

# Response to Covid-19: Distance Learning in Kuwait from Educational and Legislative Perspectives

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## **Abstract:**

The Covid-19 pandemic has brought many challenges that have affected many life spheres, and education is not an exception. The disease preventive measures result in the fact that distance learning is considered an optimal educational option, meaning that multiple educational establishments should do their best to implement this approach. Thus, the given study is going to assess how this concept is presented in Kuwait. The research question is: How is a concept of distance learning presented in Kuwait from educational and legal perspectives to promote the productive use of this teaching approach against the pandemic's background? The study uses a qualitative methodology and relies on semi-structured questions to answer this question. This approach allows for concluding that the concept of distance learning is underrepresented from a legal perspective, while sufficient attention is drawn to this issue from a legal point of view. It denotes that the Kuwaiti legislation bodies should enhance the coverage of distance learning in the country.

**Key words:** distance learning, Kuwait, educational perspective, legal perspective.

### Introduction:

The Covid-19 pandemic has become one of the most influential events in the world's history because the crisis affected all the countries around the globe. According to Pak and others<sup>(1)</sup>, the coronavirus disease has brought numerous adverse consequences for the public health and economy. Even though developed nations have more sophisticated and better-equipped healthcare systems, they also had a high number of Covid-19 cases together with developing states<sup>(2)</sup>. That is why there is no surprise that this state of affairs has resulted in adverse effects on world economies. Declining oil prices, rising unemployment, unstable financial markets and the issued preventive measures lead to the fact that the whole world is now living in new and unexpected conditions<sup>(3)</sup>. Thus, it is evident that the education sphere is also witnessing certain changes against the background above.

When it comes to learning activities, the most significant challenge refers to the fact that people are not allowed to attend gatherings to minimise the disease's spread. That is why social distancing is considered an effective prevention measure. This situation denotes that educational establishments should reconsider their approaches to teaching practices to respond to the "new normal" environment. Thus, numerous scholars admit that distance learning (also known as e-learning, online education and distance education) is a possible solution to address the existing challenges<sup>(4)</sup>.

The given research paper conceptualises this term as activities that enable education practitioners to present and assess and students to access, master and apply knowledge by using online means. Specifically designed platforms or social media sites can be used for this purpose. Since this approach significantly differs from conventional teaching methods, it is typical for various educational establishments to experience challenges with implementing distance learning principles.

Thus, the research question is: How is a concept of distance learning presented in Kuwait from educational and legal perspectives to promote the productive

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(1) Anton Pak and others, 'Economic Consequences of the Covid-19 Outbreak: The Need for Epidemic Preparedness' (2020) 8(241) *Frontiers in Public Health* at 1.

(2) *Ibid* at 1.

(3) *Ibid* at 3.

(4) Samantha Sneider and Martha Laurin Council, 'Distance Learning in the Era of Covid-19' (2020) *Archives of Dermatological Research* at 1; see also Nicolas Dietrich and others, 'Attempts, Successes, and Failures of Distance Learning in the Time of Covid-19' (2020) 97(9) *Journal of Chemical Education* at 2448.

use of this teaching approach against the pandemic's background? Appendix A presents interview questions that were specifically developed to find the answer. It is so because these questions were asked to Kuwait University's faculty members to identify their opinions regarding the concept of distance learning, the institute's preparedness, potential challenges and others.

It is reasonable to rely on a scientific approach to answer the research question above. That is why the given study will follow a particular structure. The study's value and impact on society and the scientific field will be discussed first. The rationale behind choosing a qualitative methodology and using semi-structured interviews will appear next.

Furthermore, this section will explain what primary and secondary sources will be analysed, while the following step will be to synthesise the selected literature. The findings section will synthesise the conducted interviews that are mentioned in full text in Appendix A. Information from the two previous areas will be compared and explained in the discussion and analysis section. Finally, the study will end by commenting on research implications, conclusions, and recommendations.

### **Value and Impact of the Study:**

Prior to conducting this research piece, one should justify its value and impact. Even though the following section will comment on the study's methodology, it is possible to admit that using a qualitative method leads to a higher value. It is so because this approach helps locate adequate information and analyse it<sup>(5)</sup>. That is why the qualitative method is appropriate because it allows collecting data from both primary and secondary sources as well as from semi-structured interviews.

Furthermore, it is challenging to overestimate the study's value because it focuses on an acute, challenging and underrepresented topic. It refers to the fact that the Covid-19 pandemic shocked the world the previous year, meaning that not many scholarly articles have managed to consider the state of distance learning from both educational and legal perspectives against the current background.

However, Al-Anzi<sup>(6)</sup> admits that distance learning approaches had been

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(5) Tim May, *Social Research: Issues, Methods and Research* (Open University Press 2011) at 132

(6) Tagreed Marzouq Saad Al-Anzi, 'Reality of Using Electronic Techniques and Distance Learning at Governmental Schools in Kuwait' (2020) 1(3) *International Journal of Instructional Technology and Educational Studies* at 3.

widespread in Kuwait even before the pandemic occurred. Thus, every scientific attempt to study this sphere can be considered valuable.

In addition to that, the study can have a significant impact on the society and scientific field. It is necessary to highlight that Kuwait University and its faculty members represent the main focus of this study.

