

LEGAL LITERACY OF EDUCATORS IN MALAYSIA: AN EMPIRICAL STUDY

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ABSTRACT

The rising trend in educational malpractice committed by educators has been reported by the press and court reports. The demands from commercialization of education, the imposition of mandatory teaching standards, quality assurance and professionalism in education will increase future success of legal suits. Our educators are lacking in their awareness and understanding of the Federal Constitution and other substantive laws affecting them as educators and private citizens. This study involved library and field research, focusing on the laws relating to education in Malaysia and where applicable other common law jurisdictions. The empirical study applied both descriptive and inferential statistical analysis of surveys conducted on educators and educational administrators. The researcher conducted a quantitative and qualitative survey of 200 educators, from both public and private schools, which showed more than 90% of the respondents lack the rudimentary knowledge of the laws of education, but concurred that the subject should be introduced as part of their professional training program either in pre-service, in-service or post-service level. The study concluded that knowledge of the laws of education is highly recommended to educators, educational administrators and educational institutions since it can enhance professionalism, quality assurance and educational governance in teaching and learning.

Keywords: Legal Literacy; Educators; Federal Constitution; Education Law; Legislation; Governance

1. INTRODUCTION

There can be little doubt that the quality of education is a major concern of the government, society, parents and students. Fundamental to the issue of quality of education is the teacher and the educational administrator who perform a significant role in determining the educational standards of an educational institution. By definition, a teacher is a person who is involved in the pedagogical activity either at a university, college or school; and may include a senior professor, professor, associate professor, assistant professor, reader, senior lecturer, lecturer, assistant lecturer, language and matriculation teacher, tutor or a teacher, head teacher or principal of either a public or private educational institution. These public and private school educators, either as public servants or private employees, are subject to the nation laws and legislations relating to education. They are also being regularly scrutinized by the education authorities, the government and the public over their professional conduct. There were several mainstream media coverages and court judgements

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that reported cases of educator misconduct and educational malpractice made by parents and students against educators and/or educational administrators for offences, *inter alia*, involving incompetency in teaching, dubious evaluation, negligent supervision, commission of criminal offences and impropriety with students. This state of affairs had caused public outcry and parents taking legal suits against educators for professional misconduct (The Star, 4 February, 2005). Thus, with the rise in court litigations involving educators and educational institutions the authority has taken a firm stand to resolve the issues.

2. EDUCATION LAW

Legalization is a process whereby the rulings of the court as well as the statutory provisions of the Parliament or other administrative authorities force new regulatory procedures upon the operation of educational institutions. This process has legal implications for educators especially. The evidence of the legalization of education in Malaysia is irrefutable where the courts are employed to challenge questionable educational practices and decision-makings. In Malaysia, the laws relating to education cannot be found in a single documented source. Educators, as a private citizen and/ or a public servant, are confronted with all kinds of legislations, i.e., private and public laws of the nation. Hence, educators do not know what laws that directly or indirectly affect them while discharging their duties and responsibilities. The issues of educators being wanting in the rudimentary aspects of education law and other legislation would affect their professional and personal well-being. Thus, it is imperative that this gap in the legal knowledge in the awareness and understanding of the pertinent laws is remedied. The research objectives and research questions that follow would uncover these areas and provide the much needed solutions to the issues raised thereto. The major legislations that govern the national system of education include the Education Act 1996 (Act 550), Private Higher Educational Institutions Act 1996 (Act 555), Universities & University Colleges Act 1971 (Act 30) and Malaysian Qualifications Agency Act 2007 (Act 679). While the Perintah-Perintah Am, 1980 (General Orders) regulates the general conduct of public servants. Educators from the public schools and higher education institutions also come under its purview.

3. HYPOTHESIS

Generally, educators and educational administrators are dedicated professionals who strive to educate and provide the best educational services to their students. While most educators are knowledgeable, *inter alia*, on educational philosophy, educational pedagogy and educational administration, nevertheless, they are found lacking in the basic knowledge of the laws relating to education and other legislations which may have legal implications over their professional conduct while discharging the duties and obligations towards the students, parents, peers and educational authority.

4. RESEARCH OBJECTIVES

In order to arrive at the findings, the study attempts to answer the following research objectives:

- i. To study and analyse whether educators are knowledgeable about the various laws relating to education.
- ii. To conduct an analysis of the legal and statutory provisions under the Malaysian laws and the common law principles affecting their rights and obligations.
- iii. To examine whether educators are legally literate over claims on educational misconduct or malpractice in teaching and learning that could be actionable under the law of contract, the law of torts or the constitutional law.

