

Civil law and anti-corruption legal awareness of future lawyers

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Abstract. The profession of a lawyer is very important for the political system of the country and society as a whole, because it covers various segments of the state: economic, political, social, moral, psychological, etc.; how the profession affects the moral and moral values of the society is an urgent issue for the modern world. It is important how future lawyers master the material that they are taught at an educational institution. Besides, during training it is critical whether they realize the significance of their profession, whether they can be held responsible for their actions and acts in the professional environment and in private life. Corruption is one of the global challenges of the humankind around the world. There is no country in which it is absent, because its roots go back to the beginning of the formation of civilization. Corruption is multifaceted and has different forms and types. It drastically affects the moral values of people, including the younger generation, whose boundaries are erased in the understanding what is normal and acceptable. The purpose of the study is to identify how the civil law and anti-corruption legal awareness of future legal professionals is formed. The material of the study was the data of an anonymous questionnaire of cadets of Admiral Ushakov Maritime State University.

1 Introduction

Modernization of the system of secondary vocational and higher education is aimed at solving the problems of state policy with a focus on the interests of modern society. Clearly, the demands of the labor market are changing, which set new conditions for the content of educational programs, requirements for participants in the educational process. In modern conditions the education system can no longer remain closed and self-sufficient. The need to develop it “ahead” of emerging social and economic problems has intensified. Therefore, investments in the development of the professional education system, including financial ones, should be considered as a contribution to the future of our state.

From a pedagogical point of view it is worth noting the works of Aleksandrov A.I. – fight against corruption: topical issues of criminal law, criminal procedure [2]; Andrianov V. – unreported employment in the Russian economy [4]; A.N. Belogortsev – legal aspects of countering illegal migration and corruption as threats to the national security of the Russian Federation [5]; Vasev A.V. – constitutional, criminal legal, intelligence aspects in the activities of law enforcement agencies to combat corruption in state authorities and local governments [6]; Voronin M.Yu. – legal support for the implementation of criminal policy in the field of prevention of the conflict of interest in law enforcement agencies [7]; Garmaev Yu.P. – principles of investigation of corruption crimes [8]; Getman V.G. – legal regulation of operations related to the “wealth of

unexplained origin” in Russia [9]; Zimin S.I. – issues of administrative and legal regulation of anti-corruption in the US police [11].

2 Results

The problem of the modern state of the educational sector is that both higher and secondary vocational education, in turn, are not yet able to sufficiently eliminate the problem of the lack of specialists and “personnel hunger” due to the constantly changing requirements of the state, enterprises and organizations for the level of qualification of workers. At the same time, many graduates do not find a job “in their degree field” in modern economic conditions.

The development of the educational system takes place under the significant influence of the state policy in the social sphere. There is no denying the existence, including in modern Russian society, of different classes or categories in their property and political condition. Therefore, the system of educational institutions is dual in nature in some way or other. Publicly or privately some educational institutions are intended for representatives of the wealthy part of society, while others are intended for the poorer. Moreover, in the context of economic inequality, these drawbacks in the educational system are intensified by unequal access to quality higher education.

The main task of the modern Russian educational policy is to ensure the modern quality of higher and secondary professional education, including legal

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education, based on the preservation of its fundamentality and compliance with the current and promising needs of the individual, society and the state.

Thus, the formation and development of secondary vocational and higher education systems is reduced to solving problems of a meaningful, organizational and managerial nature, developing a balanced state policy, its focus on the ideals and interests of the renewable Russia.

The pedagogical task of personality formation (carried out in the interests of an individual and society, ensuring that the individual reveals his/her abilities), respecting and able to strengthen and develop the values of a society created by previous generations, respecting the rights and freedoms of other citizens, is a task which solution involves the socialization of a person and ensuring its self-formation. In this regard, the term "Socialization" has long been known to science, which refers to the process of personal development of the wealth created by humanity, older generations, the process of adaptation to life in society among people. This process is stepwise and proceeds throughout life, while the most significant stages for personality formation occur from birth to early adulthood. Both in the period of growing up and in the subsequent years of life deformations are possible, which are called asocialization, and their successful elimination – resocialization [10, p. 169].

Dozens of researches already proved that the individual reasons of origin and development of deviant behavior of the personality which are coming to the end with crime are almost always connected with the pedagogical neglect connected with the low level and deformations of education, manners, proficiency and development.

An integral part of the process of socialization of an individual is legal socialization and legal identification, the essence of which is the assimilation of legal values, their transformation into norms of life and behavior, into personal qualities and characteristics of psychology. It is not for nothing that they say that a well brought-up person is not the one who behaves in an educated manner, but the one who cannot behave otherwise.

The results of legal socialization are the legal integrity of the individual, its legal psychology, legal formation, training, education, development. Eventually, in its highest manifestation, legal formation acts in the image of legal and civic culture.

The civic culture of future lawyers is such an integrative property of the individual, which is characterized by a steady conviction in the value of the Motherland, its people, its culture and statehood; active socio-useful and professional activities.

