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Professional Culture of the Specialist of the Future

SOCIO-CULTURAL APPROACH IN LEGAL EDUCATION IN THE POST-SOVIET STATES

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Abstract

In this article the authors focus on the currently extremely relevant methodological problem of considering a sociocultural approach to the training of specialists in the field of jurisprudence in Russia and a number of other CIS countries. Various forms of legal behavior of modern societies are based on the pre-dominant national normative core of this socio-normative culture. The transformation processes of the last decades of the Russian and world community impart a new perception to the problem of the quality of legal education. In the process of training of law students for future professional activities, it is important to take into account the influence of the main sociocultural factors, the socio-normative culture of a particular region or country, which determine and impart specificity to legal communication, their own legal language of legal reasoning and understanding of law, ideas about law and implementation of law. At the same time, a significant aspect of this problem is the question of familiarity of future specialists in the field of jurisprudence with the community-based culture of various regions and countries, and not only in theoretical, educational perception, but also through the practice of visual perception and communication with “carriers” of the community-based culture in other territories. Despite the active attention of researchers to the problem of the sociocultural approach to education in general, the problems of the sociocultural approach to the training of future lawyers still remain little studied in the scientific literature – and this is what determined our interest in this problem.

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1. Introduction

The study of the influence of social and cultural factors on the formation of the personality of law students - future specialists in the field of jurisprudence - is of theoretical and practical interest not only for the Russian educational environment, but also for other countries of the post-Soviet space. In recent years, a protracted educational reform has been carried out in Russia and neighboring countries, including reform in the field of higher legal education. The common leitmotif of the reform was the accession of the educational spaces of the post-Soviet states to the Bologna system.

Undoubtedly, any integration phenomenon by no means always takes into account sociocultural aspects, and after the reforms, many countries are thinking about adjusting the education system in this direction. It is important to note that this is not just a change in the duration of training and introduction of new disciplines, but a change in the quality of legal training, taking into account the society, culture, religion and other components. We are talking about the unity of the world, integration, but very often forget about the existing socio-cultural differences in the legal spaces of states (Aladyshkin, Kulik, Michurin, & Anosova, 2017).

The sociocultural space includes not only a system of certain cultural values, but also generally accepted norms of behavior, traditions, and national legislation. The professional culture of future lawyers is shaped, among other things, by the sociocultural reality - cultural and moral values, and folk culture (Demidov & Mokhorov, 2018). The study of the problem of a sociocultural approach to the training of future lawyers provides opportunities for further improvement of the system of law students' professional training by teaching them about important aspects of interaction with various participants in the legal space of their country and other states. As noted in one of the studies, "culture in general and legal culture in particular largely determines the main features of the professional culture of lawyers and influences the formation of specialists necessary for Russian society to solve legal problems".

After the collapse of the Soviet Union, a rapid development of a market economy began in many post-Soviet countries. Disciplines that had not previously been taught in law schools, such as Antitrust Law, Corporate Law, International Arbitration have become very popular. An increase in the number of academic disciplines in the curricula of future lawyers was by no means a solution to the problem of qualitative changes in improving the legal culture in the field of lawyers' professional activity. Success in this respect was demonstrated only by the Baltic States. Fruitful cooperation with other EU countries and compulsory educational or scientific internships under international programs funded by universities have really brought the Baltic countries closer to the common legal space of Europe. Thus, we can state the emergence of such a phenomenon as the transnational system of higher education (Mockiene, 2015)

2. Problem Statement

Despite some attention accorded by researchers to the problem of sociocultural approach in education in general, the problems of the sociocultural approach to the professional training of law students still remain insufficiently studied in the scientific literature (Miloserdova, 2017; Solovyova, 2015; Boguslavsky, 2014; Georgievskaya, Kirillova, & Shmeleva, 2016). Analyzing legal reforms in various countries, the authors quite often point out a low level of lawyers' sociocultural competence.

Foreign law firms that open their offices in Moscow, Baku or Tashkent note the sociocultural differences in the training of lawyers or the lack thereof, and are forced to train specialists in law ethics with a sociocultural component. The post-Soviet educational space is integrated into the international educational process, but mainly without the necessary level of study of social and cultural differences in the legal sphere. (Mikhailov & Breskaya, 2014)

The study we conducted can guide the law faculty members to develop new training courses, new forms of conducting classes based on a sociocultural approach, to clarify the required competence of future lawyers, their knowledge and skills.

3. Research Questions

The study examines the main directions of the sociocultural approach to the training of law students and the practice of their implementation in the post-Soviet space at the present stage, the possibility of using existing experience in the process of reforming higher legal education.

4. Purpose of the Study

While studying this issue, the authors set themselves the following goals:

- 4.1.** To determine the set of forms and means of the socio-cultural approach used today in the professional training of future lawyers, and their features on the basis of analysis of the practical activities in this area in the post-Soviet space
- 4.2.** To identify the main problems of implementing the socio-cultural approach in legal education in the post-Soviet space.

5. Research Methods

To achieve this goal, the authors relied on hermeneutic and sociocultural methodology and methods of analysis, synthesis and comparison.

6. Findings

6.1. The practical experience of university teaching confirms the effectiveness of scientific discussions, defense of students' papers, reports, essays at seminars, disputes, business games, training workshops, during which there is an open and free discussion of resolving legal situations, collisions in various branches of law in comparison with situations in the legal space of other countries, taking into account their socio-cultural component.

