BAR COUNCIL
MALDIVES

Minimum Standards for Undergraduate and Postgraduate Law Programs in the Maldives

EFFECTIVE FROM 1 JANUARY 2024

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FOREWORD

1. GENERAL COMMENTS

Attached are the minimum standards and corresponding curricula for:

- A professional diploma for legal assistants / paralegals;
- A LL.M in international and comparative law;
- A Ph.D in law.

Though the format used for the Bachelor of Laws degree is not necessarily the most adapted for the other levels, the consultant has followed it as closely as possible to ensure a formal consistency across the whole Maldivian law curriculum.

It should be noted that under their present form:

- These standards have been designed in a fashion that leaves room to implement different pedagogical methods, in particular experiential learning;
- Some of the Prescribed Knowledge Areas are more detailed than necessary. This presentation aims at clarifying their underlying objectives in an initial stage, but the Bar Council may consider shorter versions in subsequent editions.

2. SPECIFIC COMMENTS

2.1. Professional diploma for legal assistants / paralegals / clerks

2.1.1. Description

The final report suggested two options for paralegals: diploma or associate degree (level 5 or 6). The consultant opted for a Level 5 / one-year professional diploma, that is, the minimalist version.

This choice is justified by the necessity to emphasize the differences between a paralegal and a practising lawyer, hence a 2-level / 2-year difference between the two programmes. In the future, a more comprehensive diploma for paralegals may be introduced, but for the time being, a basic programme is more in line with the needs expressed by the law professionals.

The distinction is also reflected in the Prescribed Knowledge Areas: with the exception of the General Principles of Law, they emphasize legal skills and methods, rather than knowledge per se. This also signals that the function of paralegal requires distinct - rather than lower - skills and competences, among which legal knowledge is not as central as in the bachelor's degree.[1]

The proposed standards leave a significant flexibility to introduce additional law courses for 50% of the total credits. The objective is to let law schools determine their own policy regarding language courses and decide whether they want to establish a generalist diploma or specialized tracks.

Three main paralegal specializations may be considered:

- Trial / judicial procedure (this track concerns judicial clerks as well);
- Business / corporate law;

[1] For a detailed discussion of the rationale, see "Minimum Standards for Undergraduate and Postgraduate Law Programs in the Maldives", Final Assessment Report, UNDP / BCM, September 3, 2021 (pp. 21-25).

- Real estate.

Law schools may either cover the three areas simultaneously *via* three basic courses, or propose them separately, *via* advanced courses. They may also use some of the additional room to experiment alternative teaching methods, notably experiential learning;

Market considerations should not be based solely on the immediate needs of the Malé legal market: the availability of skilled paralegals may notably encourage some law firms to offer their services on the other islands, through a local office managed by a paralegal that would liaise with the Malé lawyers. A parallel may be established with the provision of medical services: hospitals with doctors on the main island, dispensaries with nurses on the others.

2.1.2. Impact on current undergraduate offer (Levels 4, 5 & 6)

As pointed out in the final report:

- The current offer of Level 4 certificates is questionable in terms of content (too broad), MNQF level (too low) and orientation (not professionalized enough);
- The current offer of Level 5 & 6 diplomas or degrees is also questionable in terms of content (too generalist) and orientation (not professionalized enough, since it boils down to chunks of the first years of the LL.B curriculum).

Little can be done to improve this offer, as Level 4 certificates are constrained by their limited volume and Level 5 & 6 diplomas or degrees are constrained by the current designed of the LL.B curriculum.

Recommendation

It is the relevance, rather than the consistency of the current undergraduate level offer that is problematic. **Therefore, there is no need to modify it**.

Level 4 certificates will naturally disappear, since the proposed one-year professional diploma will clarify the undergraduate level and should dry out the demand for lower levels.

Level 5 & 6 diplomas or degrees should continue to serve the narrow - but useful - purpose of giving a title to the law students who do not complete their LL.B studies. Additional – and more ambitious - objectives may be considered in due course, in conjunction with the updating the LL.B curriculum.

2.2. Master of Laws Degree (LL.M)

2.2.1. Description

As suggested in the final report, the proposed standards are designed for specialized Master of laws degrees. Therefore, they do not require the provision of any particular legal knowledge: the Prescribed Knowledge Areas only refer to a "field of legal specialization" that, for the sake of flexibility, has not been defined. For each new LL.M, law schools will thus be required to specify, spell out and justify the legal specialization concerned before the Bar Council.[2]

A central objective of these standards is to enable as much modularity as possible. Accordingly:

- They are based on the lowest possible number of credits (120 – 1 year), leaving room for a possible expansion (*e.g*. 180 credits over 18 months);

[2] For a detailed discussion of the rationale, see "Minimum Standards for Undergraduate and Postgraduate Law Programs in the Maldives", *Op. Cit.* (pp. 25-28).

- Under the proposed format, 15 to 30 credits are allocated to the dissertation and 60 credits to the PKAs, leaving the law schools with 30 to 45 credits to customize their offer, notably via experiential learning and exchange programs with foreign universities;
- The same LL.M may be broken down into several formats that could be offered simultaneously, through a combination of tracks.

