

## **Legal Case-Based Reading Task to Foster Critical Thinking**

**By**

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### **Abstract**

This article aims at investigating the impact of legal case-based reading task (LCBRT) on law student's critical thinking (CT) development. For this investigation, the author is looking at the result of LCBRT when it was implemented for teaching English to law students at Law Faculty, the University of Jember (UNEJ) in 2020. In this task, two legal situations were given to the students to think of which one of them belongs to civil case or criminal case. The result showed that with the use of their prior knowledge, vocabulary relating to the two cases, thought, ideas, and information, the law students of this University could creatively present their understandings of both civil and criminal matters in the form of writing. For this fact, though LCBRT is not the best strategy for CT development, it has a positive impact on fostering law students' CT at the University of Jember and the teachers of English at law faculty can hopefully use LCBRT to develop their students' CT.

**Keywords:** Case based learning, critical thinking, legal case

### **Introduction**

Critical thinking (CT) is considered thinking clearly and rationally [1]. It constitutes such consensus components as structured thinking or logic, language skills, and argumentation, as well as some additional skills and attributes, such as creativity and personal dispositions [2]. Based these understandings of CT, This skill can be considered as an essential skill for students to master. In order to be able to cater this CT mastery, developing the student's CT becomes one of the objectives in several English Language Teaching classrooms [3]. As a consequence, CT development through English language education has constituted a seminal topic up to this time and many scholars have devoted their attention to this topic to conduct their further studies.

Concerning the students' CT development in the context of language teaching, some studies are highlighted in this current study. For example, CT can be developed through managing the ways of assessing language learners' ability [4]. In addition, in term of thinking empowerment, the types of questions used by the teachers based on the taxonomy of Anderson et al. enhance the students' critical thinking in CLIL classrooms in the region of Murcia, Spain [5]. Different from these two authors, in term of interpreting the poet's rhetoric, the students require CT skill to complete the activity [6]. These studies concerning CT development in English language education can consequently inspire and lead either me or other scholars to do further study with the different teaching contexts.

This current study is of course different from the former studies above due to the context of teaching. The former study by Shirkhani and Fahim [4], for example, deals more

with developing the students' CT through assessment practices. Another one by Valverde Caravaca [5] is more concerned with generating the questions based on the taxonomy of Anderson et al and the other one by Ariyanto [6] relates to the use of poetry to interpret the poet's rhetoric. Moreover, the latter more focuses on using the legal case situations to understand such two legal cases as criminal and civil.

From the point of views presented in both former and latter studies, in order to be able to complete the activities of the teaching contexts, the students must have sufficient CT skill. Without this skill, it can be difficult for them to finish the tasks relating to the teaching contexts the teachers provide.

Paying attention to the students' need of CT skill mastery, it is certainly a must for the author and the other teachers, who teach English to law students, to seek an appropriately innovative strategy to develop the students' CT through English language teaching and learning activity in the classroom.

### ***Teaching Context and Reason for Innovation***

CT is essential for growing the progress and knowledge in any scholarly discipline [7]. In this sense, CT is certainly also applicable in legal discipline. Regarding the importance of CT in legal discipline, such skills as legal reasoning, analysis, argument, and planning require CT [8]. These legal skills therefore becomes so challenging for law students that they need to master through CT development activities.

To cater the UNEJ law student's need of ability to think critically, the author applied an innovative strategy with the use of legal case-based reading task (LCBRT). This task was developed on the basis of case-based learning (CBL) – a pedagogical concept, where *work method*, *problem*, and *discipline* are identified by the learner (or learners) through the learning process – commonly used in the medical and law fields. He designed this LCBRT to help the law students at the University of Jember understand such two legal cases as both criminal and civil. This task certainly becomes challenging for them because such skills of being able to as identify, analyse, and define legal problems [9] are required.

### ***LCBRT to Foster the UNEJ Law Students' CT***

To foster the UNEJ law students' CT, the author wrote two differently simple situations telling them information dealing with both criminal case and civil case (see Table 1). These situations were designed in LCBRT to examine the UNEJ law students' understanding of those two different legal matters. Concerning this understanding of the two legal situations, using Bloom's taxonomy of cognitive learning objectives summarized by Adams [10] cited in Rahman and Manaf [11], some activities in LCBRT were organized as in Table 2. In the framework of completing the activities, the UNEJ law students were then invited to answer the two questions below that they needed to think of the content of the two legal situations.

1) Which of the two different legal situations do you consider as criminal case or civil case?

2) How can you decide each of the two legal situations as criminal case or civil case?

**Table 1** The Situations Relating to Criminal Case and Civil Case

Situation A	Situation B
Ibu Damayanti owns a restaurant near house on Jalan Kalimantan, Jember. She has a contract with a company to deliver fruit and vegetable to her restaurant. However, the company didn't deliver them on the date they agreed. For this, Ibu Damayanti lost money because she couldn't open her restaurant that day. Finally, Ibu Damayanti needs to see a lawyer to ask the delivery company to provide the money she lost.	Pak Hariyanto works as a manager of a bank at Pucang Anom, an area in Surabaya, East Java, Indonesia. One day the bank said that some money was missing. Today Pak Hariyanto has a new car, a large house and other expensive items. As a result, the Police came to ask Pak Hariyanto some questions. Finally, he needed a lawyer right away.

