

USING A VIRTUAL PLATFORM IN THE TEACHING OF LAW

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Abstract

This paper deals with the challenges imposed by the Teaching of Law contemporarily and points to its improvement through the use of new instruments of education, typical for the digital era. Due to the impossibility of neglecting the breakthroughs of technology in the 21st century, the proposal consists in taking advantage of these resources as allies to the transmission of legal knowledge. This proposal has been executed by the research group Observatório para a Qualidade da Lei (a research group linked to the Postgraduate Department of the Law School in the Federal University of Minas Gerais), through the Legistics Ning Platform, which has been used as a tool in the subject of Legistics, in the Law Major of the Federal University of Minas Gerais. Legistic.ning.br is a social net created to enhance the debate on the elaboration of Law and Legislation, and brings together academics of law, members of technical bodies in various legislative houses throughout the country, as well as Executive members, Parliament members and regular citizens interested in the dialogue over the quality of law. Because it is an interactive tool, it promotes autonomy of the individuals, as they may upload, initiate and choose the content to be discussed; it promotes a collaborative attitude and enhances critical thinking. Besides, it keeps scholars and professionals of law tuned to the most recent events providing them with constant updating and the possibility of assessing the acquired knowledge in real life. The Legistics Platform is a pedagogical innovation that goes along with the evolution of our time, and enjoys what technology has to offer, in order to promote an empowering and inclusive learning environment.

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1 Introduction

Observatório para a Qualidade da Lei (Observatory for the Quality of Law) is a research group linked to the Postgraduate Department of the Law School in the Federal University of Minas Gerais), created and coordinated by Prof. Dr. Fabiana de Menezes Soares, under the theoretical milestone of Legistics (or the Theory of Legislation or Legisprudence).

This research project aims to investigate the phenomenon of legislative elaboration, from legislative evaluation and planning (legitimacy building), decision support systems, the use of information technology, to the linguistic, communicative and discursive aspects of normative acts.

The study of legislation with the aim of bringing rationality into the theory and method of law creation, interpretation and application may be dated back to the XIX Century, with the studies of Jeremy Bentham, although it has gained weight in the second half of the XX Century with Peter Noll, and after him with the growing interest of european scholars such as Luc Wintgens, Luzius Mader, Jean-Daniel Delley, Ulrich Karpen, Alexander Flückiger, among others. It is a multidisciplinary field of research, therefore with a widespread reach and application.

2 Methodology

This work was conducted in the subject of Legistics, taught to undergraduate students in the Law Major of the Federal University of Minas Gerais, in a teaching practice internship.

Using the theoretical milestone of Phillippe Perrenoud on the competences to be developed through the teaching-learning process and of Miracy Gustin on the Pedagogy of Emancipation, the aim was to come up with a practice of teaching-learning which would enhance the competences to be developed in courses of Law, as well as take advantage of technological tools.

The teaching plan to the subject of Legistics was suited to have a theoretical part and a practical one, and thought out to motivate the students to take action and actively take part in the teaching-learning process.

This was enabled by the use of legistica.ning.com, a social network, created to enhance the debate on the elaboration of Law and Legislation. The network has over 600 (six hundred) members, including academics of law, members of technical bodies in various legislative houses throughout the country, as well as Executive members, Parliament members and regular citizens interested in the dialogue over the quality of law.

3 A pedagogical perspective and the role of the teaching institutions and its actors

According to Antônio Augusto Cançado Trindade (2006) the XX century is the century of humanization in Law. There is a permanent struggle for the elevation of the human being, the mission of believing in education and in justice, in the need to transmit the emancipating knowledge and the practice of true values to the new generation is reaffirmed (...) (TRINDADE, 2006, p.ix).

According to Boaventura de Sousa Santos (2011), we are going through a paradigmatic transition period, in which we discuss, mainly, the role of universities and other teaching institutions. Boaventura presents us with many important questions, as the tendency to understand knowledge as merchandise, the dilemma between greed and solidarity in the educational business, the problem of standardization, which kills diversity and innovation, and the relationship between the university, the State, the market and the civil society.

Along these lines, what should be the role of the teaching institutions in this context, but that would offer us the opportunity of change?

The teaching institutions should rethink their mission and their role, in order to commit themselves with autonomy, academic freedom and the social efficacy in their actions, making the humanistic ideal from this century a reality. In a century of innovation, the institutions must leave the archaic, boring, non-critical, repetitional, massifying teaching methods behind, to commit to an emancipating, creative method, so to offer courses of excellence, by conjugating teaching, research and extension, in order to provide their alumni with tools to act in a multiple, interconnected society, with effectiveness.

