



# ПЕДАГОГІКА

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## Смешанное образование – условие подготовки квалифицированных юристов

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Технологическая революция, связанная с информатизацией и цифровизацией, вносит серьезные коррективы в систему высшего образования. Подготовка юристов должна учитывать не только новые качественные реалии государственно-правовой действительности, требующей создания новой мета- и макротеории, но и новые способы подачи знаний: цифровое обучение, модульный подход, дистанционную форму, обучение через смартфоны, планшеты, мобильную связь, использование юар-кодов, голографию, стереоизображение (+3D) и т.д. Однако технические новинки не должны мешать содержательному усвоению материала, формированию убеждения, овладению практическими умениями и навыками. Это можно сделать благодаря смешанному (гибридному) обучению, сочетающему традиционные методы, дополненные цифровыми технологиями.

Цель работы – показать необходимость использования смешанного образования для подготовки высококвалифицированных юристов.

**Материал и методы.** Статья написана на основе диалектико-материалистического, синергетического и компаративистского методов, изучения нормативных правовых актов, учебной и научной литературы по теме исследования.

**Результаты и их обсуждение.** Цифровизация государства и права заставляет дополнять традиционное образование новыми IT-формами, позволяющими повышать усвояемость, практическую направленность учебного материала.

**Заключение.** Система смешанного обучения должна быть направлена на подготовку высококвалифицированных юристов, имеющих прочные знания, обладающих необходимыми умениями и навыками, быстро адаптирующихся к изменяющимся условиям, имеющих желание постоянно повышать свою квалификацию.

**Ключевые слова:** цифровизация, информатизация, правоведение, государствоведение, мета-, макротеория государства и права, подготовка юристов, электронное образование, профессиональное обучение, идейно-нравственное воспитание, плюралистическая методология, смешанное (гибридное) обучение.

## Blended Education as a Condition of Training Qualified Lawyers

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The technological revolution associated with informatization and digitalization makes major adjustments to the higher education system. The training of lawyers should take into account not only new qualitative fundamentals of state and legal reality, which requires the creation of new meta and macro theories, but also new ways of presenting knowledge: digital education, a modular approach, online study mode, teaching via smartphones, i-pads, mobile communications, application of QR codes, holographics, stereo image (+ 3D), etc. However,

*technical innovations should not interfere with the contentive learning, shaping conviction, mastery of practical skills and abilities. This can be done due to blended (hybrid) training, which combines traditional methods, complemented by digital technology.*

*The purpose of the work is to show the need to use blended education for the training of highly qualified lawyers.*

**Material and methods.** *The article is based on the dialectic materialistic, the synergistic and the comparative methods, the study of regulatory legal acts, educational and scientific literature on the topic of research.*

**Findings and their discussion.** *The digitization of state and law requires supplementing traditional education with new IT – forms that allow to increase the digestibility and practical focus of academic material.*

**Conclusion.** *The system of blended education should be aimed at training highly qualified lawyers with strong knowledge, possessing the necessary skills and abilities, quickly adjusting to changing conditions, having a desire to improve their skills constantly.*

**Key words:** *digitalization, informatization, law, state science, meta/ macro theory of state and law, training of lawyers, e-training, professional training, ideological and moral education, pluralistic methodology, blended (hybrid) education.*

The training of highly qualified lawyers requires a combination of professional training and ideological and moral education. A lawyer, as a carrier of state authority, must possess special knowledge and skills, be active in a civil position, be honest, principled, fair, always enforce the law.

Under the conditions of increased competition in the labor market, the presence of an oversupply of low-qualified legal personnel, there is a need to improve the quality of education, turning it into practice-oriented and digital.

The rapid development of society requires a quick solution to this problem. The transition to a four-year term of study, changes in curricula, model curricula, and an increase in the terms of practice, make us edit significant adjustments to the educational process.

The purpose of the research is to show the need to complement traditional education with digital methods of teaching and mental training in connection with changes in the state-legal reality in the context of the technological revolution.

