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RESEARCH ARTICLE

IMPLEMENTING PROBLEM BASED LEARNING AND CHANGGING THE CURRICULUM AT
THE FACULTY OF LAW: CHALLENGES AND CREATIVE SOLUTIONS

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ABSTRACT

To strength the legal education in Indonesia in order to achieve not only the development of law in local and national but also more international basis, improving continually the content or substance of legal material is very important. However, the role of legal method (teaching and learning method) is undoubtedly influencing the improvement of quality legal education. The Problem Based Learning (PBL) as part of the Student Centered Learning (SCL) can be considered as an effective method to escalate the legal knowledge, legal skill and curiosity of students as well as to stimulate students to become more active in class upon particular legal issues determined in the guidance books or known as course books. Various obstacles in implementing this active learning model can be solved through creative solutions that appropriate with surrounding circumstances.

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INTRODUCTION

Curriculum play important role, and even considered as one of the important element that determine the graduation quality of university particularly at faculty level. In relation to improve the outcome of learning process it is very important to understanding the curriculum in a comprehensive meaning, it is not only emphasizing the contents or materials but also the way to deliver the materials. Curriculum defined as the means and materials with which students will interact for the aim of achieving educational outcomes (Edward S. Ebert II *et al.*, Christine Ebert, Michael L. Bentley, 2013). To achieve curriculum for excellence, firstly need to determine what the purpose of curriculum, as an example of the UK encapsulated to achieve four capacities: to be a successful learner, a confident individual, a responsible citizen and an effective contributor. More specifically, in this context the aim of curriculum is to ensure that all scholars in Scotland develop their knowledge and skills to support their learning and work now and in the future (Foghlam Alba, 2014). The outcome very much influenced by learning experience in developing attributes and capabilities and in achieving active engagement, motivation and depth of learning. With regard to achieve better result in learning process, therefore need to understanding the curriculum as a whole, contents and the teaching method. As Laurillard 2002 mentioned that the teaching method to study law traditionally focused on teaching-centered learning, where

a lawyer- academic transferred knowledge to students a packaged knowledge such as explained the legal principle, the proceed supported by relevant case laws, as well as the decisions made by the judge, those elements explained by the teacher used teaching-centered learning method (Fritz Ewang, 2008). The positive side of this approach without doubt can be workable implemented to a big group of students. However, the disadvantage of this method was the students tend to passive. To study law there are many legal skills needed such as research and analytical skill, problem solving skill, legal reasoning skill, writing skill as well as communicating and debating skill, therefore for better achievement of legal study, it can be considered that the active learning method more sufficient.

The Problem Based Learning (PBL) method considered as one of the active student centered learning method can be employed to achieve excellence outcome at various universities including at Faculty of Law Udayana University, Bali Indonesia. However, it is not easy to implement. Although this active learning method bring excellence outcome, there are various obstacles also need to be solve such as how to improve the quality and to keep the active learning in a big group of students as an experience at the Faculty of Law Udayana University, Bali, Indonesia.

MATERIALS AND METHODS

The research method utilized in this paper is a contemporary research approach by identifying as well as analyzing various

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documents concerning the PBL method to support learning process for law students and also analyzing empirical data through observation and experienced as well as the result of tracer study conducted at Faculty of Law Udayana University Bali Indonesia regarding the implementation of PBL method.

The Nature of Problem Based Learning (PBL) Method

There are several variations of PBL, one of them is Case-based PBL (CBPBL). That was first developed for students at the Mc Master University Medical School in Ontario, Canada in the late 1960s (Linda Carder, Patricia Willingham, David Bibb, 2001). This approach is particularly, the use of storytelling to engage students in the problems faced by the narrative character(s), ask the students to use their decision making skills and information gathering to identify key issue and find the solution (Linda Carder, Patricia Willingham, David Bibb, 2001). The focus on what so called self-directed learning is the thing that set PBL apart from other active learning techniques. As defined by Knowles (1975) through this learning method the students are the learners have to initiative to formulate their learning needs, set the goals, identify resources that they need, set the strategy of learning and evaluate the results (Linda Carder, Patricia Willingham, David Bibb, 2001). According to Bonwell and Eison defined active learning as the method that instructed the students to take part in the learning process through actively to do meaningful learning activities and think as well as explain at the classroom concerning what they have done (Michael Prince, 2004)