The various options available to the law schools include:

- Enhance one subject of the law specialty to propose a more specialized curriculum (*e.g*. if the specialty is international law: international arbitration, public international law, international investment, international business law… etc.);
- Explore the non-legal dimensions of the LL.M specialization (*e.g*. management for a LL.M in business law, finance for a LL.M in banking law… etc.);
- Offer a program *à la carte* allowing students to select elective courses in all or part of the law school catalogue, including outside of the LL.M specialization;
- Offer a specialised LL.M research track that may serve as a preparatory stage for the Ph.D: in such case, a more thorough dissertation should be required (30 credits);
- Break down the LL.M programme into 60-credit postgraduate certificates: in line with the LL.M in commercial law offered by Villa College, such reduced format may be proposed to students and professional who are only interested in some specific modules.

2.2.2. Impact on current post-graduate offer (at Levels 8 & 9)

As pointed out in the final report, the current offer of postgraduate certificates and diplomas is in line with the needs of the legal market as well as with international standards. There is only a need for more diversification in terms of specializations – which is addressed through the proposed LL.M standards.

Recommendations

The current offer is consistent with the proposed LL.M standards. Accordingly, not amendment is required.

2.3. Doctor of Laws Degree (SJD)

2.3.1. Description

The recommendations made in the final report are reflected in the proposed standards as follows:

- ***An emphasis on international and comparative law.***

To avoid an excessive dispersion of research subjects that could hamper exchanges among researchers, it is advisable to limit the scope of the doctoral program to international and comparative law:

- This is the most logical specialization for the Maldives and also the most flexible: it allows a Ph.D on any legal subject, provided that here is a comparative law component;
- Considering that there will be a limited number of doctoral students, the need to ensure a group dynamic among them is an additional argument in favour of a specialized doctoral program.

Based on the proposed standards, up to 45 credits are available to the universities to add courses in any legal area(s). The objective is to enable them to assign different courses to each doctoral students in accordance with their respective research subjects.

- ***A strict doctoral format***

Considering that the Maldivian law universities lack experience in doctoral studies, the consultant opted for a strict doctoral format that could serve as a guideline. A section 9 (additional requirements) was added to the PKAs to include precise deliverables and milestones.

- ***A teaching component***

Considering the limited number of potential doctoral supervisors in the Maldives, the standards are designed in a way that gives a priority to future law professors. Accordingly, a teaching component has been added to the doctoral program, in the form of a minimum teaching load for every doctoral student, starting the third year. The implicit purpose of this more traditional "European doctoral model" (as opposed to what could be called a "US model" - without a teaching component) is twofold:

- Provide future law professors with an early exposure to teaching and pedagogy. This component is crucial in a mixed legal system that requires innovative approaches to avoid redundancies;
- Discourage candidates that have no intention to teach in the future. In a later stage, these standards may be amended to introduce more flexibility to accommodate candidates who only want to deepen a specific expertise, or who are primarily interested in the prestige of the title of Doctor, but such opening would be counterproductive in the foreseeable future.[3]

All the above points should be considered as mere propositions at this stage, since they have not been formally endorsed by the universities concerned. They may be easily modified if necessary.

2.3.2. Impact on current post-graduate offer (at Level 10)

The only existing doctoral programme is in Shari'ah at IUM.

As pointed out in the final report, the two tracks it offers are problematic for symmetric reasons: one is too course-oriented, the other is too exclusively focussed on the dissertation.

Recommendations

At the doctoral level, it is not advisable to envisage separate standards for law and Shari'ah. The proposed standards are relevant to both and leave sufficient room (45 credits) for dedicated courses. If further knowledge is deemed necessary for the doctorate in Shari'ah, a LL.M in Shari'ah may be imposed as a prerequisite.

Thus, it is recommended to align IUM doctoral programme in Shari'ah with the proposed Doctor of Laws degree standards and to merge its two tracks accordingly.

[3] For a detailed discussion of the rationale, see "Minimum Standards for Undergraduate and Postgraduate Law Programs in the Maldives", *Op. Cit.* pp. 29-32).

Annex 1: Professional diploma of laws

PRESCRIBED LEARNING OUTCOMES AND STATEMENT OF PRESCRIBED KNOWLEDGE FOR PROFESSIONAL DIPLOMAS OF LAWS

PREPARED FOR THE BAR COUNCIL OF THE MALDIVES

Explanatory statement

1. The Learning Outcomes (LOs) and Prescribed Knowledge Areas (PKAs) set out in this Standards Statement represent the minimum learning expected by a graduate of a Professional Diploma of Laws programme recognized by the Bar Council of the Maldives.

2. A Professional Diploma of Laws for these purposes is a diploma approved by the Bar Council of the Maldives as satisfying the academic stage of education and training for the profession of legal assistant (paralegal).

3. This Statement is concerned only with the curriculum content of a Professional Diploma of Laws. It makes no reference to admissions standards, staff-student ratios, learning resources, or teaching and assessment methods, all of which are material to determining the quality or suitability of a programme.

4. This Statement does not affect the content of the undergraduate certificates, diplomas or degrees in law or Shari'ah that are currently offered at levels 4 to 6 by the Maldivian law schools on the date its publication, nor does it affect the right of the said law schools to continue to offer them thereafter.