Since the research piece interviews Kuwait University's Dean and college heads, these individuals have sufficient expertise in the question to reflect how the given establishment addresses the concept under consideration from an educational perspective. It is also worth stating that the Dean of Kuwait University specialises in law, denoting that his opinion should be impactful. It is also necessary to admit that Kuwait International Law School (KILAW) played an active role in promoting distance learning<sup>(7)</sup>.

Furthermore, primary and secondary sources will be considered to identify what attitude a legal sphere has concerning distance learning. One can stipulate that the study can help society identify whether Kuwait University adequately addresses the concept of distance learning from legal and educational perspectives and whether other educational establishments can follow the same strategy.

### **Methodology:**

Even though it has already been mentioned that the study follows the qualitative approach, this section is going to comment on this methodology in detail. This method was chosen because it allows for reaching valuable conclusions from relying on theoretical data<sup>(8)</sup>. Furthermore, there is a clear rationale behind including both primary and secondary sources that will be mentioned in the Literature Review section.

On the one hand, primary sources, including constitutional provisions, government regulations and other documents, explicitly and directly reveal how and whether the issue of distance learning is addressed from a legal perspective. On the other hand, secondary sources are valuable since they tell what other scholars and scientists claim regarding the concept under investigation. It means that books and scholarly articles can synthesise the findings regarding educational perspectives when it comes to distance learning.

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(7) Ahmed Al-Shammari, 'Social Media and English Language Learning during Covid-19: KILAW Students' Use, Attitude and Prospective' (2020) 14(1) *Linguistics Journal* at 259.

(8) May *supra* (n 5) at 132; see also Paivi Eriksson and Anne Kovalainen, *Qualitative Methods in Business Research* (SAGE 2015) at 4.

As has been mentioned above, the educational perspective will be analysed based on the interviews' transcripts from Appendix A that will be considered in the Findings section. In turn, the Discussion and Analysis section will offer a thematic analysis of what will be mentioned in the Literature Review and Findings sections.

Furthermore, it is reasonable to comment on the reasoning behind relying on semi-structured interviews. According to DeJonckheere and Vaughn<sup>(9)</sup>, the term refers to organised open-ended questions that motivate interviewees to provide information and establish contact between participants and researchers.

Roulston and Choi<sup>(10)</sup> also stipulate that it is a practical way to collect data in an effective manner because interviewees are free to choose the sequence of answering the prepared questions on their own. Consequently, they do not feel any pressure while disclosing their information. These authors also stipulate that this approach allows for gathering participants' opinions and attitudes regarding specific events or conditions<sup>(11)</sup>. It is so because open-ended questions do not limit the respondents, encouraging them to present their thoughts and beliefs completely. That is why the information above justifies the use of the qualitative methodology and semi-structured interviews to research the topic of distance learning in Kuwait from legal and educational perspectives.

### **Literature Review:**

Kuwait University is among those institutions that made essential efforts to provide their students and faculty members with online education opportunities. It is so because this new environment reshapes relationships between professors and students. A direct contact disappears, students obtain more possibilities to cheat and faculty members feel it more challenging to present and assess knowledge and others.

Furthermore, Dietrich and others<sup>(12)</sup> stipulate that both learners and faculty members can experience some difficulties accessing and using online platforms. That is why the present research paper tries to investigate whether Kuwait University provides its students with sufficient distance learning resources from an educational perspective.

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(9) Melissa DeJonckheere and Lisa M Vaughn, 'Semi-Structured Interviewing in Primary Care Research: A Balance of Relationship and Rigour' (2019) 7(2) Family Medicine and Community Health at 3.

(10) Kathryn Roulson and Myungweon Choi, 'Qualitative Interviews' in U Flick (Ed.), The SAGE Handbook of Qualitative Data Collection (SAGE 2017) at 233.

(11) *Ibid* at 2.

(12) *Ibid* at 2448.

A legal perspective will also be considered to identify whether there are adequate official documents that govern the sphere under analysis. It is challenging to overestimate the critical role of the Kuwait government in giving a direction on distance learning and addressing the crisis. One should make it clear that the government establishes the overall strategy and policy recommendations that make it easier for higher education institutions to operate against the pandemic's background.

This section will overview the existing literature, both primary and secondary sources, on the topic of distance learning. In particular, two specific subheadings will be used to organise the identified data. The first subsection will introduce educational literature to justify the importance of studying and how distance education is presented in Kuwait and other nations. The second subsection will comment on legislation that governs e-learning in the selected countries.

### ***Educational Perspective:***

Education is one of the most significant processes in the world since it allows people to acquire new knowledge and skills that help them cope with various challenges. Multiple scientific studies justify the positive outcomes of involving in continuous learning activities. Amyotte and others<sup>(13)</sup> insist that education leads to continuous improvement that, in turn, help people enhance their professional and even personal qualities. Simultaneously, Heckman and others<sup>(14)</sup> investigate the impact of education on numerous spheres. Thus, the scholars have identified a connection between learning activities and increased monetary rewards, decreased depression levels, higher self-esteem and others<sup>(15)</sup>.

