

ISCKMC 2020**International Scientific Congress «KNOWLEDGE, MAN AND CIVILIZATION»****PROBLEMS OF DEVELOPING LAW ENFORCEMENT
COMPETENCE OF LAWYERS**

Svetlana Leonidovna Banshchikova (a), Irina Yrevna Goltyapina (b)*,
Anastasiia Olegovna Rogoznaiia (c), Valentin Konstantinovich Fomenko (d)

*Corresponding author

(a) Sevastopol branch of Crimean Federal University named V.I. Vernadsky. 14, Astana Kesaeva str., Sevastopol,
Russia, Svetlana-lb@mail.ru,

(b) Omsk State Transport University, 35, Marks ave., Omsk, Russia, goltyapinaiu@mail.ru,

(c) Omsk State Transport University, 35, Marks ave., Omsk, Russia, nastya.rogoznaya@yandex.ru,

(d) Omsk State Transport University, 35, Marks ave., Omsk, Russia, fomenkovk@mail.ru

Abstract

The article discusses topical issues of legal regulation concerning training in the field of jurisprudence. When training specialists and bachelors of legal specialties, higher education institutions should pay sufficient attention to professional competencies development including competencies in the field of law enforcement indicated in the federal state educational standards of higher education. The proper development of graduates' professional competencies determines the quality of the future specialists training. It is a high-quality training of students in the field of jurisprudence ensuring a high level of legal culture in society. The process of developing the above competencies of graduates is important during future lawyers training. In this regard, the authors raise the problem of the proper choice of effective forms and methods of teaching with the objective to develop professional law enforcement competencies pointing out the importance of using practice-oriented technologies. The article gives reasons for the need to change the current educational standards in terms of the ratio of lectures and practical classes, material and technical equipment for conducting classes. The proposed changes will make it possible to ensure the application of practice-oriented technologies within the framework of training sessions for educational programs. The need to improve the current legislation governing the creation of a professional environment and the organization of practical training is argued. The authors offer their own vision of solving the indicated problems and the questions posed.

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1. Introduction

The role of education including legal one can hardly be overestimated today. The development of the economy, social sphere and the standard of living depends on the quality of education, the vector of its development in the state. Overcoming the economic crisis, solving emerging medical, environmental and other problems, the introduction of information technology directly depend on the quality of education.

In a rule-of-law state legal education plays a special role. Legal training of citizens is of great importance for the formation of legal culture and legal consciousness. In this regard, some authors raise the problem of reducing the number of students engaged in legal areas of training (specialties), indicating that the overall level of legal literacy of the population will decrease (Sincov, 2012).

Improving the quality of higher legal education (from the perspective of the theory of law) Shapkina (2011) rightly calls a stage in the development of a rule-of-law state. Legal education is the basis for the development and improvement of the level of legal culture and high-quality legal training of law students.

The quality of education issues are currently relevant and are actively discussed by the scientific community (Garmaev, 2017; Vorontsov & Vorontsova, 2015; Yaselskaya, 2014). The Bologna process led to organizational and other changes in the education system, which resulted in the transformation of views and approaches to the quality of education as a fundamental characteristic of the modern education model. Improving the quality of education is the current objective of international cooperation in the field of education.

In the modern system of educational law, the quality of education is a fundamental legal category. For the sake of the education quality, state regulation is carried out because state control and state accreditation are carried out in order to verify the compliance of the quality of training with the requirements of educational standards.

The Federal Law “On Education in the Russian Federation” and federal state educational standards provide different mechanisms for assessing the quality of education, internal, implemented within the framework of an educational organization, and external. The main purpose of assessing the quality of education is to assess the level of competencies acquired by students in the educational program. The legal consequences of non-compliance of an organization with regulatory requirements for the quality of education entail the following: refusal or deprivation of state accreditation for an enlarged group of specialties (areas of training), issuing an order on the need to eliminate the violations committed, bringing to administrative responsibility. In this regard, studying the issues of legal regulation of the education quality is important and appropriate.