5. The LOs and PKAs to which this Statement relates are not the totality of the curriculum. Learning in respect of these LOs and PKAs must constitute not less than 60 credits of the Professional Diploma of Laws programme, based on a minimum one-year full-time award (or part-time equivalent), constituting 120 credits of study at level 5 of the Maldives National Qualification Framework.

6. Law schools are strongly encouraged to apply experiential learning methods in the curriculum, that is, an engaged learning process whereby students learn by doing and by reflecting on the experience, including internships, clinical and other hands-on field experiments.

7. As described in this Standards Statement, a Professional Diploma of Laws provides a basic understanding of the Maldivian legal system of law and of the fundamental nuances of legal writing and research, as well as of the main tools and methods used by paralegals to assist law professionals in their daily practice.
   It includes the study of a prescribed, substantive core (the PKAs) and provides the flexibility for students to add to these foundational knowledge areas from a range of other legal and non-legal, required and elective, subjects. The Professional Diploma of Laws also seeks to develop the higher order intellectual skills consistent with the Maldives

Qualification Framework specification for a level 5 diploma: these include editing and revising legal memoranda, research memos and briefs, conduct online research to find primary and secondary sources of legal authority and assume some responsibility in the day-to-day management of a legal practice.

The Standards are also drafted with a view to fostering the lifelong commitment to professional learning expected of a competent legal assistant.

A. PRESCRIBED LEARNING OUTCOMES

Guidance:

(a) A law school shall be expected by the Bar Council to maintain a rigorous programme of legal education for paralegals that prepares its students, upon graduation, for admission to the profession of paralegal and for their effective, responsible and ethical participation in the work of the legal profession.

(b) A law school shall establish and publish learning outcomes (LOs) designed to achieve these objectives. The LOs shall represent the expected competences achieved by any student graduating from that law school.

(c) The following prescribed LOs represent the minimum standards of performance or attainment at Professional Diploma of Laws level required by the Bar Council. All recognized providers of legal education at such level are expected to meet or exceed these minimum standards in respect of their programmes.

(d) A law school is not required to adopt these LOs verbatim, but should be able to satisfy the Bar Council as professional regulator that the LOs are (i) assimilated within the Course Learning Outcomes, (ii) mapped appropriately against Subject (Module) Learning Outcomes in compulsory subjects and (iii) reflected in a range and variety of assessment tasks that are appropriately aligned to subject-level LOs.

(e) There is no requirement that the LOs be equally weighted in the programme.

LO 1: LEGAL KNOWLEDGE

Graduates who have completed a Professional Diploma of Laws will demonstrate an understanding of a coherent body of knowledge that includes:

(a) The prescribed areas of legal knowledge;
(b) The ability to cite legal sources appropriately;
(c) Understanding the sources, hierarchy, and precedential value of laws
(d) Ability to distinguish different types of legal rules, to dissect legal rules into their basic components, and to synthesize a unified rule of law from disparate sources

LO 2: THINKING AND REASONING SKILLS

Graduates who have completed a Professional Diploma of Laws will be able to:

(a) Distinguish between binding and non-binding authority.
(b) edit and revise legal memoranda and research memos,

LO 3: RESEARCH SKILLS

Graduates who have completed a Professional Diploma of Laws will be able to:

(a) Select appropriate legal research tools to locate relevant primary and secondary authority from Shariah and common law as appropriate,
(b) Developing a well-organized, cost-effective legal research strategy
(c) Identifying precedent and accurately assessing the relevance and quality of legal authority
(d) Distinguishing the strengths and weakness of various legal research technologies

LO 4: COMMUNICATION SKILLS

Graduates who have completed a Professional Diploma of Laws will be able to:

(a) communicate orally and in writing in ways that are clear, appropriate in form and persuasive for both legal and non-legal audiences
(b) Present and evaluate routine legal arguments, information and ideas
(c) assume some responsibility in the day-to-day management of a legal practice

LO 5: ACADEMIC INTEGRITY AND SELF-MANAGEMENT

Graduates who have completed a Professional Diploma of Laws will be able to:

(a) demonstrate appropriate standards of academic honesty and integrity
(b) Develop an adaptive approach to evolving legal research technologies

B. PRESCRIBED KNOWLEDGE AREAS

Guidance:

1. The course of study for a Professional Diploma of Laws shall include the study of law subjects for the equivalent of not less than 60 credits from the study of legal subjects in a 120-credit diploma programme).

2. The following Prescribed Knowledge Areas (PKAs) shall amount to not less than 60 credits of a Professional Diploma of Law Professional Diploma of Laws set at levels 5 of the Maldives National Qualification Framework.

3. The Prescribed Knowledge Areas may be taught as discrete compulsory modules, as presented in this document. There is however no requirement that individual topics need to be taught in a module covering the area of knowledge in the heading rather than in another suitable module. Where topics are organized in different forms or combinations from those specified below, the onus shall be on the course provider to demonstrate that all required elements of the PKAs are covered in the programme.

4. The language of teaching and assessment for not less than half of the credits allocated to the PKAs shall be English. Although language teaching is not included in these PKAs, the Bar Council expects each approved provider to make proper provision to support students' abilities to use both legal English and legal Dhivehi.

