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Active Learning Methodologies in the Law Course

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Abstract

One of the reflexes of the Law crisis revealed by the lack of overcoming the positivist legal paradigm has stood out precisely in the way of teaching. The evolution of learning, technological development and the current ways of applying Law to social relations have demanded a greater and more optimized form of learning. In view of this, the use of new teaching methodologies, which are more active, has been a tool capable of transforming the student into the protagonist of teaching, giving him greater autonomy and optimization in learning. However, there is no denying the difficulty in applying new active learning methodologies in the Law course, especially with regard to the last periods of the course, bearing in mind that the job market and the requirements for enrollment in the Bar Examination and civil service exams publics have not kept up with these new forms of learning. The objective of this article, therefore, is to demonstrate the difficulties encountered in the application of active methodologies in the last period of the Law course. The research, of a qualitative and exploratory nature, was developed based on the hypothetical-deductive method and from bibliographic reviews on the subject. As a result, it was undeniable that learning methods currently require a new approach, especially in view of the new technologies adopted in day-to-day teaching.

Keywords: Learning; Right; Active Methodologies; Education; Skills.

INTRODUCTION

It is undeniable that nowadays learning methods require a new approach, especially in view of the new technologies adopted in day-to-day teaching, a new necessary dynamic within the school environment and the different desires that students have in the face of a new world era.

Therefore, keeping up with these new demands requires a new approach with regard to new teaching methods on the part of teachers. Thus, the use of active methodologies has increasingly stood out as tools capable of creating greater autonomy and optimization in student learning.

However, this summary aims, after carrying out an initial analysis of Active Methodologies and their unique importance, to demonstrate the difficulties encountered in applying these new methods specifically for the last period of the Law course.

The methodological outline of the article, for the last period of Law, was made due to some justifications: first, because it is a specific analysis made of the implementation of these practices in the ninth and tenth period of the Law course at PUC Paraná, Londrina Campus; secondly, the limiting choice of the approach of this study was due to the fact of the great difficulty encountered during the attempts to apply new methodologies in these classes, which proved to be closed to a possible receptivity.

One of the greatest difficulties encountered was adapting the use of active methodologies to the need to prepare students for the Bar Examination (OAB), which does not accompany these new academic approaches.

The reasons and difficulties will be better explained throughout the article.

The objective here will be to try to demonstrate these difficulties and contextualize them with the current reality and, in the end, if possible, point out solutions for the case.

MATERIALS AND METHODS

In times of profound social, economic and cultural transformations and the vertiginous evolution of digital information and communication technologies, Higher Education institutions have been faced with the need to redefine themselves, in order to keep up with the technological challenges of the post-modern world. modern and adapt to the paradigm shift. A new language has invaded educational and university spaces: production indicators, accountability, accreditation systems, assessment criteria, performances, performativity, standards, etc. now looking for higher education institutions not only to contribute to the production of knowledge, but also to its profitability, thus making a significant contribution to the evolution and development of societies.

The developed methodological basis provides the student with the possibility of seeking, in data from reality, after they have been discussed and analyzed, elements for the construction of paper cases, that is, narratives that bring a context to be used in the experience of educational practices that associate prior knowledge with the themes of the curricular components (MAMEDE, 2001), which will be used in all work carried out in classrooms.

In this way, students contribute to their own training, as they make up the class proposals with their extracurricular knowledge and inquiries, thus strengthening meaningful learning (PELIZZARI et al., 2002).

The wide range of new active methodologies made available for the learning system awakens in academia an ever-growing desire to enable a more optimized, updated and contextualized study with real practical needs. In law school, linking theory to practical needs is an essential tool in the formation of an excellent professional.

In view of this, it becomes extremely important to understand the proposal of these active methodologies, so that one can better understand what is said in a pragmatic way. A clear example would be the use of the PBL (Problem Based Learning – PBL) method.

