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# CUESTIONES POLÍTICAS

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# Status and directions of perspective of the development of legal education: analysis of international experience

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## Abstract

The current situation of legal education is analyzed. In the modern world, quality legal education is a key component in ensuring the proper functioning of the entire legal system. Legal science began to appear fragmented and improved in ancient times. This is particularly true for Ancient Greece and later Ancient Rome, where legal doctrine and its practical application began to gain importance in society. Today, the field of law is closely related to the branches of public management and administration, as well as to the political sphere. Considering legal education in a broad historical context, researchers highlight its importance for everyday relationships between subjects of social relations. Thanks to the field of systematized knowledge about the essence, content, and characteristics of the law (i.e., jurisprudence), representatives of a society can obtain more information about the rules and mechanisms by which the relationship between them is arranged. It is concluded that legal education contributes to detailing the knowledge about the socio-political and social phenomena that surround us and provides this knowledge to citizens who need it.

**Keywords:** legal education; legal doctrines; jurisprudence; quality education; scientific basis.

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## Situación y direcciones de perspectiva del desarrollo de la educación jurídica: análisis de la experiencia internacional

### Resumen

Se analiza la situación actual de la educación jurídica. En el mundo moderno, la educación jurídica de calidad es un componente clave para garantizar el funcionamiento adecuado de todo el sistema jurídico. La ciencia jurídica comenzó a aparecer fragmentada y mejorada en la antigüedad. Esto es particularmente cierto para la Antigua Grecia y más tarde la Antigua Roma, donde la doctrina legal y su aplicación práctica comenzaron a ganar importancia en la sociedad. Hoy en día, el campo del derecho está estrechamente relacionado con las ramas de la gestión y administración públicas, así como con el ámbito político. Considerando la educación jurídica en un contexto histórico amplio, los investigadores destacan su importancia para las relaciones cotidianas entre los sujetos de las relaciones sociales. Gracias al campo del conocimiento sistematizado sobre la esencia, el contenido y las características del derecho (es decir, la jurisprudencia), los representantes de una sociedad tienen la oportunidad de obtener más información sobre las reglas y mecanismos mediante los cuales se arregla la relación entre ellos. Se concluye que, la educación jurídica contribuye a detallar el conocimiento sobre los fenómenos sociopolíticos y sociales que nos rodean y brinda este conocimiento a los ciudadanos que lo necesitan.

**Palabras clave:** educación jurídica; doctrinas jurídicas; jurisprudencia; educación de calidad; fundamento científico.

### Introduction

Today it is impossible to imagine the normal development and functioning of the state and its individual structural elements without a systematic and high-quality improvement of the labor resources of this country. The issues of improving the quality of personnel is becoming especially important not only for Ukraine, but also for every modern democratic state (Shvets, 2018). In the context of considering the social importance of legal education, as well as assessing its impact on the development of various spheres of public life, it is necessary to analyze not only the current situation in this area in Ukraine, but also to study the situation in developed countries. Such an analysis will be much deeper and more useful for society, because considering the problems and issues that form the basis of the subject of this article, it is necessary to take into account examples of historical experience. First of all, it concerns the opportunity to better understand all the features of the current state of legal education both in Ukraine and in

the world by studying their historical background. For example, one of the top priorities for modern researchers is to understand why the legal field is so closely linked to governance, coercive mechanisms, and other elements of power..

Legal education cannot be covered only by the information sphere. It should promote the formation of a high level of legal awareness and legal culture of citizens, education of strict compliance with current legislation, lawful conduct of the individual and the acquisition of knowledge and skills to navigate in the legal space. That is why the Ukrainian state needs to carry out a reform in the field of education, one of the directions of which should be a careful study of the basics of law by all subjects, not just those who study. Legal education should be carried out in theoretical, practical, preventive, informational, scientific, educational and consulting areas. It is important to create a continuous system of legal education, starting with preschool educational institutions, followed by continuation in secondary, higher and other educational institutions (Makarova, 2010).

It is important to remember that, according to many experts, the quality of legal education and the level of effectiveness of its practical application depend on a number of reasons and factors. In particular, the quality of jurisprudence depends on the overall level of quality of educational services in a given country. Jurisprudence can be influenced by the political situation in the country, the corruption factor, as well as certain problems related to the functioning of various power-bureaucratic mechanisms within the state system.