The study also seeks to answer the following issues:

- i. Are educators aware and understand the applicable legislations on education and other substantive laws that relate to the nation's educational policies and practices?
- ii. What are the relevant legal and statutory provisions under the Malaysian laws and the common law principles that affect the rights and obligations of educators?
- iii. Are our educators knowledgeable about the legal ramifications that could entrap them in the course of discharging their teaching and learning duties towards their students for alleged claims on educational misconduct or malpractice under the substantive laws in operation?

5. RESEARCH METHODOLOGY

This study involved library as well as field research, focusing on the education laws and other substantive laws that relate to education in Malaysia and where applicable other common law jurisdictions. The approach of the study covered both descriptive and inferential statistical analysis of surveys conducted on educators and educational administrators. In order to address the research objectives and research questions, the researcher conducted the following phases of study.

In the first phase of the research, the researcher conducted an extensive literature review of the educators' knowledge of the laws relating to education from the newspaper reports, reported cases, scholarly articles and textbooks. The exercise is intended to discover the legal knowledge gap in the educators' level of awareness and understanding of the laws relating to education and other related substantive laws that could affect their duties and responsibilities. Thereafter, the researcher compiled data and materials on the development of education and the laws relating to education. This encompasses a study of the historical development of education and the process of legalization of education from the ancient period, middle ages and the modern era of the twentieth-century to the present period. Henceforth, the researcher expounded the historical development of the role of educators and the laws that protect their rights and regulate their obligations in discharging their teaching duties.

In the second phase, the researcher conducted quantitative and qualitative research by interviewing educators, viz., educators, principals, lecturers, educational administrators and officials of the Ministry of Education so as to solicit their views on the rights and obligations of educators, their general knowledge of the laws of education and of other laws that would affect them directly or indirectly in their job performance. The researcher limits his panel of interviewees to 5 educators

only because they are representative of educators from the public and private educational institutions, ranging from lower and higher education sectors. These interviewees are very experienced professional educators and educational administrators from local and international educational institutions. They have more than 20 years of pedagogic and administrative professional qualifications, experiences and competencies in the teaching and learning activities. Their feedbacks were used to assist, explain and support the construction and the findings of the quantitative survey questionnaires to be administered to the target sample populations.

In the third phase, the researcher focused his research on a comparative study between the laws relating to education in the United States and Malaysia, with special emphasis on the rights and obligations of educators under both jurisdictions. For the comparative analysis, the researcher made references to the laws of the United States and other common law jurisdictions to provide useful insights and compared them to the Malaysian position. Throughout the research the researcher emphasizes on the Malaysian's legislations on education; and used a legalistic method by stating, interpreting or clarifying the Education Act 1996 (Act 550), Private Higher Educational Institutions Act 1996 (Act 555), Universities & University Colleges Act 1971 (Act 30), Malaysian Qualifications Agency Act 2007 (Act 679), Perintah-Perintah Am 1980 (General Orders) and other relevant laws to discuss the applicability of the laws on matters pertaining to the issues being discussed. In addition, the researcher also explored the diverse issues occurring at the workplace affecting both public and private educators from both the lower and higher educational institutions under various laws that relate to educational malpractice. The researcher also examined the probable cause of actions that may affect them and suggest for corrective and preventive solutions. Thus, by conducting the three phases of research initiatives, the researcher would be able to answer the research objectives and research questions posed above.

For this purpose, the researcher adopted the statistical survey method for the present study. Since the study involved the estimation of population parameters, confidence was set at 80% and accuracy $\pm 7\%$ (Sahari and Ratnawati, 1999). Upon completion of the survey, the researcher analysed the data and then applied frequency count and percentage distribution to arrive at the conclusions. The data collected were descriptively analysed and interpreted; and where necessary the researcher applied logical inference to conclude on the findings. On this aspect, Gay (1992) defines statistical survey as "an attempt to collect data from members of a population in order to determine the current status of the population with respect to one or more variables" while Cohen and Manion (1994) are of the view that such survey is intended to describe the nature of existing conditions, identifying standards against which existing conditions can be compared, or determining the relationships between specific events. These authors commented that the data collected in a statistical survey are typically conducted by interviews, questionnaires, standardized tests, attitude surveys and interest scales. They added that in a statistical survey important factors such as sampling method, sample size, data collection instrument, data collection procedure, data processing and analysis must be given careful considerations.

