Students-Generated Video Assessment for Law of Conveyancing, Faculty of Law, Universiti Teknologi MARA : A Way Forward

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Abstract: Law students at universities are taught substantive and procedural laws to prepare them for legal practice. Thus, during physical class, students' assessments are dominated by applications of law, giving legal opinions and essay writing. Online assessments during Open and Distance Learning (ODL) require more than just copying and pasting cases, statutory provisions or other materials. In line with the motivation theory, students shall immerse themselves in reading, preparing answers and giving opinion to nurture a comprehensive understanding and interest in substantive and procedural laws. Answering problems posed to them through video production incorporates knowledge, analytical assessment of the issues, and concluding the findings to ensure every aspect of the issues is addressed. The creation of a video requires students to put in time and effort, not just in finding the answer or proposing solutions to the problem, but also requires some technical know-how to produce a suitable video. This paper aims to evaluate whether video assessment during ODL is in line with the theory of motivation that enhanced students' understanding of the subjects conducted online. A doctrinal method is engaged that reflects a better perception by students through video assessment compared to applications of law through essay writing. Using video creations as a form of assessment encourages law students to develop digital communication skill in order to impart professional legal advice through a creative role-play and enhance their learning of conveyancing law and procedure in a more casual, yet effective, method. To ensure efficacy, the rubric for video assessments shall be clear and precise, and evaluate the contents as well as the presentation skills. Lastly, lecturers as assessors should convey their reflections to students in a comprehensive manner, highlighting their strengths and weaknesses.

INTRODUCTION

Due to the COVID-19 pandemic, various policies have been launched by governments and education institutions across the world in order to continue teaching and learning activities, whilst at the same time, to contain the spread of the virus (Ali, 2020). Universities in Malaysia also joined the new norm of online education (ODL) (Wan Mohamad et al., 2020; Othman et al., 2020, Abdul Rahman, 2020). The development of e-learning technology conveyed further possibilities of ODL since e-learning allows easy access to materials, flexible space, time and pace of study, comprehensive interaction and communication, and immediate feedback that make the learning process effective (Arora, 2015). The shift in teaching and learning methods also means a shift on how assessment takes place. It is not practical to adopt the assessments carried out during the traditional face-to-face where students have to write answers within a specific permitted and at a specific exam hall. Students are also not allowed to copy (Muhamad Nasri et al., 2020). At the Faculty of Law, University Teknologi MARA, students in their third and fourth year will have to embark on procedural law papers to equip them with actual legal practice. Law of Conveyancing is a subject taught in Year 3 (Part 6) as a core paper. Students must pass two pre-requisite substantive law subjects, namely Land Law 1 and Land Law 2, in order to register for Law of Conveyancing. Briefly, the Law of Conveyancing consists of the procedural aspect of land transactions in Malaysia. Students are trained to act on behalf of the client from taking instructions until the land transaction is perfected. Students are also taught land-related matters such as creating a power of attorney and real property gains tax. The legal procedural aspect of the Law of Conveyancing requires students to understand and visualise actual land dealings, besides the need to incorporate the substantive part on issues relating to land law in Malaysia. Thus, with the shifting of mode from physical face-to-face classes to ODL, students are forced to do grasp the whole procedure with the embedded knowledge of the substantive land law in front of their computers at home.

Research by Ali (2018) indicates that students tend to strongly bond with

information communication technology (ICT). Hence, students have accepted the new norm of teaching at universities through ODL. The crucial part is the assessment that must be carried out in order to measure whether knowledge transfer has occurred. Remote learning provides an avenue for students to use resources in the preparation of their assignments.

Abdul Rahman (2020) reflects that pdf answers submitted by students compounded to lecturers' eyesight problems because of the unavoidable need to stare at the glary screen for hours where it often becomes unbearable. A careful selection of assessments is vital, or else lecturers may receive copy and paste assignments. It is worse when knowledge transfer does not happen as students merely re-produce the notes they received during classes and through websites without understanding the legal principles or the rationale of such legal opinion. Written submission of assignments from facts situations posed to the students during closed book tests is a popular method during physical class, which was possible before the outbreak of the COVID-19 pandemic. However, even before the pandemic, several researchers (Walters et al., 2015; Schofield et al., 2017 and Hawley and Allen, 2018) suggest that student-generated video creation assessment is an innovative and emerging form of assessment in higher education. Ben G et al. (2020) affirmed this and concluded from their research that assigning students to create videos is a viable method of encouraging learning, service and effective assessment method.

