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A STUDENT'S REFLECTION OF THE LEGAL EDUCATION PROCESS

by

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I am very pleased to be given this opportunity to voice some of the strong conflicts that have arisen within me over the last 2 years as a student in the Faculty of Law, University of Malaya. Being a typical product of our education process, the first thing I wanted to do when I got this invitation was to run out to the library and look up all the references pertaining to this topic. But I soon realised that the only material available were mainly from the First World, and so I decided that it was about time we had some Third World material on this subject. Finally, the only research I did was a deep search within myself.

At the outset I would like to point out that it is not possible to talk about the legal education process in isolation, without relating it to the prevailing education system itself. The current education system in Malaysia has an uncanny ability to kill the students' creativity and initiative. It is not a process of learning but a process of being taught and the teacher is looked upon as the sole source of knowledge. The school curricula is so packed with subjects ranging from maths and science to geography and history, all to be learnt in a span of one academic year. So much emphasis is given to rote work that the students have very little time to reflect upon the happenings that go on about them. The primary concern of the education authorities is to streamline students into various categories to facilitate administration. Diversity is not thought of as a strength to be worked upon but a weakness to be quickly stamped out.

As such, this is the kind of material that get into law schools. They are the genuine products of our education system and as far as they are concerned, law school is just a continuation of the academic oriented system with which they are so familiar. How right they are, because that is primarily what the law school has to offer.

The subjects offered in first year are Contract, Tort, Malaysian Legal System and 1 option; in second year Land Law, Criminal Law, Family Law, Constitutional Law and 1 option. The topics in themselves seem interesting but the subject matter and approach is something that I find disappointing. The emphasis is so much on substantive law that one forgets that the law is being applied to people. The law is not studied in relation to the society in which it is meant to work in and one tends to get carried away with the finer and cleverer arguments on the technicalities of the law. To give one concrete example, let's take Land Law. The Malaysian system of Land Law is fashioned on the Australia Torrens System. The first topic that we study is the history of the Torrens System in Australia and after that we plunge straight into the interpretation of the multitude of sections in the National Land Code. We do not study the history of land law in Malaysia, or whether there was a system of land law before the Torrens System, or whether the Torrens System itself is suited for Malaysia or whether the system is succeeding in solving the real problems that face the people. There is no reference to agrarian reform or to the squatter problem, even though we have almost 300,000 squatters in the Federal Capital itself. In a nutshell, the course has succeeded in completely alienating the student from the land related social problems, so that what he actually is studying is not Land Law but Administration of Land Law. Why is this so?

The answer is related to the wider question of what are the factors that dictate the law curricula in the faculty. A survey of the various subjects and the contents that are offered at the faculty seem to indicate that it is geared towards producing students for the benefit of the commercial sector. It is not denied that the faculty does offer public law subjects like constitutional law, administrative law and labour law but, courses that give the student the social aspect of law like Law and Society, Consumer Law, Population Law and Environmental Law are not offered. This I think is the primary cause for creating some students who are lacking in social values.

The study of law, like most other professional courses, is very wide. Even the finest universities will never be able to equip you sufficiently for practice. So the best education a law school can give to a student is to help him develop his values and lawyering

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skills in accordance with the real needs of his society. What then are the needs of my society? Malaysia is a developing country with 42.8 percent of its population below the poverty line (according to data from the Social Economic Research Unit taken in 1983) one would think that the best way to overcome this problem would be to fashion the education system in such a way that it produces students who are equipped to handle it. But what actually is happening is that we are creating students who are only able to cater for the other 58.2 percent who can do very well on their own. If we in the local universities do not address our minds and energies to our own social problems, who then is going to undertake the task of doing it? (definitely not the thousands of students studying overseas)

Actually the situation is not as bad as it sounds, it is worse. You could read 4 years of law in University of Malaya and not know what the poverty rate is or how bad the squatter problem is or if our developing strategies are working. Of the many law students I interviewed, most of them don't know if they have role to play in alleviating our society of its social problems. Even worse, some of them don't even know these problems exist. Such, is the level of alienation of the law student from his society.

I have always felt that the most satisfying experience of a university education is the opportunity of mixing with so many individuals of such diverse backgrounds and interests. It builds your character and allows you to develop your value system. But unfortunately this is not so in my university. There is so much emphasis on course work that you have very little time for reflection and sharing of values with your fellow students. I have often wondered why is it that students are idealistic in the early years of their university education but lose this sense of idealism by the time they graduate. Law students for example, even if they are ignorant of the current social ills, at least have a sense of wanting to champion the rights of the oppressed. But this 'Robin Hood' feeling is soon lost because they are repeatedly reminded that law and justice are not the same. When some of the more inquiring students ask why this is so, they inevitably run into the same answer, "you will study about it when you do jurisprudence in your final year". So the student goes through

3 years of studying the various branches of law in isolation of the rationale behind them and to develops this uncanny ability to compartmentalise his knowledge. One compartment for tort law, one compartment for company law, one compartment for land law and so on. By the time he gets to the final year and studies jurisprudence, he has already developed a system and just puts jurisprudence into another compartment. It is this compartmentalisation of knowledge that inhibits a person from truly developing a set of values to live by. He may be a sincerely conscientious person and yet not realise that by applying a certain established rule of land law he may be doing injustice to the weaker party because he has been trained to apply the law in isolation of justice and his own value system.

In conclusion I would like to stress that there must be a pragmatic relationship between legal education planning and the development in the country. Currently, I think that this relationship is too remote. Malaysia, is a Third World country and not only are the needs of our society different from those of the First World but our obligations are more onerous too. The legal education here should be oriented to produce adequately trained lawyers who are amply equipped to meet our social needs and develop new socio-legal ideas which will protect those needs. He must not only be a lawyer but a social reformer, a facilitator and a guardian of the peoples interests. We have been tolerating the existing norms unquestioningly for much too long. It is about time that we develop our own norms which are more suited to our needs. A restructuring of the legal education process will go a long way in producing individuals who can help forge and cultivate these norms.