For this study, the sample consisted of 200 respondents, male and female educators, representing the public and private educational institutions in equal numbers of 100 respondents respectively. The sample size was determined from the total number of 20 questions, of which each question requires a minimum of 5 educators to respond. This sample was conveniently obtained due to the complexity of obtaining a systematic random sampling from a diversified and widely dispersed educators' population in Malaysia, of more than 300,000 personnel. Even though the sampling is conveniently obtained, it is logically representative of the targeted population. The population

sample was gathered from educators who have had more than 2 years teaching experience and having served the public and private schools in Kuala Lumpur and Klang Valley. These educators were selected because they have been taught since their trainee days at the teacher training colleges and thereafter served the schools under the national education system. However, most respondents have had more than 5 years of teaching experience as compared to those with 2 to 4 years. These respondents hold a range of appointments, *inter alia*, subject teacher, head of department, vice-principal, principal, lecturer, dean of faculty and professor. Most of the respondents obtained a Bachelor degree in relevant field of specialization, while a few possessed a Master degree and a Ph.D degree. In addition, most of them attended the teacher training program from a recognized teacher training institution. A vast majority of the respondents did not attend any law related courses, except for a few who had studied some aspects of law related courses by virtue of their first degree in business management or law. The researcher is of the opinion that with these backgrounds, the educators would be able to provide excellent feedback based on their exposure to the practical teaching experience and the educational governance procedures enforced by the authority.

In order to further support the findings of the quantitative survey, the researcher also conducted interviews with several experienced educators, of more than ten (10) years of teaching practice, from the public and private educational institutions. A total of five (5) said interviewees were selected on the basis of academic and professional qualification, teaching experience and educational competency. These interviewees possessed post-graduate degrees, professional experience and competency in many aspects of educational practices. The researcher used a structured questionnaire for the quantitative survey (Appendix A) and structured interview (Appendix B). The respondents are required to answer these questions relating to legal literacy on the laws of education and their perceptions of educational practices and educators' knowledge of their rights and obligations while discharging their duties. The researcher opines that by adopting such approach he would be able to answer the research objectives and research questions posed thereto.

The instruments on "Legal Literacy on Law of Education" (Appendix A) consists of two parts; the Part A contained question about background information of respondents and the Part B consisted of 20 items seeking the perception of educators on their legal literacy in areas of substantive laws, viz. Constitutional Law, Law of Contract, Law of Tort and Perintah-Perintah Am. As for the instrument on "Structured Questions for Interview" (Appendix B) it contains 10 questions drawing questions about their personal background, teaching experience, legal issues affecting educators and attendance in law related courses.

The panel of interviewees comprised of a Professor of Education, a Principal of a Public School, a Director, Students' Affairs and Head of Counselling Unit for Matriculation College, a Principal of International School and a Director of Private Education Department of the Ministry of Education. All the interviewees have served their respective educational institutions for more than 20 years. They possessed a combination of academic qualifications ranging from a bachelor degree to a doctoral degree with a professional qualification in education and other social sciences disciplines from local and overseas universities.

The researcher had selected a wide range of respondents in terms of years of teaching experience, qualification, competency and the educational institutions they represented so as to reflect the diverse composition and feedback as to their professional knowledge in the teaching practice and

educational governance. On this basis, conclusions could be drawn as to their level of legal literacy in the areas of laws relating to education and its implications on their teaching practice and educational governance.

6. SCOPE OF STUDY AND LIMITATION

In this study, the researcher explored the perceptions of educators' awareness and understanding towards their legal rights and obligations in discharging their professional duties and responsibilities towards the students. In general, there are many categories of educators from different disciplines and also the varied issues of educational malpractice. Thus, it makes the research task very daunting and challenging in trying to identify all encompassing rights and obligations that are expected of them. This research is limited to the study of the rights and obligations of educators in Malaysia. The comparative aspects, especially in the United States and United Kingdom position serve as useful guides and insights into the common issues that have prevailed significantly over there, which may be replicated somehow through the natural course of interactions by educators and authorities here. It must be emphasized that in conducting the structured interviews with the selected interviewees, the researcher has pledged confidentiality as to the identities of the interviewees. The researcher is restrained from reporting their responses verbatim because the interviewees are bound by the employment contracts and other official directives imposed upon public servants by their employers respectively.