From this active methodology, a change of roles can be observed in which the student becomes the protagonist and the teacher becomes a kind of advisor. This is the change proposed by active teaching methodologies.

In this context, there are several models that can be used as an example in law school. Among the most famous are case studies, simulations and debates, which have proven to be very productive in this area of teaching.

Simulation has also stood out as a positive active methodology for the Law course.

It can be seen that it has focused on the investigation of pedagogical practices developed during the course that prioritize the use of simulated methodologies and problem-based learning. It is considered that the simulations consist of helping and complementing the classes in an expositive way so that there are opportunities for interactive participation with demonstrations.

In the case of the Law course, with the application of the active methodology developed by the pedagogical coordination and applied by the course professors, it has been possible to streamline the classes and bring the student to the center of the teaching and learning process. At each class, discussions are conducted with a “storm of ideas” and the raising of hypotheses based on the formulation of questions.

Another active methodology that has awakened greater receptivity on the part of students has been debates based on real cases. The class is separated into small groups and after a period of preparation, explain to the others what they had understood from the proposed subject.

However, as adaptable beings, any imposed situation demands an attempt to interact, adapt and improve more and more.

The approach based on real problems is understood as learning that involves the need to solve the problem, and in this process, teachers explore content relevant to the needs that arise and develop the ability to solve problems, as well as the skills of autonomous learning. Here, the student is allowed to assume a greater role in learning, which highlights a positive aspect.

However, it is pointed out that the use of these Active Methodologies confronts the traditional teaching of colleges, characterized by retention of information, fragmented disciplines and assessments that require memorization, which can lead students to passivity and the acquisition of a narrow and instrumental view of learning, promoting lack of constant updating. The great challenge of the Active Methodology is to improve individual autonomy and an education capable of developing a vision of the whole - transdisciplinary, which enables the understanding of cognitive, affective, socioeconomic, political and cultural aspects, constituting a socially contextualized pedagogical practice (MELO; SANT 'ANA, 2012, p. 329).

Substituting traditional, and particularly passive, methods in the process of transforming education models, they strengthened considerations about: the peculiarities of adult learning and its relations with society; the practice of active methodologies; and the appropriation of new information and communication technology resources. (SOUZA, IGLESIA; FILHO, 2014 p. 285).

RESULTS AND DISCUSSION

Inj this case, the practical experience that occurred in one of the classes of the Law course at PUC Campus Londrina will be explained. It was the ninth period (penultimate) of the Law course. The subject taught would be Administrative Law, a dense discipline, very theoretical, despite finding practical applications and the most significant for this debate: extremely charged in public tender tests in the legal area and in the Bar Examination, which arouses in students an anguish and a need to memorize the main concepts and themes studied by this branch of Law.

In the introductory class, which took place in the first week of the academic calendar, the professor began a broad discussion on the main ideas that the discipline would address during the semester.

The beginning took place with an oral debate on initial concepts, it was very different and this helped in the perception of the degree of knowledge of each student on the topics they wanted to address during the semester. The strategy was crucial so that students could check how the semester would be and what needed to be further researched and practiced.

In a second moment, the classroom approach extended to a conversation between all, based on reflection on the way universities teach, the effect of technology on the current generation and how learning has been modernizing and adapting to the new aspirations that academic society has awakened. This all had a purpose: to prepare the class to receive the use of new active methodologies during classes, since it was a class that until then had not been the target of a pilot project by FINEP.

It is important to highlight that active methodologies presuppose paradigmatic changes that give the teacher the development of a flexible, collaborative, integrative work dynamic that facilitates learning, enabling students to understand reality from their experience in the world, bringing them closer to their training and your expectations.

The use of several active learning strategies provokes the student to think, reason, observe, reflect, and combine. And that the teacher must maintain an active position looking for studies, information being creative looking for comparisons and appropriate terms.

But how have these active methodologies been applied in the Law course, a formal and traditionally very technical course in its legal languages and legal diplomas?

