Actualization of the idea of legal nurturing in the context of a modern transitive society development

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Abstract. The article is devoted to the scientific-theoretical analysis of the problem associated with the development of the idea of legal education in terms of a modern transitive society, the formation of the law-educational policy of the state in the context of the ongoing transformational processes, and the necessity to improve law-educational technologies as a modern form of realization of the educational and upbringing activity. The aim of the work is to actualize scientific and research interest to the problem of legal education and legal nurturing in order to optimize the activity of the state in the given direction and to implement the unified legal policy in the system of legal education and legal nurturing. The carried out analysis based on the system-structural, functional, and comparative approaches allowed to reveal and substantiate the scientific and theoretical concepts of the modern educational and legal nurturing process in the study. The given categorical characteristics of the modern legal nurturing model and of the legal education reflect forming in the Russian legal space of the institutional legal environment affecting the state and social processes of modern Russian society.

1 Introduction

Education as the highest value of any society and at present is the most important institutional tool by means of which the state achieves socially significant goals connected with its organization and effective functioning. Developing education, the state obtains a full-fledged personality, able to understand the real meaning of the model of state-legal organization in which this or that national community or people are developed. Even in his time, K. Manheim warned the mankind about the danger of getting into the mechanical content of fulfilling social tasks outside of intellectually conscious of their comprehension. Being a part of an organized society, any person should understand “the true meaning of the

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model of society as a whole, and not be simply satisfied with the mechanical fulfillment of tasks" [1]. Today, the State is faced with the tasks of an exceptional importance, primarily connected with the increase of the efficiency of the domestic system of education and nurturing and stipulated by the need of the comprehensive changes in the educational sphere and in the process of formation of a competitive professional personality. In this sense, the role of education in the social adaptation of an individual is undeniable. The role of legal education is no less significant in this regard, as in the modern world, a sense of its role is manifested to a significant extent on the basis of the understanding that the scientific and legally-cultural potential, that is carried by the legal education, is the most important strategic landmark for the future development of the whole society; and worldview paradigms formed on the basis of legal knowledge, first of all, stimulate the socially-legal activity and corresponding legal position of an individual. Accordingly, the most important task is projected. This task is significant not only of the entire system of modern Russian education, but also for the legal one, aimed at searching and comprehensive development of potentially talented and promising representatives of the younger generation, capable to actively be engaged in the socio-political and legal processes of the modern state, develop advanced technologies and, thereby, create a competitive educational environment in terms of the interstate integration. This goal-setting cannot be realized without taking into account the objective experience of the world pedagogical science and practice. Undoubtedly, the problem of what and how to teach the modern lawyers is connected not only with the increasing competition of professional cultures, but also with the contrasts between "graduates of state and non-governmental higher educational establishments, and the crisis of overproduction of lawyers in large cities" [2]. But such situation is clearly seen only on the one hand. On the other hand, it seems to us that the problem is no less acute: a number of circumstances are important here: how competitive the legal education provided by the domestic educational organizations will be and how educational strategies contained in educational standards are able to ensure the formation of a competent and comprehensively developed specialist capable to be adapted in a professional society, capable to maintain a competitive educational environment and to increase the prestige of the Russian system of higher education in general and the legal one in particular. Thus, while appealing to the international experience, it is necessary to take into account the fact that foreign educational models haven't exhausted their resource potential as a special rapidly developing social institution.

In this regard, the carried out comparative pedagogical analysis, the demand for which is becoming more acute in the modern conditions, may be truly instructive and constructive for the Russian higher education system, especially taking into account the integration of the Russian educational system into the Bologna Process and the reorientation of the legislative and management regulation on new educational technologies. This fact raises a number of urgent problems for higher educational institutions of Russia during the post-reformation period. Who are to be graduated: lawyers of a wide profile, as it was peculiar for Soviet educational system, or lawyers of a narrow specialization, as is typical for the European model of education [3]. Anyway, the formulation of the question itself indicates the inevitability of changes in educational strategies and the determination at the state level of the conceptual foundations of the educational policy of Russia, meeting the requirements of the present time realities. Taking into account the practice of studying of foreign world experience in the educational sphere from the standpoint of the modern scientifically-pedagogical activity and modern educational concepts and technologies, you should not forget that it is education, as the most important social public institution, that makes it possible to determine and reveal the spectrum of actual and most important social-political and legal processes, stipulating the genesis of this or that state or society. Emphasizing the

crucial importance of the role of education in the modern world, B. Simon consistently sends the message that "... the entire historical process is education, and education is a way of forming a person within society" [4], capable of its generation and positive development. The convergence of state-legal systems of Russia and Europe, observed in the last decade, undoubtedly, contributed to the rapprochement of the educational models, although the European educational system was very different and is varied from the traditional Russian education. Characteristic features of the European model are its standardized character [5], a unified system of criteria and assessments of knowledge levels (European credit system), the unified character of the European education, where considerable attention is paid to the study of European (supranational) law, and also the so-called "European method of teaching law" associated with the thorough study of History and Sociology of Law and of Law in a socially-political context [6].