7. THEORETICAL FRAMEWORK

The theoretical framework of the research emphasized on the importance of educators being legally literate in the areas of education laws and other substantive laws, which may affect their professional duties and responsibilities as educators. These laws, i.e., the Education Act 1996 (Act 550), Private Higher Educational Institutions Act 1996 (Act 555), Universities & University Colleges Act, 1971 (Act 30) and Malaysian Qualifications Agency Act 2007 (Act 679) and Perintah-Perintah Am, 1980 (General Orders), have legal implications on the current educational policies and practices for educators from the public and private educational institutions. Many educators are lacking in their knowledge of the basic aspects of education laws and other substantive laws that relate to educational policies and practices.

8. LITERATURE REVIEW

The literature reviews for the study included, *inter alia*, newspaper reports, articles from scholarly journals and textbooks. The mainstream press and the courts have reported and adjudicated many cases of misconduct by local educators. In the instance, the Ministry of Education released a report that from 1996 to 1998 some twelve molest cases were reported to them (The News Straits Times, 26 March, 1999). In one reported case, parents of indigenous people (*orang asli*) alleged that a teacher had shown to their children pornographic videotapes by claiming that it was part of the syllabus and sexually abused them (The Star, 16 September, 2000). In order to explain the development of the Malaysian legal system, Ahmad and Ahilemah (2005) traced the development of Malaysian laws from the period before the coming of the Europeans. He remarked that before the arrival of the Europeans, *undang-undang Adat Melayu* (*adat temenggung* and *adat perpatih*) in Malaya and the customary laws of the natives of Sabah and Sarawak, were the *lex loci* of the lands.

He added that the sources of Malaysian laws, *inter alia*, were derived from the Federal Constitution and the State Constitution, judicial decisions, English common laws and principles of equity, Islamic laws and customary laws. He also highlighted that the Federal Constitution being the supreme laws of the nation contains provisions that protected the citizens' rights to education and other fundamental rights.

Kaplin and Lee (1995) commented that the laws relating to education have made its presence felt on the campus and regulated the daily affairs of post-secondary institutions for many decades. Too many educators viewed the law with anxiety and fear. They are excessively fearful of being sued as many educators are poorly informed about the laws that affect them. Most educators do not know that this law exists, or almost do not know about this subject or have had little training in applying education law during their professional careers. This state of affairs was highlighted by Birch and Richter (1990) who commented that most of the school activities typically carried out by educators were voluntary. The matter has not been clearly pronounced that there is no agreed definition of the teacher's duties and responsibilities. In this regard, Ramsay (1988) added that educational negligence occurs when a student suffers harm as the result of incompetent or negligent teaching. One important consideration is to ascertain whether a student who suffers harm resulting from educational negligence should have a legal remedy. Educators' liabilities for educational negligence involving physical injuries of their students are well settled by case precedents. Ruff (2005) further remarked that there has been a dramatic increase in education legislation and litigation by parents and students in the last 20 years. Education law has become a dynamic subject. It draws its roots, *inter alia*, from the administrative law, torts, child law, discrimination law and human rights legislations. Nevertheless, it is noted that these scholars did not cover many aspects of legal issues in education under the law of contract, torts, constitutional or even under the criminal law. Fischer, Schimmel and Stellman (2012) further commented that today's schools operate in a complex legal environment and a wide range of legal issues influence the lives of educators, students, parents and administrators. As this trend continues, more and more questions of educational policy and practice become converted into legal questions as well. Litigation has crept into the campus or school activity, where a gamut of legal disputes affects the daily lives of educators, students and parents. Too many teachers are excessively fearful of being sued as many of them are poorly informed about the law that affects them. For instance, they do not know the legal status and implication of performing duties, such as, *inter alia*, the supervision of students during breaks, student supervision immediately before and after school to keep them safe within the school premises, or attendance at the parents or staff meetings outside term time and conducting extra-curricular activities. Most local educators do not know that there are laws that regulate these activities because they have had no or little training in education law during their professional careers. However, such duties and obligations are clearly stated and regulated, *inter alia*, under the Education Act 1996 (Act 550), Private Higher Educational Institutions Act 1996 (Act 555), Universities & University Colleges Act 1971 (Act 30), Malaysian Qualifications Agency Act 2007 (Act 679), Perintah-Perintah Am 1980 (General Orders) as well as the Directives of the Ministry of Education.

