The Role of Constitutional Law in Improving Student’s Critical Thinking Ability Through Online Learning

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Abstract
Lecturers are required to be effective and up to date in maximizing the use of existing learning technology to respond to the demands of very rapid technological developments and the demands of competition in the era of globalization. The application of self-directed and distance learning should be introduced and implemented in universities. Involvement in the application of online learning systems must be able to encourage students to always think critically. In the present context, critical thinking is a must for students. This paper discusses the role of constitutional law courses in increasing the critical power of students in online learning. This research uses a field study and literature study approach, which combines data obtained from various literature in the form of books, journal articles, and facts in the field. In short, this study found that online learning can be a good support for students to improve their critical thinking skills. However, there are several problems in its implementation which include socio-cultural problems, previous offline learning habits, and the habit of using the latest technology in learning. Well-designed online discussions, critical thinking learning content, and instructions that are formulated and given appropriately are some of the factors needed and become recommendations for lecturers in carrying out online learning to improve students’ critical thinking skills.

Keywords: Students’ Critical Thinking; Constitutional Law; Online Learning

INTRODUCTION

Critical thinking and the ability to integrate technology are the two most prominent elements in the world of education in today's era of globalization. The ability to think critically is largely determined by the motivation and habituation carried out by lecturers to their students to challenge them to have critical values, creativity, and other requirements needed in higher-order thinking1. By having and applying the concept of

critical thinking, students are expected to be able to connect their thoughts and ideas with contextualized aspects of life. Thus, students will acquire the concept of critical thinking skills, act and solve problems by considering the surrounding factors.

Simultaneously, technological progress is considered a good supporter that can support the maximization of the implementation of learning in modern classrooms. The use of technology such as online learning in the learning process in universities should foster several benefits for students, including encouraging their critical thinking. For example, the use of digital learning platforms such as Moodle and Google Classroom is very helpful for students in developing reasoning, solving problems, and making decisions. In addition, combining critical thinking processes and online-based activities, such as asynchronous online discussions, can provide both advantages and opportunities for students to discover and enhance their interests, and to reach higher levels of knowledge. However, this phenomenon poses a challenge for lecturers as educational practitioners to bring the concept of critical thinking and implement it in online-based learning simultaneously.

This paper describes the efforts that can be made by lecturers to encourage the improvement of students' critical thinking through online or digital-based learning platforms in international law courses. This paper is focused on knowing the significance of the concept of critical thinking related to online-based learning environments and the challenges that lecturers as education practitioners may face in its application, as well as offering several strategic possibilities to overcome these challenges.

**METHOD**

This article uses a literature study and a field research approach. The information presented in this paper is based on books, journal articles, and research findings related to the application of online learning that promotes the improvement of critical thinking in students. The literature search was broken down into several stages. The main sources for obtaining literature are free internet databases such as Google Scholar, academia.edu,

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and researchgate.net. Recent studies related to the topic of discussion have experienced some problems due to limited access to databases of other journals. While the field data were taken from the 5th semester of the Islamic Family Law study program 1 & 2. This article is categorized into a descriptive review. In obtaining reliable information, the authors search for published literature and classify them into certain desired topics. After selectively classifying the available literature, the author seeks to discuss the research problem, analyze and identify some gaps, and draw conclusions related to the topic discussed. A descriptive review is conducted as a series of analyzes of published literature that provides a database in which the authors attempt to identify trends that can be interpreted or draw overall conclusions about the merits of existing conceptualizations, propositions, methods, or findings.

The author collects data/information by inserting several combinations of keywords, such as: "critical thinking", "online learning", "critical thinking in constitutional law courses", and "increasing critical thinking through online-based learning". After that, the author limits the downloaded articles into several themes, namely: (1) research context (special learning programs in the context of higher education); (2) the importance of critical thinking in constitutional law courses; (3) the strategies used by lecturers in achieving students' critical thinking levels through online-based learning; and (4) challenges faced by lecturers in encouraging students' critical thinking in constitutional law courses.