Other researchers also indicate that people should be involved in continuous education because it can improve their physical health<sup>(16)</sup>. Furthermore, Munir Kayani and others<sup>(17)</sup> demonstrate that the phenomenon under consideration brings positive outcomes for individuals and society. They relate to a better

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(13) Paul Amyotte and others, 'Continuous Improvement in Process Safety Education' (2019) 77 *Chemical Engineering Transactions* at 409.

(14) James Heckman and others, 'The Nonmarket Benefits of Education and Ability' (2018) 12(2) *Journal of Human Capital* at 282.

(15) *Ibid* at 282.

(16) Anusha Vable and others, 'Do the Health Benefits of Education Vary by Sociodemographic Subgroup? Differential Returns to Education and Implications for Health Inequities' (2018) 28(11) *Annals of Epidemiology* at 759.

(17) Muhammad Munir Kayani and others, 'Analysis of Socio-Economic Benefits of Education in Developing Countries: An Example of Pakistan' (2017) 39(3) *Bulletin of Education and Research* at 75.

healthcare industry, less poverty, low unemployment rates, higher earnings and others<sup>(18)</sup>. These literature findings offer an undeniable argument regarding the positive effect of education.

A conventional educational approach is when students attend classes where academic staff presents learning materials. However, it can happen that traditional education is not applicable in some cases, meaning that alternative options are available. It refers to distance education that stands for the process when academic staff provides students with learning materials and assesses their knowledge through online means.

Various scholarly articles explain why this strategy is requested in the modern world. Alsaffar<sup>(19)</sup> insists that many students draw attention to distance education because this mode is more convenient for them, which refers to the ease of using computer technology for learning purposes. Sadeghi<sup>(20)</sup> also focuses on the given concept and mentions that this phenomenon offers numerous advantages.

They are the possibility to study from anywhere, flexibility to choose specific courses, opportunity to combine education and professional activity and others<sup>(21)</sup>. This information justifies the fact that many students want to involve in distance education.

However, one should also admit that the phenomenon under analysis also implies some drawbacks. Al Lily and others<sup>(22)</sup> stipulate that the positive features above may not be achieved because of the staff's unpreparedness and incompetence. Additional adverse factors include the lack of social interaction, multiple distraction aspects, complicated technologies and others<sup>(23)</sup>. These literature findings demonstrate that distance learning is a controversial impact that can result in both positive and negative outcomes for students.

At this point, it is reasonable to consider how the concept of online education

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(18) Ibid at 75.

(19) Rabab Dawoud Alsaffar, 'Critical Performance Parameters of Distance Education through e-Learning: A Case Study in Kuwait' (2018) 8(11) *International Journal of Information and Education Technology* at 808.

(20) Manijeh Sadeghi, 'A Shift from Classroom to Distance Learning: Advantages and Limitations' (2019) 4(1) *International Journal of Research in English Education* at 82-83.

(21) Ibid at 82-83.

(22) Abdulrahman Essa Al Lily and others, 'Distance Education as a Response to Pandemics: Coronavirus and Arab Culture' (2020) 63 *Technology in Society* at 101317.

(23) Sadeghi (supra n 20) at 84.

is presented in various countries. According to Alsaffar<sup>(24)</sup>, Kuwait was making specific efforts to distribute e-learning opportunities in the country in 2018. Seaman and others<sup>(25)</sup> also show in their report that distance education was requested in the United States in 2018. Simultaneously, Qayyum and Zawacki-Richter<sup>(26)</sup> admit that high profile institutions in the United Kingdom provide their students with educational opportunities.

However, the situation witnessed a significant change in 2020 when the Covid-19 pandemic emerged. Numerous educational establishments were forced to rely on distance learning against their will, and it was necessary to govern this decision by legal documents. That is why the following subsection will comment on how the phenomenon of e-learning is regulated from a legal perspective.

### ***Legal Perspective:***

When it comes to addressing the issue of education from a legal perspective, it is reasonable to start with considering the constitutional provision. Article 13 of Kuwait's Constitution mentions that "education is a fundamental requisite for the progress of society"<sup>(27)</sup>. It denotes that people should have access to education if they comply with specific requirements.

That is why the government should take adequate actions to provide students with this right even against the Covid-19 pandemic's background. UNESCO<sup>(28)</sup> also admits the necessity for Arab countries to draw sufficient attention that the Covid-19 pandemic is not a barrier for students to involve in continuous learning. That is why the Ministry of Education obtained permission from the Ministry of Health to announce a possible solution.

Thus, Dr Saud Al-Harbi, Minister of Education and Higher Education, stated that e-learning would be used during the first semester of the 2020-2021 scholastic year. In Kuwait, it is a significant issue that it is challenging to identify official regulations that govern the issue of distance learning. Instead, there are statements of particular sources that explain this issue.

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(24) Alsaffar (*supra* n 19) at 808.

(25) Julia Seaman and others, 'Grade Increase: Tracking Distance Education in the United States' (2018) Babson Survey Research Group at 3.

(26) Adnan Qayyum and Olaf Zawacki-Richter, 'The State of Open and Distance Education' in O Zawacki-Richter and A Qayyum (Eds.), *Open and Distance Education in Asia, Africa and the Middle East* (Springer 2019) at 129.

(27) Constitution of Kuwait, 1962, art. 13.

(28) UNESCO, 'Alternative Solutions to School Closure in Arab Countries to Ensuring that Learning Never Stops: Covid-19 Education Response' (2020) at 2. Accessed 19 March 2021.