9. PRESENTATION AND ANALYSIS OF DATA

Under this heading, the findings of the quantitative and qualitative survey of the teachers' legal literacy on the laws of education are presented and concluded. It also provides a summary of the findings and suggestions for teachers, educational administrators and educational policymakers to consider for good educational governance and management practice. The discussions on the findings of the quantitative and qualitative survey are divided into five parts; *inter alia*, (1) findings of background information on respondents, (2) findings of the teachers' legal literacy on Constitutional Law, (3) findings on the teachers' legal literacy on the Law of Contract, (4) findings on the teachers' legal literacy on the Law of Tort and (5) findings on the teachers' legal literacy on Perintah-Perintah Am 1980 (General Orders). The following tables, viz. Table 1: Background

Table 1: Background Information of Respondents

	Items	Percentage (%)
Gender	Male	32.5 (67)
	Female	64.6 (133)
Academic Qualification	Ph.D	4.4 (9)
	Master	7.8 (16)
	Bachelor	55.3 (114)
	Diploma	29.6 (61)
	Others	0.0 (0)
Attended Teacher Training Course	Yes	72.8 (150)
	No	23.5 (47)
Teaching Experience	Above 5 years	52.9 (109)
	Between 3 – 4 years	3.9 (8)
	Between 1 – 2 years	34.5 (69)
Attended Law Training Courses	Yes	15 (31)
	No	84.5 (169)
Introduce Education Law	Yes	93.7 (193)
	No	3.4 (7)
Interest in Education Law	Yes	95.1 (196)
	No	1.9 (4)

Information of Respondents; Table 2: Teachers' Legal Literacy on Constitutional Law; Table 3: Teachers' Legal Literacy on Contract Law; Table 4: Teachers' Legal Literacy on Tort Law; and Table 5: Teachers' Legal Literacy on Perintah-Perintah Am, provide for the presentations on the findings of the above-mentioned issues.

The Table 1 discloses that out of 200 respondents, male comprised of 32.5% and female 64.6%. Most respondents had more than 5 years of teaching experience (52.9%) as compared to those with 2 to 4 years (38.4%). These teachers have held various appointments, *inter alia*, as subject teacher, head of department, vice-principal, principal, lecturer, dean of faculty and professor, as they progressed up the career ladder. Thus, it showed that the respondents are highly qualified, experienced and competent in their professional practice and educational governance. Most of the respondents obtained a Bachelor degree (55.3%) in relevant field of specialization, while a few possessed a Master degree (7.8%) and a Doctoral degree (4.4%). In addition, a majority of the respondents attended the teacher training program (72.8%) from recognized teacher training institutions. Hence, indicating that they can be categorized as certified teachers and are knowledgeable about their vocational duties and obligations. Conversely, a majority of the respondents (84.5%) did not attend any law related courses except for a few (15%) who had studied some law related courses by virtue of their first degree in either business management or law. Thus, we can conclude that the majority of the respondents are lacking in basic legal knowledge and this fact is evidently reflected in the outcomes of the survey. It is heartening to note that a majority of the respondents agreed (93.7%) that the course in education law should be introduced to the teacher training program and are also keen to learn about education law (95.1%) as compared to only a minority (3.4%) of the respondents who disagreed and showed no interest (1.9%). Following these findings, it can be adduced that the respondents though trained in educational pedagogy, felt that knowledge of laws relating to education can help raise their level of educational professionalism and governance. From the survey, therefore, it can be concluded that a majority of the respondents did not have the rudimentary knowledge of the laws relating to education but are interested to learn the said subject.

Table 2: Teachers' Legal Literacy on Constitutional Law

Items	Correct (%)	Wrong (%)
The fundamental liberties of a teacher as a private citizen are protected under the Federal and State Constitution.	18.9 (39)	78.2 (161)
The Federal Constitution of Malaysia is the supreme law of the Federal Territories.	14.1 (29)	83 (171)
Article 11 of the Federal Constitution protects the citizens of their rights to education.	24.8 (51)	72.3 (149)
Overall Percentage	17.88%	82.13%

The data analysis from Table 2 above conducted using the percentage distribution indicated that most of the respondents (82.13%) lacked the basic knowledge of the Federal Constitution. Thus, it can be inferred that a majority of the respondents (78.2%) did not know about their basic fundamental rights and obligations as enshrined under the Federal Constitution. Likewise, some 83% did not know the status of the Federal Constitution as the highest law of the land and what is more revealing is that most of the respondents (72.3%) did not know that education is a basic inalienable human right of every citizen. Evidently, the respondents either as public servants or

private citizens lack the knowledge of their rights and obligations under the constitutional law. Thus, it can be concluded that more than 80% of the respondents did not know the significant role the Federal Constitution performs in protecting their private rights as well as the rights of others.

