

DIGITAL TEACHING-LEARNING IN LAW

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Abstract

Distance learning, or DL, in higher education institutions in Portugal, has become a priority for the Portuguese government, focusing mainly on the extension of this type of education to the Portuguese-speaking world. This priority reflects the guidelines for the 2018-2030 technological and business innovation strategy, approved by the Council of Ministers, and included in the National Digital Skills Initiative 2030 that concretizes a strategy for the country's digital development.

However, our current reality, as a result of COVID-19, imposes the use of these tools to all teaching, from basic to higher education, to minimize the impediment of face-to-face classes. Thus, DL is an alternative model to be implemented and tested, now, on a large scale.

It is important to underline that DL should be viewed as a modality of education for the democratization of knowledge, where it will be available to anyone who wants to know about it, regardless of place, time and formal teaching structures.

In addition to the use of complete and intelligent platforms, with instruments capable of assessing different skills and competences, distance learning is more individualized and focused on the student. Studying online gives more space for students to manage their own time, which favors productivity, concentration, and motivation.

Instead of periodic tests and assignments focused on only one piece of content, DL facilitates continuous evaluations, which provide immediate feedback on performance.

The spaces for discussion between student and teacher in the forums are tools for the active construction of knowledge, in search of the truth, and not for the answer to a question put on a test.

This poses a new challenge, namely, the assessment of students, assuming the use of a whole new set of teaching methodologies. But it is also an unprecedented opportunity.

In this paper, we focus on these and other challenging aspects in DL and propose some solutions to its implementation, in the area of Law, which is traditionally conservative and little receptive to the use of new technologies as essential work tools for the current world.

We will have as our base the state of the art “distance learning” and the analysis of this mechanism in the current context and, in this case, in the teaching of Law.

Keywords: Classes, COVID-19, implementation, solutions, synchronous.

1 INTRODUCTION

The advancement of new technologies and, in particular, the Internet allowed the teaching/learning process not only to be limited to the classroom in the context of the traditional student/teacher relationship, but to exceed these physical limits, giving the student the opportunity to build knowledge in their home environment, work or wherever they want it most.

In Portugal, the digital age has awakened to the introduction of distance learning, or DL, in higher education which has become a priority for the Portuguese government, focusing mainly on the extension of this type of education to the Portuguese-speaking world. This priority reflects the guidelines for the 2018-2030 technological and business innovation strategy, approved by the Council of Ministers, and included in the National Digital Skills Initiative 2030 that concretizes a strategy for the country's digital development.

The new reality, as a result of COVID-19 pandemic, imposes the use of these tools to all teaching, from basic to higher education, to minimize the impediment of face-to-face classes. Thus, we can say that DL is an alternative model to be implemented and tested, now, on a large scale. DL is an

important resource in times of a pandemic because it keeps educational institutions functioning and able to provide the service of education and higher education to the populations.

It is important to underline that DL should be viewed as a modality of education for the democratization of knowledge, where it will be available to anyone who wants to know about it, regardless of place, time and formal teaching structures.

From another point of view, the use of complete and intelligent platforms, with instruments capable of assessing different skills and competences, distance learning is more individualized and focused on the student. Studying online gives more space for students to manage their own time, which contributes to higher productivity, concentration, and motivation. However, the physical distance between the teacher and the student imposes limitations in the construction of values associated with the face-to-face educational process regarding the application of the available evaluation methods. This is fundamental in DL, and the evaluation methods need to be well structured and diversified to allow a successful and rigorous learning and teaching process.

The state of emergency created by the COVID-19 crisis forced the adoption of DL in general, with emphasis on higher education. Overcoming the difficulties of implementing classes in EAD, in all scientific areas.

Particularly, in the case of teaching Law, this new reality poses a huge challenge regarding the evaluation methodologies in DL. This new reality is the motive to this research work focused on the problem of evaluation methodologies in the DL in Law.