5. In teaching the Prescribed Knowledge Areas the primary objectives should be to:

   - Develop student's understanding of underlying legal principles and policy considerations as illustrated through study of key topics within the subject
   - enable students to develop the skills of applied problem-solving within the setting of each subject
   - encourage a spirit of critical enquiry and the facility for independent learning that will enable students to become effective lifelong learners

   It is not an objective of these standards to develop in students a theoretical knowledge of each subject and every topic prescribed, but rather a practice-oriented understanding.

6. Curricula and subject outlines based on these standards will be expected to make reference to relevant and <u>current</u> primary and secondary source material.

7. The major prescribed knowledge areas comprise:
   - General Principles of Law
   - Legal Writing
   - Legal research and reasoning
   - Computer applications for paralegals

   The above subjects should in total constitute not less than 60 credits of the degree. It is open to each law school to determine how credits are allocated across the spread of PKAs.

8. The prescribed knowledge areas are defined as follows:

I. General Principles of Law[4]

1) The historical development of the Maldivian legal system
    a) Customary law and chthonic origins
    b) Islamic law as an historical and modern (constitutionally-defined) source of law
    c) The reception of common law

2) The classification of law
    a) Public law
    b) Civil law
    d) Criminal law

3) The courts
    a) The Supreme Court
    b) The High Court
    c) Trial courts
    e) The qualification and training of judges

4) An outline of the civil justice system
    a) Civil and commercial procedure
    b) Alternative dispute resolution
    c) Access to civil justice

5) An outline of the criminal justice system
    a. The prosecutorial process
    b. Criminal trial procedure
    c. Contemporary problems with the criminal justice system

II. Legal Writing

1) Proficiency in using correct grammar and punctuation regardless of the document or communication drafted

2) Day-to-day documents
    a) Office Memorandum
    b) Client letters and email correspondence

3) Contracts and contract provisions
    a) Plain English v. "legalese"
    b) Draft standard contractual clauses and insert them into contracts
    c) Draft a contractual provision clearly and without ambiguities
    d) Organization and chronology of a contract
    e) Editing a contract that has already been drafted
    f) Ethical dilemmas in contract drafting

4) Standard Legal Documents (forms and templates)

[4] These PKAs are aligned with the "Introduction to the Maldivian Legal System" proposed in the Bachelor.

a) Real Property
b) Company by-laws
c) Business Law and Bankruptcy
d) Wills, Trusts and Estates
e) Writing case briefs

III. Legal research and reasoning

1) Case Analysis
   a) The Role of Precedent
   b) Comparing and Distinguishing Cases

2) Rule Synthesis and Fact Analysis
   a) Distinction between a factual issue and a legal issue
   b) Hierarchy of Authority; Mandatory v. Persuasive Authority.

3) A Step-By-Step Approach to Legal Research
   a) Preliminary Analysis
   b) Defining the question, finding the keywords
   c) Search for Secondary Sources
   d) Search for Statutes and Administrative Regulations
   e) Search for Cases (Mandatory and Persuasive)
   f) Synthesise the legal research

4) Internet legal research
   a) Main online legal resources
   b) e-discovery
   c) System of rules and techniques involving the gathering of electronic information in law suits.

IV. Computer applications for paralegals

1) The main legal software systems
   a) Word (format, styles, specialized tables and indexes, adding visual appeal…)
   b) PowerPoint (creating and running a presentation, editing and formatting slides…)
   c) Excel spreadsheets (managing functionalities, creating templates…)

2) Database management systems
   a) docketing and scheduling
   b) document management and retention
   c) billing system

3) Keyboarding practice
   a) Keyboarding speed
   b) Keyboarding accuracy

4) Working in a secure environment
   a) Ethical considerations
   b) Client confidentiality
   c) Maintaining computer security

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Annex 2: Master of Laws degree

PRESCRIBED LEARNING OUTCOMES AND STATEMENT OF PRESCRIBED KNOWLEDGE FOR MASTER OF LAWS DEGREES

PREPARED FOR THE BAR COUNCIL OF THE MALDIVES

Explanatory statement

1. The Learning Outcomes (LOs) and Prescribed Knowledge Areas (PKAs) set out in this Standards Statement represent the minimum learning expected by a graduate of a Master of Laws programme recognized by the Bar Council of the Maldives.

2. A Master of Laws degree for these purposes is a degree approved by the Bar Council of the Maldives that comes in furtherance to a Bachelor of Laws or Bachelor of Shariah and Law or an equivalent qualifying law degree recognized by the Bar Council of the Maldives, to develop knowledge in a field of legal specialization.

3. These LOs and PKAs are also adopted as the basis for determining any claim to equivalency in respect of an overseas degree qualification possessed by a graduate who wishes to be admitted in a doctoral program in law in the Maldives.

4. This Statement is concerned only with the curriculum content of a Master of Laws degree. It makes no reference to admissions standards, staff-student ratios, learning resources, or teaching and assessment methods, all of which are material to determining the quality or suitability of a degree programme.

5. This Statement does not affect the content of the postgraduate certificates, diplomas or degrees in law or Shari'ah that are offered at levels 8 and 9 by the Maldivian law schools on the date its publication, nor does it affect the right of the said law schools to continue to offer them thereafter.