For assessments during the September 2020 - February 2021 semester, students registered for Law of Conveyancing were given hypothetical facts concerning a client who intends to purchase a property (together with a building). The client seeks legal advice on the procedural aspect of the conveyancing process from the beginning until the client is registered as the new proprietor of the said property. Students were instructed to create a video in a group to answer the legal process of transferring land. Ryan (2013) and Pareira et al. (2014) affirmed that a video creation project consisting of groups of students can enhance collaboration and team working effort that foster a better working environment. The collaborative effort can expose students to a real working environment of Advocates and Solicitors.

LITERATURE REVIEW

The COVID-19 pandemic indirectly results in the urgent need to develop the educational system's technological infrastructure, expanding the teacher's pedagogical expertise and the student's learning repertoire (Thomas, 2021). It is closely related to the students' ability to adapt to ODL and the different assessment methods adopted to reflect that knowledge transfer has occurred. The ability to adjust is associated with motivating factors that geared the students towards accomplishing the desired goal, acquiring knowledge and, at the same time, passing the subject with excellent grades. Brophy (2010) defines motivation as "a theoretical construct to explain, the initiation, direction, intensity, persistence, and quality of behaviour, especially goal-directed behaviour". Motivation involves goals that provide the incentive for purposeful action with an intended direction. The Self- Determination Theory (SDT) (Ryan and Decy, 2020) stresses that conditions supporting the individual's experience of autonomy, competence and determination can foster high quality forms of motivation and engagement for activities, including enhanced performance, persistence and creativity. It is vital to possess the optimum level of motivation to ensure that the desired goal could be attained. Schmid et al. (2014) state that technology can enhance learning, and video is one of the most effective tools that can promote students' interest in education. In agreement with these findings, Brame (2016) viewed that three factors, namely, cognitive load, student's engagement and active learning, can provide a solid base for development, and video is an appropriate educational tool.

ODL inculcates self-learning, and the appropriate assessments can enhance the degree of determination to achieve the desired results. For example, passing the subjects with flying colours which also paves the way to be a successful Advocate and Solicitor. At this age of accountability, it is recognised that assessment is a powerful device that can enhance student's learning (Abdallah, 2016). Mundrake (2000) defines assessment as the means used to evaluate the outcomes of the educational process. In affirming this definition, James (2006) simplified that assessment is a tool to measure the learning outcome. Hence, it is essential to determine the appropriate mode of assessments to ensure that the learning outcomes are achieved. Research conducted before the outbreak of the COVID-19 pandemic by Hawley and Allen (2018) was optimistic of student-generated

video creation for assessment. It has several benefits, notably, supporting the development of digital and communication skills relevant to today's world and enhancing learning. Their literature on students' video-creation for assessment highlighted the benefits of this mode of assessment. Table 1 offers an overview of the scope of the literature and the video projects described, together with the benefits highlighted by Hawley and Allen (2018).

Table 1: An Overview of the Benefits on the Students Video-Creation as an Assessment (Hawley and Allen, 2018)

Title	Country	Programme/Institution	Video Creation Project	Benefit/Positive Outcome as highlighted by Hawley & Allen, 2018
Wong et al., 2003	USA	Educational technology; postgraduate; on-campus; Michigan University	Students worked in small groups to create "iVideos" – short, two-minute, digital videos designed to evoke powerful experiences about educative ideas.	Students to gain increased competency and efficacy in using technology with this being learned in an authentic manner not divorced from subject content or pedagogy.
Kearney & Schuck, 2006	AUSTRALIA	Across different subjects and topics; 5 schools (two primary and three secondary)	Students worked in groups to create various video creation projects such as animations of astronomy concepts, news stories, advertisements etc., as determined by subject areas.	Students recognised these skill developments as being of benefit to them beyond graduation and in their future employment
Burns & Lester, 2007	UK	Tourism/ On-campus/ University of Brighton	Students had to create visual essays about a city using either video or collection of stills.	Students video creation enhanced learning
Elsom, 2009	UK	Biochemistry/ on-campus/ University of Brighton	Students worked in groups and had to create short videos (4 mins) to explain a particular topic in biochemistry.	The opportunity to use and develop creativity during video creation projects, for example, in considering how to portray subject content in the video,!as valuable as both a skill development and as a means to enhance learning, increase motivation and engagement
Cox et al., 2010	UK	Information & Knowledge Management; undergraduate; on campus; University of Sheffield	Students had to create a video (or photostory or animated model in PowerPoint) for 3 minutes on a given theme for submission for assessment.	A further possible factor relevant to the video creation and learning relate to the levels of engagement as studies reported that students video creation to be enjoyable to increase motivation and engagement.