Table 3: Teachers' Legal Literacy on Contract Law

Items	Correct (%)	Wrong (%)
The essential elements of a contract are: offer, acceptance, capacity, intention to create legal relation and legality of object.	9.2 (19)	87.9 (181)
Only written agreements must be honoured by the parties to the contract.	18.9 (39)	78.2 (161)
A promise made without consideration is invalid.	31.1 (64)	66 (136)
A failure to perform the express and implied terms amount to a breach.	84 (173)	12.1 (25)
Overall Percentage	25.75%	61.31%

The findings on teachers' legal literacy on the Law of Contract from Table 3 above revealed that a majority of the respondents (61.31%) did not know the basic principles of the law of contracts. While a majority of the respondents (78.2%) failed to understand that a valid agreement can be oral and in written form. The fact that most respondents failed to know the basic principles of the law of contract, might indicate that they did not know that their rights and obligations under their terms and conditions of employment. This particular gap in their lack of understanding over their rights and obligations in the conduct of their public and private affairs may cause unnecessary legal implications. Thus, it is imperative that teachers are made to be knowledgeable about the law of contracts so that they can perform their duties and obligations diligently; thus, raised the level of professionalism educational governance.

Table 4: Teachers' Legal Literacy on Tort Law

Items	Correct (%)	Wrong (%)
Tort law is based on agreement imposed by law.	26.2 (54)	70.9 (146)
Essential elements of torts are negligent act or omission that is remote, damage from such act or omission.	21.4 (44)	75.7 (156)
A teacher has no duty of care towards their students.	83 (171)	14.1 (29)
A teacher who is absent from a science laboratory experiment is not liable for damages to injured students.	74.3 (153)	22.8 (47)
A teacher who ignores a student toying with a sharp glass is not blameworthy for serious injuries inflicted by the student.	83.5 (172)	12.6 (26)
Overall Percentage	59.4%	40.4%

It can be seen that a majority of the respondents (70.9%) as presented in Table 4 above failed to understand that the law of torts safeguards private and public obligations. A majority of the respondents (75.7%) did not know the principles of tortious liability and the probable tortious action that may arise. Certainly, such revelation would give rise to serious concerns over teachers' performance of their teaching and learning activities during class and after, especially in the conduct of the co-curricular activities. Therefore, there must be an urgency to train teachers to be legally literate in the law of torts, among others, especially the concept of duty of care and due diligence while conducting their duties and obligations to students so as to take preventive measures against any untoward incidents from occurring.

Table 5: Teachers' Legal Literacy on Perintah- Perintah Am

Items	Correct (%)	Wrong (%)
It is alright for a teacher to dress shabbily and sloppily in school.	86.9 (179)	10.2 (21)
A teacher can cane a student for breach of school discipline.	73.8 (152)	23.3 (48)
It is alright for a teacher to have private love affairs with an under-aged student based on mutual love.	77.7 (160)	19.4 (40)
The 'Perintah-perintah Am' or General Orders govern the conduct of all teachers.	19.4 (40)	77.7 (160)
A teacher includes a professor, associate professor, lecturer, matriculation, school and kindergarten teacher.	79.6 (164)	17.5 (36)
Committing criminal offences will lead to dismissal.	71.4 (147)	25.7 (53)
Public school teachers are not allowed to speak freely to the Press over official school matters.	80.6 (166)	16.5 (34)
Overall Percentage	72%	28%

On the legal knowledge involving Perintah-Perintah Am 1980 (General Orders) as presented in Table 5 above, it can be seen that a majority of the respondents (77.7%) did not know that the said laws regulate the conduct of public servants in the discharge of their duties and obligations towards members of the public and the civil service. Even though a high percentage of the respondents (72%) had responded correctly to most of the questions, it can be concluded that the answers arrived at were based more on common sense rather than the substantive knowledge of the Perintah-Perintah Am 1980 (General Orders) per se. This was indicated by their failure to correctly answer the legal jurisdiction of Perintah-Perintah Am 1980 (General Orders) as being applicable to all public servants and not teachers only. Since most teachers are public servants, therefore, it is crucial for them to know the laws that regulate their conducts in the course of their duties and obligations. Such knowledge would save them from any unnecessary legal implications. Thus, from the above findings, it is obvious that teachers are lacking in the rudimentary knowledge on Perintah-Perintah Am 1980 (General Orders), especially Bab 'D'.

