

Pedagogy in Universiti Teknologi MARA (UiTM): Teaching and Learning Civil Procedure II

Faridah Binti Hussain^{1*} 

¹Faculty of Law, Universiti Teknologi MARA (UiTM), 40450 Shah Alam, Selangor, Malaysia.
Email: faridah355@uitm.edu.my

ABSTRACT

CORRESPONDING

AUTHOR (*):

Faridah Binti Hussain
(faridah355@uitm.edu.my)

KEYWORDS:

Pedagogy
Teaching
Learning
Outcome Based Education
Civil Procedure II

CITATION:

Faridah Hussain. (2023). Pedagogy in Universiti Teknologi MARA (UiTM): Teaching and Learning Civil Procedure II. *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 8(1), e001943. <https://doi.org/10.47405/mjssh.v8i1.1943>

The Civil Procedure II course learning outcomes include organizing and preparing fundamental court documents and acquiring drafting skills. This subject assists final-year law students to analyze a wide range of interlocutory procedures in the conduct of various civil proceedings. Since students must prepare themselves to be litigation lawyers, they must be able to comprehend the material and use it in their legal practice. As such, the difficulty of teaching and learning the subject of Civil Procedure II must be examined in this new era. This paper will explore whether newfound applicable pedagogical techniques and instructional methods can improve the teaching and learn of the Civil Procedure II course at Universiti Teknologi MARA's Faculty of Law (UiTM). The purpose of this article is to examine the fundamental components and elements of teaching-learning and identify the challenges and problems that stand in the way of effective teaching-learning in the law of civil procedure II. Doctrinal content analysis is used in this paper's qualitative research approach to gain a deeper understanding of the conflict that exists when deciding how to teach the subject of Civil Procedure II effectively. The findings of this paper reveal that using newfound applicable pedagogy such as online learning tool in conjunction with in-person instruction may improve pedagogy in the teaching and learning of Civil Procedure II. The newfound applicable pedagogy to law school instruction is relevant for both lecturers and students in this 21st century.

Contribution/Originality: This study contributes to the existing literature in the area of teaching and learning Civil Procedure II. The outcome of this study investigated the using newfound applicable pedagogy such as online learning tools in the teaching and learning of Civil Procedure II in this 21st century.

1. Introduction

The Faculty of Law at Universiti Teknologi MARA (UiTM) specializes in teaching law students on the subject of Civil Procedure II. Students will be exposed to the procedure to be taken in various types of solving clients' problems. In these environments, students

learn skills such as; injunction; Mareva injunction, Anton Piller order, discovery and interrogatories, execution of judgments, hearing and case management, cost, appeal, and stay of appeal pending execution. The learning outcomes and skill learning outcomes of Civil Procedure II are knowledge, and practical skills including drafting of documents, critical thinking, and problem-solving skills. It also comprises ethics, moral professionalism, entrepreneurial skills, social skills, teamwork, and responsibilities.

This paper is important to all law schools and aimed to explain the fundamental components and elements of teaching-learning and identify the challenges and problems that stand in the way of effective teaching-learning in the law of civil procedure II. This subject is taught at UiTM for final year law students. Law students must comprehend the material and use it in their legal practice. As such, it can be difficult for them to grasp Civil Procedure II.

In the first section of the paper, the literature review is reviewed with an emphasis on the newly discovered appropriate pedagogy and law-related education. The methodology is examined in the second part. The third and most significant section of this article illustrates how Civil Procedure II can assist students in understanding a variety of interlocutory procedures used in various civil proceedings. The subject of how to teach Civil Procedure II to final-year law students makes up the fourth section of this essay. The final paragraph of the paper makes the argument that blending in-person training with an online learning resource like UFuture may improve pedagogy for Civil Procedure II teaching and learning.

2. Literature Review

2.1. Newfound applicable pedagogy and law-related education

According to Dorman and Kelly, the term "pedagogy," which is derived from the Greek terms "paidos" (child) and "agogos" (leader), originally referred to the responsibility of escorting kids to school. Over time, teachers began to use the word. At that time, being a leader meant selecting what and how students should be taught. They contend that pedagogy entails teachers developing educational connections with pupils to establish zones of proximal development where students can learn as effectively as possible (Dornan & Kelly, 2021). As such, a good teaching and learning method need to be improved to provide an appropriate response to an environmental stimulus.