It is noteworthy that the model of legal education in Brazil and in countries that follow the Civil Law legal system in the world, that is, the structure of legal norms and the way of knowing and interpreting the law, whose main source of legal norms is the law created by the State, has prioritized the exhaustive study in a dogmatic and formal methodological perspective of positive law.

That is, starting from the assumption that the law is a legal legal norm originating from the state monopoly of law formation, it must be studied through its codes and legal diplomas. These laws are generally written in an abstract, autonomous and generic way, sometimes very distant from the reality of many students.

As far as Higher Education is concerned, it is important not to forget that this stage of a student's training is already very close to entering the job market, leaving teachers with an effective preparation for the needs that students, soon to be professionals and workers., will find. In this rethinking of the educational process, the application of digital technologies competes, seeking, from the first years of schooling, the promotion and development of these “new” skills, as we can complement existing methodologies with new strategies focused on projects, research or methods assets, exactly in line with the ideals of the Bologna Process. Higher Education institutions need to transform themselves into true “Learning Institutions”, instead of Teaching, which are detached from masterful, pre-defined teaching, centered on academic content, towards an orientation with a view to lifelong learning, focused on contexts.

It is pointed out that the legal contests in Brazil and the Bar Examination itself, required of the Bachelor of Law who wants to practice the profession of Advocacy, still have a dynamic that is still traditional and content-based in the way of evaluating candidates, which could lead to an understanding that the traditional study is still the apt mechanism to trigger the approval of those who aim for this situation.

In view of this, students still feel insecure when “abandoning” traditional study methods, such as lectures, to enter a new, more dynamic method, namely, learning based on new active methodologies.

Take into account the transformations that the university scenario is going through, due to changes in the contemporary world. Among the most significant are: from a cultural asset, the university has become an economic asset; from a place reserved for a few, it has become a place for the greatest possible number of people; from a good aimed at the improvement of individuals, it has become a good whose beneficiary is society as a whole and, furthermore, has become yet another resource for the social and economic development of countries, submitting itself to the same political and economic laws; it is part of the social dynamics and is subject to the same processes and the same uncertainties in the political, economic or cultural scope that affect all social institutions (ISAIA, 2206, p. 66).

The adopted strategies were of paramount importance, as in addition to encouraging the search for extracurricular knowledge, it provided personal growth, obtaining greater commitment and responsibility, reflection on teaching, and even an improvement on the discipline. It was a motivating instrument for the teaching-learning process, which provided knowledge and values that will be added to life.

Higher Education Institutions must, therefore, seek innovative ways of teaching that promote active methodologies, capable of responding to an increasingly mass and heterogeneous public, through which students form themselves as citizens adjusted to a new reality and able to adequately prepare for the demands of today's world. We live in a reality different from that of the last century, and Higher Education teachers must promote quality pedagogical experiences and create conditions for the creation of learning environments where students can learn together, thus preparing themselves for learning throughout life.

CONCLUSIONS

Faced with a globalized scenario that demands from the Law professional the ability to face complex social issues and in view of the contingent of information easily accessible to students, it was necessary to carry out a study aimed at analyzing the most appropriate methodology for the teaching-learning process, in consonance with the curricular guidelines of the undergraduate course in Law. It was found that many scholars defend that the student would be a mere receiver of knowledge, however, this configures as oppressive and inhibiting the critical and reflective formation of the student. On the other hand, active methodologies are defended as effective methods for the active participation of students, capable of allowing meaningful learning, critical and reflective thinking. Active methodologies, through problematization, are important in the development of the mental functions of law students, in critical, reflective and interdisciplinary training, as well as in generating co-responsibility in the teaching-learning process.

However, the great difficulty in adapting teaching in the Law course is undeniable, based on new learning methodologies, in view of the difficulties encountered by students when faced with the Bar Examination or public legal tenders that do not accompany this evolution of teaching and continue to be based on traditional methods of demanding content. This has been the great challenge of the century.

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