6. The LOs and PKAs to which this Statement relates are not the totality of the curriculum. Learning in respect of these LOs and PKAs must constitute not less than 90 credits of the Master of Laws degree programme,[5] based on a minimum one-year full-time award (or part-time equivalent), constituting 120 credits of study at levels 9 of the Maldives National Qualification Framework.

7. Law schools are strongly encouraged to apply experiential learning methods in the curriculum, that is, an engaged learning process whereby students learn by doing and by

[5] That is, not less than 90 credits of the degree must involve learning and teaching in respect of the specialized legal knowledge and the skills and attributes identified in the LOs. In these 90 credits is included a dissertation for 15 to 30 credits that addresses a topic that is part of the specialized legal knowledge concerned.

reflecting on the experience, including internships, clinical and other hands-on field experiments as well as study abroad within the framework of international partnerships.

8. As described in this Standards Statement, a Master of Laws degree provides specialised knowledge and skills that complements the fundamental areas of legal knowledge necessary to obtain a Bachelor of Laws.
   It includes the study of a prescribed, substantive core (the field of legal specialization) and provides the flexibility for students to add to these knowledge areas from a range of other legal and non-legal, required and elective, subjects. The Master of Laws degree also seeks to develop the higher order intellectual skills consistent with the Maldives Qualification Framework specification for a Master's degree: these include critical understanding of the different methods and school of thoughts pertaining to the field of legal specialization, creativity in the identification and formulation of responses to the legal issues, an ability to infer missing information and an ability to communicate with expert from the specialization using the specialized language.
   In line with the Standards for the Bachelors of Laws, the Standards for the Master of Laws degree are drafted with a view to fostering the lifelong commitment to professional learning expected of a competent legal expert.

A. PRESCRIBED LEARNING OUTCOMES

Guidance:

a) A law school shall be expected by the Bar Council to maintain a rigorous programme of legal education that prepares its students, upon graduation, for admission to the legal profession or for further specialised legal education at Master's and Doctoral levels.

b) A law school shall establish and publish learning outcomes (LOs) designed to achieve these objectives. The LOs shall represent the expected competences achieved by any student graduating from that law school.

c) The following prescribed LOs represent the minimum standards of performance or attainment at Master's degree level required by the Bar Council. All recognized providers of legal education at such level are expected to meet or exceed these minimum standards in respect of their programmes.

d) A law school is not required to adopt these LOs verbatim, but should be able to satisfy the Bar Council as professional regulator that the LOs are (i) assimilated within the Course Learning Outcomes, (ii) mapped appropriately against Subject (Module) Learning Outcomes in compulsory subjects and (iii) reflected in a range and variety of assessment tasks that are appropriately aligned to subject-level LOs.

e) There is no requirement that the LOs be equally weighted in the degree programme.

LO 1: LEGAL KNOWLEDGE

Graduates who have completed a Master of Laws degree will demonstrate an understanding of a coherent body of knowledge that includes:

a) A critical understanding of the principal theories, concepts and principles pertaining to the field of legal specialization;
b) A knowledge of the different school of thoughts and their limits as well as of the controversies pertaining to the field of legal specialization;
c) An understanding of the broader practical, social, economic and international contexts within which the legal issues concerned by the specialization arise.

LO 2: THINKING AND REASONING SKILLS

Graduates who have completed a Master of Laws degree will be able to:

a) Demonstrate creativity in the identification and formulation of responses to the legal issues posed by the specialized area;
b) Be able to infer missing elements in in available information.

LO 3: RESEARCH SKILLS

Graduates who have completed a Master of Laws degree will be able to:

a) Knowledge of the main research methods used to conduct academic research in the specialized legal area;
b) Knowledge of, and familiarity with, the main sources of information pertaining to the specialized legal area;
c) research solutions to complex legal problems using primary and secondary sources from the relevant body of law.

LO 4: COMMUNICATION SKILLS

Graduates who have completed a Master of Laws degree will be able to:

a) Explain the specific issues of the specialized legal area to non-specialists
b) Communicate with expert from the specialization using the specialized language.

LO 5: ACADEMIC INTEGRITY AND SELF-MANAGEMENT

Graduates who have completed a Master of Laws degree will be able to:

a) demonstrate appropriate standards of academic honesty and integrity
b) demonstrate awareness and understanding of the ethical challenges pertaining to the specialized legal area, within and outside the legal profession;
c) Constantly update their knowledge in the specialized legal area to maintain their level of professional expertise;
d) make appropriate use of feedback to support their personal and professional development.

B. PRESCRIBED KNOWLEDGE AREAS

Guidance:

1. The course of study for a Master of Laws degree shall include the study of a field of legal specialization for the equivalent of not less than 90 credits, comprising a dissertation of a minimum of 15 credits and a maximum of 30 credits, out of at least a one- year (or part-time equivalent) course of study (ie, a student must gain not less than 90 credits from the study of the field of legal specialization in a minimum 120-credit degree programme).

2. There are no pre-determined fields of legal specialization. For each Master of Laws degree, it is open to the law school concerned to specify the corresponding field of legal specialization, provided such field is clearly identified to the Bar Council.

