

Problem Based Learning: Arduous Yet Practical Approach for Teaching Law

Nor Asiah Mohamad, Dr
Lecturer, Private Law Department
Ahmad Ibrahim Kulliyah of Laws,
International Islamic University
P.O.Box 10
50728, Kuala Lumpur
nasiahm@iiu.edu.my

Abstract: Problem Based Learning (PBL) has been adopted as an assisted learning approach in the International Islamic University especially for Ahmad Ibrahim Kulliyah of Laws. The one particular subject which has used PBL as one of the methods of teaching law is Equity and Trust 1 and II. This involves the whole batch of the Year 3, Law students. Though, apparently, law deals with problems and cases thus PBL is certainly the best complementary approach for teaching, the practice seems more cumbersome and not favourable by both, lecturers and students. Nevertheless, the mixed response from both quarters should not hinder the implementation of PBL as an assisted teaching methodology for many reasons. Policy wise, the Ministry of Education and Ministry of Higher Learning has in many occasions emphasized about the needs to inculcate the spirit of team working, imparting soft skills and managerial skill into the students. The alumni survey also proved that employers are more concern with students' ability to communicate, present ideas, team working and socialize rather than simply judging the students performance based on a piece of paper called result transcript. Thus, PBL though reluctantly accepted by the students, nonetheless, it has to a certain extent, contributed towards producing a wholesome graduate. Therefore, it is sometimes inappropriate or too early to let the students to assess the effectiveness of the methods until them being assessed by their colleagues and superiors in the work field.

Keywords: Problem based learning, wholesome graduates, team work.

1. Background of study

The observation has been made to a class of third year Equity and Trust I and II. The implementation of PBL has taken place for almost 3 years and the term PBL is not new to most of the students but lack of understanding of what PBL is all about. The lecturers have three years experience in implementing PBL to different batches of students.

This paper will try to share some of the experiences, issues and challenges in light of the objectives towards promoting PBL as a method to improve students' interpersonal and soft skills such as teamwork, leadership, managerial skill, language apart from legal knowledge and time management. This paper will also deliberate the PBL as teaching approach that provide a forum for the students to be more active and proactive, thus in IIUM context preparing the Muslim students to become prepared to face the real world.

2. What is PBL?

For law, Karen Hinett (UKCLE Education Developer) provides a working definition of PBL as:

- the problem sets the context for learning and is the driving force for the learning process
- PBL is based on real facts or a simulation, and requires students to find a solution
- PBL is both a method and an approach

Andrew Scott defines PBL as "student-centred learning in which the problem directs students' enquiries". Problem Based Learning in AIKOL is engaged as one of the methods of teaching which encourages students' self-centred learning. In this process, the students need to work in a group pre-determined either by the lecturer or the students will be allowed to propose their own group consist of 4 or five students. In Equity and Trust classes, the lecturer will identify the group for the students as a part of the process to train the students to easily adapt and adjust themselves to new workmates or partners. Thus, in PBL, the objective is not only to expose the students to the subject matter i.e the knowledge, at the same time, through out the process the student will develop, practice and apply the elements of interpersonal skill, soft skill such as the leadership skill, management skill, language and research skill.

Thus PBL is not only about "knowing" but "knowing how". Students learn to learn on their own and shall only be guided via deeper inquiry process prepared by the lecturer.

3. The Process

At the beginning, the initiative to introduce PBL was driven by several reasons:

1. Observation and comments from the employers especially Attorney General Office and the alumni through traces study conducted by the Alumni Unit of Admission and Records of IIUM

2. Initiative from the Dean's office and the top management who has attended a course in Bangkok on PBL as a result a special seminar was conducted to explain further about the method
3. The Equity and Trust and one Criminal Procedure lecturer opted to adopt PBL as one of the methods of teaching.

The format employed is a hybrid PBL in which only a topic from the course syllabus chosen for the process. During the PBL week where only two or three weeks allocated for PBL depending on the coverage of the topic and no proper lecture will be conducted. The lecturers will only available in the class as facilitator to facilitate any problem arising from the discussion among the members of the group. The students are encouraged to have discussion outside the lecture or tutorials and to seek advises through face to face consultation or to use FORUM in the e-learning portal.