It should be noted that many specialists paid attention to the modern state of legal education in different states (including Ukraine). Also, many of them not only studied the problems of the current state of jurisprudence, but also suggested possible prospects for its development.

*The purpose* of the article is to determine the characteristics of the current state of legal education in Ukraine and in the world, as well as to focus on the most effective methods and means of further development of jurisprudence. Examples are the successful development of legal education and science in developed and democratic countries.

## **1. Methods and materials**

During the study, the authors used a system of methods of scientific knowledge, namely general scientific (analysis, synthesis), private methods of scientific knowledge used in many sciences (comparative analysis), as well as special legal methods (historical and legal, formal and legal).

The authors applied the philosophical (universal) method of cognition at all stages of the cognitive process, which allowed to emphasize the importance of legal science for modern society. This fact is generally accepted, because every day people enter into legal relations with each other, most of which require legal knowledge. This is also further confirmed by the use of historical and legal method, which showed that legal education has ancient roots, as it was known since ancient times (Ancient Greece).

The general provisions of introduction and use of legal knowledge in public legal relations are investigated with the help of methods of analysis and synthesis, the political course of the state on the development of legal branch of knowledge is studied.

Formal-legal method has become indispensable in interpreting the content of basic concepts, their basic characteristics, as well as in the interpretation of legal norms governing legal education.

The system method revealed the general properties, connections and patterns that arise when using legal knowledge acquired during training in the field (field of knowledge) «Law» (in the general sense, this is legal education). In addition to identifying the problems faced by states in the development of legal education in connection with the development of public relations, the comparative legal method has helped to trace the current state of the legislation on the regulation of legal education. A logical addition was the application of the method of generalization and logical-legal method, which highlighted the main problems and vectors of legal education in Ukraine, as well as formulated proposals for further improvement of legal education (reflected in the conclusion).

## **2. Results and discussion**

Studying the content, nature and characteristics of the current state of legal education in Ukraine, researchers have largely agreed that domestic jurisprudence suffers from a number of factors that stop and complicate its development and effective functioning among the subjects of society.

First, it should be noted that many of the researchers, both domestic and foreign, studying the peculiarities of the functioning of legal education in Ukraine, argued that the above factors that have a negative impact on legal education can be divided into two groups (Meyer, 2020). The basis of one group is made up of factors inherent in legal education and science as such, and the second group consists of a number of negative features that are inherent not so much in the domestic jurisprudence itself as in the entire educational industry of Ukraine in general.

To the second group, some researchers tend to add features that are more characteristic of the state system of Ukraine and Ukrainian society as a whole. For example, detailing the above, we note that the reasons specific to the second group are usually recognized by scientists from various fields as the main national problems of Ukraine. These include, in particular, corruption as one of the main deterrents that harm every sector of domestic society (UNESCO, 2019).

Given that corruption is an existing (even acute) problem for all, without exception, elements of public life, it is also present in the provision of educational services, including in the field of law. It is claimed that obtaining legal education in higher educational institutions of Ukraine poses high risks of meeting with corruption schemes and requirements. Problems that are somehow related to corruption for almost thirty years since the proclamation of the independence of Ukraine, have not found a successful solution, i.e. have not been eliminated.

Scholars rightly point out that one of the most important reasons that the domestic society, including the legal sector, suffers from corruption, is the long stay under the rule of authoritarian, despotic regimes (Pivovarov, 2019).

With a few exceptions, Ukraine was not under democratic rule until 1991. Instead, the despotic rule of Russian tsarism and the 70 totalitarian years of Soviet rule played a key role in Ukraine's current unsatisfactory state of legal and other education. In general, it is believed that it was during the Soviet era that legal education in Ukraine was finally brought to a state in which it had remained almost unchanged until recently. Only in the last few years in the domestic sphere of jurisprudence and law enforcement have begun to take steps aimed at a real departure from the Soviet past and the transformation of legal education into a tool for ensuring and protecting the democratic values of man and citizen.