For example, Salama<sup>(29)</sup> relies on such a statement to clarify that distance learning begins with training faculty members to use online platforms. This state of affairs results in difficulties assessing the legal perspective of implementing e-learning.

It is necessary to admit that there is clear reasoning behind focusing on the legal perspective. Every government should “ensure the availability of reliable communication tools, high quality digital academic experience, and promote technology-enabled learning for students to bridge the disparities originated in the education system before and after Covid-19 catastrophe”<sup>(30)</sup>.

In Kuwait, a significant step to enable distance learning was made in 2014 when the government adopted Law No. 20 of 2014<sup>(31)</sup>. This legislation piece stipulated that electronic records, documents and signatures could have the same force as materials written by hand. This information denotes that Kuwait had some regulations that could make distance learning a legal practice that leads to benefits for many stakeholders.

Simultaneously, it is reasonable to consider how other nations addressed the issue of distance learning. Even though the US Constitution does not explicitly cover education, its 14<sup>th</sup> Amendment<sup>(32)</sup> mentions the equal protection clause that can be applied to educational issues. That is why the US Department of Education issued a specific ruling to regulate the introduction of distance learning.

This official document brings changes to the Higher Education Act of 1965<sup>(33)</sup>. These changes introduce flexibility to distance learning, allow institutions to shorten the time of degree completion and others<sup>(34)</sup>. Furthermore, the US government issued the Coronavirus Aid, Relief and Security (CARES) Act to guide the nation’s response to the crisis. The CARES Act<sup>(35)</sup> allows for using government funds to deal with emergency education funding. Furthermore, this government regulation ensures that the new learning environment should be safe for both students and faculty members.

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(29) Samir Salama, ‘Kuwait: Distance Learning for Students to Start August 9’ (2020). Accessed 19 March 2021.

(30) Lokanath Mishra and others, ‘Online Teaching-Learning in Higher Education during Lockdown Period of Covid-19 Pandemic’ (2020) 1 International Journal of Educational Research Open at 100012.

(31) Kuwait, Law No. 20 of 2014 concerning Electronic Transactions.

(32) US, Constitution, 1787, amended in 1992, 14<sup>th</sup> Amendment.

(33) US, Higher Education Act, 1965, amended in 2018-2019.

(34) US Department of Education, 2020, 85 FR 54742, Distance Education and Innovation.

(35) US, HR 748 (116<sup>th</sup>): HR 748: Coronavirus, Aid, Relief and Economic Security Act.

When it comes to the UK, the leading educational provision is mentioned in Schedule 1, First Protocol, Article 2 of the Human Rights Act, 1998. This item stipulates that “no person shall be denied the right to education”<sup>(36)</sup>. Thus, the Department for Education offers specific guidelines that regulate the sphere of distance learning in the country. This regulation stipulates that higher education providers are allowed to decide whether to implement distance learning measures based on their own risk assessment<sup>(37)</sup>.

The recommendation is to rely on online education if there are unmanageable health risks, while it is still reasonable to avoid this learning approach for essential courses, for example, for clinical classes<sup>(38)</sup>. This information demonstrates that the countries under consideration do not have many legal provisions that govern the sphere of distance learning.

Furthermore, Section 38 of the Coronavirus Act 2020<sup>(39)</sup> explains that regional governments in the UK are allowed to issue regulations regarding the continuation of education. Article 3 of The Education act<sup>(40)</sup> provides legal information to introduce and govern remote education in the state.

### Findings:

As distinct from the previous section, this research paper part will not present any information from primary and secondary sources. Instead of it, the transcripts of the interviews will be considered to identify how the concept of distance learning is addressed from an educational perspective. In other words, the following paragraphs will offer the synthesis of the interviews to identify central topics.

The given section will be divided into three subheadings that will match the leading themes covered by the interviewed the Dean of Kuwait University and college heads. In total, fifteen individuals have taken part in the interviews and expressed their opinions. The study population includes Deans of all Kuwait University Colleges, and two of them are female participants. This research will not mention any names since the interviewees will be referred to as Participants 1 to 15, disclosing their positions within Kuwait University.

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(36) UK, Human Rights Act 1988, Schedule 1, First Protocol, Article 2

(37) UK, Department for Education, ‘Higher Education Coronavirus (Covid-19) Operational Guidance’ (2021). Accessed 15 March 2021.

(38) *Ibid.*

(39) UK, Coronavirus Act 2020, section 38.

(40) UK, The Education (Coronavirus, Remote Education Information) (England) (Amendment) Regulations 2021, article 3.

### ***Assessing Kuwait University's Preparedness to Distance Education:***

This subheading will reveal what the selected officials think about the university's preparedness for distance education. In general, most participants admit that this process can be successful at Kuwait University. Participant 4, the Dean of Admission and Registration and Chairman of Distance Education, stipulates that "distance education can start electively" to ensure that those students who are ready for this process participate in it. Participant 6, the Dean of the College of Engineering and Petroleum, also admits that his college readiness is at a decent level.

It is reasonable to present an explanation of why Kuwait University shows such positive results. It was so because the establishment did not start distance education unless "the decision was issued" by appropriate authorities (Participant 1, Deputy Director of Kuwait University and Dean of Faculty of Law). Finally, Participant 14, the Dean of the Faculty of Architecture, explains that the College of Architecture had a positive experience using online education tools, including "the Blackboard and Google Classroom."