The total weeks allocated should be used for discussion, presentation and submission of the written answers to the lecturers. Apart from that, PBL in the first phase also emphasized on team work, peers assessment and reflection of the whole process and experience in the Reflective Journal.

All those elements have been condensed in the meetings. Besides the progress presentation in classrooms, the students were required to present their resolution in one big class which was found to be time consuming.

4. Phase I – WE WANT THE STUDENT TO THINK

Thus THINK reflects

Teamwork, thorough research and time management
 Hardworking, Honest, Harmonious
 Independent, Imaginative, Innovative and IT literate
 Nifty, Negotiation Skills and Narrative
 Know-how and Key skills

PBL was adopted by Equity and Trusts lecturers in order to make the students THINK. It has been observed that when the students come to lectures and tutorials they will bring a ready made lecture notes. They will busy searching for any points that are similar to their notes and fail to pay attention to what has been discussed by the lecturer. We realize that the students lack of thinking skill and prefer a spoon-feed approach. Thus, in order to avoid this, we believe that PBL is a good start since it encourages students to learn how to learn or learning by doing. Students will not simply rely on seniors' notes but they need to sit down, plan and think how to solve the problem. By doing this, the process of learning begins. So PBL that introduce "problem" first to the student makes the students think of what, why, how, where and who pertaining to the problem. As a result they will appreciate and would be able to appreciate the role and the importance of the knowledge they had acquired and apply the knowledge to the problem.

At this stage, PBL in AIKOL has been defined as "the learning results from the process of working towards the understanding or resolution of a problem. The problem is encountered first in the learning process, rather than facts, models, conceptual frameworks, or other information. The problem serves as a stimulus and focus for the problem-solving and learning." (Bashiran and Sharifah, PBL Conference 2005)

The problem as sketched in the PBL will encourage the students to THINK and they have to work in group assigned to them. During this phase also the students will be guided with the reflective journal, peers assessment form and attendance sheet form. However, the large number of students resulted in some of them failed to get the right instruction and prefer to rely on second hand information from their friends.

During the assessment, we realize some problems which need better coordination and organization for example, use of e-learning will help the students to get access to all the information. Furthermore, we also found out that the most of the students submitted the written answer in the format of a normal assignment thus lack of important element of preparing legal opinion for the client. As a result, they were still lack of knowledge about how to advise client systematically. For this, the lecturers have made an effort to prepare a sample of legal opinion thus all answers are tailored to the format. The introduction of file management complements the legal opinion style and the students are advised to set up a firm for their group.

A point of concern among the students was about the scattered knowledge acquired by them thus they felt lack of confidence and to the worst some felt that they gained nothing out of the process. This normally happen in cases where the students lack of meetings and simply divide and compile the job. They never bother to understand the part done by other members. Hence, the facilitator has an important role to ensure that the members discuss the result of their search or outcomes with other members. The weekly oral presentation would make all the members prepared and update themselves of the group progress. In this respect, the main challenge faced by the facilitator is to ensure that all students gained sufficient knowledge on the given topic. The feedbacks, comments and constant enquiries would help the students remain on the right track and shall not waste their times for irrelevant research.

We also realize that English is not the medium used during the discussion. The students only use English when the facilitator is presence and prefer Malay when they conduct discussion among themselves. The lecturers need to motivate the students from time to time and remind them that PBL provides best avenue for them to practice English language.

Apart from that, if time permits, the lecturer has to get report for every meeting to be presented during tutorial which needs to be done in English.

In order to assess the success of the implementation of PBL in Equity and Trust classes, the first survey was conducted to the first batch of the students in which we gave them an open ended questions and a column for them to give comments and suggestions about PBL. The survey reveals that:

1. PBL is time consuming and a culture shock for them. They found that PBL required most of their time to discuss and set group discussion. However, the majority agreed that PBL has changed their attitude about learning and they appreciate it very much.
2. Very hard to get cooperation from some of the members.
3. Lack of communication.
4. At the end of the process, some feel that they know nothing about the subject/topic given.
5. They only concern about marks thus never bother to reveal who are actually free riders and who are not.

