

**IMPROVING STUDENTS' COMPREHENSION
ON THE THEORY OF LAW
(NAZĀRIYYAH AL-ḤUKM) THROUGH
ACTION RESEARCH**

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ABSTRACT

In recent years, it is being observed that the medium of instruction in the Academy of Islamic Studies has moved from the strictly local language to a multi-lingual education system that includes Arabic and English beside Malay. With a considerable rise of the rank of the University of Malaya at the ladder of the world academic ranking, the academy has introduced serious developments similar as in other faculties of the University. The curriculum has been developed and turned into an international form as well as the staffs have been employed preferably according to these changes. Imparting instruction of the courses in different foreign languages at the academy, brought at the beginning initial reactions and difficulties. The students could not fully understand the subject matter of the courses; and there were communication gaps between teachers and students. Moreover, the students faced difficulties during the preparation and taking of exams because they had to read sources in foreign languages other than their native language. Imparting instruction and learning, especially of the law subjects in their original languages such as Arabic and English, is considered a major achievement for both students and the academy. The investigation of the role of language in teacher education is highly significant for further developments.

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Therefore this paper attempts to investigate the role played by the teacher/lecturer in the comprehension of the subject of the theory of law (Nazāriyyah al-Ḥukm) in the multi-cultural environment in order to achieve maximum benefit; how the diversity of languages could be turned into an opportunity to enhance both teachers' and students' achievement.

Keywords: *Teacher Education, Action Research, Theory of Law (Nazāriyyah al-Ḥukm), Academy of Islamic Studies (APIUM)*

INTRODUCTION

Upon recent serious records of the University of Malaya in the world higher education ranking persuaded exited leaps to be able to achieve better results. In support of the significant target of the University, Academy of Islamic Studies (API) has invited well-equipped scholars and academicians in order to raise the quality of the academy, enhance the ability of the students and make it more an international higher educational institution. In addition to this, accommodating English and Arabic as the medium of instruction beside Malay language for the future of students after graduation was quite positive in the academy which also attracted many international students. However, this new application brought different opinions from both students and staffs: students could face some difficulties in terms of understanding the lecturers because not all the students are at the same level in languages. Those who graduated from Nilam Puri could easily follow Arabic lectures but Arabic, while those who graduated from national high schools could easily follow English lectures in contrast to Arabic. It's observed that the first group's need was more English support while the latter's need was more Arabic support. Therefore, the language difficulty must be eliminated for their better understanding and self-confidence. On the other hand, the contents of the Theory of Law (*Nazāriyyat al-Ḥukm*) and its teaching methods must also be discretionally prepared because of its coverage which serves to all departments under the academy as a compulsory subject.

Meanwhile, the Academic Development Centre (ADeC) of the University of Malaya intended to organize an Action Research Workshop in line with the policy of the whole university. The

ADeC carries significant workshops and seminar in order to “support achievement of the University’s mission, goals and strategy by helping to provide an excellent learning experience for academicians, ensuring the availability of professional development opportunities for all staff, and supporting innovations in teaching and learning, focusing on innovation and the importance of new technologies.”¹ In proportion to this objective, the idea of action research was born by the first meeting held in 10 December 2009. The group consisted of academicians from different faculties who are interested in researching into their teaching practices in the current semester. The research entails firstly data collection both in the classroom and outside the classroom. The students would have a main role to play within the research while the lecturers being the researchers, observers and instruments. For further development, the outputs of the practices will take series actions to enhance teaching and learning abilities. This action research group will be the first group involving such research activity within the University level; therefore, they would be the role models for future action research groups in the University.

This research will be investigated in two parts. The first part consists of an explanation of the nature of the course, students’ socio-cultural and educational infra-structure, size and the scope of the action research, while the second part basically explores the development of the teaching and the surveys applied to around 150 students of the academy. The regular observations during the classes and tutorials, the results of the survey will be discussed and analyzed respectfully.

SCOPE AND METHODOLOGY OF THE RESEARCH

Learning and teaching are continuous process for education, need to be researched and investigated constantly in order to follow up the time’s requirements. Action research is one of the methods to enhance the ability of teaching and learning in the class environment. It provides a useful structure for serious

¹ See, <http://adec.um.edu.my/code/>

educational research and investigation.² Despite the significance of action research and its effect on general education concerned many educators and researchers to write articles and books³ on it and its practical fruits were collected, unfortunately there is no single research has been carried out so far on action research on Islamic law subjects in the academy of Islamic Studies. In fact, mostly researchers focused on theoretical researches rather than practically used action research: bibliometric study in Shariah Journal;⁴ Islamic legal education;⁵ development of education;⁶

² J. B. Biggs (2003), *Teaching for Quality Learning at University: What The Student Does*. (2nd ed.), Buckingham: Open University press/ Society for Research into Higer Education; N. Holey, *Participatory Action Resarch and the Struggle for Legitimation* (Australian Educational Researcher), vol. 32, no. 1, pp. 67-82; O. Zuber-Skerritt (1992), *Action Research in Higher Education: Examples and Reflections* London: Kogan Page.

³ Raja Shamsiah Raja Harman (1999), "Action Research: The Teaching of Writing in a Form Four Class", (Dissertation (M.Ed.) Fakulti Pendidikan, Universiti Malaya, Kuala Lumpur.

⁴ Raihanah Abdullah and Asmak Ab. Rahman (Dec 2009), "Fifteen Years of Jurnal Syariah (1993-2007): A Bibliometric Study", *Malaysian Journal of Library & Information Science*, vol. 14, no. 3, pp. 59-76.

⁵ Abdul Samad Musa (Jan-Jun 1995), "Pengajian Syariah dan Undang-undang di Jabatan Syariah Fakulti Pengajian Islam Pengajian Islam UKM: Satu Analisis ke arah Pendekatan Profesional", *Shariah Journals*, vol. 3, no. 1; Raihanah Abdullah, "Islamic Legal Education: Malaysian Experience", International Law Conference, ASEAN Legal Systems and Regional Integration (3-4 September 2001), Kuala Lumpur, p. 2.

⁶ Idris Awang (July-Dec 1995), "Perkembangan Pengajian di Fakulti Syariah Akademi Islam Universiti Malaya", *Shariah Journals*, vol. 3, no. 2.

course teaching;⁷ Islamic education;⁸ for that reason, applying the method of action research in the academy is vigorously important to unveil the problems in order to find concrete solutions for that to develop students' self abilities; increase the quality of understanding of the theory of law.

