

## State of the art research in law education

### Estado del arte de investigaciones en la enseñanza del derecho

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#### Abstract

The objective of this article is to integrate the review of several researches that have been carried out in relation to the topic of study, which consists of the way in which the teaching of law is identified and that given the current social, economic and technological context, it is necessary to integrate the state of the art specifically in researches carried out from 2020 to 2023. For the development of this work, a compilation of sources in reliable search engines, such as Google Scholar, ProQuest and the legal research repository of the Autonomous University of Mexico was made, taking into consideration that the date of publication is not older than 3 years and that they are related to the research question: What is the interest and methodologies used in the research of law teaching? Thus, the information is integrated to develop a structured critical analysis highlighting as categories of discussion, the research problem, research methodology, teaching, results and challenges within the research topic.

**State of the art, Teaching of law, Teaching challenges**

#### Resumen

Este artículo tiene como objetivo integrar la revisión de diversas investigaciones que se han realizado en relación con el tema de estudio, que consiste en la forma en que se identifica la enseñanza del derecho y que dado el contexto actual social, económico y tecnológico obliga a que se integre el estado que guarda específicamente en investigaciones realizadas del año 2020 al 2023. Para el desarrollo del presente trabajo, se hizo una recopilación que fuentes en buscadores confiables, como lo son Google académico, ProQuest y el repositorio de investigación jurídica de la Universidad Autónoma de México, tomando en consideración que la fecha de publicación no sea mayor a 3 años y que guarden relación con la pregunta de investigación ¿Cuál es el interés y metodologías utilizadas en la investigación de la enseñanza del derecho? Así, se integra la información para desarrollar un análisis crítico estructurado destacando como categorías de discusión, el problema de investigación, la metodología de investigación, la enseñanza, resultados y retos dentro del tema de investigación.

**Estado del arte, Enseñanza del derecho, Retos de la enseñanza**

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## Abbreviations

This review article recovers information based on the question: What is the interest and methodologies used in research on the teaching of law? The purpose of this is to identify the state of the subject in recent research and thus establish points of encounter and disagreement, as well as to establish general recommendations or to give ideas for its approach and better still, to recover the trend that exists in legal education and thus in future contributions integrate proposals for working with students for the benefit of their learning.

To achieve this, the topic has been selected and a search has been carried out in search engines and reliable repositories; the research that has been selected has had the teaching of law as its main focus, ranging from reflections to dogmatic studies that allow us to establish recurrences, challenges and prospects of where research into the teaching of law is heading in accordance with the current times.

## Method

To achieve the above and to integrate it, a search for information in the literature was carried out, which implied establishing the three-year age of the research, considering that the works proposed methodologies for teaching law and that they were closely linked to it.

The articles were selected from the Google Scholar search engine and from repositories such as Scielo and the repository of the Autonomous University of Mexico [UNAM], with the intention of considering both national works and those from other countries. The criteria used were the keywords (law teaching), year of publication (2020-2023) and language (Spanish), and the following research was found:

In Google academic, the search with the selected keywords, showed 196,000 results, filtering the established ranges (time and language) showed 15,900 of which the 10 most significant articles were rescued.

In the case of Scielo, the search yielded 351 articles, from which 10 research papers were selected, ensuring that they contributed to the research topic.

In the institutional repository of the UNAM, the first search with the criteria of keywords, in addition to selecting title and all words, showed 228 results, from which the 10 most significant articles and/or theses were selected according to the year of publication.

No.	Search engine	Words	Selected research
1	Google Scholar	*law teaching	10
2	Scielo	Law teaching	10
3	UNAM Institutional Repository	law education	10

**Table 1** Search strategies

*Source: Own elaboration*

Of the thirty research papers that were retrieved, they were analyzed in depth, taking into consideration the research problem, the methodology, the perspective or strategy for teaching law that is proposed, as well as the results and challenges, with the aim of establishing a discussion with these research papers, which are presented below.

## Results

From the filter of the 30 works, ten were selected, under the criteria of showing the trend in the teaching of law, sharing the problems encountered in the legal classroom, most agree that legal science must evolve from a legal dogma to a cognitive constructivism where students develop skills rather than memorising, and make use of inter and intrapersonal resources to solve current problems that afflict society.

The trend in the problems afflicting the teaching of law stems from the limited practice in schools, which makes students feel frustrated at the end of their studies, as mentioned by Pérez (2022), who exemplifies that sometimes students do not even know how to file a lawsuit due to the excessive theoretical load that some teachers dictate. Similarly, the inclusion of ICT derived from the COVID-19 pandemic, Mila, Yáñez and Maldonado (2022) refer that it is necessary to generate strategies for teaching in virtual contexts and that these can be based on constructivism in its various manifestations either individually or in groups through social constructivism.