These forms of work contribute to the formation of ideas about various sociocultural factors that determine the specificity of legislative decisions in the legal space of other regions and countries, the formation of tolerance, communicative culture, and sociocultural experience of communication and interaction. The winter and summer schools of law students at leading universities and centers in different countries are particularly significant in this process, where different sociocultural discourses of legal

decisions and attitudes “meet” at the same site (Kirsanova, 2015). A striking example is our experience of conducting and organizing the Summer Eurasian Law School in Tallinn in 2015. The participants were law students from Kazakhstan, Russia and Estonia. Seminars, discussion panels, speeches by future lawyers at a conference organized at the summer school are an example of professional legal communication with a socio-cultural component. (Jansarayeva, Ivanov, Melichova, & Mur tazayeva, 2015)

6.2. The formation of practical skills of future lawyers, taking into account the socio-cultural characteristics of their region, is carried out on the basis of legal clinics established at law faculties. There the students acquire the practical skills of a professional lawyer for protecting the rights and freedoms of man and citizen by providing free legal assistance to citizens, master the ethical principles of serving people in practice, realize the need to fill the Russian legislation with moral content and expand the moral and legal space of the individual (Bobrovskaya, 2015; Kozhevnikov, 2016).

6.3. The substantive component of the socio-cultural space of each region can be considered in relation to the legal culture. Each state and individual region have their own system of social and cultural ideas, concepts, traditions, which, of course, influences the law-making and law-enforcement practice and lawyers’ professional activities. Social networks, blogs, pages of legal profile groups on the Internet by their very nature integrate the socio-formative culture of a region or a country into the globalization process.

Communication of future lawyers within such communities contributes to the development of a universal legal position in specific legal situations, which is especially important in the field of international law. Visual exchange of views and experience at meetings of law students with law lecturers from other countries are also conducive to that. At the same time, in the process of such communication the students familiarize themselves with the specifics of legal regulation of various problems on the basis of national legislation - in effect, with the socio-cultural component of the legal space of a particular region.

From the authors’ experience as visiting lecturers at law faculties of leading universities in the CIS, we can note the need to take into account the socio-cultural aspects in organizing the educational process in various countries. In Azerbaijan, Kazakhstan and other countries, the leading role at home is occupied by the father of the family, while at the university it is the teacher. The tradition of these countries implies unquestioning obedience to the authority of the father, or the teacher.

Considering these special sociocultural features in such an educational audience, it is necessary to organize business games on holding court sessions, international arbitration, where students become active participants in modeled legal situations, get psychologically relaxed, acquire skills in applying national law in specific situations, learn the requirements and rules of international law and can identify the differences and specificity in the application of the norms of national legislation. In some countries of the post-Soviet space, there is a different understanding of “bribe” at the everyday or even professional level (Barseghyan, 2014). It is difficult to explain in Armenia that gifts are also a bribe if they are followed by services or works. Given this specificity, in order to teach such classes, the teacher needs to prepare a special package of case-study tasks of a socio-cultural orientation.

6.4. An important component of the socio-cultural space is religion. People in the post-Soviet countries belong to various religious denominations: Orthodoxy, Catholicism, Islam and Buddhism. This should be taken into account in the teaching of such disciplines as international law or international humanitarian law. Religious norms cause different attitudes in different post-Soviet countries to the legal regulation of issues such as the prohibition of abortion or euthanasia. Comparison of different sociological approaches to these issues, their comparison, analysis, study of the sociocultural traditions of a particular country in this area contribute to the formation of the legal culture of future lawyers in general.

The Republic of Lithuania is one of the most faithful Catholic countries. The Constitution of the country assigns a special place to the Catholic Church in the state system. The teaching of law in such a case should take into account the influence of religious norms on the development of the legal system of the country as a whole. (Van Elsuwege, 2008) The Republic of Estonia, by contrast, is considered one of the atheistic countries in the European Union (Güllü et al., 2016). Muslim law is not taught in the universities of the Republic of Kazakhstan, despite the fact that Islam is practiced by the vast majority of the country's inhabitants. These specific features of the sociocultural space of these countries should be taken into account in the legal training of future specialists (Dzhandarbek, 2015).

6.5. In the process of forming professional-communicative competence of lawyers within the framework of a sociocultural approach to legal education, it seems appropriate to develop and publish bilingual explanatory legal dictionaries that facilitate the study of the specificities in the socio-normative culture of a region or a single country, and solve legal situations within the framework of two cultures in the professional sphere of communication among lawyers.

And if in the Russian legal space such dictionaries (Russian-Chuvash dictionary of legal terms, Russian-Bashkir explanatory legal dictionary, Chechen-Russian dictionary of legal terms) have been compiled and published, in the post-Soviet space this problem has not been solved yet.

7. Conclusion

7.1. The authors see, as one of the main tasks of modern training of specialists in the field of jurisprudence, the development of conditions conducive to students' mastering the sociocultural aspects of law enforcement practice as guidelines for their future professional activity in the legal field of their own and other states for dialogue and constructive cooperation with its participants.

7.2. The content of the training course of future lawyers based on a sociocultural approach should include:

- familiarization of students with the systems of legal values of other countries and ethnic regions of their country;
- historical, cultural and religious traditions of other societies;
- social and cultural features of professional business etiquette;
- specifics of legal terminology in the framework of professional communication.

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