This paper, therefore, aims to analyze the classroom activities of the subject of the theory of law and its development through practical observations with its negative and positive sides; individual contact with the students as well as with other lecturers via applying some questionnaires, having them interviewed, giving them space for brainstorming and so on. Through the investigation, the following points would be considered as key factors to get into the central agenda: putting my practical experience into the research; precise questions would guide the students towards exploration; the strengths that needed to be developed; ease and difficulties of the subject and situations need to be handled; new ideas and suggestions; the problems related to students and lecturers; methods and equipment issues; discovering important factors in understanding the subject.

⁷ Noor Naemah Abdul Rahman & Abdul Karim Ali (Jan-June 2006), "Pengajaran Kursus Usul al-Fiqh Peringkat Ijazah Dasar: Akademi Pengajian Islam, Universiti Malaya: Pengalaman dan Penilaian", *Shariah Journals*, vol. 14, no. 1.

⁸ Abdul Halim Mat Hj. Diah (October 1993), "Tujuan Pendidikan Islam", *Usuluddin Journals*, no. 1; Abdullah @ Alwi Hj Hassan (October 1993), "Pendidikan Islam di Universiti Malaya 1959-1991", *Usuluddin Journals*, no. 1; Muhammad 'Uthman el-Muhammady (May 2000), "Pendidikan Islam Menurut Al-Nadwi: Satu Analisis", *Usuluddin Journals*, no. 11; Abdul Halim Mat Diah (Dec-Jan 2007), "Falsafah Pendidikan Islam Di Peringkat Ijazah Tinggi di Malaysia", *Al-Tamadun Journals*; Jawiah Dakir, Mazlan Ibrahim, Jaffary Awang dan Ibrahim Mohamed (June 2001), "Cabaran-cabaran Pengajian Usuluddin dan Falsafah di Alaf Baru", *Afkar Journals*, no. 2; Wan Suhaimi Wan Abdullah (May 2006), "Pengajian Falsafah Islam di Institusi Pengajian Tinggi Awam di Malaysia: Sukatan, Masalah dan Cabaran Pengajian", *Afkar Journals*, no. 7.

THE SIGNIFICANCE OF THE RESEARCH

Through designing the best questions for the both qualitative and quantitative research methods result the best answers is known that it is a highly significant way to develop the quality of education. However, action research is a different method not only using the best question and answer techniques but also putting you observation within the constant and simultaneous teaching and learning atmosphere. It is an artificial learning method without imposing teaching rules. This technique, which was used in this research, is a new method of learning and therefore, it increases the significance of the research as it has never been used within the field of the theory of law (*Nazāriyyah al-Ḥukm*) within the academy of Islamic Studies, except some research based articles⁹, seminars¹⁰ organized in some faculty of divinities, and books¹¹ published and the action research method on the agenda of the academicians to be implemented.

In order to achieve individual mastery of the theory of law I have been using different techniques, “traditional teacher-directed approach”, student involving technique, role play change technique, and question-answer based teaching techniques. First, I explain the topic later the students’ learn would be checked their understanding through questions quizzes and tests. The subject

⁹ Menderes Gürkan (2003), İlahiyat Fakültelerinde Okutulan İslam Hukuku Dersleriyle ilgili Problemler E. Ü. Kayseri İlahiyat Fakültesi Örneği, *Journal Of Islamic Law Studies*, no. 2, pp. 219-226; Vecdi Akyüz (2004), İslam Hukuku Dersinin Lisans ve Lisansüstü Düzeyde Eğitim Öğretim Problemleri ve Bunların Aşılması Yöntemleri, *Journal Of Islamic Law Studies*, no. 3, pp. 313-318; Mustafa Yıldırım (2005), İslam Hukuku Öğretimine Farklı bir Yaklaşım: Aktif Eğitim, D. E. Ü. İlahiyat Fakültesi Dergisi, no. 22, İzmir, pp. 37-52.

¹⁰ Sempozyum, “İlahiyat Bilimlerinde Yöntem Sorunu Sempozyumu”, University of Erciyes, 24-25 April 2003; Vecdi Akyüz, “İslâm Hukuku Dersinin Lisans ve Lisansüstü Düzeyde Eğitim-Öğretim Problemleri ve Bunların Aşılma Yöntemleri” I. İslâm Hukuku Ana Bilim Dalı Eğitim-Öğretim Meseleleri Koordinasyon toplantısı ve İslâm Hukuk Usûlünün Problemleri Sempozyumu, (Çorum: 2004), p. 85.

¹¹ Halit Ev (2003), Türkiye’de Yüksek Din Öğretimi Kurumları ve Öğretmen Yetiştirme, İzmir: Tibyan Yayıncılık, pp. 120-131.

of the theory of law requires more critical thinking therefore the students involve in the creativity of solving problems. The encouragement of the students to solve their own problems and how to develop their improvements in the subject creates a very useful atmosphere in tutorial classes.

This course plays a significant role to enhance the students' critical understanding of the legal matters. Without comprehending the subject critically, the other Islamic science would not be understood adequately; hence the students graduate as deficient and insufficient. Especially, those who will have a judicial position, to continue working in academic world, *fiqh* (jurisprudence) fatwa commission in religious affairs, and teaching in educational institutions, comprehending of this course is a matter of vital for the students. Importance of the subject and the responsibility upon the valuable students of the academy encouraged me to go further research on how to improve their understanding on the theory of law subject. I believe that if the experience that I have had during the four semester teaching would be an important input to develop the teaching strategies within the action research and it may encourage the other lecturers to go further studies and research to develop the students as well as the teaching techniques for the vital subject of the theory of law.

THE THEORY OF LAW

The subject of the theory of law (*nazāriyyah al-ḥukm*) is thought to master the students on the principles of Islamic jurisprudence. In general sense, it is thought as a summary of the mentioned subject, however, because of the variety of students from different faculties, it was aimed to give basic knowledge on the theory of law to them, and therefore it was renamed as *nazāriyyah al-ḥukm* instead of calling it as *uṣūl al-fiqh*. Briefly, it is a science of law which consists of two words *uṣūl* and *fiqh*. *Uṣūl* means something upon which another thing is constructed, be it material or spiritual;

here it gives the meaning of foundation (*asās*),¹² the term *usūl* is the plural of *aşl*, and it is “something from which another thing originates or is sourced.” Technical application of the word (*a-ş-l*) in Islamic Law is the meaning of proof (*dalīl*);¹³ while the term *fiqh*, in the linguistic sense, is synonymous with understanding (*al-fahm*)¹⁴. Technically, the definition of *fiqh* is confined to Islamic jurisprudence alone and it is “the knowledge of the legal rules (*aḥkām shar‘iyyah*), pertaining to conduct, have been derived from their specific evidences,” and therefore “it is a compilation of the legal rules pertaining to conduct that have been derived from their specific evidences.”¹⁵ On the other hand, the term “principles of jurisprudence” has been used¹⁶ as “Legal Theory”, “General Theory of Law”, “Proofs of Fiqh”, “Principles of Fiqh”, “Theories of Law”, “Legal Philosophy”, “Theory of Rulings”, “Methodology of Law”, and so on. The principles of Islamic law basically consist of the meaning of Islamic Law; main sources; deducting the law from its sources; textual implications; commands and prohibitions of the Sharī‘ah; regularity and dispensation; the declaratory law; the Lawgiver; the Object of the command of the Sharī‘ah, acts, rights and obligations; those to whom the command of the Sharī‘ah is addressed, the subject; abrogation and abrogated; conflicts of

