



უმალესი იურიდიული განათლების ფორმები: პრობლემები და პერსპექტივები

სვეტლანა ბიჩკოვა
სამართლის დოქტორი, პროფესორი

აბსტრაქტი

დღესდღეობით უმალეს საგანმანათლებლო დაწესებულებებს უწევთ საგანმანათლებლო პროცესის ადაპტირება ახალ რეალობასთან კორონავირუსული დაავადების (COVID-19) მსოფლიო გავრცელების გამო, რადგან უმალესი განათლების ყველა ფორმა არ შეიძლება გამოყენებულ იქნას საკარანტინო შეზღუდვებისა და სოციალური დისტანციის პირობებში.

ამ მხრივ, გამოსადეგი იყო სხვადასხვა ონლაინ ტექნოლოგიები, რომლებიც უკვე ფართოდ გამოიყენება საგანმანათლებლო პროცესში, მათ შორის მომავალი იურისტების მომზადებაში.

მიუხედავად ამისა, მეცნიერები, საჯარო ორგანოები, უმალესი საგანმანათლებლო დაწესებულებები და საზოგადოების წევრები უნდა ამახვილებდნენ ყურადღებას საგანმანათლებლო პროცესის განახლებული მიდგომების შემდგომ განვითარებაზე განათლების ჰიბრიდული, კომბინირებული ფორმების შემუშავებით, რომლებიც უფრო მდგრადია ცვლილებებისადმი და უფრო მეტად მოერგება თანამედროვე საჭიროებებს და პირობებს.

საკვანძო სიტყვები: იურიდიული განათლება, უმალესი განათლების ფორმები, საგანმანათლებლო პროცესი, დისტანციური სწავლება, ელექტრონული სწავლება, განათლების ჰიბრიდული (კომბინირებული) ფორმები, ონლაინ სწავლება.

FORMS OF HIGHER LEGAL EDUCATION: PROBLEMS AND PROSPECTS

Svitlana Bychkova
Doctor of Law, Professor

Abstract

Nowadays higher education institutions have to adapt educational process to new realities because of the worldwide spread of coronavirus disease (COVID-19), as not all forms of higher education can be used under conditions of quarantine restrictions and social distancing.

In this regard, a variety of online technologies came in handy, which are already widely used in educational process, including in the training of future lawyers.

Nevertheless, scholars, public authorities, higher education institutions and members of the public should focus on further development of renewed approaches to the educational process by elaborating hybrid, combined forms of education that are more resilient to changes and more adapted to modern needs and conditions.

Keywords: legal education, forms of higher education, educational process, distance learning, e-learning, hybrid (combined) forms of education, online learning.

1. Introduction

The need to reform higher education in general and legal education in particular, is beyond doubt. After all, the pandemic of coronavirus disease (COVID-19) demonstrated higher education institutions' failure to adapt to possible changes in the educational process.

“We witnessed heroic efforts across the higher education landscape as learning experience designers, instructional technologists, behavioral scientists and many others leaped into action. These professionals worked to rapidly transfer some portion of a course to an online environment to ensure continuity of instruction during unpredictable emergent situations” [De Vaney, Quintana, 2020].

It should be noted that the problems of higher legal education nowadays, in particular in Ukraine, have been the subject of heated debates among legislators, scientists, legal practitioners, research and teaching staff, applicants for higher education and members of the public for several years. However, for the most part, relevant issues are discussed at various events and in the press. Scholars do not pay proper attention to the development of new forms of higher legal education.

At the same time the aim of the „Master of Law Program“ is to prepare specialists with highly qualified, competitive and independent research skills in accordance with the requirements of the labor market using traditional and innovative methods, to promote their professional development, as well as train the graduates in accordance with both national and international requirements of the legal space [Сария, Шенгелиа, 2018: 44].

In order to achieve such a goal, it is necessary, among other things, to update the forms of higher legal education, and develop new approaches to the organization of the educational process.