For at least the past 30 to 40 years PBL has had a major impact regarding the thinking and practice in medical education (Jerry Colliver, 2000). Small groups designed to learn in active ways and the use of clinical problems as stimulus for learning are used in the PBL approach (Jerry Colliver, 2000). PBL method considered inter link with the fundamental educational principles that incorporated with the adult learning theory. The active learning method provides a bigger effectiveness achievement on the acquisition of basic knowledge and clinical skills for the learners (Jerry Colliver, 2000). Michel *et al.* emphasized that the important point of PBL is about the strong motivation that comes up from the student in which no factual knowledge is loss (Harry A.J Struijker Boudier, Jos F.M Smits, 2002). Since 1968, this active learning process that more dedicated into student central position is perhaps one of the best university reforms (Harry A.J Struijker Boudier, Jos F.M Smits, 2002).

As stated above that in the beginning of 1970s was PBL implemented at the Mc Master University, Canada. Then, this innovative active learning introduced at the Maastricht University Medical School, the Netherlands in 1974. Furthermore, Faculty of Law Maastricht University as well as recognized and has implemented PBL method then continually improved its active learning method based on its experiences. Through cooperation between Faculty of Law Maastricht University and Faculty of Law Udayana University under NPT Nuffic Project since 2008 PBL has introduced in the Bali Island, Indonesia, precisely at the Faculty of Law Udayana University.

Bringing PBL Method to Student of the Faculty of Law

The PBL method provides room for students to solve the legal method through tutorial session. A limited number of students (for example 14 students) are joining in this tutorial session. The aim of small group is to encourage students to solve legal problems individually and actively which is assisted by reactive tutor (can be lecturer) to formulate learning goals and the result of legal discussion. Most importantly, PBL also encourages students not only to be active in class but also outside the class to prepare properly the legal issues (as in reading the legal materials uploaded by the lecturer and find additional supporting legal materials such as: legal cases, national and international legal journals as well as legal text books whether in conventional library or through electronic library basis) before the tutorials begin. At the end, the combination between class session (where the lecturer transfers the legal materials as it is) and tutorial session brings benefit not only for the students and lecturers but also for the improvement of legal education. By utilizing the PBL method at the universities such as at the faculty of law will bring better achievement concerning the quality of legal learning process for students as well as for the lecturers. Ramsden (2005) indicated that PBL promotes the use of deep approaches to learning. Study showed that the active participation of students in learning process have been provided by PBL method (Susan Douglas, 2012).

The PBL method recognized as an excellence learning process compared than others learning method, particularly traditional way of teaching supported by several keys important factor that it is common identified as active learning process with small groups, two-way communication, lecturer reactive, students active, weekly homework check, and it always associates with previous knowledge or information (Ingrid Westendorp, 2014).

Since 2008, Maastricht University has introduced PBL method to the Faculty of Law Udayana University, Bali Indonesia. There were several academic activities conducted to support the implementation of PBL such as: PBL Training, Tutor Training, ICT & E-Learning Training, as well as Writing Block Book or Course Book Training. Then, in 2010 the Faculty implemented PBL as a pilot project. Since 2011 the Faculty of Law formally has adopted PBL as part of curriculum especially as part of learning methodology. There are four (4) courses fully have implemented PBL at faculty of law Udayana University based on Maastricht experience, namely: An Introduction to Law, The General Theory of State, Criminal Law and International Law. For other courses are used what so called "PBL Modification," it means the learning method used combination as well as modification between teacher and student learning based, and step by step it moves to the fully PBL strategies.

To implement PBL at faculty of law there are various detail works have to be done as well understood because PBL is a very different way of learning when we compare to traditional teaching approaches. As in the Guide to Problem-Based Learning at the York Law School, the University of York stated that in PBL, the discussion and analysis of a problem

starts the process of learning. The key point of PBL is to provide learners with a real-world context that serves as a jump-approach for achieving a deeper knowledge and understanding of legal rules and the way they work. PBL is not just a learning method it is precisely described as a curriculum concept, encompassing scope and sequence, course outline and content, learning materials, course of study as well as planned experience (York Law School, 5-9).