¹² Mollah Husraw, Muḥammad bin Firāmūz (885/1480), “*Mir‘āt al-Uşūl Sharḥ Mirkāt al-Wuşūl*”, Istanbul: Maṭba‘ah al-Amīrah, vol. 1, p. 56; Laknawī, ‘Abd al-‘Alī Muḥammad bin Niẓām al-Dīn Anḥārī, Baḥr al-‘Ulūm, Abū al-‘Abbās, Ḥanāfi (1906), “*Fawātiḥ al-Raḥamūt Sharḥ Musallam al-Subūt fī Uşūl al-Fiqh*”, vol. 1, Cairo, Bulāq: Maṭba‘ah al-Amīriyyah, p. 8; Anḥārī, Abū Zakarīyyah Shaikh al-Islām (1941), “*Ghāyāt al-Wuşūl Sharḥ Lub al-Uşūl*”, (Cairo: Muştafā bāb al-Ḥalabī wa Awlādūh, vol. 1, p. 18.

¹³ Saim Kayadibi (2010), *Istihsan the Doctrine of Juristic Preference in Islamic Law*. Selangor, Malaysia: Islamic Book Trust, p. 3.

¹⁴ *Ibid.*, p. 89.

¹⁵ Abd al-Rahmān bin Jād Allah al-Bannānī, al-Maghribī (1937), *Ḥāshiah ‘alā Sharḥ Jalāl al-Dīn al-Maḥallī ‘alā Jam‘ al-Jawāmī‘ li Ibn Subkī*. Cairo: n. p., vol. 1, p. 32; Molla Husraw, *Mir‘āt al-Uşūl*, vol. 1, p. 50; Şadr al-Sharī‘ah, *al-Tawḍīḥ*, vol. 1, p. 26.

¹⁶ Imran A.K.N (2003), *Islamic Jurisprudence* (Selangor, Malaysia: The Other Press, p. 2; Ahmad Hasan (1993), *Principles of Islamic Jurisprudence*. Islamabad, Pakistan: Islamic Research Institute, pp. 3-7; Mohammad Hashim Kamali (1997), *Principles of Islamic Jurisprudence*. Cambridge: The Islamic Text Society, p. 1.

evidences; personal reasoning (*ijtihād*). These principles help the jurist (*faqīh*) to deal with cases as guiding tool to give judgments, without these tools the jurist cannot deal with cases correctly and therefore teaching the theory of law is a significant matter in law education. Consequently, according to the schedule, the teaching of the theory of law (*nazāriyyah al-ḥukm*) consists of definition of the theory of law; definition of ruling and its classification: Obligations and duties (*ḥukm taklīfī*): the obligatory (*wājib*), the recommended (*mandūb*), forbidden (*ḥarām*), disapproved (*makrūh*), permissible (*mubāḥ*); the Lawgiver (*ḥākīm*); declaratory law (*ḥukm waḍ'ī*): cause (*sabab*), condition (*shart*), impediment (*māni'*), validity (*ṣiḥḥah*, vitiation (*fasād*), nullity (*buṭlān*); regulatory and dispensation in the commands of the Sharī'ah: '*azīmah* and *rukḥṣah*; the object of the command of the Sharī'ah (*maḥkūm fīh*): acts, rights and obligations; The subject: those to whom the command of the Sharī'ah is directed (*maḥkūm 'alayh*), legal capacity and the causes of defective legal capacity; the sources of Islamic law: the primary sources: the Quran, the Sunnah, *ijmā'* (consensus), *qiyās* (analogy) and the secondary sources: *istiḥsān* (juristic preference), *maṣlahah mursalah* (consideration of public interest), *istiḥāb* (presumption of continuity), *qawl al-ṣaḥābī* (the sayings of the companions of the Prophet), '*urf*' (custom), *sadd al-dharā' i'* (blocking the means), *shar' man qablanā* (revealed laws preceding to the Sharī'ah of Islām) and *istiqrā'* (induction).

The course aims the students, at the end of the course, would be able to explain the concept and the scope of Islamic law; identify the characteristics of each part of the law of obligations and duties (*ḥukm taklīfī*) and declaratory law (*ḥukm waḍ'ī*); comprehend the subject categorization of law with respect to the rights of God and the rights of subject; describe the concept of the legal capacity and the reasons which defect the legal capacity; figure out the fundamental sources of Islamic law and its supplementary.¹⁷

¹⁷ See pro-forma of the subject of *Nazāriyyah al-Ḥukm* (the theory of law) which is being taught in the Academy of Islamic Studies, University of Malaya.

REALITY OF ACTION RESEARCH

A new method of learning, action research is “a form of self-reflective inquiry that can be utilized by teachers in order to improve the rationality and justice of (a) their own practice, (b) their understanding of these practices, and (c) the situations in which these practices are carried out.”¹⁸ One who the first coined the term action research was Kurt Lewin who credited that the work did not separate the investigation from the action needed solving the problems¹⁹. Lewin worked to develop his work throughout 1940s and used it in 1944²⁰. Noffke & Stevenson indicated that his process was cyclical, planning, acting and observing²¹. Stephen Corey, was also among the first to use the term in the field of education, believes that the scientific method in education is all about to change and to improve our practices rather than investigating what others has done.²² In another word, it is accurately a methodical investigation that is carried out by teachers; it’s one’s own practice .²³

The method, which has been used a serious tool in education, can be briefly described as “Action research is a process in which participants examine their own educational practice systematically

¹⁸ W. Carr & S. Kemmis (1983), *Becoming Critical: Knowing Through Action Research*. Geelong, Victoria, Australia: Deakin University, p. 152; Mary Dicker (1990), “Using Action Research to Navigate an Unfamiliar Teaching Assignment, Theory into Practice”, *Teacher as Researcher*. Summer, vol. 29, no. 3, p. 203.