Some scholars rightly point out that despite the adoption in the first years of independence, *de jure* democratic slogans and their transformation into the content of official documents, their practical implementation was much more difficult or impossible (Hess and Hunter, 2018.). It is worth noting the rather democratic and human-centered Constitution of Ukraine, which in its formal content and description is recognized as one of the most democratic constitutions in the world. However, according to the observations of numerous researchers, many provisions and principles enshrined in the domestic constitution, in reality, are either not provided or are not fully implemented (Lindgren, 1999).

With regard to legal education, it can be argued that until recently its declared focus on the protection of fundamental rights, freedoms and legitimate interests of man and citizen was purely formal. In fact, based on

numerous reliable facts, we state that in the field of domestic jurisprudence, in particular in specialized schools, the legacy of the Soviet era prevailed. Namely, it is a question of the fact that as a result of long-term authoritarian rule in the past, in educational institutions, in particular among the teaching staff of educational institutions, unspoken principles and rules were formed that protected the legacy of the totalitarian corruption system (Bowman III, 2017).

One of the factors of such a corruption system is the long-term presence in positions (including leading) of persons who were appointed to these positions during the existence of the Soviet Union or in the first years of the independence of Ukraine. This state of affairs is currently quite typical for the post-Soviet countries, especially Russia, Belarus, Ukraine and some Central Asian countries. For example, until recently, it was not uncommon for these countries to hold long-term positions as university rectors and heads of individual educational units. In practice, this was a circumstance that was very detrimental to the development of the educational institution. After all, if a person who grew up during the domination of a corrupt, authoritarian regime in the state, got to power, in most cases he prefers to get the maximum benefit from his position, acting in his own favor, rather than in favor of its accountable structure (Bilionis, 2019). In other words, when the rector of a university, including a legal higher educational institution, has held his post for more than ten years, there is a strong possibility that he will create a group (a certain team) of persons whose actions will be subject to violation of articles of the current legislation of Ukraine.

On many real examples, researchers of such processes have established that the result of the above conditions is, first of all, the absence of positive development of the university and, on the contrary, its gradual and sometimes rapid degradation. The absence of changes in the management staff of the institution of legal education is recognized as an extremely negative phenomenon due to the fact that there is a real risk of orientation of the staff of the educational institution not towards achieving high-quality results in their direct activities, but towards their loyalty and even devotion to the management of the educational institution. Also, corruption under such conditions is consistently high, and the presence of the same persons in the leadership of an educational institution allows numerous employees of this institution to abuse their positions, demonstrating their loyalty to the leadership (Gary, 2017).

This problem is one of the main dangers for the development of legal education in Ukraine. It will be fair to note that although over the past few years in the domestic educational system, including the legal one, certain changes and reforms related to the introduction of Western models of the functioning of education have been carried out, they mostly were «cosmetic». In fact, qualitative changes and reforms have not yet been carried out, and

their proper implementation is a direct way to a powerful improvement of the legal education system in Ukraine and its greater interaction with the educational systems of developed and democratic countries in Western Europe and North America. That is, the final overcoming of the corrupt and low-effective «legacy» that was left by the Soviet domination, this is the fundamental direction in the development of the Ukrainian legal education system in modern realities (Wald, 2018).

As for other areas (methods and tools) of improvement and development of legal education in Ukraine, it is emphasized that it is important to introduce into the domestic, educational legal system programs and measures that will be able to really improve the state of this system. First of all, it is about the tools and methods of training that are currently used in developed countries. The term «developed» refers to states that are successful, among others, in matters related in one way or another to jurisprudence and law enforcement.

Many authoritative researchers have substantiated and proved that the concept of «law» has much more in common with the concept of «democracy» than it seems at first glance. They state that without the existence of a real democratic system within a state, the real rule of law cannot be ensured (Areen, 2017). And vice versa, after the successful establishment and further development of a liberal-democratic regime in a certain state, which will subsequently establish an independent and impartial judicial system and other legal institutions, these legal mechanisms will protect democracy in the state.