The law-related education has developed to meet the challenge of legal illiteracy. Law-related education as a curriculum area can make citizens understand their rights and responsibilities (Rowe, 2018).

2.2. Online learning

It is mentioned that the faculty learning communities should be committed to improving their teaching to ensure accessible learning environments on our campus (Ward & Selvester, 2012). Providing education at the graduate and undergraduate levels can be done through online learning. With distance learning, the concepts of subject-specific interactions and learning are seen as a medium that requires new modes of presentation and interaction (Wallace, 2003). Though the learning process inevitably involves contact between two parties, we may also evaluate the suitability of the teaching strategies

chosen based on the student's perspective, or more specifically, according to how the student learns (Biggs & Tang, 2011).

3. Methodology

A qualitative research approach is used in this paper to gain a greater understanding of the pedagogy of teaching and learning Civil procedure II. The primary sources of this paper are the Bank Simpanan National Berhad Act 1997, Court of Judicature Act 1964, Dectors Act 1957, Government Proceeding Act 1956, Limitation Act 1953, Legal profession Act 1967, Rules of Court 2012 and Specific Relief Act 1950. The secondary sources include journal articles and online sources. The doctrinal approach is adopted for data analysis, and a literature review on the pedagogy of teaching law is used. Further content analysis is done on the teaching methodologies and topics covered in Civil Procedure II.

4. Result

Table 1 describes all topics in civil procedure II and the relevant statutes to be referred to in the subject.

Table 1: Topics in Civil procedure II

Topics	Topics	Topics	Topics
Topic 1 Injunction Procedure Specific Relief Act 1950 Rules of Court 2012	Topic 2 Mareva Injunction Procedure for application Cases	Topic 3 Anton Piller Order Procedure	Topic 4 Discovery Privileged documents Rules of Court 2012
Topic 5 Interrogatories Procedure Rules of Court 2012	Topic 6 Enforcement of judgment Execution Mode and procedure Rules of Court 2012 Dectors Act 1957 Government Proceeding Act 1956 Bank Simpanan National Berhad Act 1997	Topic 7 Garnishee Proceedings Procedure Rules of Court 2012	Topic 8 Application for Judicial Review O.53 Scope of Judicial Review Rules of Curt 2012
Topic 9 Costs Costs against the advocate and solicitor personally Basis of assessment Rules of Court 2012	Topic 10 Pre-Trial Case Management Rules of Court 2012	Topic 11 Trial Rules of Court 2012 Limitation Act 1953 Legal profession Act 1967	Topic 12 Appeals Stages of appeal Rules of Court 2012 Court of Judicature Act 1964

The findings indicate that there are numerous areas that law students must learn and comprehend in order to seek any types of relief. Additionally, law students are required to learn how to prepare court documents. Students will receive instruction on how to conduct themselves and follow the rules of professionalism for lawyers. Therefore, it's crucial to show that they understand the subject of civil procedure II. The basis provided by the subject on Civil Procedure II, helps students to get ready for a career in law. Law students might benefit from this course by learning how to analyze varieties of interlocutory strategies used in various legal proceedings.

5. Discussion

5.1. Teaching Civil procedure II to final year students

Learning is defined as a change in students' knowledge, behavior, or attitude that persists over time (Hess, 2011). Developing and improving the quality of teaching-learning requires explaining the current situation and identifying the challenges and problems and its strengths (Ahmady & Khani, 2022). The "law school" approach, as is therefore clearly evident, in particular: the students will engage in a high volume of reading; where, a wide range of topics must be covered in limited detail, and where nature of the subject has, a very practical aspect (De Silva, 2012).

Teachers or lecturers use slide show presentations, animation videos, or mind-mapping notes which makes it easier for students to understand as well as sustain their concentration in the class (Dahalan et al, 2016). Law students should be taught to think like a lawyer. In addition, some form of creativity can be an added value in teaching law in making learning law more vibrant. The traditional pedagogy of teaching law merely imparts knowledge. As such, the author mentions that law students should be taught to learn the law, stimulate critical thinking and ignite their cognitive skills (Jayabalan, 2018).

Virtual reality technology and computer technology can provide necessary technical support for the smooth implementation of design teaching (Ruan, 2022). The survey data shows that 100% of the students like to use computer image processing technology to simulate the new teaching method and 95.2% of the students agree that the teaching effect of this mode is the same as that of traditional teaching (Li, 2021).