¹⁹ K.P. McFarland & J.C. Stansell, Historical perspectives. In L. Patterson, C.M. Santa, C.G. Short, & K. Smith (Eds.) (1993), *Teachers are Researchers: Reflection and Action*. Newark, DE: International Reading Association, p. 14.

²⁰ K. Lewin, (1946) Action research and minority problems. *J Soc. Issues* 2(4), pp. 34-46; Lippitt, R. (1947). “Kurt Lewin, 1890-1947. Adventures in the Exploration of Interdependence.” *Sociometry* vol. 10, no. 1, pp. 87-97.

²¹ S.E. Noffke, & R.B. Stevenson, (Eds.) (1995), *Educational Action Research: Becoming practically critical*. New York: Teachers College Press, p. 2.

²² S.M. Corey (1953), *Action Research to Improve School Practices*. New York: Teachers College Press, p. 70.

²³ Craig A. Mertler (2006), *Action Research Teachers as Researchers in the Classroom*. California: Sage Publications, p. 2.

and carefully, using the techniques of research;²⁴ which is a developing process with flexible adjustment, “action research specifically refers to a disciplined inquiry done by a teacher with the intent that the research will inform and change his or her practices in the future;”²⁵ constant investigation, and self development, “teachers should be constantly researching and educating themselves about their area of expertise, this is different from the study of more educational questions that arise from the practice of teaching;”²⁶ Kind of a systematic inquiry conducted by teacher researchers to gather information;²⁷ seeks to create knowledge, plan and apply change, and develop exercise and performance.²⁸ For recent years this method, because of its significance, has become to take attention of educators, researchers, administrator, and policy makers.²⁹ It has to be clarified that action research is not a simple research; not a library project where we learn more about a topic that interests us; not also a simple problem-solving method; but rather a quest for knowledge about how to improve; not finding a correct answer, however it involves people working to improve their skills, techniques and strategies; not why we do certain things, but rather how we can do things better, and it is about how we can change our instruction to impact students.³⁰

ACTION RESEARCH IN THE SUBJECT OF THE THEORY OF LAW

The research that is carried currently is somehow different than other action researches because of its diagnosing process. In another words, we have already some diagnosed problems: difficulty of taking lectures in foreign languages, reading materials, difficulty of comprehending the concept because of lack of infrastructure,

²⁴ Eileen Ferrance (2000), *Themes in Education: Action Research*. Rhode Island: Brown University, p. 1.

²⁵ *Ibid.*

²⁶ *Ibid.*, p. 2.

²⁷ G. E. Mills (2003), *Action Research: A Guide for the Teacher Researcher*. Upper Saddle River, NJ: Merrill/Prentice Hall, p. 4.

²⁸ E. Stringer (1996), *Action Research: A Handbook for Practitioners*. Thousand Oaks, CA: Sage.

²⁹ *Ibid.*

³⁰ Eileen Ferrance (2000), *op.cit.*, pp. 2-3.

and so on. Nevertheless, it's more likely carried out the similar process which will first the problem be identified then the followings: collecting data and organizing them, interpreting the data, action on and implementing them, evaluating the results and arriving at some concrete reflections.

DIAGNOSING THE PROBLEMS

Discovering problems is a significant part of any researches; therefore, taking the lecturers, students and even the management into the consideration will help us to determine the goal. Furthermore, evaluating these institutions is not an easy job. Nevertheless, it must be carried out. While the lecturers are assessed some unexpected suppositions might occur: assessing lecturers and even managements could not be objective; to assess the lecturers is not fair. However, for the sake of quality of the education and the future of students, it must be fulfilled even though it is hardly possible. In order to obtain a reliable result in an educational institution all the possible details must be taken into the consideration and they be questioned without unnecessary concerns. So then the following inferences could be summarized:

1- Single Language

Using a single language during the lecture and insufficient background of the students to follow up the lecture is a common reality of the teaching which causes dissatisfaction. The lecturers are required to convey the lecture in English beside Arabic as side support when the students have difficulties to follow. If the lecturer is not competent in other language, comprehending the subject becomes difficult. The figure 1 demonstrates the reality when the statement was asked to the students whether "explaining the subject in English helps me to understand it better beside Arabic" or not. Out of the 120 students, 85, 70.8% girl and 35, 29.2% boys, the majority of them were in agree on bilingual teaching with 95% which consists of 72.5% of the total is strongly agree and 22.5% of the total is agree. Surprisingly, only 3.4 % of the total disagreed while 1.7% of them were neutral. On the other hand, the table 1 supports the important of teaching the subject in both language, Arabic and English together. However, a curious point in this

poll is, despite of the majority of the students are Malaysian, very small amount of students went for Malaysian language with 6 of 5.0%. In contrast to this, either Arabic or English or Arabic and English took place 90% of the total. It obviously indicates that the teaching of the subject in both languages, Arabic and English is significantly important. Furthermore, it was verbally confessed that many of the students were complaining the lecture which was delivered by only Arabic language; they would prefer bilingual, Arabic and English, rather than single language; meaning that both lecturer and students must be equipped with both language in order to be conveyed the knowledge interchangeably.

Figure 1: Explaining the subject in English helps me to understand better in Arabic