Furthermore, Participant 8, the Dean of the College of Sharia, states that the practice was not adopted unless it was wholly decided "not to expose the human soul to danger." Another positive step was to allow colleges to make decisions regarding their education on their own (Participant 9, the Dean of the College of Administrative Sciences). Finally, Participant 3, the Dean of the College of Arts explains that effective address to the pandemic has happened because Kuwaitis "had experience in the invasion before." Consequently, local people know how to behave in unexpected situations.

### ***Comparing Conventional and Distance Educational Approaches:***

The second theme focuses on how the interviewees assess the concept of distance education. Firstly, some individuals admit that distance learning has some inefficiencies. For example, it is stated in the interview transcript that "conventional education has a priority over distance education," meaning that distance learning should not be offered if conventional approaches are available.

Participant 13, the Dean of the Faculty of Life Sciences, mentions that "traditional education is better," but exceptional circumstances make the educational establishment use a different approach. That is why Participant 5, the Dean of Students' Affairs, admits that students "will be required to attend" some activities when the preventive measures are preserved; lectures, tests and presentations can be given online.

Besides, Participant 11, the Dean of Faculty of Dentistry, explains that distance learning brings flexibility to some courses, while this flexibility is not applicable for Dentistry students who need to participate in “practical application.” Simultaneously, Participant 6, the Dean of the College of Engineering and Petroleum, supports the thought above by stating that engineers should participate in conventional education practices to ensure that they correctly understand the course information. That is why Participant 10, the Dean of the Faculty of Pharmacy, admits that it is reasonable to make “online education with face-to-face presence.”

Secondly, other respondents admit that distance education offers essential advantages. For example, Participant 12, the Dean of Faculty of Social Sciences, stipulates that “distance education is not a choice but an obligation.” The interviewee admits that this process results in benefits, and the necessity for students to rely on themselves is among them because this step makes individuals more engaged in their educational process. Participant 7, The Dean of Faculty of Allied Medical Sciences, also supports this claim by stating that “distance education is a must.” He further admits that this learning approach modifies study materials to ensure that students can obtain some practical skills in classes. Specific tools and platforms, including simulation, virtual reality and YouTube, are helpful in this case. This information demonstrates that distance learning approaches can also have positive outcomes.

### ***Specific Actions to Promote Distance Learning:***

The third theme will comment on what actions and processes were introduced by Kuwait University and its colleges to implement distance learning. Participant 1, Deputy Director of Kuwait University and Dean of Faculty of Law, stipulates that distance learning strategies were not available for “all Kuwait University faculty, academic staff and academic supporting staff.”

It is so because all these individuals have various levels of computer proficiency, which can result in essential barriers to distance education. That is why many interviewees clarify that specific training activities should be performed prior to relying on e-learning interventions. Thus, Participant 1, Deputy Director of Kuwait University and Dean of Faculty of Law, mentions that some colleges announced “training courses for faculty members, academic supporting staff and students.”

Participant 5, the Dean of Students’ Affairs, also highlights the necessity of training activities for the involved university members. However, this official also admits that such interventions can be positive if “the students’ and doctors’

knowledge of the system will be evaluated” on a regular basis. This step is necessary to ensure that the interventions to improve computer use literacy reach the stipulated goals. According to Participant 15, the Dean of the Faculty of Public Health, sufficient efforts are taken to train both students and faculty members to “use the tools that have been determined by the university.”

The respondents also draw attention to the fact that any attempts to train students and the faculty staff can be successful if they are formalised. That is why some college heads comment on the fact that specific bodies have been established. For example, a special committee was created to enable distance learning by addressing technical and legal issues. Participant 2, the Dean of the College of Education, clarifies that a special committee is created to provide training to those faculty members who “do not have enough experience.” Furthermore, Participant 6, the Dean of the College of Engineering and Petroleum, demonstrates that the university established “a distance education committee” to provide students and staff members with the necessary learning materials.

Furthermore, the interviewees have also highlighted other essential topics regarding the educational perspectives of distance education. Participant 1, Deputy Director of Kuwait University and Dean of Faculty of Law, and Participant 5, the Dean of Students’ Affairs, stipulate that the new learning approach does not result in any barriers for students with special educational needs. Participant 1, Deputy Director of Kuwait University and Dean of Faculty of Law, also admits that “families in such psychological conditions suffer from many difficulties.” That is why it is reasonable to involve students’ relatives in their education.

Finally, Participant 7, the Dean of Faculty of Allied Medical Sciences, says that specific attention should be drawn to exams. These official mentions that “students must be present in the final exam.” This step is necessary to check and ensure whether the students have absorbed the required learning materials. It is possible to achieve this if adequate preventive measures are followed, and Participant 8, the Dean of the College of Sharia, demonstrates that the university has experience with managing this task. It is so because the university “had a conference that included more than 5,000 attendees with more than 25 research.” It denotes that it is possible to organise learning activities during the quarantine.