RESULT AND DISCUSSION

1. The Importance of Critical Thinking in Constitutional Law Courses

One of the objectives of Constitutional Law is to help students to better understand their rights and obligations as subjects of Constitutional Law, which is based on the 1945 Constitution of the Republic of Indonesia. In addition, there is a function of constitutional law as a critical function, namely as a legal subject that includes not only supervising law enforcement but also acting as a legal workforce. Thus, constitutional law is very important to cultivate students' critical thinking skills based on these goals and functions.

In practice, the values of critical thinking have long been incorporated into the higher education curriculum. According to a 1984 National Institute of Education report that universities must help students to adapt to a changing environment and successful adaptation requires the ability to think critically and assimilate large amounts of new knowledge, especially in constitutional law courses. The Declaration on Educational Goals for Young Australians (Ministerial Council for Education, Early Childhood Development, and Youth Affairs, 2008) states that successful students are those who are

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“able to think deeply and logically and obtain and evaluate evidence in a disciplined way as the result of studying fundamental disciplines” (p. 8); and, elsewhere, as those who “are able to make sense of their world and think about how things have become the way they are” (p. 8)

2. Improving Student Critical Power in Constitutional Law Courses Through Online Learning

Influenced by the rapid growth of new technologies, online learning is increasingly important in today’s world of education. Online learning activities have the potential to develop students’ critical thinking. Online learning also involves lecturers interacting with students through online instruction, activating self-efficacy in analyzing instructions, making judgments on various information, and seeking truth and solutions. Critical thinking is considered an important attribute in an online learning environment that is important for professional learners and for continuous learning. This is important because students are able to synthesize and evaluate sources of knowledge and integrate it with social network-based learning7. This kind of activity illustrates the application of critical thinking behavior. Critical thinking should be encouraged in every educational institution and online learning process to convey information and promote organized discussion8.

For a more convincing claim, Bloom argues that the cognitive domain of thought processes is more conducive to application to online learning9. In addition, the performance of distance learning that utilizes information from the internet, educators must be critical in choosing sources10. As a result of its practical use in many online environments, the level of critical thinking development occurs in online discussions, including web-based chat, email, and so on11. MacKnight also added that online discussions have proven effective for lecturers to practice and develop deeper and more reflective learning because they emphasize elements of argument and exchange of ideas.

Many studies have shown that online activities have a positive effect on the academic performance of certain students. Concepts and behaviors related to the value of critical thinking can be improved through online-based learning. Jang argues that the...
use of online (web-based) interactions can increase student creativity\textsuperscript{12}. The accessibility, diversity, and speed of information on the internet have been widely used by students to challenge themselves to update and generate creative ideas\textsuperscript{13}. In addition, several experts have realized the positive impact of modern innovative ways of learning in digital learning platforms in several universities. The use of digital learning platforms such as Google classroom and Moodle is believed to be able to assist students in developing reasoning, problem solving, and decision making\textsuperscript{14}. Finally, in capturing these benefits, there are several ways that need to be applied in designing online courses/learning. Goodsett has formulated a rubric that includes several criteria to measure the effectiveness of the implementation of critical thinking activities through: (1) criteria for teaching critical thinking; (2) critical thinking assessment criteria, and (3) online learning design quality assessment criteria\textsuperscript{15}.

In addition, traditional methods, such as face-to-face learning, have been largely replaced by online classes. There are several benefits of online classrooms compared to traditional teaching practices (face-to-face classes). Through online learning, students have more time to elaborate on their answers and ideas compared to traditional classrooms, where students are limited with limited time to respond. The asynchronous structure of online learning, unlike the time constraints of scheduled class periods in traditional classrooms, allows students to adjust the time needed for individual reflection, acquisition, and inquiry. Rather than being asked to immediately think and respond to questions posed in face-to-face classes, students in online classes have the opportunity to reflect, investigate, and ask questions before submitting their assignments\textsuperscript{16}.