At the beginning, the legal educators seem resistance to adopt PBL method for law school that caused by general confusion regarding what PBL is and is not in legal education (Boud and Fellaetti 1991; Moskovitz 1992; Tzannes 1997), and even misconception appear is that problem solving and problem-based learning are the same but in fact they are not the same (Liddle, 1). Then the PBL method for law school gradually accepted world widely in various famous universities such as: at Faculty of Law Maastricht University, York Law School as well as Faculty of Law the Queensland University of Technology (QUT). The study showed at QUT that PBL with its active learning combined with computer-based education module can be applied to legal problem solving; this method was effective in teaching the legal skill for problem solving and relevance for legal professional practice (Fiona Martin, 2003). In addition also stated that PBL method has contributed to educational objectives and relevant to the legal problem solving: the development of decision making skills, problem solving contextual knowledge as well as the development of student autonomy.

Liddle from Hong Kong Polytechnic University Kowloon through the result of contemporary research approach argued that PBL method brought advantages such as it promotes deep learning for students of surface and deep bias (Liddle, 1999). As in Hongkong, through the Guide to PBL at York Law School also mentioned that PBL program brings some advantages such as: develops skill of students in legal reasoning skills, critical thinking and decision making strategies as well enhances student's skill to integrate knowledge across disciplines and deepens understanding of the role of law in society (Guide to PBL, York Law School, 37).

As experiences implemented PBL in some universities stated above, after bringing PBL to the Faculty of Law Udayana University Bali Indonesia and changing the curriculum there are some advantages can be identified. First, this PBL method has improved both the teaching and learning methodology and updating the substance or content of courses. Second, two ways communication likely running well where lecturers have become more communicative, and tutors are gradually have become more reactive. Third, the students have become active both in lectures and tutorial sessions. The students have become more active to present their papers. Through tutorial session many types of task such as "Study Task", "Problem Task", and "Discussion Task" have improved both students' knowledge and legal skills which make them achieve the purpose of curriculum. In the tutorial session such as Advance Human Rights Law Course, the students showed their strong efforts to analyze and explain legal problem by elaborating various International Human Rights legal Documents: ICCPR, ICESCR, as well as the UDHR 1948. Furthermore, the students

also examined the 1945 Constitution of the Republic of Indonesia, the Law No. 39 concerning Human rights and the Law No. 26 of 2000 concerning Indonesian Human Rights Court.

To evaluate the implementation of PBL, tracer study was conducted and the study showed that around 70 % of student mentioned that PBL method is useful and needs to be implemented for the whole courses. From the experience of Faculty of Law Udayana University, it can be considered that PBL plays an important role to achieve better result of learning process. Therefore, it seems realize using PBL model to update or upgrade the legal education in Indonesia.

Challenges and Creative Solution in Implementing PBL Method at the Faculty of Law Udayana University

Although implementing PBL has brought some advantages, there are also some challenges to fulfill the nature of PBL method. As it is understood based on Maastricht experience that PBL method as an active learning need to be conducted in small group or small number of students, tutorial room should be available as well as budget to provide the tutorial rooms, and reactive tutors who understand his or her tasks as a tutor (Ingrid Westendorp, 2014). Some challenges for Faculty of Law Udayana University that in fact there are still big group or large number of students instead of small group, only limited number of classroom specifically arranged for tutorial, difficult to provide budget both for tutorial rooms and incentive for tutors, not all tutors are reactive and fully understand his or her tasks there are sometime confuse to act as a lecturer or tutor, some lecturers are still reluctant to use the PBL as method to improve learning process, and some courses that implementing PBL have become demanding courses for students. Another challenges implementing PBL need to be continually control, support and commitment from all faculty members as well as the faculty leaders.

