

AWARENESS ON THE KNOWLEDGE OF LAWS IN EDUCATION AMONG TRAINEE TEACHERS, FACULTY OF EDUCATION, KUIS

*Kesedaran Mengenai Pengetahuan Undang-Undang Dalam Pendidikan
Dalam Kalangan Guru Pelatih Fakulti Pendidikan KUIS*

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Abstract

By definition, a teacher is a person who engages in teaching and learning pedagogical activities whether within a university, college, school or outside the Area in a sporting or recreational manner. Educators of these public and private schools, whether as public servants or private employees, they are subject to state laws and legislation relating to education. They are also indirectly constantly monitored on a regular basis by education authorities, the government and the general public on their professional conduct. There has been some mainstream media coverage and court decisions reporting cases of educator misconduct and educational malpractice made by parents and students against educators or education administrators for offenses, among others, involving incompetence in teaching, questionable assessments, careless supervision, the commission of criminal offenses and injustice with students. This study aims to identify the level of knowledge of prospective teachers about the legal aspects in Education, especially related to outdoor activities.

Keywords: Teacher, Knowledge, Law, Outdoor activities.

Abstrak

Secara definisi, seorang guru adalah orang yang terlibat dalam aktiviti pedagogi pengajaran dan pembelajaran sama ada di dalam universiti, kolej, sekolah atau diluar Kawasan secara sukan atau rekreasi. Pendidik sekolah awam dan swasta ini, sama ada sebagai penjawat awam atau pekerja swasta, mereka tertakluk kepada undang-undang dan perundangan negara yang berkaitan dengan pendidikan. Mereka juga secara tidak langsung sentiasa dipantau secara berkala oleh pihak berkuasa pendidikan, pemerintah dan orang awam terhadap tingkah laku profesional mereka. Terdapat beberapa liputan media arus perdana dan keputusan mahkamah yang melaporkan kes salah laku pendidik dan penyelewengan pendidikan yang dibuat oleh ibu bapa dan pelajar terhadap pendidik atau pentadbir pendidikan atas kesalahan, antara lain, yang melibatkan ketidakcekapan dalam pengajaran, penilaian yang meragukan, pengawasan yang cuai, pelakuan kesalahan jenayah dan ketidakadilan dengan pelajar. Kajian ini adalah bertujuan bagi mengenalpasti tahap pengetahuan bakal guru tentang aspek perundangan dalam Pendidikan khususnya berkaitan aktiviti luar.

Kata kunci: Guru, Pengetahuan, Undang-Undang, Aktiviti luar.

1.0 INTRODUCTION

In Malaysia, there are often changes to the country's education system to improve living standards in line with the development pattern of the community through the Malaysia Education Development Plan (PPPM) 2013-2025. The pattern of community development is due to the increase in knowledge, economy and rapid development in the use of digital technologies such as the internet. In the end, the existing limitations can be clearly seen by parents and students regarding matters that happens involving educational activities as performed by administrators and teachers in schools. The efforts and roles of teachers in shaping the nation through students' identity based on the National Education Philosophy which is concept with physical, emotional, spiritual and intellectual (JERI) are very closely related to the physical safety of students during in physical activity outside or inside the school setting. Since teachers are responsible based on law in education, they must understand the concept of negligence law and general regulations to ensure that the safety and rights of teachers and students are protected.

2.0 PROBLEM STATEMENT

Increasing accidents that occur in activities outside the school or in the classroom can have a significant impact on the active involvement of pupils especially to activities involving physical and co-curricular education. According to Paul (2012) the increase in accidents resulted in lack of demand in sports and recreational activities. Among the causes of accidents are due to the factor of poor risk management practice. According to Richard (2005) safety risk management practices are like aspects of equipment management, security provision, facilities management and skills management. According to a study conducted by Jaffry et. al. (2015) it was stated that problems related to risk management practices in Malaysia have become a concern and injury-related cases are increasingly getting media coverage. According to Mawarni, Mohd Sofian, Lee, Zarina & Rosili (2006), it was found that negative effects such as the risk of injury or accident cause parents to worry about involving their children in recreational and sports activities.

