PROBLEM BASED LEARNING AT THE LAW SCHOOLS

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Acest articol își propune să examineze învățarea bazată pe probleme la facultățile de drept din Republica Moldova. Luând în considerare faptul că curricula școlilor de drept actual conțin mai multe elemente de învățare bazată pe probleme, autorii acestui articol furnizează exemple de intervenții specifice utilizate în predarea mai multor ramuri de drept. În special, autorii au descris utilizarea unor proiecte individuale de cercetare pentru dreptul administrativ, a unui proiect de grup pentru dreptul constituțional, precum și rezolvarea unei probleme practice pentru dreptul mediului.

Autorii au subliniat necesitatea unei abordări bazate pe probleme pentru alte ramuri de drept, precum și, ținând cont de specificul studiilor juridice, necesitatea includerii în programa universitară a cursurilor de abilități juridice. Mai mult decât atât, autorii au venit cu o listă de recomandări pentru a facilita introducerea învățării bazate de probleme la facultățile de drept.

Cuvinte-cheie: școală de drept; învățare activă a studenților; proiect individual de cercetare; ramuri de drept; drept administrativ; drept constituțional; dreptul mediului.

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This articles aims at providing the approach towards problem based learning at Republic of Moldova law schools. Taking into account that current law schools curriculum contains several elements of problem based learning, authors of this article provided examples of specific interventions used in teaching several braches of law. In particular, authors described the use of individual research projects for administrative law, a group project for constitutional law and solving a practical issue for environmental law.

Authors emphasized the need for problem based approach for other braches of law as well taking into account the specifics of legal studies and the need for including skills based courses in the university curriculum. Moreover, authors came up with a list of recommendations to facilitate introducing of the problem based learning at law schools.

Keywords: law school; students' learning; individual research project; braches of law; administrative law; constitutional law; environmental law .

The Law School of Moldova State University is one of the oldest law schools in the Republic of Moldova. The school was founded in 1959 while the university was created in 1956. During the last 70 years the law school educated thousands of professionals, which are currently working as judges, prosecutors, defense attorneys, politicians, and businessmen. Many of the graduates have been enrolled in the public service.

Currently law remains one of the most prestigious specialties in the Republic of Moldova. However, the number of students enrolled is decreasing in the last years. This phenomenon is determined by several objective factors as creation of private institutions which provide legal education and increased number of young people which choose to go abroad for studies (Romania, Russia, etc.). However, the biggest problem is the lack of jobs for young people. Unemployment rate among youth is 2-3 times bigger than the average rate on the national level. Reorientation of the social priorities is determined by the occurrence of the new notion of „post-industrial society" which refers to the citizens' ability to be active, independent, to take decisions and to be flexible to the modern life conditions [1].

On the other hand, the study conducted by IDIS Viitorul in 2014 shows that in 2014-2015 Moldova was placed 84 in the international competitiveness ranking and 82 in the raking on efficiency of labor market among 144 countries [2].

In this context, there is a need to review the teaching methods used at the law school and to re-think the entire teaching-learning process due to existing competition among different law schools and the need for increasing the employment rate of the graduates.

We should note that the law school during many years is using traditional teaching-learning methods similar to other schools at MSU. All disciplines include lectures and seminars and a written or verbal exam at the end of the semester. The final mark is formed of two marks: semester mark and exam mark. The semester mark is formed of evaluation, two tests and individual assignment (usually this assignment is a report on a specific subject chosen from the list of subjects provided by professors).

D. Fox presented four theories regarding teaching: transfer theory, shaping theory, travelling theory, growing theory. According to his opinion, *whilst the transfer theory views the student as a container or vessel to be filled, the shaping theory views the students as day or wood or metal to be shaped or moulded into a predetermined form. The other two basic theories are more likely to be held by experienced teachers, especially those who have thought more deeply about their roles. These teachers tend to speak of helping students*

or guiding them, or encouraging them to develop. From the viewpoint of the travelling theory the process of teaching is like helping students on a journey through unfamiliar and often tough terrain. The growing theory on the other hand views teaching as being a matter of encouraging and helping students in their personal growth and development - rather like an expert gardener encourages the growth of plants in the various parts of a productive garden [3].

We should note that during many years law professors used mainly *transfer theory*, in particular during lectures. This theory as shaping theory explains a very simple relationship between the students and his/her professors. If the subject was taught it is considered that the student learned it. Is this true? The use of these two theories implies the professor's total control over the teaching-learning methods. The exclusive use of transfer theory can result in education of a group of „specialists" which will not be abale to take new challenges, to react to social, economic and political changes. Learning of the legal framework does not guarantee the gain of professional skills. Very often the laws students study are amendment or annulled during their period of study. It is very important for law students to know how to solve any practical issue, to be able to find solutions, to be able to analyze the problem.

It is different when we apply developed theories: *travelling theory and growing theory*. According to them the students is seen as a partner with active contribution in his own learning process and is not subordinated to the professor. The role of the professor is to use his/her own experience to help the student so create his/her own ideas and conclusions.

Which of the four theories above mentioned is the most efficient? To answer this question we would like to underline Benjamin Franklin words: *Tell me and I forget. Teach me and I may remember. Involve me and I learn.*

Problem base learning with a central focus on students' learning may contribute to change of the traditional approach of educational process at the law schools because it motivate students, facilitates their active involvement in the educational process. Teaching and learning focused on students is provided by the p.1.3 of the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) approved in Yerevan on May 14-15, 2015 [4]. Also, this is a basic principle provided by the art.7 of the Education Code of Moldova effective of as 17.07.2014 [5].