### **Discussion and Analysis:**

The given section will offer the thematic analysis of what has been identified in the Literature Review and Findings sections. In other words, the following

paragraphs will compare whether the concept of distance learning is adequately covered in Kuwait from educational and legal perspectives. Essential scientific findings will be introduced, while the main themes will also be covered. This information will be helpful to answer the formulated research question.

The analysis of the literature findings and the interviews' transcripts reveals that the topic of distance learning is underrepresented in Kuwait from a legal perspective. Even though the Constitution of Kuwait<sup>(41)</sup> admits the importance of education for society, the government has failed to issue sufficient regulations to organise learning activities against the pandemic's background. The statement by the nation's Minister of Education and Higher Education introduced distance learning to meet the new challenges. This approach appears insufficient when it is compared to that of other countries, including the USA and the UK. In the United States, a publicly available legislation piece was created to promote remote learning practices and deal with continuous learning<sup>(42)</sup>.

Furthermore, the CARES Act offers valuable information regarding education and safety issues during the Covid-19 crisis<sup>(43)</sup>. Simultaneously, the United Kingdom issued specific guidance<sup>(44)</sup> and a legislation piece<sup>(45)</sup> to govern the issue of e-learning. This information allows for concluding that the concept under analysis is insufficiently covered from Kuwait's legal perspective.

The situation is quite different when it comes to an educational perspective. Since many scholarly articles admit the importance of continuous and online education<sup>(46)</sup>, it is no surprise that Kuwait University officials draw sufficient attention to distance learning. In their interviews, Kuwait University's Dean and college heads have explained how the educational establishment addressed the crisis and the necessity to organise learning activities.

The respondents admitted that Kuwait University has some experience and resources to cope with the new challenges. It refers to a historical event when the nation lived during the invasion, while the autonomy provided to colleges

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(41) Constitution of Kuwait, 1962, art. 13.

(42) US Department of Education, 2020, 85 FR 54742, Distance Education and Innovation.

(43) US, HR 748 (116th): HR 748: Coronavirus, Aid, Relief and Economic Security Act.

(44) UK, Department for Education, 'Higher Education Coronavirus (Covid-19) Operational Guidance' (2021). Accessed 15 March 2021.

(45) UK, The Education (Coronavirus, Remote Education Information) (England) (Amendment) Regulations 2021, article 3.

(46) Amyotte and others *supra* (n 13) at 409; see also Heckman and others *supra* (n 14) at 282; see also Vable and others *supra* (n 16) at 759; see also Alsaffar *supra* (n 19) at 808.

also contributed to the fact that distance learning could be successfully introduced.

Furthermore, the thematic analysis reveals that there are some points of coincidence between the literature findings and the interviews. Firstly, most respondents confirm the idea that education is of significance and that it is rational to provide students with continuous learning opportunities. Against the pandemic's background, distance learning is considered an optimal option to find a balance between education and ensuring safety.

Secondly, multiple respondents have admitted that online learning can be successful if sufficient attention is drawn to training. Both students and faculty members should be involved in training activities to ensure that they know how to use new educational platforms. This opinion is supported by the finding by Salama<sup>(47)</sup>, who also highlighted the necessity to improve the stakeholders' skills and competence prior to introducing any online learning strategies.

In addition to that, one should admit that the thematic analysis has revealed that the respondents' approach to the topic under investigation is more comprehensive. It is so because some interviewees mentioned that Kuwait University took appropriate measures to ensure that students with special educational needs do not face any barriers dealing with the new academic model.

Furthermore, the University officials offer valuable comments regarding exams and their requirements in the new environment. The respondents clarify that students should attend final exams to check how they have absorbed the learning materials. This step can only be possible if Kuwait University manages to abide by preventive measures and provide the students with safe conditions.

The next step is to link the information above to the stipulated research question. The goal was to identify whether a concept of distance learning is adequately presented in Kuwait from educational and legal perspectives to promote the productive use of this teaching approach against the pandemic's background. Thus, the thematic analysis above has demonstrated that Kuwait has some inefficiencies providing legal provisions for distance learning. This claim becomes evident if one compares Kuwait's approach to that of the USA and the UK. These two nations offer publicly available legislation pieces that govern the sphere of online education during the crisis.

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(47) Salama *supra* (n 29).



However, Kuwait impresses with a decent coverage level of the concept under investigation from an educational perspective. The analysed interviews have presented valuable and credible information to arrive at such a conclusion. It means that Kuwait University's officials draw sufficient attention to ensure that students and faculty members have adequate knowledge and skills to be engaged in distance learning activities. Specific efforts are taken to cope with this task and contribute to the fact that the new educational model does not create fundamental challenges for the stakeholders.

### **Implications and Limitations:**

This research paper implies a few implications that can lead to positive outcomes. On the one hand, various educational establishments worldwide can use the current study to become familiar with and adopt Kuwait University's successful approach to distance education. On the other hand, this research can be considered a signal that Kuwaiti legislative bodies fail to draw sufficient attention to distance learning regulations, meaning that they should improve their approach to this issue.

The selected methodology implies that the study deals with some limitations. Queirós and others<sup>(48)</sup> explain that semi-structured interviews are time and energy consuming, while the obtained results cannot be generalised. It allows for supposing that a quantitative methodology could have been used to answer the research question. However, Mohajan<sup>(49)</sup> explains that the qualitative approach means that the researcher has direct contact with the respondents, while semi-structured interviews provide them with the freedom to express their thoughts and opinions. Consequently, the utilised approach seems reasonable and adequate to answer the research question.