Besides, information technologies are constantly increasing their influence on all areas of our life and changing the communication system. Even such a conservative sphere as education feels fully upon itself the influence of new communication technologies. Moreover, this influence, passing from a passive state to an active one, forms a new teaching technology – e-learning [Тухватулина, 2015: 811].

2. Presentation of the main research material

The introduction of various appropriate resources into the educational process also influences the way it is organized, i.e. on the forms of education.

Therefore, it is relevant and necessary to conduct research on updating approaches to forms of higher education in view of modern needs and realities of public life, the widespread use of various online resources in the educational process.

According to Part 1, Art. 49 of the Law of Ukraine „On Higher Education“ the main forms of higher education are:

1) institutional:

– full-time education (daytime and evening programmes): it is the technique of organizing education of the applicants for higher education, which involves training and practical training for at least 30 weeks during the school year;

– correspondence education, which is the technique of training of applicants for higher education by combining training sessions and control activities during short sessions and self-management of the curriculum in the period between them;

– remote education (distance learning), i.e. individualized process of education, which takes place mainly through the indirect interaction of distant participants of the educational process in a specialized environment that operates on the basis of modern psychological, pedagogical, information and communication technologies;

– network education is a way of organizing training of applicants for higher education, through which the educational program is mastered due to the involvement of higher education institution and other subjects of educational activities that interact with each other on the contractual basis;

2) dual education is the method of obtaining education by full-time applicants, which provides on-the-job training at enterprises, institutions and organizations for the acquisition of certain qualifications in the amount of 25 % to 60 % of the total educational program on the basis of the contract.

Based on the legislative definition of distance learning, it can be assumed that it covers certain techniques of organizing educational process using online technologies.

The Law of Georgia „On Higher Education“ (Articles 2, 47-4) provides for e-learning, which means learning process based on modern information and communication technologies, organized by higher education institutions for obtaining qualification by the persons present in the territory of Georgia pursuant to higher education programs accredited in Georgia, or part of such process, which does not provide for the simultaneous presence of students and staff of higher education institution in a particular place. At the same time, such training covers the provision of teaching materials, communication, testing, counseling, monitoring student progress, etc. In addition, the possibility of using e-learning is enshrined in the relevant educational program.

Thus, in essence, distance learning in Ukraine and e-learning in Georgia can be considered, to some extent, identical forms of higher education.

However, the forms of education determined by the legislator practically do not exist separately nowadays in the context of global changes due to the spread of coronavirus disease (COVID-19). Besides, higher education institutions began to use other forms of education, in particular, through a combination of the above mentioned, the introduction of online learning, which is fully consistent with the norms enshrined in Part 8 of Art. 49 of the Law of Ukraine „On Higher Education“.

Clearly, one can say that these are extraordinary circumstances; that the measures to ensure the provision of educational services in this format are temporary. However, we cannot be sure that there will be no circumstances that will pose new challenges in future, to which it will be necessary to adapt again.

It can also be noted that distance learning and e-learning have been proven adaptable to the today's realities. However, these forms do not cover all the methods and forms of organizing educational process under quarantine and do not take into account all the problematic aspects of the provision of educational services within the imposed restrictive measures. Therefore, the issue of compliance of existing forms of education with modern requirements, finding new ways to organize educational process remains unresolved and needs to be addressed urgently.

Based on the above, the problem of forms of education has taken on new meaning; it needs some rethinking and a comprehensive approach to its solution.

First of all, it should be emphasized that the quality of legal training in any country depends not only on the higher education institution's approach to the organization of the educational process, but also on the determination of the applicant for higher education to acquire new knowledge, skills and abilities. If a person

is focused on learning, has the appropriate desire, he (she) will obtain necessary knowledge, provided that educational services are ensured at the appropriate level.

Although it is hard not to notice that the rhythm of life, social and economic changes have had a negative impact on educational services. Distance forms of education are the most affected. However, higher education institutions have to use them as the basis for the organization of the educational process, further modernizing them under conditions of the pandemic.