The opinions regarding the definition of problem-based learning are different. Some scholars consider PBL as a basic didactic principle which shape the existence of other principle (Cerghit I.,1980). Other scholars define problem-based learning as a teaching method. W.Okon, a supporter of problem-based learning says „this is a new theory of learning" [6]. According to Coombs and Elden, PBL is a learner-centered (versus content- or instructor-centered) method that challenges the learners to take a progressively increasing responsibility for their own education and is therefore consistent with the constructivist perspective [7].

Although the opinions on the essence of PBL are different, taking into account the exiting educational system in Republic of Moldova we should implement new teaching methods which in the future, depending of their efficiency may be considered learning theories.

The PBL model encourages students to identify or create a problem and to research and investigate in order to solve it. It seems that PBL has the following advantages:

- It creates an active environment for group work;
- It facilitates the confrontation of different positions;
- It encourages the development of intellectual skills;
- It encourages the professional thinking;
- It facilitates the presentation of the students' own idea;
- It develops critical thinking.

The main PBL principles are the following:

- The problem as point of departure;
- Projects organized in groups;
- The project is supported by courses;
- Collaboration – groups, supervisors, external partners;
- Exemplarity;
- Student responsibility for learning [8].

It seems that PBL is not only a teaching method or theory but it represents a new philosophy, a new approach to the teaching-learning process, a new approach towards the relationship between the student and the professors. This model is successfully applied for many years at the University of Aalborg and at other European universities, being considered efficient due to the high level of graduates' employment. Today this model is of interest of many scholars and students all over the world.

PBL model is based on the problem as a main trigger for the educational process. The problem can be theoretical or practical, however, it is necessary to formulate it in a way, which will allow students to analyze and solve the problem, even from an interdisciplinary perspective. In this context, we can note that law professors currently use problems in the educational process, some of them even present alternative solutions and students should choose the right one. However, we think that students should be encouraged to formulate their own problems and come up with solutions. In order to illustrate the type of problems law professors use, we decided to present several examples below.

Example 1: During the seminars of administrative law students have been asked to formulate the topics of their research projects. The majority of them suggested very up-to-date issues such as: „Consultation of citizens on various important problems of local communities", „Grounds for mayor's revocation", etc. However, some students faced difficulties to identify a research topic or a problem, which should be solved. In this sense, we consider that a better collaboration between law schools and potential employers should be encouraged through round-tables, joint conferences, visits, internships

etc. Employers are the one which can explain students which are the most up-to-date problems.

Currently, the law school curriculums do not provide different methods on how to organize the individual assignments for students. PBL model is mostly based on conducting a project in a limited time (usually during a semester) by a small group of people (3-4). A professor supervises the group. Although a group develops the project, students are evaluated individually in accordance with the contribution of each member of the group. This model should be implemented at the law school once PBL will be introduced in the university curriculum. This model is more efficient and interesting for students than the method currently used for individual assignment.

Example 2: During constitutional law seminars students have been asked to do a group project instead of individual assignments. Although they had a limited period of time to do their assignment (3 weeks), students succeeded to do a project and to present its results at the conference on "Development of constitutionalism in the Republic of Moldova" held by Constitutional Court on May 11, 2016. Students obtained third place in this competition. Students mentioned that group work has many advantages as students are more responsible and each group member is willing to contribute for better result. In fact, mutual assistance is essential for a successful project.

Working out a solution among themselves in a small group is highly motivating for the students, as recognized by Kilpatrick. In working on the project the students apply knowledge they acquired before and they learn new knowledge when they need it (Kilpatrick et al, 1921) [9].

We consider that currently law students should be taught how to work in-group. Unfortunately, currently students do not have the skills to do such projects. The lack of a discipline aimed at teaching students to work in teams (as at Aalborg University) leads to the students' incapacity to operate in groups and to distribute efficiently their tasks.

Also, the lack of motivation and encouragements for law professors to develop necessary sources to guide students is also a problem. The lack of experience of law professors to guide students and to evaluate the results of their projects is also an obstacle for the proper implementation of PBL. In fact, continuous education of law professors on PBL methodology is crucial for successful implementation of new teaching methods.

Example 3: During environment law classes students may solve the issue of unauthorized dump at the community level. In order for students to solve this problem they have to undertake the following actions: to draft motions and to submit them to competent authorities, to draft preliminary request, to challenge the actions or the omissions of the authorities, to file a motion to court, etc. In order students to do that, they have to know the law and to have proper skills to draft such documents. Unfortunately, currently legal writing and skills is lacking from university curriculum.

While introducing PBL model in teaching environmental law one should take into account that the legal relationships related to environment may occur within other branches of law such as constitutional, civil, administrative and penal law. This means that students should be familiar with other branches while solving environmental law issues. Additionally, the legal framework is very extensive and legal regulations are increasing also due to the harmonization of national legislation to European standards. Another obstacle for using PBL model for teaching environmental law is the lack of jurisprudence in this area. In order to solve the problems students should have access to real cases as well.

In this context, in order to introduce PBL model at law schools should be considered the following aspects:

- the review of human resources and salary policies;
- creation of students' assistance center;
- creation of an excellence center on teaching and learning for professors in order to facilitate exchange of experience and continuous education;
- improvement of the relationship between the law schools and the employers;
- participation of the employers and graduates at the development of university curriculum;
- introduction of lawyering skills discipline in the university curriculum;
- collection of the feedback from students and graduates about the quality of the curriculum;
- creation of the scholarship program on national and institutional levels for professors which will use PBL model;
- education of professors on using IT tools;
- proper equipment.

Currently there are different opinions regarding the use of PBL model including at the Law School of MSU. However, the biggest challenge is how to find the proper tools to ensure students path in getting knowledge efficiently and facilitating their learning process in a way, which will allow them to learn from their own mistakes.

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