Therefore, this situation has received the attention and raised awareness among parents regarding legal action to be taken due to the problem of negligence in the behavior of teachers in school. According to Tie (2002) it was explained that society's awareness of individual rights has prompted them to take legal action against teachers. Parents' belief in the safety aspect in the school is based on the concept of "in loco parentis" which constitutes that it becomes a heavy duty and responsibility as a teacher or administrator who is legally responsible when any accident or injury occurs whether it is from intentional action or due to negligence.

According to the writing published by Hazizah Kassim (2020), she stated that there is a lack of specific information related to law among prospective teachers in teaching institutions or universities. This also includes the lack of law-related subjects as well as educational law-related modules for the teaching profession. Understanding and information related to the law is very important to all parties, including prospective teachers. This knowledge of the law can help educate the teachers regarding their responsibilities, obligations and rights as educators from a legal point of view. Without knowledge of the law in education, educators cannot anticipate the extent to which their behavior is based on an "omission" or "commission" that allows legal action to be taken.

3.0 LITERATURE REVIEW

The role of teachers in schools directly or indirectly in carrying out their roles and responsibilities on legal aspects includes contract law based on "in loco parentis" which becomes a guide for the court in determining the role of teachers in schools. According to Barrel & Partington (1985), they stated that the job of a teacher in a school is like "a father who carefully takes care of his children". This means that the role of teachers and school administrators should be a like to the act as foster parents to students while they are on the school grounds. The teachers are treated like parents who have duties and responsibilities towards their students. Thus, according to LaMorte and Michael (2002), teachers should ensure that their students are given efficient attention and monitoring so that they can protect themselves from any risk or danger.

According to a study by Giliker (2015) related to 'in loco parentis' in a case (Williams v. Eady, 1893) where Judge Cave asked "What is the duty of a headmaster?". He explained that the job as a head teacher is to look after or monitor the students as how a father does to his son. This is a key consideration when judges talk about the school's negligence in caring for students. However, there are various factors that affect the supervision of students such as the number of students, age, type of activities carried out, facilities available at the school and others.

Some communities view and assume that children are those who are school pupils who attend kindergarten and primary school. In contrast, high school students are not considered as children. This situation is clearly seen based on the parents' treatment of the children themselves. Unexpectedly, students in secondary schools are also considered as children (Hazizah Kassim, 2020). According to the law below (Children Act, 2001) it was defined that a child is an individual who is under the age of 18 years. This definition clearly indicates that pupils from the primary school level up to the secondary level of form five are those who are protected by law under the Children Act 2001.

The legal need to protect children is important because children are also part of the total population in Malaysia based on the total needs of teachers teaching in schools in 2020 in which a total of 416,743 teachers are teaching in all schools (MOE, 2020). This number indicates that there is an important need for children to be protected by law. Laws under the Children Act 2001 to protect those involved in the handling of children are to ensure that there is no unintentional violation of the law against those who are unable to protect themselves on par with existing laws.

Negligence is part of the Tort Law where one party has suffered a loss as a result of an action by the other party whether intentionally or unintentionally. The requirement in a claim for negligence is to obtain compensation as a result of losses suffered from the result of the failure in carrying out responsibilities as performed by the teacher or the school. A legal claim in negligence occurs when one is not behaving in a reasonable manner as a teacher (defendant) resulting in an accident or injury to the (plaintiff) and determined whether the party responsible acted in a reasonable manner or not abiding by the "reasonable standard". The law of negligence stipulates that any treatment of a person towards another is based on the principle of duty of care. In the context of teachers, managers, officers, coaches as well as sports teachers all have a duty of care towards students who participate in such education activities. Given the existence of this obligation, each of them has to behave as required by law. This situation can happen to two situations in education namely:

- a) Teachers' negligence who are responsible for providing adequate supervision towards students

- b) The negligence of the school in ensuring the provision of school needs related to unsafe facilities

Based on the perspective in the negligence law claim, each action or behavior is accepted as negligence when it meets the following three main elements:

- a) There is a clear relationship known as the "Duty of Care" by the services provider who is the "Defendant" to the party receiving the services known as the "plaintiff"
- b) There is a violation of the duty of care which is "Breach of Duty" by the "plaintiff"
- c) There is a reception in the form of losses whether in the form of financial, life or physical injury by the "plaintiff"