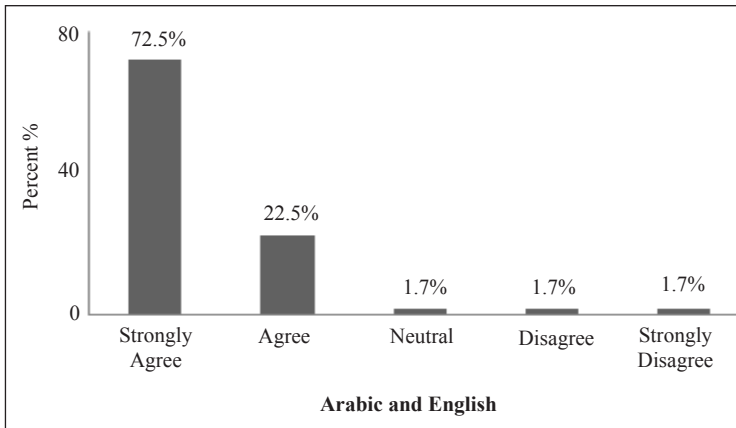


Table 1: I prefer the language of the subject should be in

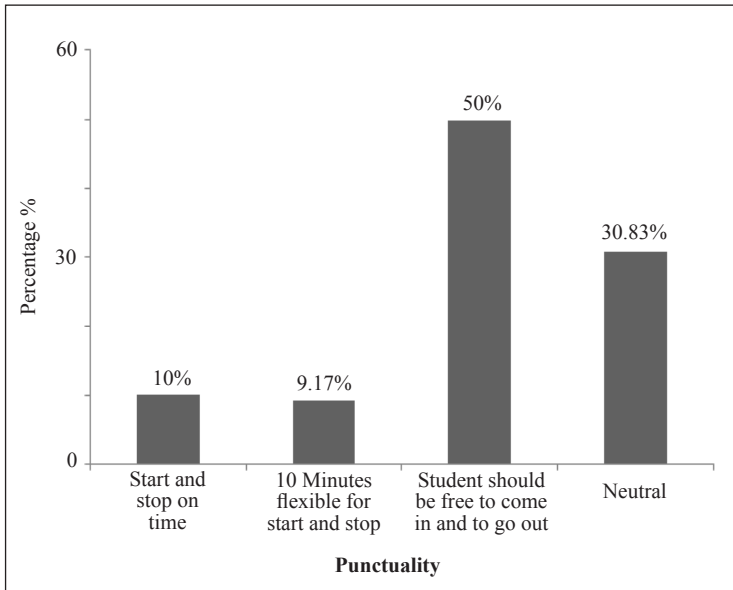
	Frequency	Percentage (%)	Valid Percentage (%)	Cumulative Percentage (%)
Arabic	5	4.2	4.2	4.2
English	9	7.5	7.5	11.7
Arabic and English	94	78.3	78.3	90.0
Malay only	6	5.0	5.0	95.0
Malay with others	6	5.0	5.0	100.0
Total	120	100.0	100.0	

2- Methodological Approach

Teaching needs devotion, if lecturers do not give full attentions for providing knowledge the success never comes. Teaching does not mean to enforce students to memorize texts or to tell them to study certain pages or to narrate lectures like simply telling stories. However, some lecturers do the classic style of teaching, focusing on to give knowledge rather than to develop their intellectual ability, creativity, adoptability and so on. Telling the students to memorise text without comprehending the topic could only be useful for the exam, though, when the exam finish the knowledge quickly goes away if the understanding is not involved. Same problem, I suppose, is seen in many countries. One investigation in the faculty of divinity of Turkey shows the similar problems and the researchers complain with the same problems.

The educational institution must create its own way to produce competent lecturers and students through designing serious curriculum and method of teaching. In addition to that, the lecturer should be aware of the follow up level of students. Especially for students who are taking the lecture in the second language would face difficulties to follow up the lecturer. Students in the tutorial have complaint that some lecturers are very fast; eventually they cannot understand the lecture. Students' convenience for participation to the lecture is one of the significant tools which balance the interest of students in the lecture and therefore the student's opinion must be taken. As the figure shows the students' participation to the class, the greatest portion was taken by those who want to be free to come in and go out with 60, 50.0% of the total; 12, 10.0% of them voted on punctuality while 11, 9.17% of them prefer to be flexible 10 minutes for start and stop time.

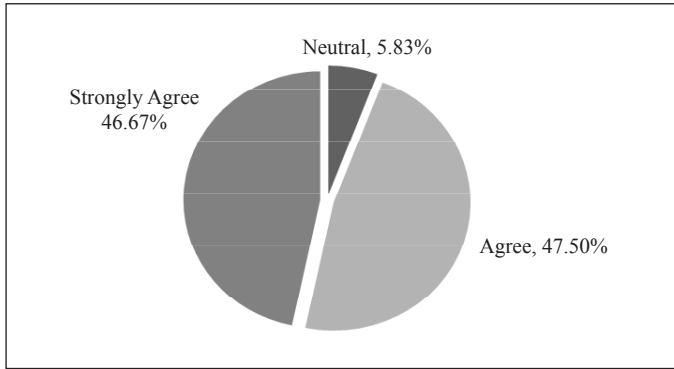
Figure 2: Students' participation to the class



3- Lack of Knowledge Updating

Any kind of science can only be developed if the scholars develop themselves otherwise it remains and even lags behind. Unfortunately, many scholars never update their knowledge; they repeat the same knowledge where they obtained from their study in every lecturer without contributing anything. In fact, lecturers would have follow up the time and refresh their knowledge according to the requirement of the time and changes. This was a general view of students towards some specific lecturers; however, the result shows in the pool that the lecturers are substantially qualified in their field. For example, in order to get clear perceptions of the students towards lecturers the following statement was asked “The lecturer is knowledgeable and can convey his knowledge in an appropriate way to the students” and their response fairly interesting. The figure illustrates that the total 94.17% of the total students were agree that the lecturer is knowledgeable and can convey his knowledge in an appropriate way. On the other hand, just 5.83% of the total students were neutral about it, even more interestingly, there were no single students disagreed.

Figure 3: The lecturer is knowledgeable and can convey his knowledge in an appropriate way to the students



4- Lack of Relationship and Communication

Some personal complains were among the students: “I am so afraid of talking with the lecturer.,” “I don’t know how to explain my ideas and to communicate with them because they are always busy with something, therefore I am afraid to disturb them and even my language could cause misunderstanding.” In this case lecturers and the management have responsibility to ensure them that there will be no place these anxieties. If there are such kinds of worries, e-learning method could be useful to get rid of it at the beginning. E-learning system communicates both parties continuously through modern technology. The table 2 indicates that e-learning method is an important tool for education and to communicate continuously with the facilitators. There is only 7, 5.8% of the total believes that e-learning system is not useful, while the others consider that it is useful and should the lecture notes and all kind of communications continue through e-learning; 36, 30.0% of them are very insisted on pursuing it via e-learning; 19, 15.8% of them are neutral which means that they are fine with both way, with e-learning and with classical method.

Table 2: I prefer the language of the subject should be in

	Frequency	Percentage %	Valid Percentage %	Cumulative Percentage %
Very Useful	30	25.0	25.0	25.0
Not Useful	7	5.8	5.8	30.8
Everything Must be via e-Learning	36	30.0	30.0	60.8
Continue as Usual	28	23.3	23.3	84.2
Neutral	19	15.8	15.8	100.0
Total	120	100.0	100.0	

5- Pitfalls of the Modern Era

Technological advancements make life easier. This is a common judgement of people which is most likely a true assumption. However, beside its positive impact, it brings the side effects and those side effects should not be ignored, for instance, internet, television, movies, games, and so on, have side effects. Internet, for example, is an unlimited source of knowledge and if it is used for the sake of good intention, otherwise it would be a pitfall for the pure hearts. Unfortunately, using side effects of internet become habit for students and they spend their valuable time with unnecessary busyness.