Observations

1. Time Consuming –
2. Presentation format varies
3. Communication breakdown
4. Style of written presentation not much different from a normal essay assignment
5. Too sporting - Free rider
6. Assessment not genuine
7. Lack of consultation
8. Students Inability to relate to the content of the course
9. Lack of research initiative

5. Phase II – PBL: A PARADIGM SHIFT, WE WANT TO PRODUCE A WHOLESOME LAW GRADUATE

Again we rely on report from the Kulliyah top management about the quality of our graduates and the ways how to improve the situation. We were told that they are lack of inter personal skills, lack of confident in public speaking, and weak in English. We strongly believe that PBL is still the best method to improve the situation and we have engineered the PBL process to tailor it according to the objective to produce a wholesome law graduates that are marketable in the employment world.

The second phase marks the new paradigm shift of our vision and mission. Even though The feedback from the survey among the students shows that about 15% of the students cannot adopt to the new method of learning, however, a few encouraging remark from the students and the clear objectives that we have in the implementation of the PBL makes us move forward and we shall never turn back. The dissatisfaction among the students not solely given because of PBL but also due to the introduction of e-learning and team teaching embarked by Equity and Trust lecturers. Team teaching will need a large crowd of students of about 100-120 gathered in one big hall in contrast to normal classes which accommodate about 40-60 students per class. However, the use of team marking though not favourable by the students but would genuinely assess the performance of the students.

Despite a few challenge, the second phase of PBL was carefully planned by having a clear objective of every process. The following characteristics were adopted in Equity and Trusts course during the second phase:

- The starting point for learning is a problem. The problem is the one that the students will face in the real world scenarios, as real world problems do not come neatly packaged. Therefore, the subject matter of the problem is organized around multi-disciplined rather than one subject or topic. It creates curiosity and initiates learning among the students. The problem becomes the vehicle, the driving force for the students. For the process, we advise the students to: -
- a. Read the problem
 - b. Understand
 - c. Create Mind maps by applying thinking skills
 - d. Brainstorm
 - e. Identify learning issues
 - f. Do research to collect information
 - g. Discuss the problem in groups (teamwork)
 - h. Resolve the problem
2. Students assume a major responsibility for their own instruction and learning, whereby they become independent learners and learn how to develop and be creative in their thinking skills.
 3. Most learning occurs within the context of small groups, working cooperatively with discipline and enhancing communication skills.

4. Students deal with human being with different gender and background and sometimes students come from different races and nationality. Indirectly, students develop their inter-personal skill, learn to appreciate and sometimes learnt to forget others mistake. It requires give and take.
5. Lecturers becoming facilitators to guide the students, and she must continuously monitor the students participation. She becomes a multi-talented lecturer who has to be patient and spare extra-hours, even outside of her own consultation hours to be with the students. She has to provide an exclusive environment where the students learn how to do their own research in teams, and to explore and make use of this new knowledge. She also holds the role of a counselor to solve any conflicts in the group.
6. Students are required to apply and practice professional skills in addressing the problem. The answers may be in writing or through oral presentation; and it can be in the formats of client-counseling, in-house advice, mooting, power point presentation, debate, legal sketch, consultation, etc.
7. There is Peer Continuous Assessment where we advise the students to assess their group members.
8. We inform the students to write down their experience and challenges in their respective Reflective Journals which is similar to the Islamic concept of *Muhassabah*.

6. Elements of PBL as adopted in Equity and Trust class

Element 1 – Simulation problem, which exposes the students to mixed issues which require the students to relate to other topics or subjects which they have learnt earlier. This exercise is important because in real problems, a client will present a complicated case with various kinds of issues that need to be sorted out by the lawyer. Although real client should be the ideal problem for PBL, we foresee many problems such as the accountability of advices given to client, setting up of legal clinic and time constraint as well as assessment of student especially there are more than two hundred students for Equity and Trust classes.