At the same time, it is hard to talk about undeniable advantage of full-time education over the other forms of education. After all, this form of education is almost non-existent in its pristine form. Higher education institutions have begun to widely use the elements of real time online education, asynchronous communication, etc.

Secondly, full-time education does not take into account the rights, interests and needs of people who are already working and adults in ensuring their right to lifelong learning, development of human competencies in accordance with their individual needs, society's needs, etc.

Therefore, it is very important to find the right forms of organization for obtaining higher legal education by working people, including through distance learning, for example, through the development of a more intensive educational programs or the establishment of a longer study period, including face-to-face meetings, evening online discussions, master classes, webinars [Преобразовательный процесс, 2020].

In any case, without diminishing the obvious benefits of full-time education, one should not forget about the benefits of higher education in other forms or by combining one form with the another ones, which will provide, in particular, the possibility to combine higher education with employment activities; education regardless of the location of both professor and the applicant for higher education; attracting an unlimited number of applicants; facilitation of the adaptability of the educational process to any changes.

As noted above, real-time online learning and distance and e-learning have become a lifeline for everyone during quarantine, isolation and social distancing. But these forms also need to be improved in order to achieve better results in providing educational services and mastering the profession of a lawyer.

Besides, one should not forget about the peculiarities of preparation of lawyers. After all, future lawyers in a higher education institution must acquire fundamental theoretical knowledge, as well as practical skills and abilities. In particular, these specialists should master public speaking and rhetoric, as they will, for example, speak in a courtroom, provide legal advice to the person in need, etc. [Бичкова, 2019: 431]. To master practical skills, it is also important to work in legal clinics, to do practical training in courts, bar associations, notary offices and so on.

Therefore, when updating the forms of higher education, it is advisable to pay attention to the existing positive experience. Thus, the full-time form of education in the leading institutions of higher education provides training not only during working days, but also includes attending classes in the evening, few days a week and (or) on weekends.

Besides, the ways of organizing the educational process are modernized, made more flexible clearly by using online technologies (electronic resources).

At the same time, the electronic environment offers a wide range of possible activities. For example, a lecture can be presented in the form of a webinar, an online mini-lecture (a synchronous form of communication) or a video lecture (an asynchronous form of communication); group lessons can be conducted in the form of forums, seminars, assignments, surveys, etc. [Тухватулина, 2015: 813].

Besides, a variety of platforms on which e-learning is built offer almost unlimited additional opportunities: online testing with a random selection of a set of tasks for each applicant for higher education, online journals for recording class attendance and assessing the level of knowledge, establishing methodological base for each topic, opening access to a specific module for a specific time or only after completing the previous components of the course, etc.

To date, there are a number of types of electronic education, which are used, inter alia, for the preparation of lawyers: 1) web support of the training course, taught in traditional format, when classes are held in the usual form, and independent work of the applicants for higher education is done in electronic form; 2) distance learning, under which all educational activity takes place in an electronic environment; 3) hybrid or blended learning, represented by a combination of traditional classes with holding part of the lessons in electronic form [Тухватулина, 2015: 811].

If everything is more or less clear in relation to the first two of these forms, then hybrid (mixed, blended) training, which is the most used in the relaxation of quarantine restrictions needs clarification regarding the components that form it. Thus, mixing involves: blending offline and online learning, blending self-paced and live, collaborative learning, blending structured and unstructured learning, blending custom content with off-the-shelf content, blending work and learning [Singh, Reed, 2001].

As an example of a hybrid form of higher education, we can name quite popular in some countries model HyFlex, which allows to vary full-time and online learning, achieving the same results in both cases.

According to the relevant definition, „HyFlex courses are class sessions that allow students to choose whether to attend classes face-to-face or online, synchronously or asynchronously“ [Online Education Policy (CURRENT)].