3. Within the study of a field of legal specialization, the Prescribed Knowledge Areas (PKAs) comprise at least four specialized legal subjects that are directly related to the field of legal specialization and that must be clearly identified to the Bar Council. The PKAs shall amount to not less than 60 credits of a Master of Laws degree set at levels 8-9 of the Maldives National Qualification Framework.

    a. At least 45 credits from the PKAs and 90 credits from the Master of Laws degree programme should be taught and assessed at level 9.
    b. The dissertation subject should be related to the field of legal specialization and should be assessed at Level 9.

4. The PKAs may be taught as discrete compulsory modules or otherwise. The onus shall be on the course provider to demonstrate that all required elements of the PKAs remain covered in the degree programme.

5. Except for Master of Laws degree specialising in specific areas of Maldivian law or Shari'ah for which language requirements in Dhiveli or Arabic may be necessary, the language of teaching and assessment for all the credits allocated to the PKAs shall be English. Although language teaching is not included in these PKAs, the Bar Council expects each approved degree provider to make proper provision to support students' abilities to use legal English.

6. In teaching the Prescribed Knowledge Areas the primary objectives should be to:

    - Develop student's understanding of underlying legal principles and policy considerations as illustrated through study of key topics within the subject;
    - enable students to develop the skills of applied problem-solving within the setting of each subject,
    - encourage a spirit of critical enquiry and the facility for independent learning that will enable students to become effective lifelong learners.

    It is not an objective of these standards to develop in students an encyclopedic but superficial knowledge of each subject and every topic prescribed.

7. Curricula and subject outlines based on these standards will be expected to make reference to relevant and <u>current</u> primary and secondary source material.

8. For each Master of Laws degree, the minimum of four specialized legal subjects corresponding to the PKAs should, in total, constitute not less than 60 credits of the degree (excluding the

dissertation). It is open to each law school to determine how credits are allocated across the spread of PKAs.

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Annex 3: DOCTOR OF LAWS DEGREE

PRESCRIBED LEARNING OUTCOMES AND STATEMENT OF PRESCRIBED KNOWLEDGE FOR DOCTOR OF LAWS DEGREE

PREPARED FOR THE BAR COUNCIL OF THE MALDIVES

Explanatory statement

1. The Learning Outcomes (LOs) and Prescribed Knowledge Areas (PKAs) set out in this Standards Statement represent the minimum learning expected by a graduate of a doctoral programme recognized by the Bar Council of the Maldives as a Doctor of Laws degree.

2. A Doctor of Laws degree for these purposes is a degree approved by the Bar Council of the Maldives that comes in furtherance to a Master of Laws, a Master of Shariah and Law or an equivalent qualifying law degree recognized by the Bar Council of the Maldives, to make a substantial and original contribution to legal knowledge.

3. These LOs and PKAs are also adopted as the basis for determining any claim to equivalency in respect of an overseas degree qualification possessed by a graduate who wishes to apply to a faculty position in law in the Maldives.

4. This Statement is concerned only with the curriculum and research content of a Doctor of Laws degree. It makes no reference to admissions standards, staff-student ratios, learning resources, or teaching and assessment methods, all of which are material to determining the quality or suitability of a degree programme. However, it introduces additional requirements for doctoral studies, notably regarding tutorship and research inputs and outputs.

5. The LOs and PKAs to which this Statement relates are not the totality of the curriculum, whose key components are the individual research and the dissertation. Learning in respect of these LOs and PKAs must constitute not less than 60 credits of the Doctoral degree programme, based on a minimum four-year full-time award (or part-time equivalent), constituting 360 credits of study at levels 10 of the Maldives National Qualification Framework.

6. Considering that doctoral studies must be primarily designed for those who intend to pursue a career in academia, the teaching load assigned to each doctoral student is a mandatory component of the doctoral studies.

7. As described in this Standards Statement, a Doctor of Laws degree is a research qualification that is at a significantly higher level than the Master's degree.
   It includes the study of a prescribed, substantive core (the PKAs) and provides the possibility for students to benefit from a personalized tutorship as well as to share their research findings and exchange their analyses in dedicated research seminars. The Doctor of Laws degree also seeks to develop the higher order intellectual skills consistent with the Maldives Qualification Framework specification for a Doctoral degree: these include a demonstrated originality or creativity in the development and application of new legal knowledge understanding and

practices, a familiarity with research methodology in general and legal research methods in particular, and a deeper insight into the potential and limitations of scholarship, its role in society and people's responsibility for how it is used.

A. PRESCRIBED LEARNING OUTCOMES

Guidance:

a. A law school qualified to deliver a Doctor of Laws degree shall be expected by the Bar Council to maintain a rigorous doctoral programme that prepares its students, upon graduation, for a career in research and teaching.

b. A law school shall establish and publish learning outcomes (LOs) designed to achieve these objectives. The LOs shall represent the expected competences achieved by any student graduating from that law school.

c. The following prescribed LOs represent the minimum standards of performance or attainment at Doctor of Laws degree level required by the Bar Council. All recognized providers of legal education at such level are expected to meet or exceed these minimum standards in respect of their programmes.

d. A law school is not required to adopt these LOs verbatim, but should be able to satisfy the Bar Council as professional regulator that the LOs are (i) assimilated within the Course Learning Outcomes, (ii) mapped appropriately against Subject (Module) Learning Outcomes in compulsory subjects and (iii) reflected in a range and variety of assessment tasks that are appropriately aligned to subject-level LOs.

e. There is no requirement that the LOs be equally weighted in the degree programme.