The modernization of the education system in Russia is based on the competence concept implying that the results of mastering the educational program are specific knowledge, abilities, skills, and the ability to perform certain activities. Educational standards in the field of jurisprudence also provide several types of competencies as the results. However, the most significant competences for the purposes of this study are law enforcement ones while they cannot be developed without meeting certain organizational and legal requirements.

2. Problem Statement

Let us elaborate on the normative regulation of students' individual professional competencies.

First, it should be noted that there is no legal definition of the concepts "competence" and "law enforcement competence". The absence of these definitions in the legislation is one of the reasons for misunderstanding the essence of competencies and their incorrect assignment to disciplines within the educational program by educational organizations. Secondly, the problem is the different interpretation of the competencies content when conducting quality checks of education within the framework of state quality control and state accreditation of educational activities, which indicates experts' subjective understanding of knowledge, skills, and abilities characterizing the content of a specific competence.

Competence is traditionally considered as the ability of an individual to apply their knowledge, skills and mastery in professional activities based on personal guidelines. According to Zimnyaya et al. (2007), competence should be understood as a measure of professional success and personal growth. In the understanding of Cheepanach et al. (1987), a competence is a combination of knowledge, skills and abilities acquired in the learning process. Thus, different positions are expressed in the scientific community, which indicates the need for research in this area and discussion of the definitions proposed by the authors.

The educational standard of higher education in "Jurisprudence (bachelor degree)" in clause 5.4 states that those who have mastered the educational program must have professional competencies including the ones in the field of law enforcement. Within the framework of this article, we are interested in the ability to make decisions and perform legal actions in strict accordance with the legislation of Russia, the ability to apply normative legal acts, to implement the norms of substantive and procedural law in professional activities.

The training standard of higher education in the specialty "Judicial and prosecutorial activities" in clause 5.4 also addresses a graduate-specialist's need to have professional competencies in the field of law enforcement, specifically, the ability to ensure compliance with the law by subjects of law, to apply normative legal acts, to implement the norms of substantive and procedural law in professional activities.

The aforementioned competencies imply a law graduate's readiness to correctly qualify facts and circumstances, determine the rules of law applicable in this particular situation, properly interpret these norms and apply them independently when resolving a legal conflict or give recommendations (instructions) to other legal entities as well as assess the correctness of such application by other subjects.

The development of these competencies in the law enforcement sphere is fundamental for the proper training of a future professional lawyer. At the same time, the problem of developing professional competencies in general and competencies in the field of law enforcement in particular undoubtedly exists in Russia today. It is not for nothing that the legal community raises the issue of the complexity of employing graduates of law faculties with no professional experience, which determines the importance of professionally oriented learning technologies.

Ensuring a high level of developing professional competencies of a graduate lawyer is possible with the active introduction of professionally-oriented technologies as well as with a sufficient amount of practical training and conducting such classes in a quasi-professional educational environment. Currently, educational organizations continue taking the academic discipline but not competence as the basis of

bachelors and specialists training. With this approach, it is very important to choose the maximum possible means and teaching methods contributing to the selected competencies development within the discipline.

In our opinion, analysis of legal situations close to practice should be at the forefront among professionally oriented technologies. One cannot but agree with the opinion of Kondrashev (2018) that the use of the case study method in Russian higher education institutions is limited while case law is not a basic activity for Russian lawyers. However, while studying a future specialist needs to acquire the skills of systematic work with normative acts due to the fact that Russian law enforcement is flexible and variable and Russian legislation is constantly changing. Therefore, it is unacceptable to exclude the requirements for the ratio of lectures and practical classes, which could provide a practical component within the disciplines from the updated educational standards (adopted on the basis of professional standards).

Let us give more details in reference to the regulatory requirements for the material and technical support of educational programs. According to the bachelor program, there must be a courtroom and a forensic laboratory, and according to the specialist program, there must be a computer class. This difference raises certain questions since the law enforcement competencies are consonant, and, therefore, the process of their acquisition should be ensured in a similar way.