Letschka & Seddon, 2010	UK	Two programmes within Arts/ Design; on-campus; University of Brighton	Two groups of students (3D design/wood, metals, ceramics and plastics; history of design & decorative arts & visual culture) had to create a short video (30 secs – 1 minute) together either on aspects of objects stored in a museum or on contemporary making of objects destined for museum collections.	Using student-generated video creation enabled students to gain increased competency and efficacy in using technology.
Yang & Wu, 2012.	TAIWAN	English as a Foreign Language, High School	Students were required to complete digital storytelling projects within groups as part of the teaching.	Using student-generated video creation enabled students to gain increased competency and efficacy in using technology, with this being learned in an authentic manner not divorced from subject content or pedagogy.
Greene & Crespi, 2012	USA	Business/ accounting; on campus; university	Students worked in groups as a compulsory task to produce one minute television advertisements/ students worked in groups as an optional task to create 2-3-minute educational video on	The processes of video creation, for example in preparing a script, considering how to portray a concept in a new way and review/editing of the material,
Ryan, 2013	IRELAND	Biochemistry module across 3 programmes; undergraduate; on campus; university in Ireland.	The video project replaced a traditional essay and was one part of the summative assessment alongside practical laboratory work and a lab report. Students worked in groups to create an educational digital video for their peers on a biochemical area of interest to them.	The ease of sharing/viewing content increased the likelihood of peers and others viewing the content, not just academic tutors. This factor also contributed to increased motivation and engagement. These include that video creation is active learning which supports and transforms students from passive knowledge consumers into knowledge constructors.

Pereira et al., 2014	SPAIN	Nursing, On Campus, University	Students had to make online videos about "structure and function of the human body."	Development of skill in using technology was cited benefit for video creation for assessment. Video creation projects were done collaboratively with groups of students involved in the video creation; thus, the benefits of collaboration and team working were often reported within the studies.
Russell & Moote, 2015	UK	English (as a foreign language); distance learning; pre-university foundation level	Students were asked to produce a short individual video on the the topic of studying at a British university which was submitted via a YouTube account.	Using student-generated video creation enabled students to gain increased competency and efficacy in using technology, with this being learned in an authentic manner not divorced from subject content or pedagogy.
Walters et al., 2015	NEW ZEALAND	Sports undergraduate; on campus; University	New assessment method – video creation as opposed to the previous exam. Students had to create a short (3 minute) video to examine a sport and recreation-related issue from a sociological theoretical perspective.	Students recognised these skills by (producing video as assessment) developments that benefit them beyond graduation and in their future employment
Orús, et al., 2016	SPAIN	Business/ on campus; university	Students worked in groups to create videos that explained a theoretical concept of marketing. Videos could partially replace the content of the primary compulsory project of the course, but no direct link to the final mark was assigned to the video.	Video creation enhanced learning

| Borowczak & Burrows, 2016 | USA | Teacher education; undergraduate; on-campus; university | Students had to create and share their videos and use YouDemo as a tool to support their assessment of their own and others' work. | Ideas regarding methods for assessing videos have been proposed to advocate for a change management process to support the development of the assessment criteria, use of rubrics and examples, plus clear guidance using traditional academic rhetoric to show clearly the focus on intellectual content rather than technical difficulty. |

The primary purpose of law schools is to ensure that students are learning the skills they need in order to think, perform, and conduct themselves as competent lawyers. A valid, reliable and fair assessment system that assesses students learning and improves their learning skills (Rogelio, 2010). The American Bar Association (Crompton Report, 1979) states that legal education at the tertiary level serves as preparation for a lifetime career involving continuous growth and self-development. Lecturers can provide students with assessment instruments that reflect explicit criteria for their performance to judge their performance. The current assessment practice of a single end-of-the-semester do-or-die final exam does not provide students the feedback they need to develop self-learning skills and improve performance in law school and beyond (Rogelio, 2010).