Industry players in education need to pay attention to all these aspects in providing a facility so that there is no court action in the event of any undesirable matter related to safety in sports and recreational facilities. Lessons in the case of Marshbaum against Loose Fit and Anor in 2011 in North Wales, Australia, where the plaintiffs claimed that he had come down from the stairs at a fitness center operated by Loose Fit Pty Ltd, he fell and suffered an injury to his left shoulder. These details are the result of negligence and breach of responsibility of care that has been carried out by Loose Fit for not providing handrails installed on the stairs.

Therefore, the management should not be complacent about the safety of users. The next method is related to the suitability or emergency action plan in the event of an accident. Adaptability refers to communication actions, emergency actions and warning signals taken when an emergency occurs. Easy-to-understand explanations and warnings are very important in reminding parties involved of the dangers of risk. The safety scope of the activity should be clearly described to the recreational participants involved so that they can participate in the activity calmly.

The recreational activity or program aims to challenge each participant physically, mentally and emotionally. Despite careful and precise preparation, instructions, medical advice and equipment, there is still a risk of serious injury when participating in any recreational activity. It is unpredictable that all dangers are predictable; and the occurrence of losses are also uncertain (Rejda, 2011). According to Redja (2011) risk management is an action to curb accidents and losses in the form of financial loss and injuries in unforeseen or intentional situations. Depending on the particular activity, participants understood that certain risks, hazards and injuries due to bad weather, slips, falls, poor skill levels or poor behavior, inadequate or damaged equipment, lack of proper regulatory and supervision instructions, and all others are conditions inherent in indoor and outdoor recreational activities. This study considers that it should be acknowledged that it is not impossible to guarantee safety while carrying out recreational activities.

Table 1: Comparison of sports risk management models

General regulations civil servants	<ul style="list-style-type: none"> • Violations of any provision of these regulations by an officer may result in the officer being subject to disciplinary action under these Regulations
Professional Circular Letter	<ul style="list-style-type: none"> • It is a Government Gazette issued by the Ministry of Education Malaysia which is distributed from time to time. It is an instruction and guideline in performing a task and service. It is a source of authority that must be complied with by civil servants
TORT Law	<ul style="list-style-type: none"> • Tort covers claims and prosecutions relating to loss, injury and pain. The role of Tort Law is to determine questions of liability and damages claimed in civil offenses

4.0 CONCEPTUAL FRAMEWORK

Among the weaknesses of risk management practices is the lack of knowledge in risk management practices on legal knowledge in education related to General Regulations and negligence laws. Teachers need to take note of such knowledge related to safety in school. Therefore, based on the three laws related to education, the researcher would like to see the level of knowledge of the trainee teachers by drafting the study concepts as in Figure 1 in which this study would like to analyze and examine the knowledge of teachers in legal aspects.