Element 2 – Grouping – This will encourage and develop team spirit among the group members. In actual legal practice, all cases must be properly brain stormed and discussed in order to produce a good and strong arguable case. Team work will also bear out the spirit of tolerance, sacrifice and helping one another. PBL is not about how best is you're your arguments and how fast you resolve the issues, but it is more about how far the process has managed to instill good attitude and design personal character of every member in the group. During short period, no 100% result would turn out as expected but if one may realize that his /her ability on any of the skills imposed has improved thus, it is certainly an achievement for us.

Element 3 – peers assessment

Assessment by the peers would instill the feeling of responsibility, honesty, understanding, tolerance, appreciate the contribution of other and train the members to value the time. Each member knows that they are observed by others. Free riders will also know that they cannot escape.

Element 4 – Oral Presentation

In any PBL, presentation by the members of the group is necessary. Oral presentation is vital for any future lawyers. There is no reason for them to feel that this process burdensome. The challenge should be regarded as the best opportunity for them to improve their oral skill. The process is planned in such a way that each and every member of the group must involve. As a result the format of presentation has been changed in the second phase in order to ensure that all members must involve instead of presentation by one of two representatives from the group as done in the first phase. For this purpose, the presentation format has been devised to include debate, legal sketch, client counseling, moot, forum and parliamentary debates. The students are required to use their creativity based on the problem given to design their presentation. The same formats are used during tutorials outside PBL classes thus the students are familiar with the whole process of the presentation. At the same time, illustrations on the format are prepared for the students. This is in line with our mission of practicing students' centred learning approach rather than the normal didactic teaching and learning.

Element 5 – Reflective Journal

Although reflection of the whole process is not a compulsory element for Problem Based learning, but it has been made compulsory for PBL for equity and trust simply for a reason that the practice is very much in line with Islam In Islam all Muslim are encouraged to assess themselves especially before one goes to sleep so that he may repent for any bad action and learnt a lesson so that he may perform something that is better than today. Thus, PBL, individual reflection of group reflection are very much encouraged and the student can choose to submit at the end of the process and gradually submit it through out the process.

Element 5- Mind Mapping

It has been reported that though PBL is a process of learning through problem solving but students lack of skill of problem solving. One of the methods adopts in order to teach students are to prepare mind mapping. By using mind mapping students learnt to transfer the problem into more systematic flow of the facts, summaries it and learn to extract issues from the facts. Mind mapping also help all members to learn the problem faster especially if the group chooses to

divide the job equally. Main mapping would enable them to priorities the issues and refine them according to what they are supposed to learn in the process.

We also engage a professional lecturer to talk about how to prepare mind mapping. We selected weak students and offered them extra classes to build and sharpen the skills. We realize that most of them are actually lack of confident due to lack of exposure and afraid to expose themselves. It is very much discouraged for future lawyers.

Element 6 – File management

Discussion with other colleagues especially those who are teaching professional practice give us ideas to use the format of file management as a standard format for the written presentation of the problem. Indirectly, students learn to manage a client’s file from day one and the importance of assigning and dividing job among themselves from the very beginning. They need to have group leader who will take charge of the attendance, secretary who will minute all that has been discussed in every meeting and keep proper file of all the source of reference.

Element 7- English matters

In the second phase, we engage a good English teacher who is also a practicing lawyer to check on the students’ written submission. We allocate 3 marks for English. We encourage students to edit for English before submission.

In order to achieve the above, few efforts have been made to include:

1. A special briefing on PBL has been organized to all third year students to explain about PBL, our vision and mission and as well as the objectives that we want to achieve. Each lecturer will explain every main element of PBL to the students;
2. Preparation of a clear guideline of step by step process of PBL as well as the sample of format for mind mapping, legal opinion, reflective journal, peers assessment, and a standard attendance sheet.
3. We get assistance from part time tutor to help us facilitate the students so that the ratio of facilitator: student is small.
4. Time to allocate for PBL must be carefully planned so that students have sufficient time to meet and discuss. Moreover, it is important that oral presentation can be done successfully and not in haste.
5. Lecturers also need a good team and all the above elements for PBL apply to lecturers as well or PBL will doom to failure.