The mentioned educational standards stipulate the obligation of an educational organization to provide access to modern professional databases and information reference systems, and there are no specific requirements. The content of these databases and reference systems is determined in the educational programs at the discretion of a teacher. It is necessary to highlight the importance of developing law enforcement competencies through the use of modern legal systems and databases, which today make it possible not only to find the necessary regulatory act but also to select law enforcement practice in a resolved situation, to get acquainted with changes in the current legislation and also to use reference material.

Let us consider the issue of forming a professional environment of an educational organization. Its creation and implementation inevitably presupposes the use of resources of other organizations being government bodies and commercial organizations. This possibility is to a certain extent legalized by Russian legislation. Agreements on creating departments by an educational organization and other structural units providing practical training of students on the basis of other organizations carrying out activities with regards to the profile of an educational program are also included to the list of documents submitted for conducting the accreditation examination procedure within the framework of state accreditation. Such organizational interaction enables to merge a student in a professional environment, to ensure the formulation and solution of problems within the framework of professional activity. Upon the availability of several agreements with various bodies and organizations, the focus (profile) of educational programs is ensured and the required level of education quality is achieved.

As it was already noted, currently there is a problem in the Russian Federation concerning the employment of law graduates without professional experience. Such an issue can be resolved by organizing practical training of students on the basis of other specialized organizations. However, such

training should not be periodic and short-term. Its effectiveness will be high in case of being implemented on a regular basis throughout a semester.

Currently, organizations implementing higher education programs in jurisprudence training form legal clinics where practical classes can be conducted and educational and industrial practice can be organized. Such an activity imitates the future professional environment, develops graduates' abilities in the law enforcement sphere, specifically, the application of legal norms, the resolution of legal conflicts (legal situations) with the application of the necessary regulatory and law enforcement acts in this case. However, in most cases such clinics are organized officially on the basis of educational organizations, and, therefore, a set of practical situations is limited, which prevents full instillation of law enforcement skills in a student.

Despite the obvious advantages of introducing practical training on the basis of specialized organizations, it is currently quite difficult for educational organizations to implement it in practice and use it legally afterwards. The main reason is gaps in educational legislation. Thus, at the present time it is not defined in normative acts what is meant by students' practical training and how it should be organized. In addition, the mechanism of licensing and state accreditation of educational activities does not provide the possibility of legalizing an agreement on students' practical training. Over a period of several years, the following paradoxical situation has developed: on the one hand, an educational organization needs to ensure all the requirements of legislation on the quality of specialist training, monitoring indicators for employment, and, on the other hand, the real implementation of practical training is still impossible.

The latest amendments to the law "On Education in the Russian Federation" concerning students' practical training came into force on 01.07.2020. However, despite the consolidation of the corresponding definition (clause 24 of article 2) and some provisions regulating relations in the field of students' practical training, the analysis of future changes enable to notice the shortcomings of state regulation concerning educational activities. Thus, the places of implementing educational activities must be indicated in the documents submitted for state accreditation or licensing. For each place of educational activities implementation there must be an appropriate report made by Fire Inspection Authorities (clause 7.1.1 of the educational standard). Such a report implies the fulfilment of different but quite definite requirements by educational and other organizations. Consequently, the report on compliance with fire safety requirements issued to a commercial organization or to a district court, where no more than 100 people work at the same time, cannot be taken into account when licensing educational activities.

An educational organization is obliged to ensure students safety, which must be confirmed by the report of the supervisory authorities, otherwise, during the inspection of an educational organization, an order to eliminate violations of paragraphs 2 and 6 of art. 28 of the Law "On Education in the Russian Federation", which the organization cannot fulfill for quite objective reasons, will be issued. In this regard, at present, the possibilities of educational organizations to conclude any agreements on interaction with specialized organizations are extremely limited. In addition, it is not entirely clear from the definition whether practical training can be carried out within the framework of contact work envisaged by the curriculum, for example in the form of practical exercises. There are currently no regulatory requirements for the content of the contract on students' practical training.

3. Research Questions

The article examines the issues of ensuring the quality of legal education, the peculiarities of law enforcement competencies development, the requirements of regulatory legal acts for the process of training future lawyers, etc.

The social relations arising in the teaching/learning process in educational institutions of higher education including law enforcement competencies development.