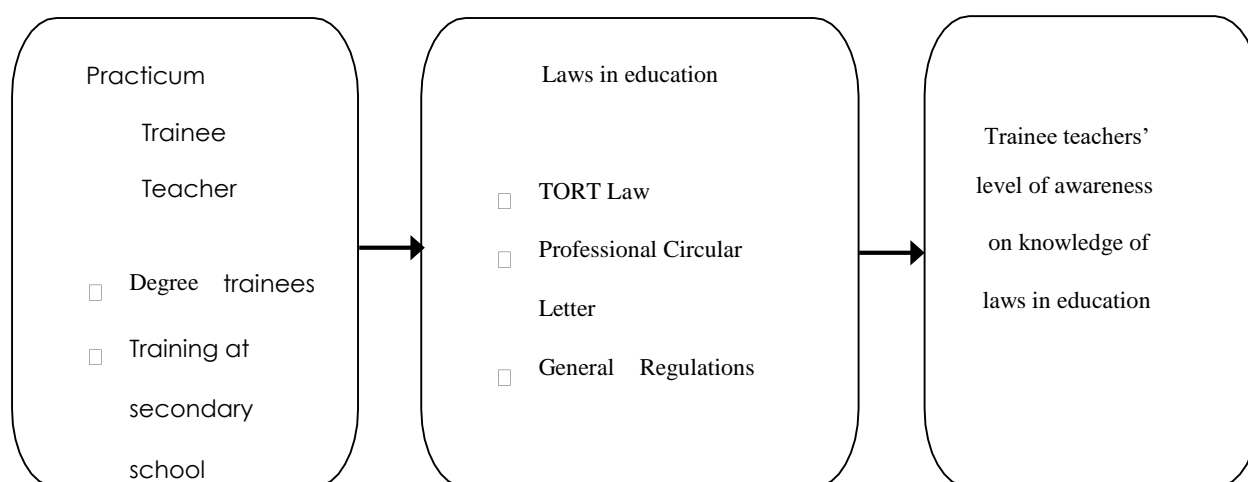


Figure 1: Conceptual Form of Study

5.0 OBJECTIVES AND RESEARCH QUESTION

This study is looking at the implications which discuss on the importance of teachers' knowledge of laws in education. Therefore, the purpose of this study is to examine the readiness in the knowledge of trainee teachers who are undergoing industry training in secondary schools. In detail, the study aspires to achieve two objectives namely:

- a) Identify the perception of the level of legal knowledge in education among practicum trainee teachers in secondary schools
- b) Identify whether there is a difference in knowledge of law in education between the genders of practicum trainee teachers in secondary schools

6.0 RESEARCH METHODOLOGY

6.1 Research Design

This descriptive study is conducted using a quantitative approach by collecting data through questionnaires answered by respondents. The population in the study are trainee teachers from the Faculty of Education based at the International Islamic University College Selangor, Malaysia, who are undergoing practicum training sessions in schools. According to Chua (2014) the option of responses in the questionnaire requires respondents to answer based on the suitability of Likert agreement scale of five (5) points used to obtain participants' perceptions.

6.2 Sampling

The sample in this study is a total of 84 respondents who are undergoing practicum training in secondary school. Samples are selected using purposive sampling method. According to Creswell (2014) sample size over 30 respondents is suitable for most

comparative studies and the size is better because it can reduce sampling error. In terms of gender, the selected sample included 22 (26.2%) male respondents and 62 (73.8%) female respondents with reference to the profile of respondents in Table 2 as follows.

Table 2. Respondents according to gender

Trait	Respondent	Frequency	Percentage (%)
Gender	Male	22	26.2
	Female	62	73.8

6.3 Reliability

Based on previous researches that conducted studies on a large sample using construct analysis which was found to be in parallel with reference to the statement as stated by Ghazali and Sufean (2016) where the reliability of the questionnaire instrument explains the extent to which the scores in each item obtained are consistent or stable when tested several times. In other words, the reliability of the research instrument refers to the internal stability and consistency of the questionnaire (Chua, 2014b; Cresswell, 2012). The reliability of the study is important because measurement errors can be reduced and relationships between items or variables can be measured accurately. To measure the internal consistency of a construct, Cronbach Alpha values are often referred to. Accordingly, in this pilot study the data were collected and the level of reliability was measured using the Cronbach Alpha Statistical Test in Statistical Packages for Social Science (SPSS) version 20.0. Table 3 shows the Alpha (α) values for the reliability test of the questionnaire instrument.

Table 3: Instrument Reliability

Construct	Alpha value
Eleven questionnaire items	$\alpha = .75$

Referring to Table 3, the findings show that the Cronbach Alpha reliability value of the questionnaire instrument for the practice construct reached a minimum value of more than 0.75. Thus, this pilot instrument can be used in real field studies.

7.0 RESEARCH FINDINGS

Table 4: Mean Score and Standard Deviation (N = 84) on Awareness of Law in Education among Practicum Trainee Teachers at Secondary School

Knowledge in two aspects of law in education	N	Mean	SD
Total	84	4.19	.383

Objective 1: Identify the level of knowledge on law in education among practicum trainee teachers in secondary school.

Question 1: What is the level of knowledge on law in education among practicum trainee teachers in secondary school?