Simply, it can be stated that implementing PBL method as an active learning process need strong effort to achieve the goal. By realizing the circumstances of Faculty of Law Udayana University different from Maastricht University, it is need to create various creative solutions with regard to achieve the goal. Some efforts and creative solutions have been done such as: continuing to implement PBL with 7 steps (jump) approaches in small group for 4 courses in the first semester of first year student, implementing original PBL for some optional courses which have small group of students by nature of the courses such as Legal Clinic courses that implement more skills practice, as well as implementing PBL modification in large group by creating different models. In regard to create different model implementing PBL particularly when implementing tutorial session, the faculty develops some especially for tutorial session so called "PBL Modification." Basically The models of PBL developed based on Maastricht experience with some innovations based on our own circumstances as follows: Model 1 (Fig 1): the faculty conducted PBL-tutorial session as in its nature small group (around 14 students) but because of our circumstances the groups consist of 20 until 25 students with a round table design. Model 2 (Fig 2) : a big group of students (around 50 students) divided by three groups in the same class room and

then every small group has its own leader and note keeper with their own round table design. Model 3 (3) : a big group (40-50 students) where the students still work and learn in the model of class room but the lecturer who acting as a tutor has to motivate and encourage the students learning, discussing, debating, as well as analyzing in active ways. it is flexible to develop some models as long as it can still keep students to learn in an active way (writing, debating, explaining, and analyzing).

The PBL models implemented in Faculty of Law Udayana University are as follow:

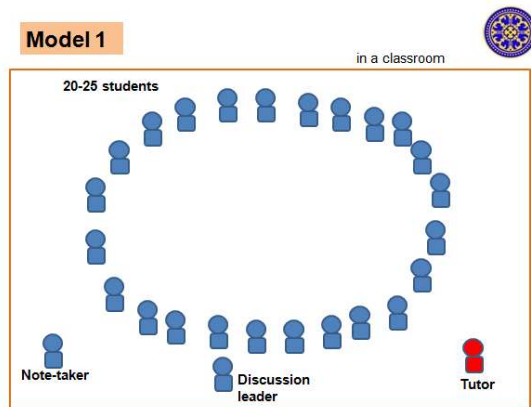


Fig. 1. 20-25 students

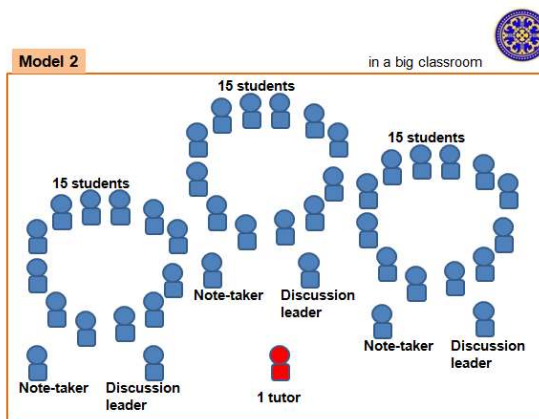


Fig. 2. 40-50 Students : 3 gorups

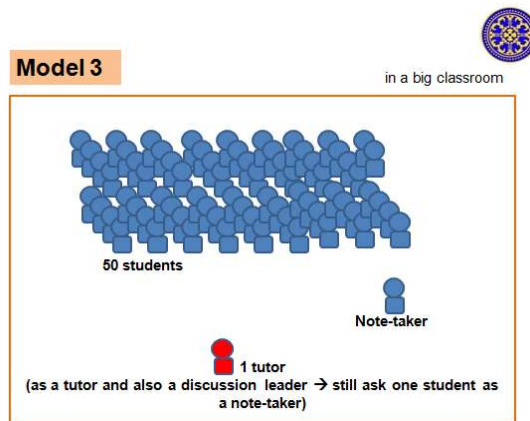


Fig. 3. 50 students, note speaker, 1 tutor

Conclusion

The purpose of implementing curriculum is to achieve educational outcomes that it has already formulated previously. In order achieving the excellent outcome it is very important understanding the curriculum in the whole meaning, it is not only the materials or substances but also the learning approach. By implementing the means of curriculum or the method of learning process , the active way learning to deliver the substances such as PBL method, it can brings the students more independently improving their knowledge and skill through active learning : searching, reading, debating, writing, as well as reporting. The excellent outcome of learning process is no doubt influenced by the method of learning process such as through PBL method. Therefore to upgrade and update the legal education at the faculty including faculty of law is very important to pay attention to implement the PBL as part of the Student Centered Learning. There are some challenges in implementing the method of active learning process. However, by understanding our own surrounding and own circumstances, the creative solutions which appropriate with our own can be implemented to face the challenges.

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