### **Conclusion:**

The research paper has considered how the concept of distance learning is covered in Kuwait from educational and legal perspectives. Primary and secondary sources as well as interview transcripts have been analysed to answer the research question. The identified information has demonstrated that distance learning is underrepresented in Kuwait from a legal perspective. It is so because there are no publicly available legislation pieces that would govern the sphere under consideration.

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(48) André Queirós and others, 'Strengths and Limitations of Qualitative and Quantitative Research Methods' (2017) 3(9) *European Journal of Education Studies* at 379.

(49) Haradhan Kumar Mohajan, 'Qualitative Research Methodology in Social Sciences and Related Subjects' (2018) (1) *Journal of Economic Development, Environment and People* at 39.



On the contrary, the respondents' interviews allow for concluding that online learning is sufficiently covered from an educational perspective. This conclusion is achieved because Kuwait University's officials have admitted that their educational establishment follows a comprehensive approach to ensure that distance learning is successfully implemented. It is so because this educational establishment draws sufficient attention to ensuring that all the students and faculty members can participate in online education.

This outcome is possible since Kuwait University invested effort in developing online education platforms and tools and training the stakeholders on how to use them. This information can be described as a short-term conclusion of the study.

The mid-term findings refer to the fact that even though the research focuses on Kuwait, the data allow for identifying relevant information for the Arab world in general. It means that other Arab countries should consider the lesson of Kuwait to provide an adequate response to the Covid-19 crisis. On the other hand, it is appropriate to follow Kuwait's educational response because Kuwait University has invested many efforts in promoting this practice.

In particular, sufficient attention was drawn to ensuring that students with special educational needs were comfortable with online education. On the other hand, other Arab countries should notice that the Kuwait government's failure to issue legislation pieces to govern the educational sphere against the pandemic's background is not an example to follow.

Finally, it is also rational to comment on the conclusions that can have long-term effects. This statement refers to the fact that the research highlights the necessity to invest much effort in staff training. The given term is used here in its broad meaning. Firstly, it refers to the need for professors, deans and others to develop new planning and marking systems.

Secondly, faculty members should also draw sufficient attention to designing modules that are adapted to distance learning because conventional approaches are not always suitable for online education. Thirdly, the study has demonstrated that achieving successful results of e-learning significantly depends on IT specialists. This statement implies that these professionals make it practically possible for teachers and students to interact in the online environment.

### **Recommendations:**

It is possible to end this study by offering some practical recommendations.

Firstly, the research paper demonstrates that legislative bodies should draw sufficient attention to ensure that distance learning is adequately regulated. This step is necessary to make sure that the challenges of the new environment are adequately addressed. Secondly, a suitable recommendation is to conduct a similar study after a while. This action will help identify whether the Kuwaiti legislation field has made any improvements regarding distance learning.

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**Appendix A:**

**List of interviewees:**

No.	Designation	Name
1	Deputy Director of Kuwait University and Dean of Faculty of Law	Participant 1
2	Dean of College of Education	Participant 2
3	Dean of College of Arts	Participant 3
4	Dean of Admission and Registration and Chairman of Distance Education	Participant 4
5	Dean of Students' Affairs	Participant 5
6	Dean of College of Engineering and Petroleum	Participant 6
7	Dean of Faculty of Allied Medical Sciences	Participant 7
8	Dean of College of Sharia	Participant 8
9	Dean of College of Administrative Sciences	Participant 9
10	Dean of Faculty of Pharmacy	Participant 10
11	Dean of Faculty of Dentistry	Participant 11
12	Dean of Faculty of Social Sciences	Participant 12
13	Dean of Faculty of Life Sciences	Participant 13
14	Dean of Faculty of architecture	Participant 14
15	Dean of Faculty of Public Health	Participant 15

## **Preparation and Topics**

### **Topics of the meeting and the interview:**

1. Honorable guest ID card:
  - Name:
  - Department / Specialization:
  - University graduation year / Bachelor's degree?
  - Postgraduate stage: Specialization? Country of Scholarship? PhD thesis title? Graduation Year?
  - Supervisory and leadership positions in which he/ she held positions, and the most important academic committees he/ she chaired inside Kuwait University?
2. Information on the College:
  - Historical overview of the college, year of establishment? The first batch graduation year?
  - What are the college's deanships, departments and centers, and what they provide?
  - What are the academic departments of the college and the specializations they provide?
  - Postgraduate program (Master and PhD) of the college and what are the available courses for study (majors).
  - How many students are currently studying at the college and how many on scholarships?
3. The most important challenges facing the college:
  - The experience of moving to Shadadia (Sabah Al-Salem Educational City) and its evaluation? What are the advantages in Sabah Al-Salem Educational City, and what are disadvantages resulted from moving to the new building?
  - Faculty members and closed classes and what are the suggested solutions?
  - Aspirations and ambitions: Are there new majors to be provided?
  - What is the alignment between college outcomes and the labor market (need and sufficiency).

- Where are the places of employment for graduates of the college from government ministries and agencies, and is there an opportunity for college graduates in the private sector?