6- Limiting the Students' Study Field

The main role of the lecturer would be facilitator rather than teacher, simply be a life coach to guide them to obtain the knowledge from where, when, and who; how to shift the obstacles and barriers; to give self-confidence; to be a part of them physically and emotionally. Enforcing students on a specific text or book would limit the students' creativity and development. Although according to the students' perception and the reality of teaching which require a certain course book or text book for better understanding the subject, they should not be enforced only to follow the text or course books. Besides the followed text, the facilitator should provide always extra handouts which develop

learning skills³¹. Nevertheless, the table 3 shows the teaching materials given for the subject whether are fairly enough or not. It obviously shows that 108 of the total amount of students were agreeing that the teaching materials are fairly enough. While the table 3 shows that 88, 66.7% out of 120 students were strongly agree and 28, 23.3% were agree which means more than two in third of the votes were occupied by them. Meanwhile the lowest portion was taken by strongly disagree with only one student as equal to 0.8%; 3, 2.5% by disagree and 8, 6.7% by neutral of the total. It means that besides providing a text book or course book, the lecturer must provide handouts to support the teaching. Majority of the students also want to have the lecture through modern technology for example using e-learning, as it is mentioned earlier, PowerPoint slight show, facebook, e-mail group, and so on.

Table 3: Teaching materials given for the subject are fairly enough

	Frequency	Percentage %	Valid Percentage %	Cumulative Percentage %
Strongly agree	80	66.7	66.7	66.7
Agree	28	23.3	23.3	90.0
Neutral	8	6.7	6.7	96.7
Disagree	3	2.5	2.5	99.2
Strongly disagree	1	.8	.8	100.0
Total	120	100.0	100.0	

POSITIVE IMPACTS ON THE SUBJECT

As demonstrated in the figure 4, lecturers' attitude, atmosphere of the classroom, materials and tutorials have positive impact on students. Furthermore, the point must be appreciated that the lecturers, according to the general view, are very friendly and sincere to students.

³¹ Maryellen Weimer (2002), *Learner Centered Teaching: Five Key Changes to Practice*. San Francisco: Jossey-Bass, p. 213.

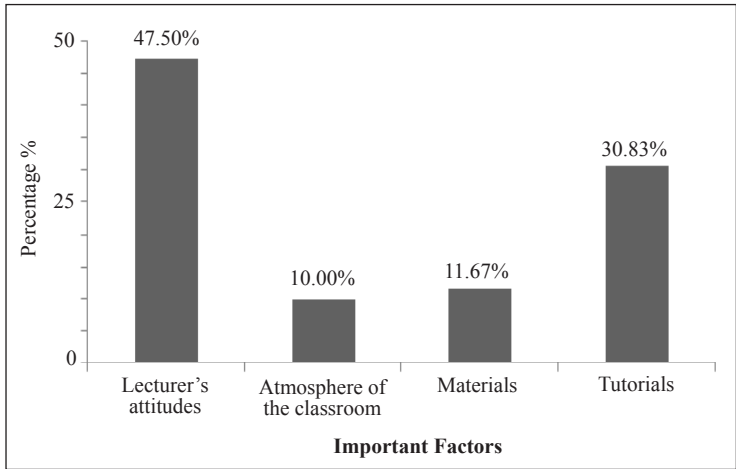
1- Friendly Attitude

It's evident that 100% of the total students believe that friendly attitudes of the lecturers would increase the understanding of the subject, furthermore, 59.2% of the total took place in strongly agree and the rest 40.8% supported the first with agree according to the table 4. It seems to be that "friendly attitude" is a strong factor in the psychology of education; without giving a single point for other sections such as neutral, disagree and strongly disagree is the bright side and the strength of the relationship with the lecturers. The figure 4 demonstrates the important factor which makes the subject easier to understand through comparing with different elements. Lecture's attitude is as similar amount as the friendly attitudes figured out in the table 4. The first is 47.50% while the next is 59.2%. On the other hand, in the figure 4, the biggest percentage took place in "lecture's attitudes" with 47.50%, followed by tutorials with 30.83% respectively "materials" with 11.67% and 10.00% with "atmosphere of the classroom". Tutorial is a significant laboratory for action research. Students can freely show themselves during the tutorials. Although it is a significant method for students to develop both themselves and the subject teaching, they haven't realised its importance because the number of the students remained to choose 37 out of 120 with 30.83%. Nevertheless, it is a good start with this number. Furthermore, if the two elements, "lecturer's attitudes" and "tutorials", collaborate notion of the action research would emerge within.

Table 4: Friendly attitudes of the lecturer in the class help the understanding of the subject

	Frequency	Percentage %	Valid Percentage %	Cumulative Percentage %
Strongly agree	71	59.2	59.2	59.2
Agree	49	40.8	40.8	100.0
Total	120	100.0	100.0	

Figure 4: The most important factor which makes the subjects easier to understand



2- Open Mindedness

Open mindedness plays a significant role in the theory of law which requires critical thinking; otherwise the main purpose of the law, which arrives at a just ruling, could not be accomplished. Simply, open mind means “A mind that is accessible or receptive, especially to new arguments or ideas; a candid or honest mind; an unprejudiced mind; to be ready to consider a matter without prejudice.”³² Lecturer must be an open-minded and therefore students could find an environment to express themselves and respectively they became open-minded. Furthermore, the lecturer and students are ready to consider and receive new ideas and different opinions in order comprehend new developing signals. Being open-minded could take them to be flexible and adaptive to new knowledge and facts. Especially lecturers must have the manner of being open-minded otherwise could not develop an active and action research environment as well as the student they cannot develop themselves if they close their brain for new experiences, ideas, views and facts. Open-mind always finds

³² *The Oxford English Dictionary* (1989), 2nd ed., edit by John Simpson and Edmund Weiner, Oxford: Clarendon Press.

new discoveries, with the world of Charles F. Kettering “where there is an open mind, there will always be a frontier”.³³ Open-minded can persuade students to participate with discussions in the lecture during the class tutorial. According to the theory of law’s students the active participation is significantly important. The table demonstrates active participation of students during the lecture whether they are agreeing on participation for discussion during the lectures and tutorials or not. It obviously expresses that 95.8% of the total agree on participation, even 75.0% of them are strongly agree. However, only 1.7% of them are disagreed. Meanwhile, 2.5% of them are still indecisive. The results shows that the lecturer must find a way to make the students practically involved with discussions.