The quality of education is considered as a basic category of modern educational legislation. Compliance of the education quality with regulatory requirements is currently the subject of periodic mandatory checks within the framework of various activities of state control bodies in the field of education.

4. Purpose of the Study

The purpose of the study is to carry out a comprehensive analysis of the features of developing law enforcement competencies of students in legal areas of training, regulatory requirements for the procedure and conditions for these competencies development.

5. Research Methods

The legal analysis of the normative acts under study made it possible to draw conclusions about the need to establish a legal definition of certain terms. The use of this method enabled to justify the need to amend the current regulations. The application of legal analogy and legal comparison gave an opportunity to notice that the lists of law enforcement competencies provided by different educational standards overlap. Therefore, the formulated recommendations are applicable in all cases.

The method of legal abstraction made it possible to consider the problems from scientific perspective, to draw conclusions about the importance of law enforcement competencies to develop legal culture and consciousness.

The made conclusions were supplemented with the arguments obtained empirically while studying the teaching practices implemented in legal disciplines, within the framework of which students acquire law enforcement competencies as well as the practice of participation in events held within the confines of state control over education quality and state accreditation of educational activities.

6. Findings

Thus, in the course of the study, the need to improve the conceptual apparatus was determined by establishing the definitions of educational law categories being “competence”, “law enforcement competence”.

The acquisition of law enforcement competencies by students is possible only with the availability of practical classes in the relevant disciplines, meeting the requirement for the ratio of lectures and

practical classes as well as the ones for material and technical support, specifically, the presence of computer rooms, information and legal systems and legal databases.

Professional competencies are fully acquired by students only within a professional environment. In this regard, practical training becomes an integral part of educational activities.

A clear establishment of the legal status of an educational organization, a specialized organization, and regulatory authorities will make it possible to effectively implement any educational program and ensure the introduction of a professional environment.

7. Conclusion

The practice of implementing educational programs for a bachelor degree, a specialty in the field of jurisprudence indicates the need to establish a unified definition of the terms “competence” and “law enforcement competence”, which will contribute to a more harmonious distribution of competencies in specific disciplines and the correct interpretation of these concepts in the administration of certain areas of state control in the field of quality education.

In our opinion, competence (for the purposes of educational law) is the integrative ability of a student to solve the problems of professional activity acquired in the process of training in an educational program. Accordingly, law enforcement competence is a student’s integrative ability acquired in the course of training in an educational program to perform legal actions in accordance with the law and to apply normative acts in professional activities. It is this definition that reflects the complex nature of the categories under consideration and makes it possible to understand that competence can have complex content and the process of its acquiring may cover different disciplines. The proposed general categories will contribute to a uniform practice in the application of educational legislation.

The process of acquiring law enforcement competencies by students completely depends on the educational technologies chosen by a teacher. Practice-oriented technologies are the only correct ones in this case. However, they can be implemented under certain conditions. One of the conditions is the mandatory presence of practical classes in the disciplines. We believe that the requirement on the ratio of lectures and other forms of classes excluded from the updated educational standards must necessarily be enshrined in them, and there should also be a requirement for the mandatory presence of practical classes, especially in disciplines that develop professional law enforcement competencies.

No less important is the material and technical support in the case of applying practice-oriented educational technologies. In this regard, in all educational standards in the field of jurisprudence there must be a requirement for availability of computer rooms, clear requirements for the use of information reference and legal systems as well as professional legal databases.

In modern labor market conditions, an educational organization should pay special attention to creating a professional environment, which will fully develop law enforcement competencies and provide training for professional lawyers. Practical training of students is optimal for its development. However, the existing normative procedure for organizing students’ practical training needs to be improved. To complete the mechanism of state regulation of educational activities in terms of ensuring the unhindered use of agreements on students’ practical training, it is necessary to amend the bylaw normative legal acts,

specifically, the Regulation on state accreditation of educational activities, the Regulation on licensing educational activities, separate Orders of the Ministry of Education and Science of Russia.

The proposed legislative changes will contribute to the successful development of professional competencies of lawyers in the law enforcement sphere.

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