopt to address current criticisms regarding its approach to the application of Article 6(1) of the European Convention on Human Rights to administrative decisions. Her

article "In Search of a Principled Approach—Article 6(1) ECHR and Administrative Decisions Through the Lens of UK Housing Assistance" seeks to minimise the exclusionary effect of the notion of a "civil right" in Article 6(1) by shifting focus to the existence of a "right" for determining whether Article 6(1) is applicable. Once the existence of a right is ascertained, its characterisation as a civil one may exclude the article's application only in the anomalous cases which fall within the "hard core of public authority prerogatives". The author applies the proposed framework to resolve disputes on the applicability of Article 6(1) to Section 193 of the Housing Act 1996.

In his analysis in "The End of the Road? Equitable Easements as Overriding Interests under Schedule 3 Paragraph 2 of the Land Registration Act 2002", Fred Halbhuber explores whether there are cases in English and Welsh law in which the exercise of an easement can have the effect of placing the owner of a dominant tenement in actual occupation of a servient tenement. By investigating the reasoning of the main authority on the issue, the author arrives at three indicia that determine whether the exercise of an easement crosses the threshold from use to occupation of land. The relevant indicia are (a) the proportion of the burdened land being used in the enjoyment of the easement; (b) the frequency of use of the land; and (c) the permanence of presence on the land. The indicia are then applied to different types of easements.

Gustavo Yanez examines the debate between the seat and delocalisation theories in international arbitration in "Legitimacy and Legality within the Seat and Delocalisation Theory of International Commercial Arbitration". The author argues in favour of the seat theory, according to which the arbitration must be supervised by a court of law to sustain the validity of the arbitration agreement and the final award. Nevertheless, it emphasises that support for the seat theory does not undermine the legitimating foundation of international arbitration, namely party autonomy.

The issue concludes with an article by Afif Khan and Shifa Qureshi. In "*Shikha Roy v Jet Airways*: A New Approach to Algorithmic Collusion", the authors comment on the Competition Commission of India's decision in *Shikha Roy v Jet Airways*. The case concerned the risks posed by the use of algorithms across industries in enabling antitrust offences, such as cartels. Examining the Competition Commission of India's decision against the background of these risks and the relevant theoretical discussion, the authors conclude that its current approach is the appropriate one.

It is my hope that readers will engage with each of these articles with interest. Finally, I would like to express my gratitude to the Honorary Board for their invaluable guidance and

to the Editorial Board for their tireless work, without which this Issue would not have been possible. I look forward to the Autumn Issue which will be published later in the year.

Andreas Samartzis
Editor-in-Chief

De Lege Ferenda

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