Furthermore, online learning is considered more conducive to incorporating the implementation of critical thinking behaviors that are reflected as active learning, rather than the limited time interaction that has been determined in traditional classrooms\textsuperscript{17}. Distance learning can give students confidence to be active in their studies. Theoretical arguments in favor of asynchronous interactions available in online classes to encourage


\textsuperscript{14} López-Pérez, Pérez-López, and Rodríguez-Ariza, “Blended Learning in Higher Education: Students’ Perceptions and Their Relation to Outcomes.”


critical thinking have centered on opportunities for students to actively process information, reflect on and investigate questions before responding\textsuperscript{18}.

Based on these arguments, it can be said that online learning is more popular, conducive, and compatible than traditional pedagogical methods in improving students' critical thinking in today's modern educational environment.

3. Encouraging Students' Critical Thinking in Constitutional Law Courses Through Online Learning

Apart from all these advantages, applying critical thinking in online constitutional law courses is a challenge for educators, especially lecturers. In this section, the author discusses the socio-cultural, theoretical and practical, methodological, and technical challenges associated with the application of critical thinking through online learning, especially in constitutional law courses. First, critical thinking has a relationship with socio-cultural factors.

According to research conducted by Stapleton\textsuperscript{19} Asian students, such as Japanese students, cannot reflect critical thinking concepts in their English writing because Western-oriented critical thinking may differ from Eastern educational culture. In addition, critical thinking is not only a cultural problem, but also almost not taught to students socially. As Atkinson put it\textsuperscript{20} Critical thinking is a difficult term to define even though it exists in social practice. Critical thinking is a new way of thinking, but it should not confuse students in terms of a new way of seeing the world through new conceptual or methodological tools for analyzing the world\textsuperscript{21}.

Then, the factor that is considered the most influential in the application of critical thinking is how lecturers can provide the right topics that meet the needs and understanding of critical thinking to students. In addition, it is also important for lecturers to create a space for "critical reflection" so that they can bring students to think about alternatives to social change and can raise a critical attitude towards the system and structure of social injustice, as well as deconstruct the dominant discourse that is unfair. Even though it is done online, this is not a barrier for lecturers to implement this strategy to provoke an increase in students' critical thinking. A study has revealed that

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Japanese ESL students' lack of critical thinking is reflected in academic writing because they use American topics. However, such cases do not only occur in universities in Japan, but also in Indonesia.

A study by Samanhudi & Sampurna\(^{22}\) who investigated Indonesian EFL students from one of the universities located in Banten Province found that students who did not have prior knowledge or mastery of course material acquired through critical reading on the topic would have problems developing their critical abilities. Therefore, lecturers need to pay high attention to contextualizing and positioning themselves on the sociocultural values set in teaching critical thinking in diversity.

Next, education practitioners including teachers, lecturers and institutions are challenged to design and choose appropriate methods and techniques in teaching critical thinking through online learning. The popularity of online learning has been booming over the past few years\(^{23}\). This forces teachers to consider how best to design their teaching to support student learning needs and participation. It cannot be denied that some teachers have not mastered the use of technology. Some teachers seem unfamiliar in designing and deciding the best method through online based activities to promote critical thinking\(^{24}\). The problem is further complicated by the rapid growth of online learning in higher and secondary education with an emphasis on critical thinking.

Traditional challenges in developing critical thinking have been exacerbated by the lack of understanding of education providers through effective online learning techniques\(^{25}\). The described sustainable conditions technically reflect natural conditions related to technological mastery. Then, of course, students who were previously accustomed to using traditional methods with a teacher-centred learning experience will need more practice to get used to the new distance learning environment. Overall, lecturers are challenged to wisely position themselves as two-dimensional teachers who can balance between encouraging critical thinking theoretically, culturally, and practically in the use of online learning.