However, despite the recent steady tendency towards the "Europeanization" of the national education, the Russian educational system was able to maintain its traditional identity and exclusivity, focusing on traditions and continuity in the development of the national (Russian) legal system and the domestic system of law and legislation. Russian humanitarian education, including legal education, has special traditions, although it doesn't process such long experience as European education. One of the most prominent domestic lawyers, a professor of Moscow University in the middle of 19th century, F.L. Moroshkin, referring to the history of the development of legal education in Russia, noted that already with the publication of the "Cathedral Code" of 1649, which was essentially a code of Russian laws, "... a period of practical jurisprudence is opened" that means an emerged necessity in specialists capable to interpret and clarify legal prescriptions and systematize them [7].

Indeed, speaking about the tendencies in the development of the domestic education system, it should be noted that certain ideas that became leading for a definite epoch formed the basis of any reforms and transformations. In the humanities, including jurisprudence, the correlation of idea and practice, thought and its implementation is an objectively interconnected process. Nevertheless, the dominating at the state spiritual and moral ideology, generating legal awareness and legal culture, becomes an organic part of public consciousness, embodying moral, spiritual and legal values, ultimately finds its embodiment in legal knowledge, that is, in science and, respectively, in education.

2 Results and discussion

In the current conditions, when the crisis is most acute, generated, on the one hand, by the competition of legal cultures (Russia and the West), and, on the other hand, is stipulated by the external political factors, the traditional scientific, educational and social interaction is reduced to zero. To some extent, this leads to the destruction of Russian-European relations, but, on the other hand, it encourages Russia to maintain its moral, spiritual and culturally-legal identity, contributes to the development of its own educational and nurturing ideologemes. Law, being a special sphere of public consciousness, and simultaneously, acting as an important tool, is called upon to contribute to the formation in Russia of a fundamentally new model of the state-legal development, embodying the whole spectrum of innovative development of the state and society, which is capable to be transformed through educational and nurturing environment.

Thus, one more constructive problem arises related to the legal nurturing as a supporting part of an educational activity in modern conditions.

We consider that actualization of problems of the legal nurturing is associated with two aspects. The first reflects the organic connection between education and nurturing and is manifested in the fact that according to the conception, currently existing in the Russian education system, education is a single and goal-oriented process of nurturing and education, which relates to universally significant benefits, carried out in the interests of a person, family, society and states [8]. The priorities of the intellectual, spiritual, moral and creative development of the individual were initially laid in conception of the modern educational policy of the Russian state. These priorities put on the first place the concept of personal nurturing through its training and moral and spiritual guidelines. With regard to the doctrine of the legal education, the genetic connection of education and nurturing is manifested in the fact that, on the one hand, legal nurturing is a universal mean of influencing the individual, and, on the other, legal nurturing is the direction of educational activity transformed into the pedagogical process through which the formation of legal knowledge and skills that abilities, constituting the conception of the legal education in this state [9].

The second aspect is connected with the fact that in the post-Soviet period, the problem of legal nurturing, in fact, has lost its significance and still does not cause much interest in the scientific environment. The evidence of this is an indisputable fact that until now the bulk of the scientific, theoretical and methodological developments have been carried out even during the period of the existence of Soviet science, the practical recommendations of which are still used by teachers, despite that transformational processes have significantly changed the very paradigm of the legal educational influence. The unconditional, clearly expressed dogmatic and ideological direction of the researches in the Soviet period, and also the change in political and legal guidelines, today no longer allow to apply the conclusions and practical recommendations that were made within the frameworks of the development of problems of legal nurturing in the Soviet period. At the same time, the importance of these studies shouldn't be underestimated, as the fundamental bases of the domestic theory of legal nurturing, legal awareness and legal culture were laid during that period.

We consider that the main feature of the modern system of legal nurturing in Russia is that today it has become more subject to analysis from the point of view of the valuable components of the state and legal life of Russian society. This is stipulated by the close interaction of the legal and moral values in the process of realization of the educational impact.