METHOD

This paper employs doctrinal research to analyse students' video-generated assessment as an effective mode of assessment during the COVID-19 pandemic, where teaching and learning are done via ODL. A literature search using a systematic approach was undertaken using Google Scholar, EBSCO Host, Heins Online. It covers an extensive range of databases, including journals related to education, technology, and health and social care. Search terms such as "video/ video creation" "assessment" "student generated/ learner-generated" "digital/ technology/assessment" were utilised to produce responses that are relevant to the research topic. In addition, Google search is employed to student-generated sources to capture as

much relevant materials as possible (Aromataris & Riitano, 2014). In evaluating the effectiveness of videos as a mode of students' assessment, statistics on students at the Faculty of Law, Universiti Teknologi MARA, Shah Alam, Malaysia were used to reflect the learning process during ODL where student-generated video creation is used as an assessment method. In order to ascertain the impact of students' video creation for assessment of the students' performance, two groups of students registered for Law of Conveyancing at the Faculty of Law Universiti Teknologi MARA, Shah Alam, Malaysia were used as samples. The first group is from the Session 2 (2018/2019) which consists of 209 students. Since this is before the outbreak of Covid-19, thus, classes and assessments were conducted on a face-to-face basis. This batch represented the groups that have taken the ordinary assessment method by resolving the legal issues through written essays. The second group was taken from the Session 1 (2020/2021) which consists of 77 students, where the learning and assessments were done online and the assessment method was by producing a video for the purpose of resolving the legal issues.

RESULTS AND DISCUSSION

3.1   Results Analysis of Students Taking Law of Conveyancing

Table 2: Analysis of Results of Law of Conveyancing, Faculty of Law, University Teknologi MARA

No	Semester	A+	A	A-	B+	B	B-	C+	C	C-	D+	Total
1	Session 2 2018/2019	0	1 (1%)	4 (2%)	19 (10%)	35 (17%)	50 (23%)	45 (20%)	54 (26%)	0 -	1 (1%)	209 (100%)
2	Session 1 2020/2021	0	5 (6%)	13 (18%)	24 (32%)	12 (16%)	8 (10%)	8 (10%)	7 (8%)	0 -	0 -	77 (100%)

Session 2 2018/2019 students were given essay and problem-solving assignments which they had to tackle as a group. Students of Session 1 2020/2021 were given video creation assignments where they, as a group, had to produce a video to solve the factual situations posed to them. The task involved advising a client on a sale and purchase transaction of a property. The students were instructed to elaborate on the procedural aspects and solve specific substantive law issues. The video created should incorporate

the application of the relevant law to the given facts, advises to the clients, and ensure that the flow of the land transaction process is meticulously elaborated in the video. The majority of the students produced high-quality drama-based videos with a mixture of role-playing which were mostly edited via "Powtoon". Thus, they managed to obtain very good grades for assignments. Hence, students had a better chance of scoring on the subject. The analysis for both physical and ODL systems reflects students achieving better results during online classes, where there were no failures for Session 1 2020/2021, as compared to 1% failure rate for Session 2 2018/2019. 24% of the students secured an "A" grade compared to only 3% during Session 2 2018/2019. 58% of the students obtained a "B" grade during the 2020/2021 semester while only 50% of the students obtained a "B" grade during the 2019/2019 semester. 18% of the students obtained a "C" grade during the 2020/2021 semester while 46% of the students obtained a "C" grade in 2018/2019. Based on the above comparison, it can be seen that, generally, students during the 2020/2021 semester obtained better grades, compared to their earlier counterparts as more students obtained "As" and "Bs" and there was lesser "Cs".

In brief, the result analysis provides evidence regarding the inclination of the younger generation towards ODL. As indicated by Abdul Rahman (2021), the students are more active in asking questions and participating in group conversations. ODL is an advantage for introverts because they can voice their opinions freely and more confidently. From the analysis above, providing students with the opportunity to use videos as a means to present their advice to the hypothetical clients and solve the legal problems posed which will then be assessed has provided the students with an alternative avenue, besides the usual essay writing. The video making process is beneficial to the students on the visualisation capability, digital creativity, team-work and the role-play that enhance the students' ability to grasp the procedural aspects of the Law of Conveyancing. As concluded by Hawley & Allen (2018), using the video creation by students for assessment could improve students' understanding since they are able to express their learning in a more enjoyable manner. The collaborative learning in the process of the video creation as suggested by Pereira et al. (2014) is visible from the overall achievement of the result for the Law of Conveyancing during the 2020/2021 semester.

