Problem-Based Learning as an Alternative Approach for Teaching International Law

By:

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Introduction

Studying international law is not an easy task for law students in Indonesia, at least for students in the Faculty of Law, Universitas Padjadjaran. The Public International Law course (PIL) is a compulsory subject that is offered in the 4thsemester of the eight semesters of legal education programs at the undergraduate program. The PIL course has a weight of 4 credits which is equal to 200 minutes of lecture hours each week. Placed in the second year of the legal education curriculum, it could present some difficulties or be more difficult for students because they are also required to take courses in Criminal Law, Civil Law, Constitutional Law, Commercial Law, which each have a weight of 3 to 4 credits in that year. Another obstacle that is felt to be quite substantial for law students in taking international law courses is that teaching materials are in English, because of the fact that English is not their mother tongue. The varying

level of mastery of English among students provides another layer of difficulty.

Lecturers also face challenges, because the responsibility to teach PIL rests on only ten active lecturers in the department. Meanwhile, about 400 students each year take the course. To meet the learning objectives of understanding the materials, modification of conventional learning methods is needed. The conventional way of teaching where the majority of learning takes place by using a one-way teaching method, is indeed relatively more straightforward in delivering course content. But it offers little added value, such as training students' ability to analyze, and to apply theory to practice through case studies, and sharpening critical thinking for students.

Responding to the need for developing learning methods to study international law, students are introduced to one of the active learning methods known as problem-based learning (PBL). In general, the fundamental difference between conventional lectures and PBL methods is that in traditional lectures, students learn passively by listening and reading, only focusing on the theory by individual study. In PBL, students learn actively, both in the form of writing and explaining. The theory learned is also applied directly in concrete cases, and the learning method is a combination of individual study and interaction with other students (study groups).

By the time PBL is also evaluated, and the result is that there are also weaknesses in using the PBL method. Modification is needed by combining several techniques to result in the most suitable methodology to reach the learning objective of the PIL course. Also, particularly in the condition of COVID-19 pandemic that started early this year, the International Law Department has developed some tools for teaching that will be elaborated further in the last part of the essay.

What is Problem-Based Learning?

PBL is a teaching and learning method that presents problems first and in which further learning is conducted in the context of that problem. PBL is a fundamentally student-centric model where learning is conducted in a small group and where teachers act as facilitators with a sample of issues that

encourage students to develop independent problem-solving skills.

PBL also encourages students to learn and work together in groups to find solutions to problems in the real world. Problem simulations are used to activate student curiosity before starting to study a subject. PBL prepares students to think critically, analytically, and develop and use appropriate learning resources.

In another sense, PBL is a learning process with the starting point based on problems in real life. Here, students are stimulated to address the problem based on the knowledge and experience they have had before (prior knowledge). The discussion and analysis of a problem begins the process of learning, rather than acting as the endpoint. Before starting PBL, students are required to use their prior knowledge so that at the end of the learning process, new knowledge and experience is formed and developed. Discussions of small groups are the main sites of implementing PBL. The PBL learning process uses the problem as the primary guidance towards learning. Thus, the problem is used as a means for students to learn about something new that can further support their knowledge.

The elements in implementing PBL are students in small groups (15-25 people) which include a discussion leader, a note-taker, and a lecturer as a tutor. A small group of students is needed because the PBL model is based on creating an atmosphere of active discussion among students. Each student is stimulated to speak, and the tutor limits his/her intervention in the discussion process. As a result, the goals of the teaching process using PBL are achieved.

In implementing PBL, there are seven steps to be applied, namely clarifying concepts, defining problems, analysing problems, brainstorming, formulating learning objectives, self-study, and reporting. The first to the fifth stage is the preliminary discussion stage; the sixth stage is the self-study stage, while the seventh or the last step is the reporting stage in the form of discussion. Before starting these stages, students have been given a set of modules that will be used in one semester (fourteen sessions), which contains problem assignments that must be solved during the PBL sessions using international legal materials. The explanation of each stage is as follows:

1. Clarifying concepts

The first stage is carried out within 2-3 minutes. It is important for every student in the study group to understand all the terms. The discussion leader will ask if there are words that are difficult to understand. It is important to have the same understanding from the members of the study group of the terms in the problem task. In this stage students use their prior knowledge to define terms that emerge without using textbooks or other sources at all.