Therefore, various methods of learning pedagogy are utilized when teaching civil procedure II. Pedagogical challenges related to understanding the legal notion of what the law is, why the procedure is available, how to file an application, and when the application is to be filed can arise while teaching law to final-year students. As such, improving efficient teaching and learning methods is essential for students to respond to changes in the legal education environment effectively. As a result, supplementary pedagogy in monitoring student homework, assignments, attendance, exercises, and assignment submission, like the UFuture system, is very important in the twenty-first century.

6. Conclusion

Ultimately, educators are the experts in their classrooms and their communities (Lucero, 2022). The learning objectives for the Civil Procedure II course include organising basic

court document preparation and drafting abilities, demonstrating understanding of the rules of civil procedure and how they are applied to give students the grounding they need to be prepared for legal practise, and analysing a wide range of interlocutory procedures in the conduct of various civil proceedings. It can be challenging to get students to understand Civil Procedure II since they need to understand the concepts and use them in their legal practise.

The teaching of Civil Procedure II can be improved using a variety of pedagogical strategies and instructional methodologies. With only 14 weeks in each semester and a large number of topics to cover, lecturers should utilize online teaching techniques. As a result, it's crucial for lecturers to incorporate more pedagogy into the law school curriculum. For instance, the UFuture system provides UiTM lecturers with fresh instructional resources. The technology, which can be utilized inside and outside of the classroom to promote teaching effectiveness, can be used by all lecturers and law students.

Acknowledgement

Part of this article was extracted from a course outline submitted to the Faculty of Law, Universiti Teknologi MARA (UiTM) Shah Alam, Malaysia.

Funding

This study received funding from the Faculty of Law, Universiti Teknologi MARA (UiTM) Shah Alam, Malaysia.

Conflict of Interests

The authors declare no conflict of Interest.

References

- Ahmady, S., & Khani, H. (2022). The situational analysis of teaching-learning in clinical education in Iran: A Postmodern grounded theory study. *BMC Medical Education*, 22(1). <https://doi.org/10.1186/s12909-022-03577-3>.
- Biggs, J., & Tang, C. (2011). *Teaching for quality learning at university*. McGraw-Hill.
- Dahalan, W. S. A. W., Shapiee, R., Nor, M. Z. M., Nopiah, Z. M., & Basir, S. M. (2016). Improving Teaching and Learning in Public International Law II. *International Journal of Education and Research*, 4(4), 383–390.
- De Silva, C. (2012). Health and Safety: Teaching Law, educating for prevention. *International Journal of Law in the Built Environment*, 4(3), 233–246. <https://doi.org/10.1108/17561451211273374>.
- Dornan, T., & Kelly, M. (2021). When I say ... pedagogy. *Medical Education*, 55(6), 676–677. <https://doi.org/10.1111/medu.14455>.
- Jayabalan, S. (2018). The need for diversity in teaching law. *Social and Management Research Journal*, 15(1), 37. <https://doi.org/10.24191/smrj.v15i1.4230>.
- Hess, G. F. (2011). Value of variety: an organizing principle to enhance teaching and learning. *Elon Law Review*, 3, 65–92.

- Li, Y. (2021). Experimental research on using computer image processing technology to simulate art painting teaching mode. *2021 4th International Conference on Information Systems and Computer Aided Education*. <https://doi.org/10.1145/3482632.3483001>.
- Lucero, A., & Avelar, J. D. (2022). Exploring the challenges and possibilities of critical literacy pedagogy: K-8 teacher discussions about race in a virtual professional development course. *English Teaching: Practice & Critique*, 21(4), 483–495. <https://doi.org/10.1108/etpc-05-2022-0065>.
- Rowe, D. (2018). Law-related education. *Developing Citizenship in the Curriculum*, 119–122. <https://doi.org/10.4324/9780429454653-26>.
- Ruan, Y. (2022). Application of immersive virtual reality interactive technology in art design teaching. *Computational Intelligence and Neuroscience*, 2022, 1–12. <https://doi.org/10.1155/2022/5987191>.
- Wallace, R. (2003). Online learning in higher education: A review of research on interactions among teachers and students. *Education, Communication & Information*, 3(2), 241–280. <https://doi.org/10.1080/14636310303143>.
- Ward, H. C., & Selvester, P. M. (2012). Faculty learning communities: Improving teaching in higher education. *Educational Studies*, 38(1), 111–121. <https://doi.org/10.1080/03055698.2011.567029>.