Table 4 shows the overall mean score recorded shows a high mean value ($M = 4.19$, $SD = 0.383$) in all two aspects of law in the knowledge of trainee teachers. This illustrates that trainee teachers who conduct practicum training based on knowledge of the law in education have a good awareness. They are also more likely to behave cautiously and pleasantly while conducting practicum training activities in schools.

Table 5: T-test on two aspects of knowledge on law in education based on gender

Legal Aspect	Gender	N	Mean	SD	t	sig
General regulations	Male	22	4.3030	.45900	.32	.743
	Female	62	4.2661	.44910		
Tort Law	Male	22	4.0727	.46000	.37	0.707
	Female	62	4.1161	.46595		

Objective 2: Identify whether there is a difference in the level of knowledge on two aspects of law in education based on the gender of practicum trainee teachers in secondary schools.

Question 2: Is there any difference in the level of knowledge on two aspects of law in education based on the gender of practicum trainee teachers in secondary schools?

Table 5 as a whole shows the mean differences on legal knowledge in education based on gender. For knowledge in the aspect of General Rules, male respondents (mean = 4.2661, SP = .459) scored higher than female respondents (mean = 4.266, SP = .449). Meanwhile for the aspect of knowledge in Tort Law, female respondents (mean = 4.116, SP = .465) had higher scores than male respondents (mean = 4.072, SP = .460). Next, the t-value for the knowledge difference in the General Rules is $t = 0.329$. Meanwhile the value of the significant level is 0.743. The significance value exceeds the set level ($p > 0.05$), hence the null hypothesis for this question is accepted. Therefore, there is no significant difference on the General Rules knowledge according to gender of the trainee teachers. On the other hand, the t-value for the difference in knowledge of Tort Law is $t = 0.377$ while the value of significant level is 0.707. The significant value exceeds the set level ($p > 0.05$), therefore the null hypothesis for this question is accepted. Thus, there is no significant difference between the knowledge in Tort Law based on gender of the trainee teachers.

8.0 FINDINGS AND DISCUSSION

The need in law has also been touched on in Maslow's theory where it is a guarantee of well-being at the second level related to security. The level of safety is necessary in ensuring a safe life especially involving children in school. This is to ensure that students can focus on any form of learning activities in the classroom or outside the classroom that involve sports and recreational activities. In the event of any accident or injury involving legal action, the teacher or administrator is able to defend themselves under existing law.

According to Rossow (1990) there are still many educators who have no knowledge in law. This is because educators lack adequate exposure to knowledge in education resulting in educators not knowing their rights according to the law. Knowledge in the law is important in ensuring the "duty of care" by teachers and administrators to prevent allegations of negligence, abuse of power, defamation and other causes in court. According to Ehsani et. al. (2012) coaches or teachers who are qualified and skilled are capable of implementing good risk management practices in the organization. According to Mohamed et. al. (2006), the ability to conduct close supervision to avoid risk hazards depends on the foresee ability of the coach or teacher. Foresee ability refers to a person's ability to make an early anticipation of a potential risk hazard.

This ability is demonstrated through the emphasis on monitoring a situation before an accident occurs. The results of the analysis of actions through training in recreational activities showed that the trainers conducted a risk simulation of the activity to the participants. According to Lachapelle (2004) organizations need to create risk and safety awareness programs especially industry players in education to achieve the same level of safety. This suggests that early training of introduction to the risks of the activity to be carried out is very important. For example, teachers give initial safety briefing sessions and demonstrations as well as initial attempts at a low level before performing in actual activities. According to Fuller (1999) sports activities and programs should have laws and percentages that indicate the way of management during sports activities. The supervisory component of participants' abilities, instruction and support is important during recreational activities. With efficient supervision, safe activity environment can be created.

9.0 CONCLUSION AND RECOMMENDATION

As a trainee teacher and the young generation of the country, it is important and necessary for them to be inculcated with knowledge related to law in education. This is to ensure that they become the beneficiaries of national leadership and become better society. Therefore, with high expectations of the students studying at the university, it is hoped that they utilize the information, knowledge and understanding of the law in education for everyone's benefit. Malaysia should be inherited by good leadership and governance by those who are knowledgeable and have high integrity. It is hoped that the knowledge of constitution and law imparted to students today can be utilized by students for the needs and development of the country in the future.

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