Table 5: Active participation of student during the lecturer

	Frequency	Percentage %	Valid Percentage %	Cumulative Percentage %
Strongly agree	90	75.0	75.0	75.0
Agree	25	20.8	20.8	95.8
Neutral	3	2.5	2.5	98.3
Disagree	2	1.7	1.7	100.0
Total	120	100.0	100.0	

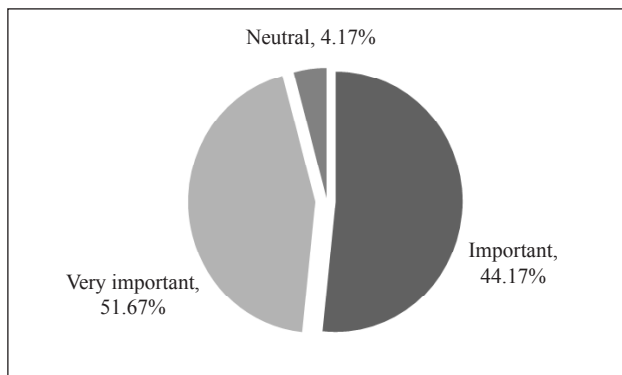
3- Importance of the Subject

It is obvious that the first thing is to get to know the students with the importance of the law subject beside introducing the subject itself and the texts, materials of it. However, it is not easy to explain the students the importance of the subject unless they have already substantial basis, because telling an importance of something needs attention more than knowledge. The great importance of the subject will be better appreciated if the candidates have enough interest. The next step is a question of contents of the topic, how it works between the theory and the practice which means that students should be able to evaluate the law text with its implications in the jurisprudence. The figure 4 openly

³³ Bob Kelly (2007), *Quotes Worth Repeating*. India: Better Yourself Books, p. 111.

elaborates the students' perspectives towards the importance of the subject. It clearly shows that the total students of the subject have given vote for "very important" with 115 of 95.88% of the total. While the figure 4 indicates that there are no places neither for "not important" nor "not very important". Meanwhile, the only 5 person of 4.17% were "neutral". This pie chart indicates that the students are very aware of the importance of the subject which means they are ready to develop themselves through the guidance of the lecturer for better understanding.

Figure 5: The theory of law is an important subject



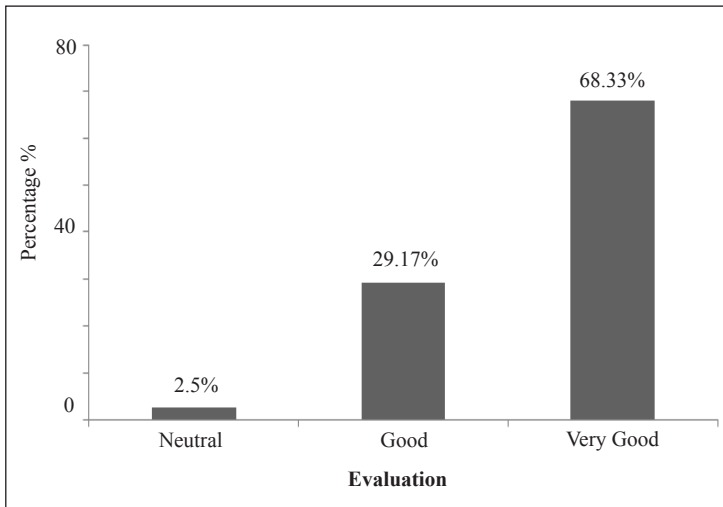
4- Trust on the Lecturer

Trusting on lecturer in teaching, relationship, sincerity and so on would give a mutual platform to develop their understanding. It is described as "trust is a kind of freedom from suspicion and from distrust"³⁴, which stress the sincerity between parties. The expectations from the both sides must be considered. The true educational relationship requires honesty, because without honesty a real connection could not be achieved between them and the trust is the basis of interaction. Whatever happens, with the lecturer's trust and spiritual support, the student could tackle difficulties. According to the research the students have strong trust in lecturer's knowledge and performance. As demonstrated in the

³⁴ Paul T. Gibbs (2004), *Trusting in the University the Contribution of Temporality and Trust to a Praxis of Higher Learning*. Dordrecht, Netherlands: Kluwer Academic Publishers, p. 89.

figure 5, of the 120 students' evaluation were analyzed that 117, 97.5%, were positive (good and very good); 82, 68.33% of them voted with "very good" while the rest 35, 29.17% of them voted with "good". Meanwhile the lowest portion was "neutral" with 3, 2.50%; interestingly there was not given any vote neither for "poor" nor "very poor". On the other hand, the figure 2 indicated the lecturers' competency and ability to convey his knowledge in an appropriate manner that the result was as similar as this evaluation which means that there is an interchangeable mutual understanding.

Figure 6: Lecturer's Performance

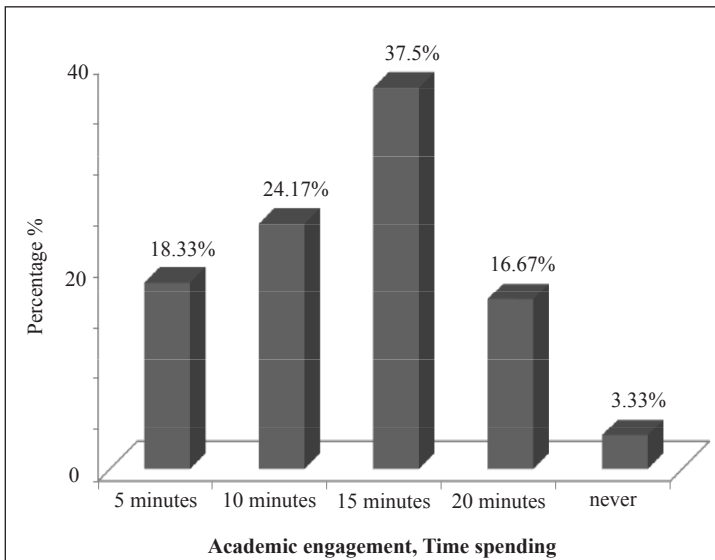


5- Student Factor

Students are the lifeblood of education; success and the existence of the educational institutions subjected to existence of students. Besides various factors have been discussed and found to affect students' academic accomplishment, however, one of the significant factors is relied on their effort and intentness yet there are many questions, pertaining to the environment of the institution and educational achievement, should be developed and analysed thoroughly. Furthermore, many variables such as students' study time, ability, attitudes, environment, academic engagement, perceptions, and carrier opportunities are all

influential on students' performance. In order to be successful, the students must engage with revision and preparation for the coming lecture and after the lecture. Therefore, the figure 6 elaborates the students' spending time for the subject before coming to the class. It shows that the biggest portion was given to 15 minutes with 45, 37.50%. Meanwhile the lowest portion was given to "never studied"; respectively, 20, 16.67% for 20 minutes; 22, 18.33% for 5 minutes; 29, 24.17% for 10 minutes. It means that almost every student spend an average of 10 minutes for revising before coming to the class.