**Table 2** Activities to foster the UNEJ Law Students' CT

Activities	Purpose
<b>Understanding</b>	The students use their prior knowledge and vocabulary dealing with both criminal case and civil case for understanding the two different legal situations to decide which of them constitutes criminal case or civil case.
<b>Creativity</b>	The students put together their thought, ideas, or information to support their decision of why they answer that it is criminal or civil.
<b>Writing</b>	The students organize their thought and ideas to write two short paragraphs, which each of them tells why they decide it as criminal case or civil case.

**The UNEJ Law Students' Understanding of Civil and Criminal Cases**

In the answer of question 1, most of the students had the correct answer that Situation A deals with *civil case* and Situation B relates to *criminal case*. To justify these answers, they explained them in their answers of question 2.

In answering question 2, as well as their prior knowledge and vocabulary relating to criminal case and civil case, the students also used their thought, ideas and information. In addition, they organized them in the form of writing. As an example of this activity, Kevin Amashya, one of the students attending my English class at Law Faculty, the University of Jember, creatively wrote as in the following figures.

On the situation A, include civil because there was contract  
 between Mrs. Damayanti as owner of restaurant on Jalan  
 Kalimantan, Jember with deliver fruit and vegetables company  
 that must be fulfilled by deliver company, but in case the  
 company didn't deliver Ms. Damayanti order on the agreed date  
 According to the article 1234 of the civil code, in an agreement  
 the 1st party is required to submit to 2st and otherwise where  
 achievements in the form of giving, doing or not doing something.  
 Based on this case we can decide it was the default in the  
 contract of business. In article 1243 of the civil code if one  
 of the parties defaults then they have responsibility to give the  
 compensation for costs, losses and interest.

**Figure 1** Kevin's understanding of situation A

On the situation B, include criminal because it is possible that Mr. Hariyanto committed corruption in the bank company where the bank claims to have lost money. In law the criminal act of corruption is regulated in the criminal code and Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes. According the Criminal Procedure Code (KUHP) and Law No. 48 of 2009 concerning Judicial Power (Law on Judicial Power). Mr. Hariyanto has the right to be presumed innocent until the court finds him guilty and to have a lawyer to assist the Initial Investigation and Investigation.

**Figure 2** Kevin's understanding of situation B

Both Figure 1 and Figure 2 above indicate that Kevin Amashya could answer Question 1 and Question 2 for both Situation A and Situation B with the correct answers. The use of the key vocabularies and his prior knowledge relating to both situations had led him to his correct answers that Situation A belongs to civil case and Situation B to criminal case.

In understanding to answer Situation A, for example, the key vocabulary such as the word contract which is kontrak in Indonesian language, had made Kevin remind his prior knowledge of the contract he had acquired from the contract law course before taking the English course. With the use of such both vocabulary and prior knowledge, he then creatively put together and organized his thought, ideas and information to justify his answer that Situation A belongs to civil case as his words and phrases written in lines 1 – 5 of his writing (see Figure 1).

In addition, to support his argument why he considered Situation A as civil case, Kevin did not only refer to the key vocabulary in Situation A and his prior knowledge, but also to information he obtained from the Indonesian Civil Code (Kitab Undang-undang Hukum Perdata). This point was written as in his words and phrases in lines 6 – 12 of his writing (see Figure 1).

Like in Situation A, to understand Situation B Kevin also used the key words he found out in Situation B. Such sentences as One day the bank said that some money was missing; Today Pak Hariyanto has a new car and other expensive items; and As a result, the Police came to ask Pak Hariyanto some questions remind his prior knowledge of crime he had acquired from the criminal law course before taking the English course. With the use of such both key sentences and prior knowledge, he then creatively put together and organized his thought, ideas and information to justify his answer that Situation B belongs to criminal case as in his words and phrases written in lines 1 – 2 of his writing (see Figure 2).

As well as the key vocabulary and prior knowledge to support his argument why he considered Situation B as criminal case, he also used information obtained from the Indonesian Criminal Code (Kitab Undang-undang Hukum Pidana) and Law Number 20 of 2001 concerning Amendment to Law Number 31 of 1999 concerning Eradication of Corruption Crimes (Undang-undang Nomor 20/2001 tentang Amendemen Undang-undang Nomor 31/1999 tentang Pemberantasan Kejahatan Korupsi). Besides, the information he

obtained from Criminal Procedure Code ([Kitab Undang-undang Hukum Acara Pidana](#)) and Law Number 48 of 2009 concerning Judicial Power (Undang-undang Nomor 48/2009 tentang Kekuasaan Kehakiman) were also used to support his argument. This point was written as in his words and phrases in lines 3 – 10 of his writing ([see Figure 2](#)).

Paying attention to Figure 1 and Figure 2, it indicates that LCBRT has a positive impact on fostering the law students' CT. With this task, Kevin Amashya, one of the students attending the English class at Law Faculty of the University of Jember, finally became creative. Using his prior knowledge and vocabulary relating to both civil case and criminal case as well as his thought, ideas, and information, he could present creatively his understanding and analyzing of both legal matters in the form of writing.

## Conclusion

The current study is focused on examining the impact of LCBRT on fostering CT (a skill required in legal discipline) of law students at the University of Jember. With this focus, the result of the study shows that there is a positive impact of LCBRT on enhancing the law students' CT that they can creatively write their understanding of legal matters concerning criminal case and civil case. This finding certainly supports the previous studies of CT development through language learning.

Although LCBRT is not the best learning strategy, pedagogically this study encourages English teachers, especially those who teach at the law faculty, to use LCBRT in an effort to improve their students' CT. In addition to this pedagogical implication, it is also suggested for the next researchers to inquire further CT development with other different focuses.

## The Author

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