4. The Importance of Creating a Democratic Learning Atmosphere to Encourage Students' Critical Thinking

The term democratic is one we are familiar with, but when it comes to classroom learning, it is less familiar. The learning model and system used by the lecturer in the classroom will have a significant impact on the atmosphere and learning outcomes obtained by students. In addition to academic values in the form of intellectual development, these achievements also include values in the form of student attitudes and behavior, as well as competencies and life skills. In the classroom, learning takes place in a dynamic atmosphere. This can be seen from the interactions between lecturers and students, students with their friends, and students with each other revealing the complexity of the learning process in the classroom.

The lecturer is actually the one who initiates this interaction. Lecturers are more than just presenters of information. More importantly, lecturers are the driving force in the development of child-friendly learning in order to foster a democratic atmosphere. When a lecturer gives students as much study time as possible, then democratic learning will be created. During the learning process, the function of the lecturer is as a motivator and facilitator. Lecturers must foster a learning environment where students respect, support and motivate each other. The learning environment will be entertaining and fun for students if a democratic learning paradigm is developed.

The parties involved in the world of education must really understand why "Tut Wuri Handayani" is used as the motto of Indonesian education, even though Ki Hajar Dewantara, the father of Indonesian education, echoes two more philosophical foundations in the world of education. Apart from that motto, "Ing ngarso Sung Tulodo" and "Ing madyo mangun karso" are two of the mottos.

The Indonesian education motto "Tut wuri handayani" implies that lecturers do not always have to be at the front to be the "commander" in the process of teaching and learning activities, and that lecturers are not the only source of learning for their students. Lecturers must be people who must be able to give meaning to every learning process and motivate students to understand and interpret everything they learn.

The term "panglima" is used here because lecturers often believe that they are the subject of a learning process, while students are objects who must accept each stage of learning without realizing the meaning of themselves as a complete human being, who has needs and experiences in every stage of life. What is meant by a democratic atmosphere in learning activities in the classroom is how we as lecturers can create an atmosphere where learning is carried out by students, for students, and from students. This kind of atmosphere is very important for students so that they can realize and understand what they are studying for, and what benefits it will bring to them, so that

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they can finally understand the meaning of each material they learn and how it will benefit them in their lives now and in the future.

To build a democratic atmosphere in the classroom, there are two pillars that can be used. The first pillar is changing the lecturer paradigm from a teacher-centered learner to a student-centered learner. This paradigm will open the horizons of lecturers to accept the slightest from students. Students as individuals who have emotions and feelings will continue to think and look for relationships between the material studied and everyday life. It is very possible that the material taught by the lecturer is different from the values of life experienced in family and community life, so that each process will be faced with critical questions and require practical answers from the lecturer to satisfy his curiosity.

The second pillar is the fortitude of lecturers in familiarizing and teaching students about student-centered learning ideas so that gradually they can actualize themselves as humans in every learning experience they go through. The ability of lecturers to regulate the pace of learning so that students can voice their ideas openly and honestly without being tormented by fear is very important in determining the critical level of students towards a material. This friendly and democratic environment will encourage students to ask questions about anything, even if it is a little "weird" for a lecturer. Sometimes lecturers are too busy with the achievement of the curriculum that is the target so that questions that are considered strange from students are often ignored or may not want to look like they do not master the material so that it kills students' desire to ask questions, on the grounds that the questions deviate from the material or the time is not enough to answer it. It's time for lecturers to change the paradigm by handing over the stick of the "commander" to students to be smarter in interpreting independent learning.

The democratic atmosphere created by the lecturers will eventually make the lecturers seem to be "accused" in the courtroom which is surrounded by questions and objections from students. Because as an ordinary human being, a lecturer cannot know everything. Therefore, lecturers must be willing and able to learn and discuss freely, logically, and diplomatically at such times.