2. Defining problems

In the second stage, students are given 2-3 minutes to identify the issues problems that arise from the given task. It is expected that students can link the topic of discussion with the issues raised. The discussion leader will provide a trigger question of whether what can be used as a problem statement or the problem task poses further issues and questions.

3. Analysing problems

After each person gets the potential issues that arise from the problem task, then for 50 minutes, brainstorming will follow on issues that arise. The leader must lead the discussion and ensure that each student in his study group expresses his/her thoughts to state what might be the problem statement. Here, note-takers will record all the suggestions from their students. At this stage, there is no discussion or commentary on opinions from fellow students.

4. Brainstorming (inventory)

The time allocation for this stage is 5-10 minutes. In this stage, after all ideas have been collected, the leader will begin the discussion by creating relevant idea clusters, categorizing and creating groups, and eliminating less relevant ideas. In this stage, all students are expected to discuss and express their opinions actively.

5. Formulating learning objectives

At this stage, students decide on a definite learning objective. Learning objectives must be precise and not too general or too vague, and it covers more than the task at hand, from general theory to specific case. It is essential

at this stage that the note-taker writes them down to ensure that all students have the same learning objectives.

6. Self-study

After going through the five stages, students are given one week to do self-study. At this stage, students must find the information needed to answer the learning objectives and problem tasks given. Students can find this information from journals, case law, textbooks, etc. Students can discuss among themselves to find answers to learning objectives. However, reports and responses must be done individually and reported in the form of essays or papers.

7. Reporting

This stage is called the post discussion or reporting phase, with approximately 50 minutes allocated time. The leader may give a summary of the discussion during the previous meeting. He/she also guides the debate based on order, from general and specific, and makes sure all learning objectives are discussed and answered well. Besides, the leader must also pay attention and ensure that every student actively participates in the discussion.

To get a picture on how to implement the seven steps of PBL in the tutorial session, a hypothetical case should be formulated. For example, the case will relate to the topic of sources of international law, particularly customary international law. Here is an example of a hypothetical case:

In the year 1910, there was a tension between states of Tyr and Orvar that led to an armed conflict between them. In the same year, two fishing boats which belonged to Tyr—Volund and Guldur—were captured by Orvar's navy when both ships were sailing in the territorial sea of Orvar. Trial ensued. After which, a national court in Orvar delivered a judgment that both boats were detained as a prize of war, and because of that, the boat owners were convicted of assisting Tyr national army. The owners of the two ships submitted an appeal to the High Court. In the High Court, the judges delivered a different judgment. They decided to return those boats to the owners since based on the Policy of King Charles V, enacted in the 17th century, that all fishing boats in Orvar were not categorized as dangerous and cannot be included as a part of the prize of

war. Besides, for many centuries, state practice concerning the area have excluded fishing boats as a prize of war.

From the hypothetical case above, it is possible to construct some problem statements. For instance, how does the a practice become part of customary international law? What are the requirements for the establishment of customary international law? Afterwards, those ideas will be collected by the note-taker, and similar views will be put together. So there will be some clustering of ideas. The critical step after that is to formulate the learning objective. This is the baseline for students to conduct research within a week and write a report based on agreed learning objectives (self-study step). During self-study, they will gain some understanding based on the research and deliver their finding during the next tutorial session or so-called reporting stage. At this last stage, the lecturer who acts as the tutor will guarantee that all learning objectives are discussed and there are no misconceptions on the course subject. The seven stages can then be closed with the direction of the tutor, if necessary, to correct or add essential things to note.

Strengths and weaknesses of the PBL method

The PBL method aims to equip students with skills that support their legal knowledge. The principal competencies expected from students after learning to use the PBL method are the ability to do close reading, analysing problems/cases, and writing. Other skills may also be acquired, including the skills such as debating, negotiating, presentation/pleading, leadership, and also social skills developed by actively listening and explaining relevant details to others. This method also aims to have long term results and prepare students for their future careers. Above all, the main advantage of this method for students is the ability to apply theory in concrete cases which may help them to be ready to compete with other graduates to work in suitable fields.

