



DIVERSIFIED METHOD IN TEACHING AND LEARNING MUAMALAT TOWARDS SUSTAINABLE LEGAL EDUCATION IN ISLAMIC FINANCE




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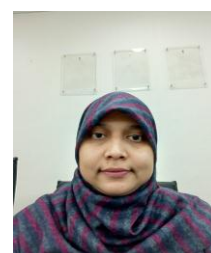
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ABSTRACT

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The Faculty of Law at Universiti Kebangsaan Malaysia (herein after referred to as UKM) has always aspired to produce law graduates who are able to serve both the civil as well as the shariah legal fraternities. The shariah legal industry was equally critical on these new law graduates as the quality of new shariah lawyers came under scrutiny. Such developments have further driven the Law Faculty of UKM to further improve the teaching and learning aspects of these shariah courses. This has of course triggered a revamp in the teaching and learning of the course of Muamalat at the Law Faculty. The aim of this paper is to explain the importance of diversified teaching method in Muamalat Courses. Survey method were adopted in analysing the effectiveness of the diversified method. The findings of the surveys showed that diversified method is relevant in teaching and learning Muamalat combining lectures, tutorials as well as Muamalat Interactive Game (MIG) in ensuring the understanding of the muamalat principles to the students.

1. INTRODUCTION

The Faculty of Law, UKM has always taken pride in producing legal practitioners capable of practicing in both civil and shariah practices. This has always been the mission of the Faculty of Law (Rohimi, 1994). Since its establishment in 1984, the Faculty has witnessed the birth of many successful legal practitioners climbing their way up to success. The Faculty has proudly produced seasoned and respected advocates and solicitors, magistrates, judges, federal councils, deputy public prosecutors as well as syarie lawyers.

One of the recipes of success for the Law Faculty is its ability to cope with the forever changing needs of the civil and shariah legal fraternities. Over the years, the country has witnessed further development and evolvement of commercialize areas of Islamic Banking, Islamic Takaful as well as Islamic Finance as we witness these Islamic muamalat systems being fully embraced by their conventional counterpart. Indeed these warm and encouraging

scenario has resulted in these Islamic transactions now becoming part and parcel of the present conventional banking and insurance industries in the country.

2. THE COURSE OF MUAMALAT AT THE FACULTY OF LAW UKM: HISTORY OF ITS INCEPTION

An important development in the Malaysian legal industries happened in the new millennium. From the year 2000 onwards, there was an influx of lawyers in both the civil and shariah markets. The legal industry became extremely critical of the standard of these freshly admitted practitioners with the Malaysian Bar Council leading the way in expressing its disappointment with the declining quality of these new lawyers. The same sentiment was echoed by the Malaysian Judiciary and the Malaysian Attorney's Chambers (Haji, 2013; Faridah, 2014). The shariah legal industry was equally critical on these new law graduates as the quality of new shariah lawyers came under scrutiny. Such developments have further driven the Law Faculty of UKM to further improve the teaching and learning aspects of these shariah courses. This has of course triggered a revamp in the teaching and learning method of the Muamalah course at the Law Faculty (Haji, 2013; Shariff, 2015).

Driven by the mission to churn out law graduates who are ready to serve both the civil and shariah legal fraternities, the Faculty of Law at UKM had, in the past, taken steps towards enhancing the shariah curriculum. This was due to its realization of the need to strengthen the Faculty's shariah curriculum to ensure that the shariah courses remained current and relevant to the shariah legal industry. This effort was of course taken to prepare the graduates before they embark into legal practice and to ensure that they will be competitive and capable of meeting the demands of the industries (Muhammad, 1996; Faridah, 2014).