LO 1: LEGAL KNOWLEDGE

Graduates who have completed a Doctor of Laws degree will demonstrate an understanding of a coherent body of knowledge that includes:

a. A broad knowledge and a systematic understanding of the research area;
b. A critical, detailed and leading knowledge within a defined part of the research area.

LO 2: THINKING AND REASONING SKILLS

Graduates who have completed a Doctor of Laws degree will be able to:

a. demonstrate an ability to critically, independently, and with scientific precision identify and formulate new and complex legal phenomena, issues and situations;
b. Demonstrate an ability to engage in scholarly analysis and synthesis;
c. Demonstrate originality or creativity in the development and application of new legal knowledge, understanding and practices.

LO 3: RESEARCH SKILLS

Graduates who have completed a Doctor of Laws degree will be able to:

a. Demonstrate familiarity with research methods in general and legal research methods in particular;
b. Demonstrate ability to plan and, using appropriate methods, conduct research and other advanced tasks within specified time limits, and to examine and evaluate such work;
c. demonstrate, in a thesis, the ability to make a substantial contribution to the development of legal knowledge through own research;
d. Demonstrate an ability to identify needs for further knowledge;
e. Identify and describe the elements of reliable and valid research and means to reduce bias in research.

LO 4: COMMUNICATION SKILLS

Graduates who have completed a Doctor of Laws degree will be able to:

a. Communicate research results at the level required at international conferences or symposia;
b. Write legal papers and articles at the standards of peer-reviewed journals;
c. Communicate legal knowledge and ideas to non-specialists in interdisciplinary settings;
d. Present critiques of published legal research using appropriate concepts in research design;
e. Use a significant range of pedagogical skills to teach a law subject to an adult audience.

LO 5: ACADEMIC INTEGRITY AND SELF-MANAGEMENT

Graduates who have completed a Doctor of Laws degree will be able to:

a. Demonstrate an ability to teach ethically and apply teaching-related ethical aspects;
b. demonstrate intellectual independence and academic integrity, as well as an ability to make ethical assessments relating to research;
c. demonstrate deeper insight into the potential and limitations of scholarship, its role in society and people's responsibility for how it is used.

B. PRESCRIBED KNOWLEDGE AREAS AND ADDITIONAL REQUIREMENTS

Guidance:

1. The course of study for a Doctor of Laws degree shall include:
   a. The study of the specialized law subject for the equivalent of not less than 30 credits;
   b. The study of methodology in research and teaching for the equivalent of not less than 30 credits;
   c. Attendance to at least three research seminars;
   d. A doctoral dissertation for the equivalent of not less than 270 credits.

Within the doctoral programme, the Prescribed Knowledge Areas (PKAs) shall only concern a) and b) above, whereas c) and d) will be addressed through the additional requirements.

2. The PKAs amount to not less than 30 credits of doctoral degree set at levels 10 of the Maldives National Qualification Framework.
   - At least 15 credits from the specialized law subject should be assessed at Level 10;
   - At least 15 credits from study of methodology in research should be assessed at Level 10.

3. The Prescribed Knowledge Areas may be taught as discrete compulsory modules, as presented in this document. There is however no requirement that individual topics need to be taught in a module covering the area of knowledge in the heading rather than in another suitable module. Where topics are organized in different forms or combinations from those specified below, the onus shall be on the course provider to demonstrate that all required elements of the PKAs are covered in the degree programme.

4. Except for research subject involving specific areas of Maldivian law or Shari'ah, for which additional courses in Dhiveli or Arabic may be necessary, the language of the doctoral program, including teaching and assessment for all the credits allocated to the PKAs shall be English. Although language teaching is not included in these PKAs, the Bar Council expects each approved degree provider to make proper provision to support students' abilities to use legal English.

5. In teaching the Prescribed Knowledge Areas the primary objectives should be to:
   - Deepen student's understanding of the subject,
   - Enable students to develop their autonomy and creativity in problem analysis and problem solving.

6. Curricula and subject outlines based on these standards will be expected to make reference to relevant and <u>current</u> primary and secondary source material.

7. The major prescribed knowledge areas for the Doctor of Laws degree comprise:
   - Advanced comparative Law
   - Legal research methodology
   - Teaching the law

   The above subjects should in total constitute not less than 45 credits and not less than 15 credits each.

8. Prescribed knowledge areas

The material below should be delivered by way of single subject areas.

The prescribed knowledge areas are defined as follows:

I. Advanced comparative Law

A critical learning outcome in this area is the ability to deepen the student's knowledge in the various legal traditions, comparative methods and theories to reflect on the impact of globalization upon the evolution of comparative law.

1. Deepening the concept of a legal tradition
    a. Some particular legal traditions, their philosophical foundations
    b. Implementation of legal traditions through institutions
    c. The influence of legal traditions on one another.

2. The traditional comparative approaches
    a. Historical perspective
    b. functionalism and critical evaluation

3. The new theoretical approaches to law
    a. Postmodern comparative law
    b. Socio-legal comparative law
    c. Numerical comparative law
    d. Law and economics applied to comparative law

4. Convergence and divergence of the laws
    a. The fading separation between private and public law
    b. Globalization in perspective
    c. Anthropological approach

II. Legal research methodology

A critical learning outcome in this area is the ability to understand and apply the research methods at the highest level, but also to develop publication reflexes and routine.