Another mission of PBL is to prepare the students for outside world which requires their ability to present and articulate their ideas in public. The lecturers for Equity and Trust course are committed to these objectives. We have tried our best to continuously lay emphasis on the same objectives during our tutorial classes so that students will always keen and enthusiastic in enhancing their skills and spirits. For this purpose, a survey was conducted to 2004/2005 batch and the result is as follows:

Table 1: Respondents perception about communication skill in PBL

No	Item	Scale					
		D		NC		A	
		%	(n)	%	(n)	%	(n)
1	PBL helps me to gain my communication skill	11.1%	(9)	18.5%	(15)	70.4%	(57)
2	PBL encourages me as a student to express my thoughts and ideas	7.4%	(6)	14.8%	(12)	77.8%	(63)
3	The skill used in PBL develops my abilities in competing in the workplace.	9.9%	(8)	21%	(17)	69.1%	(56)
4	PBL assists me in my oral presentation skills	8.6%	(7)	21%	(17)	70.4%	(57)
5	PBL develops my writing skills	9.9%	(8)	19.8%	(16)	70.4%	(57)
6	PBL assist me in my career / profession	6.2%	(5)	15.5%	(15)	75.3%	(61)
7	PBL improves students performance in exams	16%	(13)	29.6%	(24)	54.3%	(44)
8	PBL successfully contributes to students future career	6.2%	(5)	38.3%	(31)	55.6%	(44)
9	PBL helps the students to face the challenges of job in the future	9.9%	(8)	22.2%	(18)	66.7%	(54)
10	PBL provides the students the techniques of dealing with clients	6.2%	(5)	19.8%	(16)	72.8%	(59)
11.	PBL equips for the students talents in debating and client counseling	4.9%	(4)	32.1%	(26)	61.7%	(50)
12	PBL assists students in building their confident	9.9%	(8)	18.5%	(15)	70.4%	(57)
13	PBL motivates me as a students to communicate in English language	6.2%	(5)	19.8%	(16)	72.8%	(59)
14	PBL helps me as a students to speak English fluently	7.4%	(6)	24.7%	(20)	65.4%	(53)
15	PBL decreases my communication ability	64.2%	(52)	21%	(17)	13.6%	(11)
16	PBL is not an appropriate method to determine						

students communication capacity	28.4% (23)	40.7% (33)	29.6% (24)
---------------------------------	------------	------------	------------

Sources: Bashiran and Sharifah Zubaidah, "PBL: IMPACT ON COMMUNICATION SKILLS FOR LAW STUDENTS' PBL conference 2005, Lahti Finland.9-11 June, 2005.

Table 4 shows the perceptions of students on impact of PBL on communication skills. The score of the items indicates that a majority of the students strongly agreed that PBL had a positive impact on their communication skills. Item 3 scored the highest score by 77.8 % which was: "The skill used on PBL develops my abilities in competing in the workplace". This was followed by Item 11: "PBL provides for the students the techniques of dealing with the clients" and Item 13: "PBL motivates me as a student to communicate in English language" by sharing the same scores (72.8 %). Then Item 2: PBL encourages me as a student to express my thoughts and ideas", Item 5: "PBL develops my writing skill", Item 6: "PBL assists me in obtaining my oral presentation" and Item 12: "PBL assists students in building their confidence" by sharing the same scores (72.8 %). There are considerable scores for Item 3: "PBL helps me to gain my communication skills" (70.4 %) and 4: "PBL will assist me in my career profession" (69.1 %), Item 9: "PBL helps the students to face the challenges of job in the future" (66.7 %), Item 14: "PBL helps me as a student to speak English fluently" (65.4%) and Item 10: "PBL equips students' talents in debating and client counseling" (61.7 %).