#### 4. Distance education:

In light of the health crisis facing the country and the whole world (COVID-19 pandemic):

- There has been a lot of controversy over the issue of distance education. What is your opinion on this educational issue, which has become the talk of the day among academics and educators including supporters and opponents? From a personal perspective?
- What are the concerns and obstacles that face the college in applying distance education? What are the evaluation methods and will they be standardized? Will specific programs be approved or will each faculty member will be free to choose what he/ she deems appropriate with students?
- What are the college preparations for distance education?
- Will the continuation of distance education be approved and proposed among the college's curricula after the crisis ends? Or will it end with the end of the crisis?

#### **A final message:**

1. Message addressed to fellow professors, academic and administrative staff in the college?
2. What is your message to college students?

#### **In a final word:**

What does Kuwait University mean to you?

Two Samples of the Interview:

#### **Participant 1:**

I think this pandemic has enormous positive aspects. The thinking of decision-makers includes many aspects and fields in the State of Kuwait. We did not know the extent of the deficiencies from which the state organs are suffering, we did not know the ability of the local or national element to run the state. I think this is a positive thinking stage, and it involves university as well. For example, I found many shortcomings when I was assigned in this crisis

on 02/02 to review the regulations, as I discovered that there are very huge deficiencies, and we should not blame the university, because the university only possessed material means and human capabilities and potentials only. But it is difficult to link these capabilities with material matters so that the experience continues and the educational stage continues.

The education interruption did not happen in Kuwait alone. One billion and three hundred million students around the world have stopped. Among them are very old universities, meaning that before the emergence and establishment of the State of Kuwait, there were colleges in France, for example, considering that I am a graduate of France. Studies have been interrupted in these colleges, but the problem is not temporary suspension, rather, the problem is permanent suspension and waiting for the end of this crisis by finding a vaccine or treatment.

There are huge numbers of students and very large numbers of faculty members, so how can you train them within a short period and how to do rehearsals? The results will be positive, God willing. It is easy to make a decision and involve families in the issue of education. I think that families in such psychological conditions suffer from many difficulties. We are trying to develop the human element, that is, the student without the intervention of his/ her parent.

Many colleagues say that the duty of the family should be changed, and that the student's parent must be involved in the educational process. It is possible to accept this matter in stages below the university level, although this would increase the troubles and burdens on parents. But in the university stage, we are addressing a rational and adult person who can raise his educational level and develop himself/ herself according to crises and circumstances. I am absolutely confident that distance education will be a part of our lives. Whether this crisis continues or ends, the education philosophy will change completely in the State of Kuwait.

I even think college faculty who are not in management positions bring this up as well. Associate deans and department heads must know that life has changed and that the education system has completely changed, and this is one of the positive aspects of the Corona pandemic.

Article 2: The distance learning regulation applies to all or some of the university courses during a semester or part of it when conventional study is not possible due to the circumstances resulting from crises, disasters, epidemics, etc. by a decision issued by the University Council.



Article 3: The lectures and lessons that take place through the approved educational platforms are deemed to take place inside the lecture halls and laboratories and are subject to their provisions.

### **Participant 12:**

When the Corona pandemic happened, people requested that we switch to distance education. Through my work as an assistant dean for six years and then dean for five years, our work should be to accomplish a mission rather than to discharge a liability. If Kuwait University moved in late February directly to e-learning, there would be many problems. Therefore, the wait-and-see attitude made by the Minister of Education and Higher Education, Dr. Saud Al-Harbi, I, in my opinion, was a correct decision despite the consequences and criticism he received from the media and criticism even from the faculty members, because today Kuwait University is ready, and I regret that some faculty members tried to solve the problem through non-academic forums.

The real place in decision-making in Kuwait University is within the departmental councils, college councils, and university councils. As for appearing on the media and criticizing the institution in which you work, I think that this is non-academic attitude, because I do not think that if one day someone submits an applicable integrated proposal to the university administration, I do not think that it will be rejected. No one will reject an idea of development.

We have formed committees since the first day in the college and we did not want to appropriate decisions, so we made decisions through the departments. We developed a plan and a visualization, then we asked the departments opinion so the department councils attended and expressed their opinion, then we presented it to the department heads, then we submitted it to the college council, which is the highest authority in the college even higher than the dean.

After approval from the college council, we submitted the plan to the committee that was formed by the university president. We started in late May, before the Eid, to develop the plan, and immediately after the Eid we began planning and implementation, and we have held to date more than about nine courses for faculty members, and the readiness of the College of Science has exceeded 93%, and this percentage of 7% include some who have no knowledge in technology, we wish today that they are trained by fellow engineers, and when we reach the third and fourth stages, they will have a role where there will be a library and lectures can be given.

We offered to allocate a hall so that some students (three to ten) would attend, and lectures would be given to them, or the computer would be in front of the instructor and the instructor can talk to the students. I believe that distance education is not a choice but an obligation. Given the challenge we face today, every person (student and instructor) should take responsibility.

I believe that distance education has three advantages. Firstly, it will transform the education philosophy at Kuwait University. It will become an interactive process rather than an indoctrination. Secondly, there will be a supervisor, I am a faculty member when I am online, I will be keen to provide quality education and this will be a challenge for colleagues, and the third challenge is that the students must be dependent on themselves, because they are from the digital generation that has more experience in technology.

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