The legal culture is also based on the inviolability of the above values, but with emphasis on the current law. It is here that the conscious wording comes to the fore: "Personal freedom and rights end where the freedom and rights of another person begin", the understanding that rights are inseparable from obligations.

The elements of legal education include the following:

respect for laws as a whole as norms of being, good, integral elements of civilization;

complete non-acceptance of unlawful phenomena when aimed solely at legal conduct;

need and desire for legal motives and habits, exclusively legitimate resolution of conflicts and other problems;

resistance to criminal phenomena;

seeking to assist state law enforcement agencies in policing, addressing the causes and conditions leading to offences;

desire to deter others from committing misconduct by encouraging lawful conduct.

In turn, legal training of the individual can be characterized by the following:

knowledge of the minimum legal and regulatory acts necessary for work and behavior in everyday life;

skills and abilities of lawful conduct in legally relevant situations;

knowledge of possibilities, procedure and rules for the legal protection of rights and interests;

knowledge and skills in the use of personal protection in criminally dangerous situations, including the limits of necessary defense.

The legal development of a citizen with a proper level of legal culture is expressed in the following:

development of consciousness, in which, where necessary, reflections, assessments, elections, decisions, guidelines that meet the requirements of lawful conduct arise in life and activity;

development of qualities that do not allow victimized (risky, imprudent, frivolous, licentious, provoking) behavior;

interest, motivation and need for continuous self-improvement and an increase in the level of legal formation.

Thus, legal education will mean the purposeful influence of the teacher's consciousness with the student's consciousness aimed at developing a positive attitude to laws and legal frameworks.

The need for monitoring in order to correct the educational process, to choose the optimal forms and methods of influencing the personality of future lawyers determines the importance of the procedure for assessing the results of civil and legal education of cadets studying law.

Since the purpose and the main result of civic education of cadets is the formation of civic culture, and legal education – legal culture, respectively, the main parameter of determining the effectiveness of civil and legal education of cadets will be the determination of their level. We propose to evaluate the level of development of civil and legal education of cadets on the basis of cognitive, motivational-value and practical criteria and indicators. In other words, knowledge, psychological attitude (perception or non-perception) and practical participation in their implementation should be evaluated.

The cognitive and motivational-value criteria for legal education were described in the characteristics of legal exposure and education, respectively. Let us dwell on the criteria for assessing civic education.

So, from the point of view of cognitive indicators, civic education is evaluated by knowledge of the history

of the development of civic education, its significance in modern society; knowledge of national and universal laws and problems, knowledge of popular culture and values.

The motivational-value criterion for assessing the development of civic education includes an assessment of attitudes towards the motherland, people, culture; relations to the political and legal sphere of society and the processes taking place in it [16-19].

The practical criterion of civic education implies the assessment of the level and degree of participation in socially useful activities, social and charitable events; legal education – in direct activities to choose methods and means of their implementation in legally significant situations. Besides, both civil and legal education can be assessed from the point of view of moral attitude and habits of civilized behavior.

Legal and civil education, in turn, play a crucial role in the formation and development of anti-corruption culture and anti-corruption behavior. This is especially true in modern socio-political and economic realities. The scale of corruption in our country has turned it into a real threat to national security. Increasingly, there is a connivant, indifferent attitude to corruption on the part of the adult population, and young people, indeed, do not attribute some corruption acts as such and “do not see” manifestations of corruption in certain episodes of the activities of state authorities, officials, as well as in everyday life.

It became interesting to us at what level of development there are various elements of the anticorruptive culture among today’s cadets-future lawyers studying at higher and secondary vocational education.

The respondents were the most trained third-year cadets of four groups of the college, who completed their studies with “advanced standing” and were able to get an “excellent” mark in most legal disciplines ahead of schedule. Second-year cadets of two groups of future lawyers with different academic performance were selected from a higher educational institution (university). As a result, 62 people under 20 years old of different nationalities, religions and views of life were interviewed. For greater objectivity, the questionnaire was conducted anonymously. The respondents only needed to indicate the group number for an accurate understanding of how each group assimilates the necessary material, as well as for analyzing the answers.

We set the following tasks: to identify how much future lawyers understand the content of civil law education, their attitude to corruption, and moral foundations.

The questionnaire consisted of 2 blocks: the first block was theoretical, where it was necessary to choose the right answer. The second block consisted of repeated questions of the first block, as well as cases based on their personal experience, as in the first block; it was also possible to choose several options or write your own.

As a result, only 10% – 6 people answered the question “What actions can be called corruption?” indicating two correct options. The question “What is

included in the concept of anti-corruption?” was correctly answered by 9 people, i.e. 14.5%. The first block also included the question “Name the main measures to prevent corruption?”, in which all options were correct, only 1 university student chose the correct answer. Five respondents, i.e. 8%, were able to answer the question about the basic principles of the fight against corruption.

Less than half gave the correct answer to the question “Do bribe-takers return money and other values that have become the subject of a bribe?”, and the university cadets were worse than college students here.