The Faculty first reviewed its law curriculum in 1993. The shariah curriculum was also reviewed. All shariah courses at the Faculty came under intense scrutiny, resulting in all of them being revamped for content enhancement. During the 1993/1994 academic session, more specific and detailed shariah courses were being offered. Among the new shariah courses offered at that time were Introduction to Islamic Law I and Introduction to Islamic Law II, both introduced to first year students in the first and second semesters respectively. The shariah courses of Islamic Jurisprudence- Family, Succession and Commercial Transaction I and Islamic Jurisprudence- Family, Succession and Commercial Transaction II were introduced to the second year students in the first and second semesters respectively. In the meantime, the third year students were exposed to the courses of Islamic Criminal Law I and Islamic Criminal Law II in the respective first and second semesters. In addition, elective courses of Principles of Islamic Jurisprudence I and Principles of Islamic Jurisprudence II were offered in the respective first and second semesters for the final year students (Rohimi, 1994; Muhammad, 1996).

The Law Faculty further revamped and modified its shariah curriculum in 1997 which witnessed introductions of new shariah courses. The new courses are Law of Evidence and Procedures of Shariah Court I and Law of Evidence and Procedures of Shariah Court II and they were introduced as compulsory courses for the final year students in their respective first and second semesters. These courses were aimed at preparing the final year students for shariah legal practice. At the same time, the third year students were also introduced to new courses of Muamalat I and Muamalat II. These Muamalat courses were later combined into a single course and taught to the second year students in the second semester (Haji, 2013; Yusro, 2013; Shariff, 2015).

3. SCRUTINISING THE TEACHING AND LEARNING ASPECTS OF THE MUAMALAT COURSE AT THE FACULTY OF LAW UNIVERSITI KEBANGSAAN MALAYSIA: OBJECTIVES AND RESEARCH METHODOLOGIES

This paper discusses on the development of the shariah curriculum at the Law Faculty of UKM, particularly examining the course contents of the course of Muamalat. This writing also critically touches on the teaching and learning methods of the said course, identifying on its evolvement and its need for current revamp. The course of

Muamalat has seen a revamp in its teaching and learning techniques with the inception of the problem based learning and Mu'amalat Interactive Game. The curriculum revamp on the course of Islamic Law of Securities had seen the integration of the 'Contractual Document-Drafting Technique' as one of its teaching tools.

This research was developed based on a qualitative design. The aim of the research is to analyse the effectiveness of teaching and learning method of muamalat to the students. Questionnaires were distributed to 50 second year students who embarked for the Muamalat Course at the Faculty of Law, UKM. The questionnaires were distributed during the final week of the second semester.

4. THE COURSE OF MUALAMAT AT THE FACULTY OF LAW OF UKM: IT'S CONTENT AND CURRENT TEACHING AND LEARNING METHODS

The teaching and learning method of mu'amalat are based on the contents that need to be delivered to the students. As mu'amalat involved the application of contractual rules and principles, the substance and content of the course need to be imparted effectively to ensure students' understanding.

Table-1. Percentage of the Students Understanding on the Content of Muamalat

No	Understanding	Strongly Disagree	Disagree	Unsure	Agree	Strongly Agree
1	The meaning of contract of sale	2	2	10	46	40
2	Contract Ijarah is a contract of lease	0	2	6	58	34
3	Waqaf is a kind of charitable contract	2	2	2	48	46
4	Loan contract in Shariah is free from Riba	0	0	6	60	34
5	Transaction with the element of gharar and maysir is haram	0	0	4	50	46
6	Contract of Mudarabah can be applied in current transaction	0	0	12	52	36
7	Murabahah is a kind of sale contract	2	4	12	48	34
8	It is obligatory for every Muslim to pay Zakat	0	0	8	66	26
9	There are various types of zakat including income, property and gold.	0	0	12	50	38
10	Recommended for every individual to give Sadaqah for the needy.	0	0	6	56	38
11	Recommended for every individual to deal with the others with Ihsan	0	0	2	44	54
12	There are many types of business permitted in Islam	0	0	6	48	46

Table 1 illustrates that 60% of the students understood that loan in Islam is free from riba. The loan is also known as benevolent loan. Loan is different from financing. Financing is based on the contract of sale, lease and partnership. It is also interesting to note that 66% of the students agreed that it is obligatory for every Muslims to pay Zakat. Finally, the fact that some of the students were Non- Muslims and yet they agreed an accepted that it is

recommended to every individual to give Sadaqah (56% agree) and practice Ihsan in dealing with people (54% strongly agree).