It seems that at present time, the problem of legal nurturing needs to be revised in some of its ideas, and also in the development of the fundamentally new provisions reflecting the positional form and qualitative state of the legal nurturing activity in modern conditions, based on the forming and developing doctrine of Russian legal education in modern conditions. The current concept of the legal nurturing, as a form of the state educational influence in the educational process, suggests its varied models. In the legal science of the last decade, several conceptual directions, reflecting the specifics of legal nurturing activity, have been formed. Nevertheless, as a rule, the basis of a particular approach is an idea formulating a specific concept of views and ideas reflecting the corresponding direction of the scientific and research interest to the given problem.

The systemic-structural approach deserves special attention. It was a kind of methodological guideline, and it gradually hones the idea of legal nurturing in modern conditions. And, despite that it conceptually was formed in the sphere of Soviet jurisprudence, its ideological representatives, realizing research tasks, show the optimal connections and directions that form the educational environment of the modern state and

society within the frameworks of the functioning of the state legal system (P.P. Baranov, M.M. Galimov, etc.).

Another direction in the idea of legal nurturing is connected with the understanding of legal activity. Its representatives are consistently developing the idea of the legal nurturing through the prism of the so-called “activity approach” (R.A. Ryabtsev, D.Yu. Shapsugov, etc.) considering the latter as a special type of legal activity aimed at the formation of the high-level legal awareness and legal culture, as a socially significant function of the Russian state, which determines the legal guidelines of legally significant behavior. The content of this conception is fully correlated with the functions of the state, carried out by an authorized entity, aimed at construction, design and creation of the appropriate legal nurturing technologies, in order to combine means of legal nurturing influence into single law-enforcing mechanisms and complexes supported and developed by the state. Socially-oriented approach played a peculiar role in the implementation of the idea of the legal nurturing in the modern legal knowledge (E.K. Dzhamalova, T.P. Koroleva, T.Yu. Smolova, etc.). On the basis of this approach the applied direction of the legal nurturing activity appeared, this direction received a more specific name – “legal nurturing work” [10]. The peculiar meaning of the given aspect manifested itself in the activity focused on the specific nurturing methods towards the certain categories of Russians - minors, students, youth, civil servants, etc. Finally, the axiological approach to the legal nurturing and legal education activity is represented in the modern legal literature with the separate developments (R.V. Kravtsov, A.A. Tamberg, etc.), examining the legal nurturing process from the point of view of the valuable components that form motivational-value relations and the value-normative system that determines the legitimate behavior of Russians. It should be noted that in the process of development of the domestic model of legal education and legal nurturing, a significant technological “surge” has been noted in the last decade, on the basis of which the conceptual model of modern Russian education is currently being implemented taking into account the standards and requirements of the state educational standard.

3 Conclusions

Appealing to the various concepts of legal education, we urge them to a single scientific and theoretical generalization. Undoubtedly, in modern realities, Russian society needs to form a single Concept of legal nurturing, the main purpose of which fully coincides with the interests of modern society and is aimed at realizing the formation of the individual’s potential for self-development and professionalism. In these conditions, the legal nurturing activity of the state, reflecting the general ideas of the Russian educational doctrine about legal awareness and legal culture, simultaneously dissolving the impersonal legal nurturing technologies carried out within the framework of individual upbringing impact, will be able to effectively realize the primary goals and tasks of the state legal development that are directly connected with the formation of social and legal qualities of a person oriented towards legally-respectful behavior, formation of spiritual and moral environment of the modern transitive society, as a special type of modern sociability. If the modern state, dealing with the stereotypes of the modern “impersonal” society, is able to ensure a person irrecusable respect and regard for his rights and freedoms, then this state fully fulfills its obligations towards individual and citizen.

References

1. K. Manheim, *The diagnosis of our time* (1994)
2. Yu.N. Oborotov, *Traditions and updates in the legal sphere: issues of theory (from cognition to comprehension of law)* (Legal literature, Odessa, 2002)
3. H. Joseph, Notre Dame L. Rev. 402-403 (1933)
4. B. Simon, *Does Education Matter? Lawrence and Wishart* (London, 1989)
5. R. Jukier, McGill Law Journal / Revue de droit de McGill. **50(4)**, 792-793 (2005)
6. V.V. Boytsova, L.V. Boytsova, ONS. **6** (2000)
7. F.L. Moroshkin, Scientific Notes of Moscow University (1834)
8. *On education in the Russian Federation. Federal Law* (2019)
9. R.V. Kravtsov, *Legal nurturing of an individual in the context of the axiology of law* (Chelyabinsk, 2006)
10. A.M. Rudenko, *Methodology of nurturing work* (Phoenix, Rostov-on-Don, 2015)