The only way to make this change happen is to adopt a pedagogical, emancipating, inclusive, participative and creative approach (GUSTIN, 2010).

According to Gaston Bachelard (BARBOSA, 2004) knowledge is the result of active work, in which there is a building rationalism because of a teacher-student dialogue, a dialectics in which there is constant trade of positions between the teacher and the student. We cannot talk about stationed teaching and learning, but in “learning of learning” (CAPELLA, 2011) or a teaching-learning process. This very approach presupposes a change in relation to the role of the teacher and of the student. The competences, the skills and the knowledge to be develop by both actors are different from those applied in the traditional approach.

According to Phillipe Perrenoud (2000) a competence is a “capability to mobilize several cognitive resources to deal with a type of situation”² – our translation (PERRENOUD, 2000, p.15).

According to Lima (2010) the competences suggested by Perrenoud that should be developed by the institutions on the teaching of law are: 1) To face the duties and the ethical dilemmas of one’s profession; 2) to motivate the students to be active in their learning process and in their work; 3) to conceive and evolve the differentiation device; 4) to work in groups or in pairs, not individually; 5) to use new technology; and 6) to administer his/her own ongoing education.

This development is reached by innovative, inclusive and creative tools of teaching-learning, as will be seen in the following section.

4 The Ning Platform as a technological tool for an emancipatory, inclusive, participative and creative teaching of law

The Ning Platform is a social network, on a 2.0 web platform. The usage of the platform is simple, the student has to sign in and he/she would be able to enjoy all the tools of interaction available. The platform offers the possibility of creating groups (such as the group of students from the subject of Legistics), uploading and downloading videos and audio media, writing in blogs and in the forum, access to a library (with documents, articles, chapters of books, dissertations and thesis, videos and links for interviews and documentaries), and chats where he/she can interact freely.

² “capacidade de mobilizar diversos recursos cognitivos para enfrentar um tipo de situações” – original text

Among the positive aspects of using the Ning platform 2.0 in the teaching of law we highlight:

It is very interactive, easy to use, inviting, collaborative, updated, inclusive, easy to access, enables creativity, enables critical discussions, and enables access to good information.

Among the negative aspects of using the Ning platform 2.0 in the teaching of law we list:

There is a possible difficulty if the student doesn't have internet access at home, the moderator does have to keep close track to guarantee that the interaction suits to the teaching-learning purpose.

Concerning the competences brought by Perrenoud, we find that the following are enhanced by the usage of the platform 2.0 in the teaching-learning environment:

1) To face the duties and the ethical dilemmas of one's profession – [legistica.ning](http://legistica.ning.com) has been a channel of providing updated information, of fast access to videos and debates involving members all over Brasil about national and international events. Due to that, it enables the members to deal with the real world and brings the theory closer to practice;

2) To motivate the students to be active in their learning process and in their work – Because the platform offers a big variety of tools and welcomes the members to post and interact using the technology, it is perceived as a learning and research tool adapted to the XXI Century. It breaks the stiffness of traditional law teaching, which is in itself motivating for students;

3) To conceive and evolve the differentiation device – Each member has an individual page which he/she can arrange as he/she pleases. The platform offers creative and pedagogical functions and can be linked to other social networks (such as Facebook, Youtube and others). Due to these features [legistica.ning](http://legistica.ning.com) helps the empowerment of its members, respecting their individuality;

4) To work in groups or in pairs, not individually – the working plan conceived for the subject of Logistics foresees that the students work in groups of four, according to the principles of the Pedagogy of Emancipation proposed by Gustin. The research showed that it is optimal to work in groups using the platform web 2.0, since the interaction gets

more active and fast, each group was responsible for feeding the network each week with any of the tools provided by it. The students interact, collaborate and active exercise their critical thinking;

5) To use new technology – the proposed tool itself is an example of new technology applied to the teaching-learning process;

6) To administer his/her own ongoing education – on the legistica.ning teacher and students are both actors on the teaching-learning process. The teacher doesn't play a dominant role there, the process of producing and sharing knowledge is administered by all of the people involved, with freedom.

In order to assess if these competences were in fact developed, we establish a dialogue with the students, through which they give us their feedback in a self-assessment questionnaire and post it in the subject group inside the Ning Platform.

5 Conclusions

We reach the conclusion that the use of a virtual platform, a ning web 2.0 platform, namely legistica.ning.com, is very effective in developing various competences needed in the teaching of law. It is an information, communication and interaction environment which breaks the barriers of time and place, because it connects not only the students in a classroom but also a wide number of other citizens, who may be anywhere in the world, discussing and actively exercising their citizenship, participating in the teaching-learning activity.

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