Figure 7: Spending time for the subject before coming to the class



6- Teaching Environment

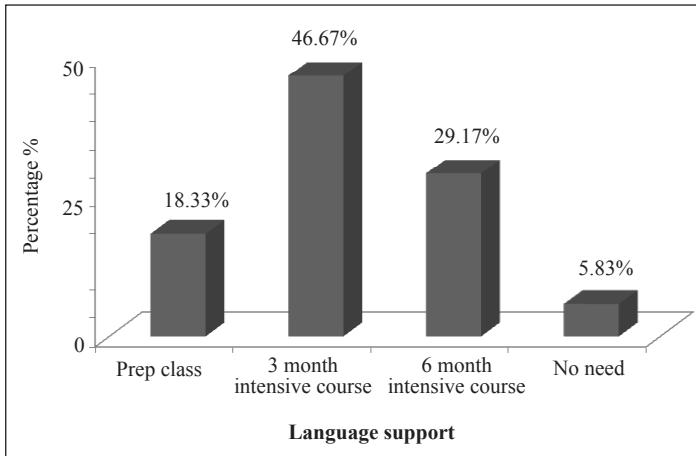
Teacher or lecturer finds comfort in a well designed and well impressive environment to meet students. The environment of *only girls or boys not mixed*, out of the 120 students only 12, 10.0% were agree with the statement which means that they are disagree with mixed class environment. Conversely, 51, 42.5% of them already welcomed with mixed class and the rest 57, 47.5% were neutral. Although the greatest portion was taken by "neutral",

most probably it would incline to mix class voters' side because of the psychology of human being. Herewith, it can be said that 108, 90.0% of the students were agree with mixed class environment. In respect to the class environment, 49.2% of the students are not happy with the lecture hall. They consider it as boring and must be changed. The management of the institution, therefore, should have some practical action for designing lecture hall according to the interests which address to visual perception and meet with psychological and physical needs.

7- Arabic Support Course

Many well-known world universities provide language support program in order to help the beginners develop their proficiency in the language. Intensive courses may be another alternative which provide a convenient way for student to maximize their Arabic language skills quickly in the limited time. This could be a necessary need for students who are taking the lecturers most in Arabic language. The students are also aware of this necessity. According to the students' perception 113, 94.17% of them on the view that language support is necessary. The figure 8 shows that 56, 46.67% of the students suggest to have three month intensive course; 35, 29.17% with six month intensive course; 22, 18, 33% with prep-class, while only 7 of them are on the view that Arabic language class is not needed. According to the majority language support is necessary. It means that most of the students are ready have language support. In addition to this result, the Academy, I suppose, should immediate action to provide Arabic support class for the students of the academy of Islamic studies, University of Malay.

Figure 8: The length of the intensive Arabic language course



CONCLUSION

The action research related to the theory of law (*Nazāriyyat al-Ḥukm*) was a great experience both for me and the students. The teaching a law subject to foreign students in a secondary language was also a great challenge for us. Determining strategies and examining them while teaching reflects new methods, for example making empathy towards the students of the theory of law became the first step to develop their learning. I have realized that without making empathy, the current hidden problems will not be identified and therefore the solutions never come simultaneously. The research indicates that the best way for making empathy towards students, besides other learning techniques, might be the method of action research.

During the learning and teaching environment both the students and myself created a natural atmosphere, through this atmosphere developed ourselves interchangeably. The action research provided us an opportunity to try new approaches while we are in learning mood which enabled us to create our own techniques and development style.

We have learned a lot during the learning period and therefore, it can be concluded that the followings might be useful to develop the learning of the theory of law subject: The students' level of following up the lecture during the lecture and its speed must be controlled according to the conditions of the students. The method followed should be revised and, if necessary, changed according to the needs. Classical style of teaching which enforce students to memorize texts or to tell them to study certain pages or to narrate lectures need to be reconsidered. Focusing on obtaining un-criticized knowledge without being developed the intellectual ability, creativity; adoptability does not meet the aim of education.

Lecturers must constantly update their knowledge, the unfortunate result shows that many scholars never update their knowledge; they repeat the same knowledge without criticizing it and developing it. In addition to that, lack of communication must also be minimized; student activities might be a good idea to meet and to increase friendly attitudes.

In regards to time consideration, participating of students to the class and leaving it should be flexible; flexibility might give a soft interest to the students. One of the significant roles to develop students' mind and personality is being open-mindedness. Lecturer must create an open-minded environment so the students could feel free to express themselves. Beside handouts, course books and text books, modern teaching techniques also should be used such as e-learning, PowerPoint slight show, facebook, and e-mail groups.

In order to prevent the students from bad effects of modern technology, the students must be kept busy with social and scientific activities. A Turkish saying enlightens this situation "if you don't keep them busy with good, others would keep them busy with bad".

Lecturing in two language is a great opportunity for the future of the students and the university. As the investigation indicated the significance of the bilingual teaching that out of the 120 students, 85, 70.8% girl and 35, 29.2% boys, the majority of them were in agree on bilingual teaching with 95% which consists of 72.5% of the total is strongly agree and 22.5% of the total is agree.

Surprisingly, only 3.4 % of the total disagreed while 1.7 % of them were neutral. Furthermore it is supported by other competent lecturers the teaching the subject of the theory of law in both language, Arabic and English is inevitable for them.

To demonstrate the students' ability in the subject, the tutorials are very significant as laboratory studies, because the students can freely demonstrate their talents if the opportunity is given.

For better education, the management has also some responsibilities as it is realized that 49.2% of the students are not happy with the lecture halls. They consider them as boring and must be changed, herewith, the management of the institution must have some practical action for having them cleaned and designed them as suitable environment according to the requirement of the modern educational psychology.

It seems to be that the students are willing to have Arabic language support class, for that reason, to enhance the students' understanding, the course, with an immediate action, should be provided. As it is indicated throughout the article that some problems have been identified and along with the paper the solutions of them also have been elaborated. However, as in any research, there might be some missing points within and therefore future studies are inevitable to develop the students' quality through bettering the institution and the learning environment, because using different methods and techniques would make better teachers and students.