Table-2. Skills enhanced from the Muamalat Interactive Game

No	Skills enhancement	Strongly Disagree	Disagree	Unsure	Agree	Strongly Agree
1	Management of property	0	6	14	54	38
2	Financial Management	0	0	8	50	42
3	Financial Planning	0	0	0	54	46
4	The importance of Muamalat Principles and Contract	0	0	12	46	42
5	The Application of Muamalat in daily life	0	0	10	46	44

Table 2 shows that all of the students (100%) agreed that MIG increased their financial planning skills. The majority of them also agreed that the MIG enhanced their management of property and financial skills. Most of them agreed with the importance of Muamalat principles and contract to be applied in their daily life.

Table-3. Percentage of Students Challenges in Learning Muamalat

No	Challenges	Strongly Disagree	Disagree	Unsure	Agree	Strongly Agree
1	Identification of the legal authorities	0	4	14	46	36
2	Memorization of the dalil from the Quran and Sunnah	0	4	16	48	32
3	Difficulties in understanding the terms in Muamalat	0	0	14	50	36
4	Difficulties in understanding the types of contract in Muamalat	0	4	12	50	34

Table 3 shows that 50 % of the students agreed that the challenges in learning Muamalat are difficulties in understanding the terms and types of contract in Muamalat. In addition , 48 % agreed that identification of legal authorities is a challenge for them in studying the course. Finally, 46% of the students were of the view that memorization of the dalil from the Quran and Sunnah is a challenge.

5. A SURVEY ON THE APPLICATION OF DIVERSIFIED TEACHING AND LEARNING METHOD IN MUAMALAT COURSE AT THE FACULTY OF LAW UKM

The motivation to study the diversified teaching and learning method in teaching mu'amalah was due to the study made in Table 1, 2 and 3 on the students who is taking the Muamalat Course. Table 3 revealed that among the challenges faced by the students were difficulties in understanding the contractual rules and principles as well as the Arabic terms. Likewise, in terms of the translation of this contract when it comes into practices. Therefore, this need is important to be addressed and to find the most effective ways on how the students could relate the theory and principles into application.

Table-4. Percentage of Students Respond to Diversified Method in Teaching and Learning Muamalat

No	Method of Teaching & Learning	Strongly Disagree	Disagree	Unsure	Agree	Strongly Agree
1	Interactive Lectures	12	16	10	26	36
2	Lectures	16	28	12	24	20
3	PBL	16	30	8	14	32
4	Tutorial	16	18	14	28	24
5	Muamalat Interactive Game	16	20	10	24	30

Table 4 shows that the students preferred diversified method of teaching and learning Muamalat. The majority of them preferred Interactive lectures (62%) and Muamalat Interactive Game (54%). 46% agreed PBL as a method of teaching and learning Muamalat while the students accepted that lectures (44%) and tutorials (52%) are an important part of their educational experience in receiving knowledge.

6. CONCLUSION

Diversified method is relevant in teaching and learning Muamalat. The evolvement of Islamic finance requires enhancement of skills in wealth management, financial planning and application of theories in daily life. Traditional method of teaching like lectures and tutorials are relevant in strengthening the foundation of the students' knowledge and understanding. Similarly, PBL is acceptable to the students due to the interesting nature of the process whereby they find solutions to the problems addressed to them based on their knowledge and legal skills. Last but not least the Muamalat Interactive game which boost the students' management, planning and application skills in Muamalat. Hence, diversified method of teaching is required towards making the legal education of Islamic finance as a dynamic and sustainable discipline to the nation.

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