2 INVESTIGATION OBJECTIVE AND METHODOLOGY

As we said, the state of emergency created by the COVID-19 crisis forced the adoption of DL in general, with emphasis on higher education. Particularly, in the case of teaching Law, in Portugal, this is the first time that DL became the solution adopted by all higher institutions. We are in the process of overcoming most of the difficulties of implementing classes in DL, but we still have some difficulty in introducing and developing new evaluation methods appropriate to this new reality.

The aim of this paper is to reflect on the new challenges of DL and, more specifically, on the evaluation methods appropriate to the DL model in the teaching of Law. For this, we elaborated the following research problem:

What are the advantages and limitations of the evaluation methods currently intended for Distance Higher Education, in the specific case of teaching in Law?

As for the methodology, considering the theme and the rules of investigation on issues of education in law, we developed a theoretical study about the teaching methodologies in DL and the adaptation of DL teaching of Law.

We conducted a theoretical and exploratory investigation on teaching methodologies, as well as a thorough literature review on the subject, to which some brief references, given as limitations of pages imposed for this role.

The truth about this subject is that we don't yet have much scientific theoretical approaches regarding the teaching of Law. The research carried out focused primarily on the collection of some literature about methodologies of DL teaching, in general, and the adaptation to the teaching of Law. After the end of the current school year, we will do a questionnaire for student and teachers of Law, in order to collect and conclude more data about the level of satisfaction of this experience in DL teaching of Law. This will be the motive for a future scientific paper to be published.

3 RESULTS

3.1 About Digital Learning, e-Learning, and Online Courses

First, it is important to clarify the definition of Distance Learning (DL), e-Learning, and online courses. We can say that all these modalities are included in the concept of digital learning.

In DL, the teacher and student are not in the same location. This modality already existed even before the appearance of the Internet. It began in the 18th century, when the first correspondence courses

appeared and, since then, they have adapted to new technologies (for example, courses through television and now using the internet).

The modality called e-Learning is more recent and uses the internet to transmit knowledge and improve performance. It is the most used modality in the teaching of law. In Portugal it was only very recently, due to the COVID-19 pandemic, that e-Learning began to be used massively, as solution and exception in the context of the state of emergency.

We can say that distance learning covers any form of learning that is not immediately and continuously dependent on the supervision of advisors. However, it requires planning, guidance and instruction from an educational establishment (Rurato e Gouveia, 2004).

Unlike DL, e-Learning operates through devices — computers or tablets — connected to the internet network (Sousa, n/a).

Some people confine it to the Internet. It is using Internet technologies that a wide range of solutions where enhanced knowledge and performance are presented. (Rosenberg, 2001).

This can be synchronous, courses that occur at the same time as the teacher teaches, through a video broadcast - live class or via chat, or asynchronous, where courses or training are stored, in which the student can access when he wants. This modality exempts the student from the obligation to comply with a schedule.

Fundamental for the use of e-Learning in DL is the existence of a platform capable of distributing and managing the progress of students. This virtual environment is called the Learning Management System, LMS. This allows a use of technology, in this case, to manage the student's learning and know what skills he/she has acquired.

We know that for a face-to-face class we need a physical space, a classroom. On the contrary to traditional education, the LMS platform was developed in order to transport the educational environment in person to the virtual space allowing and providing a teaching entirely online.

Thus, with the use of technological tools, the LMS platform transforms the learning process into something dynamic, complete and accessible. It can be free or costly, depending on the desired objective.

The distance education market has been the target of attention by educational institutions, especially higher education institutions, investing increasingly in the use of this platform. It is said that this medium is also used in the business world.

Moodle is the world's largest open source LMS platform, offering a range of services that make it a unique medium. It is important to underline the flexibility and customization that it allows. It is intended for universities, schools, public, non-profit institutions, and small and medium-sized organizations that have learning needs.