1. Ethics in research
    a. The ethics and politics of social research
    b. Confidentiality
    c. Ethical Principles and Guidelines for the Protection of Human Subjects of Research

2. Different Approaches to Legal Scholarship
    a. How to do doctrinal scholarship: describe, prescribe or interpret?
    b. Analogical Reasoning in Legal Scholarship
    c. Tackling Empirical Legal Research

3. Adapting the research to the subject
    a. Theorising Particular Areas of Law
    b. Handling comparative issues in legal research
    c. Handling Public International Law Issues in Legal Research

4. What constitutes high quality research and writing?
    a. Reliability, validity, biases in research
    b. Academic writing
    c. Having one's Work Evaluated/Evaluating Others' Work
    d. Interdisciplinarity

5. Publishing in a peer-reviewed journal
    a. Preconditions
    b. Writing a comparative law paper
    c. Devising a publication strategy at an early stage

III. Teaching the law

As a matter of principle, each doctoral student should be considered as a future teacher and trained accordingly, regardless of the availability of faculty positions or of the desire of the student to enter into an academic career.

1. General principles of teaching
    a. teaching philosophy
    b. Student diversity

2. Designing a Syllabus
    a. Course's objectives
    b. Session breakdown
    c. Reading material

3. Classroom dynamics and processes
    a. Creating a Classroom Atmosphere Conducive to Learning
    b. Understanding and engaging the Audience
    c. Handling Class Questions
    d. Using Hypotheticals and Problems
    e. Using Technology to Support Teaching

4. Specific aspects of legal teaching
    a. Teaching case law
    b. Legal writing and presentation of oral arguments
    c. Legal research (local and foreign legal materials)
    d. Organizing a Moot courts

5. Assessment
    a. The different types of assessment methods
    b. Grading and reviewing assessments

9. Additional requirements

In addition to the PKAs, the following requirements apply to the doctoral studies:

- Establishment of an individual study plan for each doctoral student;
- Monitoring by a Doctoral Committee;
- A minimum teaching load for each doctoral student;
- Regular research seminars to assess the progression of each doctoral student;
- Regular participation to research events other that the research seminars to develop communication skills and multi-disciplinary knowledge.

The credits corresponding to the participation to the research seminars and the other research events are included in the credits for the dissertation. Each university may however decide to distinguish them, by assigning each a number of credits that should not exceed 20 credits in total for the research seminars and 10 credits in total to the attendance to the other research events.

I. Individual study plan

The individual study plan is drafted by the supervisors and the doctoral student and must be reviewed annually and revised if necessary.

The plan should notably outline:

a. The respective obligations of the university and the doctoral student;
b. A funding plan if any;
c. A proposed timeline;
d. The nature and volume and detail of the expected teaching load;
e. When compulsory seminars must have been completed.

II. Doctoral Committee

A Doctoral Committee should be established by the law department of the university. It should be composed of:

a. The head of the law department
b. All the members of the law faculty eligible as doctoral supervisors
c. Members of other university faculties eligible as doctoral supervisors
d. Non-university members with a recognized legal expertise.

The Doctoral Committee should notably be responsible for the following:

a. Assigning each accepted doctoral student, a principal supervisor and whenever possible, one additional supervisor whose expertise is relevant for the subject of study. The principal supervisor must be qualified for supervising a doctoral student and at least one of the supervisors must be an employee at the Department of Law.
b. Organising the presentation of the doctoral thesis for public defence;
c. Monitoring compliance with each of the individual study plans

III. Teaching load

Doctoral students at the Faculty of Law are normally required, within the scope of their position, to teach 20 % of full-time employment, starting the third year. This teaching load is considered to be a component of the four-year full-time doctoral studies for the degree of Doctor of Laws.

Doctoral students who teach courses are expected to have completed the Legal Teaching module.

IV. Research seminars

Over the course of their thesis project, students accepted to the doctoral programme are to present parts of their project at a minimum of three compulsory seminars, arranged and chaired by their principal supervisor.

a) The first seminar is to take place at an early stage of the programme (within one year), where the thesis purpose, disposition, demarcations etc. will be reviewed.
b) The second seminar is to take place when the doctoral student has been working on their thesis project for no less than two and no more than three years. During this seminar, the doctoral student presents the thesis disposition and parts of the thesis project deemed suitable by the doctoral and supervisor. The student needs to demonstrate significant development of the research project, including development of theoretical perspectives and orientation of thesis.
c) The third and final seminar is to take place when the project nears completion and the thesis is in a practically finished state. The manuscript is to be presented in its entirety, or at the very least significant parts of it, along with the research results. An opponent shall be appointed for the final seminar who also fills out a review report. The seminar is to be scheduled to ensure there is sufficient time to consider any provided input in the final manuscript. The final seminar must be open to all interested parties within the faculty.

V. Other research events

In addition to participating in seminars where their own projects are presented, doctoral students should also be expected to attend other research events in accordance with a plan determined by the supervisor in consultation with the student. These attendances should be specified in the individual study plan.

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