3.2 The Video Assessment Rubric shall be precise to meet the learning outcome

The following general rubric on video creation assessment by students impose an objective evaluation on any video assessment:

Table 3: General Rubric for a Video Creation for Assessment (A project for the International Society Technology in Education (ISTE), 2021)

Points	Excellent	Good	Satisfactory	Needs improvement
Concept	The video demonstrates a key concept	The video shows key concepts.	The video demonstrates a previous concept.	The video does not demonstrate a clear concept.
Design	The quality and materials in the video are very well organised and understandable.	The quality and materials in the video are adequately organised and somewhat clear.	The quality and materials in the video lacked some organization and 50% clear.	The quality and materials in the video are not organized and lack clarity.
Participation	All members demonstrated an active role in the process.	The majority of the members demonstrate an active role.	Half of the group did most of the work.	Only one person demonstrated an active role.
Final Project	The final product looks professional and has visibly demonstrated the concepts.	The final product looks decent and has somewhat demonstrated the concepts.	The final product requires more revisions and did not clearly demonstrate the concepts.	The final product looked unrefined and did not clearly demonstrate the concepts.

The general rubric produced by a member of the International Society Technology in Education (ISTE) clarifies the evaluation criteria and objective where the students can anticipate as to how they will be able to get excellent results. However, for law students, the rubric should be tailored to the aspiration of continuous growth and self-development where it also provides guidelines for students in preparing their assessment and boost their motivation to become creative.

Table 4: Rubric for Assessment of Videos for Law of Conveyancing

Points	Excellent	Good	Satisfactory	Needs improvement
Creativity	The editing & continuity of the video is excellent (5 marks)	The editing & continuity of the video is good (4 marks)	The editing & continuity of the video is satisfactory (3 marks)	The editing & continuity of the video needs improvement and not smooth (0-2 marks)
Concept & Design	The quality and materials in the video are very well organized and understandable (5 marks)	The quality and materials in the video are adequately organized and somewhat clear. (4 marks)	The quality and materials in the video lack organization and are only 50% clear. (3 marks)	The quality and materials in the video are not organised and lack clarity. (0-2 marks)
Participation	All members demonstrate an active role in the process. (5 marks)	The majority of the members demonstrate an active role. (4 marks)	Only half of the group actively participated in the group work. (3 marks)	Only one member demonstrates an active role. (0-2 marks)
Application of legal principles, use of authorities and conclusions	Excellent and clear discussions of relevant law and their applications to facts given (13-15 marks)	Good discussion of relevant law and their applications to facts given. (9-12 marks)	Satisfactory discussion of relevant law and their applications to facts given. (4-8 marks)	Superficial discussion of relevant law and lack application of law to facts given. Discussion of irrelevant law. (0-3 marks)

The evaluation of the video assessment revolves on the most crucial part of the assessment which is the ability to explain the land conveyance process, where a law student is expected to deliver his/her primary duty in advising clients equipped with all the related authorities as to how the land transactions should be perfected in accordance with the law. Hence, 50% of the marks (15 out of 30) were allocated to the discussion of the legal principles, their application to the given client's situation and the conclusion. Marks were also allocated to students' participation and team work in order to inculcate positive attitude and the ability to work as a team that lawyers should possess in performing their duty.

Alongside the rubric, explicit instructions are vital to ensure clarity in the video generating process to address the issues. In addition to that, written feedbacks and comments are given together with the marks. The feedback is beneficial to the students' learning of the subject (Mahoney at el., 2019). The lecturers' comments will help the students to identify their strengths and weaknesses.

CONCLUSION

Video creation is a contemporary model of assessment that is likely to be widely accepted, which has the potential to positively transform the students' experience and assessment methods (Hawley and Allen, 2018). As an innovative and emerging assessment form, the instructions and rubric should be made available to students. A well-designed rubric makes the assessment process more valid and reliable, where the actual value of rubrics lies in advancing the teaching and learning process (Wolf and Steven, 2007). Ultimately, student-created videos as a tool for an assessment motivate students' engagement in active learning. In particular, it is a suitable assessment method for lecturers during the COVID-19 pandemic, as it is compatible with distance learning (Matthew et al., 2021). In particular, for a procedural law subject such as Law of Conveyancing, using videos as assessment method inculcate team-work, engagement in active and practical learning rather than providing explanations/answers in a written essay form that may lack creativity and visualisation aspect.

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