Another reality which should not be confused with the previous ones mentions, is an online course. Although like e-Learning, online courses tend to be built by individuals for individuals, with the intention of selling or distributing knowledge. The formats of these courses are the most varied, e.g. PDFs, Power Point presentations or videos on YouTube. For these, the management of student learning is not a priority, being disseminated to raise revenue for many people.

We conclude that DL is the large group of non-face-to-face teaching. e-Learning and online courses are part of this large group and are defined by digital learning via the Internet. The main difference between the latter two is based on the needs related to how learning is made available and necessary.

That said, we found that the situation we experienced, emerging from the situation of the Coronavirus, called for an immediate response from institutions in general and worldwide.

Video conferencing software and applications have become the crucial tool in teaching in just a few days.

3.2 Introducing the Distance Learning (DL) in the teaching of Law

Higher Education has somehow managed to reinvent itself, especially about law, because it is a very traditional area of knowledge, where the cult of the expository method is the dominant communication. Also highlighting the little interaction with students and the cult of written exams in the final evaluation modality (Mimoso e Anjos, 2019).

Certainly, the Bologna process has instilled changes, but these have been slow, with sparse achievements in teaching/learning and evaluation methodologies. (Mimoso, Bravo & Gomes, 2018).

We have no doubt that a Copernician revolution has been waged in teaching/learning in law.

In fact, this is not distance learning, because as we have seen, this would imply planning prior to the dissemination of content, but an e-Learning use, as a kind of distance learning, through devices connected to the internet using platforms that allow videoconferencing.

It was undoubtedly necessary to use more dynamic teaching methodologies, emphasizing the role of the student, placing him/her, as the Bologna process intended, at the center of the methodologies.

The use of technological instruments allowed for an interaction between all the protagonists involved.

The role of inverted class has become an exemplary tool to arouse greater commitment of the student in order to involve him/her in the process in question (Valente, 2014). On the other hand, the professor also must use communication tools facilitating dialogue, the exchange of ideas and information, e.g. appealing PowerPoint projection, capable of capturing the attention of receivers and using technological tools, provided by the LMS platform.

Distance education and e-learning are currently used with a certain synonymy, and e-learning is a new version of DL, in which activities are mediated by digital information and communication technologies (Valente, 2014).

Another problem are the evaluation methods appropriate for the DL scheme in the teaching of law.

3.3 About evaluation methods in DL: brief notes

According to Piletti (1987:190): "*evaluation is a continuous process of research that aims to interpret the knowledge, skills and attitudes of students, in view of changes in behavior, proposed in educational objectives, so that are conditions to decide on the alternatives of planning the work of the teacher and the school as a whole*".

According to Haydt (2002), "*to evaluate is to assign a judgment or appreciation of something or someone based on a scale of values. Therefore, the evaluation consists of collecting and interpreting quantitative and qualitative data of previously established criteria*".

The literature review carried out with the purpose of verifying the state of the art in this matter, led us to several authors and different proposals, all with a common focus: evaluation is a continuous process of research in order to decide the final judgement about the qualitative and quantitative value to qualify the student (Santos, 2006).

This important moment on the teaching process presents a great complexity of factors, it cannot be summarized only as a simple performance of tests and attribution of notes. It requests a measurement, in order to provide quantitative data that should be evaluated qualitatively.

3.4 About evaluation methods in DL

How should students be evaluated in DL teaching? Can we present a model?

In the DL model, knowledge transmission is based on a two-way technological communication system that replaces the personal teacher/student face-to-face contact. It is essential to invest in a diversity of teaching resources that provide independent learning and autonomy for students. In fact, the teacher should encourage the student to prepare the subjects for himself, through questions for individual work, study chaos, and class discussions.

The Professor sets the path by asking the appropriate questions. The student makes this path for himself and will find the answers. The teacher guides and the student does, learns for himself, not with the aim of performing a final written test, but with the purpose of finding the answers to the questions that in each DL session are posed to him as a challenge to continue the learning teaching process.