To the latter should be added the role expected of lawyers today, which is both to be apt in the handling of ICTs and to be mediators in the legal system, in this sense Muñoz and Pinedo (2022) point out that educational institutions should, within the teaching staff, promote the Culture of Peace with the training of more pacifying and less inquisitive lawyers; and the social dynamics demand critical, cooperative and active legal professionals (Egüez and Matos, 2023); The figure of the traditional lawyer has been attenuated and a different idea and vision has come to life, which requires changes to be made in their teaching. Witker (2023) mentions that traditional teaching strategies, although positive, need to be changed and that the content worked on in the classroom must be problematized to overcome traditionalist dogmatics in the classroom, since it is not the only epistemic option for legal education.

Therefore, in the following table we share the authors selected for the contribution they make to know the current state of research on the teaching of law and thus to have the elements of dialogue after the table.

No.	Author	Place	Title	Justification for selection
1	Mendoza, E. (2023) Tesis doctoral	Mexico	Legal pedagogy and constructivism. Contributions to the learning and teaching of law.	Reflects on legal pedagogy from a constructivist approach, proposing contributions for the learning and teaching of law.
2	Witker, J. (2023)	Mexico	Constructivism as a strategy for renewing the teaching of law.	He affirms that didactic strategies, although positive, are not enough and that it is necessary to problematize the contents and overcome legal dogmatics as the only epistemic option for legal education.
3	Egüez, E. y Matos, I. (2023)	Metropolitan University of Ecuador.	Teaching law through the use of information technologies	Integrates the theme of the use of ICT in the teaching of law, justifying its use based on the social dynamics that demand critical, cooperative and active professionals.
4	Muñoz. M. y Pinedo, M. (2022)	Mexico	Teaching strategies for teaching law through a culture of peace	Nine strategies for teaching law are presented, promoting a pacifying profile in the lawyer.
5	Mila, F., Yáñez, K. y Maldonado, X. (2022)	Ecuador	Strategies for the adragogic teaching of law in virtual contexts.	generating didactic strategies for teaching law in virtual contexts,

No.	Author	Place	Title	Justification for selection
6	Díez-Picazo, L. (2022)	Spain	On the teaching of law in Spain. A plea.	Recalls that postgraduate studies are linked to the systems of access to the legal professions and, in particular, to the difficulties arising from the legal requirement of a specific master's degree for access to the legal profession.
7	Becher, Y., Julià, M., y Neme, A. (2023).	Argentina	Teaching the law from a complex approach: notes on experience	Current realities mean that legal education needs to be conceived from a complex perspective.
8	Arancibia, C. (2023)	Chile	The young Nietzsche and truth in legal education: an approach to the teaching of law	The challenges of the current century require a different approach; the discourse in the classroom has two sides, the dogmatic and the other that delves into what the dogmatic cannot.
9	Pérez, J. (2022)	Spain	Law teaching in Spain. A critical diagnosis and some proposals	He believes that the Spanish legal mentality is still too formalistic, and that students are still taught a formalistic view of the law and a formalistic attitude towards its handling.
10	Mora, H. (2022)	México	Reflections on Law Teaching in a Latin American Context	Reflects on the legal discipline and the challenges it faces in university education. Legal science has remained intact in its pedagogical process.

Note: Prepared by the author based on the results of the search for information in Google Scholar, Scielo and UNAM's Institutional Repository.

**Table 2** Authors' contributions to legal education research

As can be seen, the information highlighted in the table above provides evidence of the state of research in the teaching of law from different perspectives; on the one hand, they focus on the work methodologies of teachers and on the other hand, on the theoretical basis of the work carried out in the classroom for student learning. From the above, it should be noted that the main methodologies for approaching the teaching of law have been based on the historical method, recognizing how teaching has evolved; likewise, the analysis of the epistemology of law (Witker, 2023), since the construction of legal knowledge requires a transition from traditional teaching to a critical and avant-garde one, as is the case with the inclusion of technology. However, it is still relevant that socio-legal studies are carried out by analyzing specific contexts where the researcher analyses how teaching conditions in the legal area are created (Egüez and Matos, 2023), which requires the researcher to practice participant observation and analyze the situations that are created for the legal education process.