In addition to the quantitative survey conducted, the researcher conducted interviews with five (5) experienced educators, with more than ten (10) years of teaching practice, from the public and private educational institutions. They were selected on the basis of academic and professional qualification, teaching experience and educational competency. The researcher is of the view that the selection of five interviewees would adequately meet the purpose of the qualitative aspect of the study because these professionals are representatives of the various educational institutions in the country. Moreover, by virtue of their authoritative appointments they represented in the academic profession would provide very strong feedbacks to clarify and support the findings of

the survey conducted. However, the researcher must be mindful to observe the confidentiality aspects of the interviews as declared under the scope of study and limitation section. Thus, the researcher opines it suffices to summarize their responses in a prose form. The findings of the interviews indicated that all the interviewees had served the education profession with commitment, dedication and professionalism for a long time. They also commented that throughout their length of service, to the best of their knowledge, there were no reported cases of any teachers under their charges being involved in any serious breached of the laws, either with the authority, students, parents and peers at their work place. Moreover, they emphasized that they lack the legal knowledge as to laws relating to education for no such course was ever offered in their teacher training program or even at the present time, since they left the teacher's training institution to join the profession. The first interviewee commented that personally, he had very little knowledge about the laws relating to education and none whatsoever on the Perintah-Perintah Am 1980 (General Orders). He also added that most of the university lecturers, in fact, did not know the provisions of the said Act. He recommended that it would be good for teachers to attend such courses so that they would not be caught unaware breaking the laws and having learnt education laws it would help raise the quality of education and teachers' professionalism. Conversely, the third interviewee commented that she knew of a colleague who had been disciplined for having an amorous affair with an under-aged female student who was his student. In addition, she noted of being unaware of any other such cases involving teachers from the public schools in the country having been dealt with under the criminal law or any other laws or other similar cases being heard in the court of law. Furthermore, she commented that she also was not conversant with the provisions on Perintah-Perintah Am 1980 (General Orders), especially the 'Bab D'. Similar responds came from the other interviewees. She concluded that if such courses can be introduced to the teacher training program, it would certainly contribute towards raising teaching and learning standards in schools, colleges and universities. As for the second interviewee, she remarked that in her long service as principal of a public school she had not encountered with any of her teachers being involved in serious disciplinary cases that breached any of the country's laws; except that in one occasion her school had been sued by a parent for an accident caused by the school bus operator that injured her son which occurred within the school compound after school's dismissal. However, the matter was amicably settled with the student's parent concerned, as the injury was not that serious. Nevertheless, she agreed that if school teachers had the necessary legal knowledge on their liabilities towards their students, they would perform their duties and obligations diligently and could take precautionary measures to prevent such incidents from happening. The fourth interviewee remarked that he lacks the basic knowledge in most laws. Nonetheless, he stressed that he strived to do his very best in discharging his duties and obligations as taught by Islam. Further, he commented that during his course of duty at his school, he encountered many legal issues involving teachers breaking the laws relating to education. This include, *inter alia*, teachers teaching without the mandatory teaching permit and work permit from the Ministry of Education and Immigration Department respectively, a teacher getting involved in amorous affairs with a female student, a student assaulted and battered by two foreign teachers, a female teacher cheated over her academic qualifications by forging her educational credentials to apply for teaching position, malpractice in evaluation of examinations' grades and parents wanting to sue the school for misrepresentation over the school's advertisements of their educational products and services. The respondent strongly recommended that the laws relating to education be introduced to all public and private teachers at all levels of educational institutions so that educational professionalism and governance can be improved. The fifth interviewee commented that her ministry is currently looking at measures to be taken to improve on educational governance across all private schools, locals and internationals. Among some of the measures under

considerations include the propositions to make it mandatory for all private school teachers to be certified by recognized teacher training institutions, to make the school board of governors attend the course on educational governance, namely, the provisions of the Education Act 1996 (Act 550) and its ancillary provisions and the requirement for some kind of international benchmarking in educational standards from recognized bodies. She supported the introduction of the laws of education in the teacher training programs for trainee teachers and serving teachers as such programs would help enhance educational quality, professionalism and governance. All respondents agreed that it is useful for teachers to know the laws relating to education so that they could perform their teaching obligations diligently without any apprehension of being caught with the laws. In addition, they are also of the opinion that knowledge of the laws on education must be made a core subject for teachers in pre-service, in-service and post-service teacher training programs, as such courses would assist teachers to know and understand the education laws and their implications over their right and obligations. They also concurred that the legal knowledge gained, though basic, would certainly help them to handle legal issues in schools with due care.