The physical separation between teacher and student in space requires a control of the learning process more intensely by the student than by the professor.

The communication between students and teachers is mediated by printed documents or some form of technology.

On the DL process the words are “to do”. The student must develop the appropriate research to find the answer to the questions. The teacher goes from a transmitter of knowledge to an advisor in the discovery of this knowledge by the student. It will evaluate their autonomy and ability to find the answers and complete this process by overcoming the difficulties revealed by the student. If necessary, it will lead them to repeat or improve the previous study.

It is a process of teaching-learning centered on the student (Roque e Silva, 2011).

3.5 DL Evaluation modalities in the teaching of Law

As a result of this research, we conclude that the evaluation model to be followed in the teaching of law in e-learning, and should use in a concerted manner the following elements:

- a) Student research guidance;
- b) Acceptance of multiple technologies at different moments of DL.
- c) Continued support for the student (via platforms and email)
- d) Promoting teamwork among students using the same DL tools;
- e) Coordination and support of activities imposed on students;
- f) Debates and discussion of topics during distance learning time;
- g) Inverted classes or flipped classrooms;
- h) Debates and tasks online;
- i) Conducting some written test, possibly, provided that it is appropriate to the test model with consultation to perform for a limited time during the distance lesson;
- j) Self-assessment;
- k) Oral defence of themes or issues (oral);
- l) Face-to-face virtual meetings.

The success of the model will depend, naturally, on the size of the classes and on the existence of good digital databases that allow adequate access to teaching elements and all complementary means of learning. (Roque e Campos, 2007)

In the case of teaching in law, there are excellent national and international databases accessible for consultation of jurisprudence and scientific articles that can support the research of students.

4 CONCLUSIONS

The evaluation of DL, as we have seen, has very strong points with the focus on autonomy, self-teaching, research and authorship, important skills in the formation of a critical and conscious individual. However, as personal contact with students is much smaller or null in Distance Learning, it is very difficult, for example, for the teacher to identify their students individually or these behavioral changes, which is important criteria for a qualitative evaluation.

Another strength of DL is the teacher-student relationship being clearly less formal.

However, we can note that geographical distancing also impels an affective distancing and a broader lack of communication. These are very important variables in the teaching-learning process aiming at behavioral changes proper to the educational process.

The lack of contact with the students forces the establishment of rules to be followed during the course in a clear way from the first moment.

As a main conclusion, we advocate that DL in the teaching of law is possible and a new and important instrument to use, not only during a pandemic, or other exceptional situations, but as a normal and frequent learning modality.

Particularly in master's and Doctoral degrees it can be an important way for the global learning and democratization of knowledge. In the case of Portugal, this is an important way to reach Portuguese-speaking countries and implement better access to knowledge and higher education, which is necessary for their development and democratization.

Regarding the evaluation process, we have several methods to realize a serious evaluation, promoting the autonomy of students, encouraging autonomous and creative research.

Of course, we are facing a break with the past based on a teaching-learning model almost exclusively by the books and the memorization of content.

In the specific case of the teaching of law we can do some important changes and get an important step forward in order to get a modernization of the teaching and evaluation system.

We propose, after finishing this important and new experience imposed by the COVID-19 pandemic, to explore the results and the opinions of teachers and students, doing a questionnaire about this experience.

We hope, after the present semester is finished to close the investigation project and begin collecting of data, and we will share the results with scientific community.

Finally, it is important to ensure, as a result of this first phase of research, that all evaluation methods possible and applicable in DL are in the field of law education.

We therefore consider that the great resistance to the introduction of DL in the teaching of law is overcome, which is essentially based on the alleged difficulty of evaluating students. The only condition for achieving good results will be the existence of adequate digital tools and classes with a small number of students which should not exceed 20 students per class. This is the real challenge for higher education institutions in distance learning.

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