It is also important for researchers to gather information (Muñoz and Pinedo, 2023) on strategies based on specific areas that are worked on with students; as well as the technological theme, the Culture of Peace has a place in the profile to be developed in legal professionals, given that subjects who conciliate and not generate greater conflicts are required. Thus, research that recovers ways to guide teachers in constructing suitable spaces for learning are and will be subjects of permanent analysis.

From the above, it can be related to the methodology of discourse analysis, since works such as Nietzsche's (quoted in Arancibia, 2023) are of the current argumentative needs, since it is necessary to work with philosophical theoretical foundations and not only a reproduction of knowledge in both teachers and students, the ideas of the author referred to, force a reflection of the law and direct questioning of the truths that are told in the classroom; legal dogmatics must offer solutions to the problems and challenges of the current century.

### **Structured analytical summary**

Mendoza (2023) points out a difference between social constructivism, cognitive constructivism and sociocultural constructivism; everything is related when it comes to solving problems specific to law, where the social construction of legal solutions cannot be merely treated from individuality, but rather it must be the group of subjects that collaboratively solve the challenges that society faces and this is contributed to when the teaching of law is based on reflective work from collaboration. There has always been talk of constructivism in the classroom, but legal constructivism should be thought of as the ideal way for the subject to learn with real or hypothetical situations that allow them to develop skills, but also the knowledge necessary to carry out tasks, as well as procedural knowledge to solve problems. In this section, ICTs are a relevant instrument for students not only to be instructed in dogmatics, but also to master the digital era, especially when the incorporation of legal processes in digital platforms is projected, which places the lawyer in a work of argumentation from the technologies themselves.

Mila, Yáñez and Maldonado (2022) point out that with the foundations of teaching practices based on "... constructivism, in its different manifestations, be it radical, cognitive, socio-cultural, social constructivism, one of the most recent being the integration of cognitive constructivism", critical legal professionals are achieved; therefore, both teachers and students need to be instructed in methodologies in line with both the teaching and learning process, since a subject aware of their appropriation and development of their graduate profile and thus a clearer vision of what their profession will be in the future.

Undoubtedly, the teaching of law requires an approach based on complexity, the practice of law is not a linear or finished activity; by way of example, a single legal case will have situations from different areas of law within the facts and therefore not only one is dealt with, but it must be analysed from the complexity and the case must be dismembered until it is solved in its entirety. For this reason, Becher, Julià, and Neme. (2023) state that law should not be taught as a finished product, but as a process in which the future lawyer's perception and skills are developed.

In relation to the above, lecture classes do not allow for active student participation and the training of lawyers demands a role for the teacher that does not promote memorisation, which is important as a quality, but not for the organisation of ideas and problem solving (Mora, 2022). And in order to know these existing and necessary profiles, empirical studies must be carried out that detail what happens in the classroom (Fix-Zamudio, 1995, cited in Mora, 2022).

### **Conclusions**

The teaching of law has evolved and the way in which it has been researched has also evolved, law schools demand classroom operators who do not give master classes, who look after the contemporary legal principles that are emerging today and who prepare future professionals with the necessary competences for current problems.

The issue of technologies, law teaching strategies and the Culture of Peace are important to train the lawyers that are needed, who are collaborative, critical, cooperative and active in current problems; thus, their training must be dynamic, materialized in cases of analysis, encouraging personal values such as respect, effective communication, solidarity and trust, values that are so necessary for the practice of law and that these are made available to society before seeking personal and economic interests.

Research into the teaching of law offers guidelines for its improvement, ranging from the didactic planning that teachers develop and what they seek in their teaching, since the quality of the lawyers who graduate largely depends on the education they receive, not only the content they analyse in the curriculum, but also the epistemological positions of the teachers who teach the various subjects that make up the curriculum.

In this section, we cannot avoid the reflections of Díez-Picazo (2022) who refers to the fact that a country's lawyers depend on the level of law teaching, which, when limited to obtaining a degree or passing an exam to gain access to the practice of law, quality is lost. For this reason, faculties have a great commitment to ensure that their students graduate as reflective professionals with the human qualities to address current problems.

The challenge is wide-ranging, the methodologies are varied and the line of research into the teaching of law, far from being finished, obliges us to investigate what happens in the law classroom and how technology affects thoughts and deep reflections or, on the contrary, is limited to peripheral elements in the approach to law. The commitment of teachers and the practice they carry out will have an impact on success or failure, which is why it is appropriate for students to be involved in research work, to use what they have learned in complex situations and not only to consume the information created by others, but also to make personal compositions in research work that will gradually increase in depth and understanding of legal phenomena that need to be addressed.

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