The results of evaluating the use of PBL show that PBL is best used for courses with small numbers of students because ideally there are only 15-20 students in 1 tutorial session. Thus, limited number of lecturers or tutors is a challenge for its implementation. In practice, lecturers/tutors often have to divide the tutorial sessions into 2-3 sessions for different tutorial groups, or even exceeding the time allocation for the course. The biggest challenge in using PBL

is to change the mindset of students to be more active in the learning process. When involved in group-based activity, students must be more thorough in learning theory and practicing the ability to apply theory to the cases at hand. Stimuli are needed so that all students are involved in the tutorial and more active and participatory. Here, the role of the discussion leaders is crucial, and the motivation of lecturers/tutors in each session is critical. Regardless of the difficulties initially encountered, at least after 3 to 4 years have passed from the first-class applying the PBL method, these students will have more confidence in expressing opinions with structured argumentation and adequate analytical skills compared to students who do not use the PBL method.

Modification of teaching tools due to COVID-19 pandemic

The pandemic that emerged in early 2020 caused significant changes in the learning process at the university. The prohibition of conducting face-to-face lectures since March 2020 has led to changes in learning methods to ensure that the subject matter continues to be delivered, learning objectives are still being achieved and, most importantly, the quality of law faculty students is maintained

The sudden change from face-to-face lectures to being entirely online initially led to “studying from home” being only filled with lecture sessions using Zoom or Google Meet. This change, on the one hand, is beneficial because this online method can replace face-to-face lecture sessions as usual. Students will not lose the opportunity to get an explanation from their lecturer. However, this condition is essentially returning the usage of the classic or conventional learning method where students only listen to the explanation from the lecturer. After the material is delivered, the time for lecturers and students to have discussions to clarify the content that has been minimal.

The transition period that occurred between March-June 2020 resulted in several evaluations, especially by lecturers of the International Law Department. The challenge is to create and modify learning methods while still referring to the final learning objectives following the targets set by the Faculty of Law, and at the same time respond to conditions that do not allow face-to-face meetings. By considering the current trends—technological advancements, and students who are entirely exposed to technological advances—it is

necessary to modify some means and tools in the learning process.

Inspired by one of the leading law schools in the world, the Leiden Law School, which has a specific YouTube channel for learning, the International Law Department of the Faculty of Law, Universitas Padjadjaran is currently designing learning videos for PIL course. This modification requires lecturers to make a short video (10-15 minutes) that contains an introduction to the material to be taught in each session. This is especially important because, until now, there has been no presentation of International Law materials made by any law school in Indonesia, especially on an online platform (such as a YouTube channel) using Bahasa Indonesia.

Modification of learning using technology includes of course not only social media (such as a YouTube channel) but also a combination of video, together with the latest reading materials and cases, and class discussions. All these elements comprise the module, and the purpose of using several of these tools together is

1. In the 200 minutes learning time each week, each student must start by watching the video so that there is an overview of the material to be learned.
2. Modules prepared for one semester consist of reading materials for each meeting plus cases.
3. Online face-to-face classes using Zoom or Google Meet are used to discuss the cases that have been given by linking them to the appropriate material.

The lecturer has to ensure that students understand the materials and can apply theories to the cases given at each meeting. From the 200-minute lecture, 100 minutes are allocated for listening to videos, reading materials, working on cases, and face-to-face online, while the other half of the time is spent on discussions. The discussion time can be divided into further portions as needed.

This collaboration method is planned to be implemented in the new semester,

which will begin in September 2020. The International Law Department sees this modification in a positive way, partly because video-making requires only one process and can be used repeatedly in the future semesters. At the same time, cases that will be discussed can always be updated in every new semester. Further, the use of podcasts as teaching tools will also be explored. This is because the means of delivering material through podcasts is felt to be not so formal, and its use is effective in better reaching the current generation of students. They are accustomed to listening to podcasts or other similar media.

Thus, implementing PBL as a teaching method has its advantages and disadvantages. Until now, this method is still used mainly for small classes and students who opted for specialized courses under international law. Also, due to the exceptional circumstances of the outbreak of COVID-19, there has been a modification of the delivery of the PBL using different teaching tools as noted above. The development of learning methods and learning facilities continues to be carried out from time to time with adjustments to existing conditions in society, including the development of information technology.

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