In a broader sense, we have observed and continue to observe how democratic state-legal mechanisms in some European countries, as well as in the United States (especially during the presidency of Donald Trump), reliably protect the state, its democracy, social and political-legal order from the encroachments of populist politicians who, although they came to power in a democratic way, are trying to undermine the existing rules and regulations (Deborah, 2015). At the same time, it can be argued that all claims that the rule of law can exist and function freely in states with authoritarian political regimes are complete fiction. After all, in the absence of opportunities to bring to justice the governing bodies of the state, the legal system will not be fair.

Authoritarian regimes often tend to falsify the very terms «rule of law», «law and order» and «state of law». For them, the proper rule of law is the complete submission of all subjects of society to their own dictates (Finkelstein, 2015). However, the vast majority of scholars argue that this perception of law is wrong and «tarnished». According to their views, the main task of law and, accordingly, legal education, is reliable protection and proper provision of the rights, freedoms and legitimate interests of each subject of public legal relations without exception. In this context, we detail



that in the modern world, every legal doctrine in a developed and democratic country, or in states that prefer to approach this status, must contain some clarification of the high and crucial importance of democracy and the true rule of law for security and welfare of the state, its citizens, power and legal mechanisms, state institutions, etc. However, as emphasized above, legal doctrines must not only point to the obvious superiority of democratic and legal values, but also reveal exactly how these benefits can be achieved.

Thus, modern scientific and educational works and publications in the field of law should be based largely not only on the theoretical validity of the above values and positions, but they should also offer specific ways to qualitatively solve a problem in domestic or international law (Pistone, 2015). For our part, we believe that concrete ways to increase the efficiency of the domestic legal system, and along with these «engines» of its development, will be a few things that must be done well, but as soon as possible, without undue delay. First, we are convinced that the so-called «legacy» of the former times of authoritarian and totalitarian rule must be finally overcome in Ukraine. After all, without full fulfillment of this condition, the further path towards the development of domestic legal education, together with the development of the entire legal field as a whole, will be greatly complicated, or impossible at all.

Under the so-called «legacy» of the past, we tend to understand corruption as the greatest threat not only to the legal sector, but also to society as a whole. Also a significant and completely undesirable risk is the return of the political regime back to authoritarianism (especially to a one-man dictatorship) (Minow, 2016). Of course, since 2014, Ukraine has taken many positive and correct steps towards ensuring within the state the basic principles of democracy, the rule of law and the responsibility of state and local leadership to citizens, i.e. their accountability to society. However, according to the ratings of independent Western agencies, there are still high risks in Ukraine of losing some democratic enrichment due to the protracted economic crisis and apparent political instability. Due to these factors, the work on the development of legal education is extremely difficult, but it can be carried out qualitatively, and therefore must be carried out as one of the integral elements of the general reform of the state in a liberal-democratic, legal direction.

In addition, attention should be focused on the need to introduce into the curriculum for future domestic lawyers techniques and practices that are successfully taught legal knowledge in the developed countries of the West. One of the most useful of these programs, we define the methodology for solving the so-called «cases» by students, that is, tasks that are similar to real situations in the field of practical application of law (Sunstein, 2015).

Given the above, we argue that despite some problems and issues related to the combination of foreign curricula with domestic specifics, they should be introduced into the legal education of Ukraine.

## Conclusions

Legal education in Ukraine, despite its relative successes in certain areas, as well as the presence of truly professional specialists in its ranks, is only at the beginning of its movement to eradicate the ineffective legacy of the past and to achieve true rule of law. In particular, we emphasize that relieving the domestic, legal education system from the burdens of past and present problems that it currently faces is a priority. It should be noted that such issues include corruption as a major factor that is an obstacle to the quality development of the domestic sphere of law, including its educational and scientific element.

The importance of overcoming corruption and other negative manifestations precisely in educational institutions (mainly universities and academies) is also argued by the fact that the vast majority of domestic lawyers, in aggregate, carry out the lion's share of all research and scientific publications related to jurisprudence, work in higher educational institutions of legal profile, or at separate law faculties of public and private universities. This fact explains well that the elimination, or at least a significant reduction in the level of corruption in legal schools, can directly affect the entire field of law in Ukraine, radically changing the rules and principles of its operation and making it much more productive and coordinated. It is added that active cooperation with Ukraine's partners and allies will not be superfluous for this purpose.

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