We received 100% correct answers to the question “Which state bodies have the power to combat corruption?”. 90% of students correctly answered the question “Can a mediator of bribery be prosecuted?”.

More than half of the respondents incorrectly answered the question “Is a public servant obliged to notify the public authority in which he is serving of all cases of receiving a gift in connection with his official position or performance of official duties?”.

The most difficult questions for students were anti-corruption issues, which are regulated by the legislator, and are directly related to the specifics of the actions of public servants in terms of notification of a conflict of interest and the possibility of its occurrence. To the question “What penalties can be applied to a public servant by the representative of the employer for corruption offenses?” it was necessary to choose all the proposed options, but no one answered correctly.

The cadets ambiguously answered the second question of the second block “How do you feel about corruption?”. A fairly large number – 38% declared their attitude as “neutral”. Answering the question “Do you think corruption greatly affects the country’s economy?” only 18% of respondents unequivocally answered this question positively. The rest either found it difficult to answer or answered “no”.

To the question “What professions, in your opinion, are the most corrupt?” it was proposed to choose several options. All respondents chose traffic police officers, more than half added other police officers. Besides, most chose medical workers. Among the chosen options were also judicial officials, employees of housing and communal services, construction companies and rectors of higher educational institutions. One student chose “different” and indicated the employees of the investigative committee.

At the same time, answering the question “In what areas did you have to face corruption in the administration of the municipality of Novorossiysk?” the students also chose several options. The area of health care was almost unanimously indicated. More than half of the “votes” of students gained the field of transport. 46% indicated education and construction as the corruption areas.

The answers to the questions “Imagine such a situation that you randomly found yourself in a position where you saw factors of corruption relations, did you report this to law enforcement agencies?” also make you think. More than half – 62% of students believe that “it makes no sense”. Unambiguously, 21% answered “no”

and only 17% chose a positive answer. The answers to the question “Do you think it is possible to fight corruption in Russian society once and for all?” were distributed approximately, as to the previous question. Answering the question “Do you agree that in society corruption began to be treated as a norm?” the majority answered positively – 82%.

The reasons for corruption mainly include (we list in the order of popularity) insufficiently strict penalties, low wages, lack of public control, and an unstable economic situation. Only university cadets, among other things, highlighted the low level of legal culture among the population, the underdevelopment of civil society and the prevailing mentality.

The last question was “Are you ready to report the facts of corruption?”. The answer “on an anonymous basis only” was given by 20% of students, 76% answered “no, it will not change anything”. Only the remaining 3 answered “yes, ready to cooperate to eradicate corruption”.

The results of the study make you face up to the fact that there are clear signs of insufficient development of anti-corruption culture, connivance to corruption, and poor legal training.

We believe that in order to restore such gaps and moral deformation it is especially important to form an anti-corruption focus among cadets studying law at higher and secondary vocational institutions. Here some scholars rightly emphasize the need to entrust professional education with the missionary component.

At the same time, “mission” is understood as a philosophical category of expressing the meaning of being a professional community and its life purpose [1, p. 322]. The opinions of some scholars are similar to the idea of separating from among the “professional missions”, along with, for example, doctors taking the oath of Hippocrates, the “professional mission of an employee of the internal affairs bodies” [3, p. 5] or the “mission of a lawyer” [21, p. 71].

The lawyer’s awareness of his mission as an internal attitude and an integral social need will minimize and further overcome negative manifestations and distraction moral and psychological attitudes. Therefore we believe that a future lawyer similar to a military servant should persistently endure life’s difficulties, resist the aspirations for enrichment in any way. The legal mission of a lawyer should reduce to unconditional service to the law “in conscience”, i.e. not only because of the humanity of the laws, but also on the basis of moral principles, realizing personal responsibility to what is happening and done.

Striving to achieve such a goal of the professional mission of lawyers as formation of anti-corruption focus it is necessary to bear in mind that corruption is systemic [12-15; 20]. In its interaction with the educational system a circle is completed: corruption devalues values, and this devaluation destroys the spiritual foundations of education of the younger generation. The insufficiently developed values of education facilitate the spread of a positive (or conniving) attitude to corruption among young people, which leads to the spread of various forms of corruption behavior among legal scholars and law

enforcement officers, when the graduates of law universities and faculties become practicing specialists.

3 Conclusion

The mission of the lawyer must begin with the self-defence of the lawyer against violations of his rights in general and corruption in particular. To do this, it is necessary to train cadets in the skills and methods of initial recognition of violations of the law. Self-defense against corruption can create an attractive motivation for the adoption of a legal mission for all lawyers.

A priority in the fight against corruption is not only an in-depth knowledge of the legislative framework, but also legal education, which is based on the transformation of anti-values into values and thereby contributes to strengthening the convictions of the legal consciousness of the student in the inviolability of legal norms.

Can corruption be defeated? The question remains open. Could corruption be eliminated only through vocational education and education mechanisms? No. But the value of the legal mission of lawyers lies in the possibility of individualizing legal, economic and educational measures to form a new generation of legal scholars in order to minimize this social phenomenon.

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