“For students, a HyFlex Model holds the potential of maximizing the opportunity to participate in a face-to-face learning experience under conditions of social distancing. It’s important to note that the goal of HyFlex is two make both the online and in-person experiences equal. Class sessions are not meant to be passive observations of a class video stream, but rather to have fully interactive engagements, including Q&A, group work (if possible) and student presentations“ [Maloney, Kim, 2020].

Clearly that the HyFlex model has its flaws, as it requires long-term design of the discipline; appropriate training of scientific and pedagogical specialist; involvement of assistants to ensure constant communication with students, including those who attend online classes; solving the problem of ensuring confidentiality and the right to protection of interests when recording classes; the necessary high-quality equipment, including classroom equipment, significant costs for constant updating of technical means, purchase of licensed programs and so on.

There are also other examples of positive experiences with the application of updated educational technologies, various hybrid and online courses. Some very similar – even identical – to HyFlex and others with significant differences from HyFlex (Mode-Neutral, Multi-Access Learning, FlexLearning, Converged Learning, Peirce Fit, Multi-Options, Flexibly Accessible Learning Environment (FALE), Blendflex, Comodal, Flexible Hybrid, Synchronous Learning in Distributed Environments (SLIDE), Blended Synchronous (Blendsync), Remote Live Participation (RLP), gxLearning) [Beatty, 2019].

We totally agree that in any case the fact that our preferred future for higher education, including legal one, – „transformed access, inclusive learning communities, problem-based interdisciplinary education, life-long learning and multimodal design – remains unchanged. In fact, these goals and aspirations seem even more critical now than they did in a time before COVID-19“ [De Vaney, Quintana, 2020].

3. Conclusion

Thus, we should focus on developing updated approaches to the organization of the educational process, finding innovative forms of education that will be more resistant to changes, more adapted to modern needs and realities.

Each of the forms of education used today has its positive features. Therefore, it is advisable to combine their advantages by mixing different forms of education, their individual methods and technologies.

References

1. Закон Грузии № 688-вс „О высшем образовании“ от 21.12.2004 г., <https://matsne.gov.ge/ru/document/view/32830?publication=85>.
2. Закон України № 1556-VII „Про вищу освіту“ від 01.07.2014 р., <https://zakon.rada.gov.ua/laws/show/1556-18#Text>.
3. Beatty, B. J. 2019. „Hybrid-Flexible Course Design“. EdTech Books, <https://edtechbooks.org/hyflex/Acknowledge>.
4. De Vaney, J., Quintana, R. 2020. „Preparing for Future Disruption: Hybrid, Resilient Teaching for a New Instructional Age“. INSIDE HIGHER ED, <https://www.insidehighered.com/blogs/learning-innovation/preparing-future-disruption-hybrid-resilient-teaching-new-instructional>.
5. Maloney, E. J., Kim, J. 2020. „Fall Scenario #13: A HyFlex Model“. INSIDE HIGHER ED, <https://www.insidehighered.com/blogs/learning-innovation/fall-scenario-13-hyflex-model>.
6. San Francisco State University. Academic Senate – Online Education Policy (CURRENT), <https://senate.sfsu.edu/policy/online-education-policy-1>.
7. Singh, H., Reed, C. 2001. A White Paper: Achieving Success with Blended Learning. Centra Software, <http://www.leerbeleving.nl/wbts/wbt2014/blend-ce.pdf>.
8. Бичкова, С. С. 2019. „Методологічні аспекти викладання навчальної дисципліни „Дивільний процес“ у процесі вдосконалення правничої (юридичної) освіти“. Реформування юридичної освіти: виклики часу. Київ: ПрАТ „Юридична практика“, pp. 421–432.
9. Преобразовательный процесс. 2020. Юридическая практика. № 51-52 / 1200-1201.
10. Сария, Н. Ш., Шенгелиа, Г. А. 2018. „О высшем юридическом образовании в Грузии“. Юридическое образование и наука, № 12, pp. 40–46.
11. Тухватулина, Л. Р. 2015. „Коммуникативные особенности гибридного обучения“. Молодой ученый, № 12 (92), pp. 811–815.