As a result of a democratic teaching and learning process, the problem of students who are considered disrespectful to lecturers will slowly fade, along with the level of maturity of students, as a result of the continuous learning process. When students are often faced with a learning atmosphere that is open and polite to discuss, the way they speak, express their thoughts, and accept objections will naturally be created.

The purpose of a democratic learning process in the classroom is to encourage students to realize that learning is not a tiring process, but a process that motivates them to learn more. Furthermore, the most important thing is to create mutual respect for the perspective and truth of students and lecturers. In an atmosphere like this, the learning objectives will be fulfilled as much as possible and the learning outcomes achieved by students will really be very useful for them.
The benefit of democratic learning is that with independence for students in learning. Democratic learning promises a lot of meaningful learning. If people have the choice and freedom to learn what interests them, then they will become more involved in the learning process so they will not feel alienated from their learning. Students are given the freedom to decide what they will do, when, and how to develop it\textsuperscript{27}.

Gatton stated that the conventional education system makes students childish by constantly communicating\textsuperscript{28}. On the other hand, democratic learning will place great confidence in students, and they are more likely to face challenges. In the process, students become more mature, more self-disciplined, and motivated\textsuperscript{29}. Bhave argues that people who are given freedom and choice will eventually become more democratic citizens because they have learned how to negotiate with others and to name obstacles, and know themselves\textsuperscript{30}.

5. The Relationship between Democratic Learning and Improving Students' Critical Thinking

Gatton stated that democratic learning increases emotional intelligence, improves students' critical thinking skills to deal with problems from various aspects and increases their social talents related to conflict solutions such as compromise and peace\textsuperscript{31}. In line with that, Campbell said that in democratic learning students are given the opportunity to reflect their values for educational programs and they are taught to think critically and adopt democratic values and principles\textsuperscript{32}. Similarly, Kocoska also draws attention to the relationship between lecturers' democratic classroom management attitudes and students' critical thinking\textsuperscript{33}. According to him, democratic learning will help students become more curious, analyze thoughts, set goals, access studies, look for alternatives,
maintain their thinking fairly and be open to new ideas, which overall means critical thinking.

One of the main goals of education in the twenty-first century is to instill democratic values and critical thinking skills in students, as well as higher order thinking skills. As a result, the critical level of students with a high level of democratic thinking and attitude indicates that people who can keep up with the times are being educated. Students should be taught critical thinking skills and democratic principles. Lecturers must encourage students to acquire critical thinking skills and democratic attitudes by implementing innovative curriculum-based activities.

A study by Aybek found that there was a significant relationship between the application of a democratic learning climate and an increase in students' critical thinking. If the score of the democratic learning atmosphere increases, the critical power also increases. Someone with the ability to think critically has various points of view and democratic principles. In addition, he is unbiased and tolerant. A democratic individual is a person who is not prejudiced, tolerant, respects differences, and is able to express opinions wisely.

CONCLUSION

Integrating critical thinking into online learning is the whole package for reflecting on what has been learned today. In the era of globalization, all the essences and benefits of critical thinking have become abilities that are expected to be realized. Lecturers must prioritize values, concepts, and critical thinking behaviors as target models and the current learning climate. Furthermore, the presence of technology, such as online learning, is seen as an undeniable feature that impacts all sectors in the learning system. Therefore, like it or not, consciously or unconsciously, lecturers must be familiar with technology and use it in their teaching methods. Online learning has proven to be an effective tool to encourage the improvement of students' critical thinking. However, this implementation and practicality leaves some challenges for educational practitioners. These challenges include socio-cultural issues in defining critical concepts faced by many Asian countries, including in the pedagogical context in the context of education in Indonesia. In addition, technical and practical problems related to the familiarity and

competence of lecturers with the new online learning system make it difficult for them to design and choose the right topics and methods.

Finally, lecturers must consider various techniques to overcome these obstacles, including the use of relevant content, interesting activities related to the substance of important topics, online conversations, and well-formulated group assignments.

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