7. Observation

The above survey reflects the students' perception about what they have gained and what they expect to benefit out of the achievement. The highest score on the ability to compete in the work place highlight the overall feeling of the students. While the lowest as to the skill of debating and client counseling reflect the irrelevancy of the methods to PBL process undergone by some of the students since the two methods are made optional to be employed by the students in their presentations. However, recognizing the importance of the two for law students, future PBL should be devised to provide more opportunities to be involved in debate and client counseling. Again the main challenge would be the time factor.

The third survey was done again in semester 2, 2005. Most of the complaints centered about overburden issue due to a number of PBL done within the same year involving the same students. From our investigation, we learnt that some of the students happened to belong to a class that implements PBL within the same semester. As a result, the students were busy with presentation throughout the semester, which to a certain extent, deprive their rights to revise other subjects or doing research on their own.

In this regard, we have suggested that the Kulliyah should carefully ensure that the students will go through a certain skills throughout their four year study in the University. Without proper monitoring system, due to several numbers of sections and different lecturers, the students might belong to the group that in all semester, she only learnt about how to do an assignment of PBL alone. Thus, it is recommended that every semester there will be different kind of assignment for example PBL, assignments, tests, case review, file management, oral presentation or moot so that when a student graduate we have ensured that they have gone through this process at least once.

The Kulliyah should also coordinate the implementation of PBL so that no similar group of students will be subjected to more than one PBL in one semester.

Secondly, PBL may lead to nowhere without a proper support from the top management. Arrangement of classes, the facilities for presentation such as class with LCD and computers are very much helpful. Bigger class with spaces for movement is also important to create a sense of learning by doing. Students should feel free and not so much tied up with the formal lecture room.

Lastly, it should be emphasized also that PBL is not confined to any course or subjects or limited by classroom. It is open to all. It is the way how we encourage students to learn by doing things. It is a life long learning. We encourage students to develop queries and search for the answer on their own. The running of co curriculum activities or other formal learning session like religious or moral classes can be organized in this informal manner which is less stressful to the students. This will minimize the paper chasing stigma that being entrenched in our education system. Through PBL, assessment is not only confined on paper but in all aspects of learning and not only done by lecturers but also by the peers.

The challenge ahead is about the best practice of assessment. The comprehensive element of PBL may turn to be over emphasized if the allocation of mark does not appear commensurate the effort made by both students and the staff. Nevertheless, the allocation of 25 marks out of 100 seems to be appropriate for the effort which covers several mixed issues of law. Similarly, incentives for lecturers are always debatable. Though some might agree that no benefit for doing and no punishment for ignoring, PBL provides satisfaction for those who wish to see students move and reflect their knowledge in more than on a piece of paper.

8. Conclusion

Much has been discussed and proposed about what should be done to improve future graduates. The Equity and Trust lecturers in AIKOL feel that PBL is very much aligned to the current needs and expectation of future graduates. The call

for more emphasis on co-curriculum and soft skill is right on time. Thus, from time to time we assess our performance and improve our approach taking into consideration the feedback that we receive. Undeniably, PBL is time consuming and requires hard work not only from the students but also from the lecturers. We are looking forward to see the result of tracer's study of our graduate from the employers. The result can only be analyzed after the next convocation. Nevertheless, we will never give up or move backward. We know that we are on the right track.

References

- [1]. URL: Bashiran and Sharifah Zubaidah, 2005, "Pbl: impact on communication skills for law students' Paper Proceedings, PBL conference 2005, Lahti Finland, 9-11 June, 2005. Available at http://www.lpt.fi/pblconference/fullpapers/07_full_papers.html
- [2]. <http://www.samford.edu/pbl/index> retrieved on 2 June 2006
- [3]. <http://www.udel.edu/pbl/problems> retrieved on 12 June 2006
- [4]. www.pbl.org/core.htm retrieved on 9 June 2006
- [5]. <http://www.uchsc.edu/CIS/PBLChkList.html> retrieved on 9 June 2006
- [6]. <http://interact.bron.ac.uk/pbl/index.php> retrieved on 3 June 2006
- [7]. URL: Using Problem Based Learning in law. Available at: <http://www.ukcle.ac.uk/newsevents/archive/pbl.html>