10. CONCLUSION

Educators should be aware and understand the legal requirements of the profession, especially the contractual rights and obligations. They must also know the legislations, rules, regulations and policies which govern the general and specific operations of the schools and educational institutions, i.e., the various laws relating to education, aspects of teachers' duties and responsibilities, school curriculum, examination policy, teacher certification requirements, school admission and dismissal policy and teachers' employment policy, among others. It is most crucial for teachers to observe due diligence in discharging their duties and responsibilities towards their students so as to prevent unnecessary legal pitfalls. They are expected to know their rights and obligations so that they can deliver the trust rendered to them. In order to make teachers perform their job diligently and judiciously, they must be trained not only in areas of pedagogy, but also in aspects of laws relating to education. By observing the due diligence in performing their duties and responsibilities, would help educators to improve the educational quality, governance and professionalism.

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APPENDIX A

Legal Literacy on Law of Education

Part A: Background Information

Please answer all the following questions (Tick where applicable):

1. Gender: Male [] Female []

2. Academic qualification:

Ph.D []

Master []

Bachelor []

Diploma []

Others []

Please specify your area of specialization for the above qualification:

.....

3. Have you attended any Teacher Training Course? Yes [] No []

4. How long have you been teaching?

Above 5 years []

Between 3 – 4 years []

Between 2 – 3 years []

Between 1 – 2 years []

5. Have you attended any course or training in Law? Yes [] No []

Part B: Legal Literacy

Please answer all the following questions (Tick where applicable):

No.	Items	Yes	No
1.	The fundamental liberties of a teacher as a private citizen are protected under the Federal and State Constitution.	[]	[]
2.	The Federal Constitution of Malaysia is the supreme law of the Federal Territories.	[]	[]
3.	Article 11 of the Federal Constitution protects the citizens of their rights to education.	[]	[]
4.	The Legislature and the Judiciary make all the laws in Malaysia.	[]	[]

5. The essential elements of contract are offer, acceptance, capacity, intention to create legal relation and legality of object. [] []
6. Only written agreements must be honoured by the parties to the contract. [] []
7. A promise made without consideration is invalid. [] []
8. Tort law is based on agreement imposed by law. [] []
9. Essential elements of torts are negligent act or omission that is remote, damage from such act or omission. [] []
10. A teacher has no duty of care towards their students. [] []
11. A teacher who is absent from a science laboratory experiment is not liable for damages to injured students. [] []
12. A teacher who ignores a student toying with a sharp glass is not blameworthy for serious injuries inflicted by the student. [] []
13. It is alright for a teacher to dress shabbily and sloppily in school. [] []
14. A teacher can beat a student for breach of school discipline. [] []
15. It is alright for a teacher to have private love affairs with an under-aged student based on mutual love. [] []
16. The 'Perintah-Perintah Am' or General Orders govern the conduct of all teachers. [] []
17. A teacher includes a professor, associate professor, senior lecturer, lecturer, matriculation, school and kindergarten teacher. [] []
18. A failure to perform the express and implied terms amount to a breach. [] []
19. Committing criminal offenses will lead to dismissal. [] []
20. Public school teachers are not allowed to speak freely to the Press over official school matters. [] []

APPENDIX B

STRUCTURED QUESTIONS FOR INTERVIEW

Name :
 Position/ School :
 Qualification :

No.	Question
1.	When did you first join the Education Service?
2.	How long have you served as a teacher/ principal/ lecturer?
3.	Have you attended any law course before?
4.	Have any of your teachers been disciplined for misconduct or educational malpractice?
5.	Have any of your teachers been charged for any criminal offense?
6.	Have your teachers been disciplined under the 'Bab D' of the Perintah-Perintah Am?
7.	Do you think knowledge of the law, especially Education Law, would be useful in your teaching job?
8.	Do you think the course "Legal Issues In Education" is relevant to your work?
9.	Do you think this course should be introduced to the teacher training program?
10.	Do you think that teachers should be certified before commencing teaching in school?

Thank You