**Material and methods.** The article is written on the basis of dialectic-materialistic, synergistic and comparative methods, the study of regulatory legal acts, educational and scientific literature on the topic of research.

**Results and their discussion.** The global changes associated with the technological revolution largely relate to jurisprudence and the training of lawyers. Many questions of jurisprudence are debatable. This concerns not only general topics (object, subject-matter, subject of law, content), but also special, particular problems of sectoral and interdisciplinary disciplines, the use of special techniques, etc.

In accordance with the model curriculum of the general theory of law, students become familiar with the legal framework (and not just the legal system), legal law, legality (and not just law and legality), law and the state in terms of innovative, informational development, etc.

As an object of jurisprudence, it is proposed to consider not the state and law in their dialectical interconnection, but legal life, legal reality in their positive and negative forms, systemic and non-systemic relations, the organization of this legal life is considered to be the subject of the general theory of law. The existence of general patterns of emergence, change and development of the state and law as integral, dialectically interrelated institutions is called into question, therefore it is suggested not to compare (due to incomparability), but simply to describe state-legal phenomena in specific countries [1, p. 13]. Alongside this, one should not reject the established concepts and definitions that have been verified by practice and recognized by the majority of legal scholars. Thus, the object of the general theory of law is the state and law in their dialectical interrelations, and the subject is the general laws of these phenomena, methodological issues, doctrines, essential characteristics, their implementation and development trends [2]. In order to prepare professional, demanded personnel, one needs a reasonable combination of classical (traditional) and digital education. The multi-layered, complex, cyclical, and contradictory nature of modern law is rapidly changing the substantive and formal aspect of legal disciplines, the ways of presenting material. "Digital" reality puts on the agenda the issues of teacher's mastery of new information Internet technologies that help to digitize data, allowing to more intensify, structure, illustrate, diversify the presentation process, make it more meaningful, interesting, visual, memorable and ultimately increasing the effectiveness of training. The teacher, working to anticipate, must understand himself and explain to students the meaning of new terms: "e-state", "digital economy", "e-government", "e-justice", "e-citizen", "artificial intelligence", "digital personality", "the World Wide Web", the digital form of the Constitution, the contract, etc. They require interpretation: artificial intelligence, cryptocurrency, blockchain, tokens, digital twins, virtual dupes, electronic traces, "digital death", bloggers, providers, legal personality of robots, etc. It should be recognized that the state and law are rapidly developing and changing in the new informational, digital conditions. The vec-

tors of legal development are changing, the strategy, legislation, and legal practice are being improved, i.e. all legal reality. The impact of the right to society is increasing, legal regulation is becoming more complex, the number of national and international regulatory legal acts is rapidly increasing, comparative law is gaining momentum, and integration and differentiation of law are taking place. The number of branches of law is growing (up to 100), cross-cutting mega-branches (economic law, information law) are being formed. Numerous legal acts need to be systematized in the form of a kind of legal table, similar to the table of chemical elements of D.I. Mendeleev, the pyramid of G. Kelzon's legal acts. The crisis of international law again raises the question of universal law, the right of peoples, meta-law, which has a complex macro-theory [3, p. 5–10].

Significant changes relate to state science. States disintegrate, new supranational and supranational structures appear, changes are taking place in the interpretation of sovereignty. Together with the state, digital, information, network sovereignty appears. In addition to the territory of the state, information cyberspace operates in parallel, where the territory of the Internet extends to the whole world and most of its population. The questions of their interaction and regulation appear. The World Wide Web actively influences the "national law", "street democracy", "color revolutions", is included in the PR of the company. Issues of the sixth technological order (including legal, related to bio, nanotechnology, cognitive and information programs, DNA determination, the use of drones, polygraph, neuroimplants, virtual and online communications, etc.) arise on the agenda in all spheres of social life. The possibility of using the mentoscopy method (scanning of thought) – extracting hidden, forgotten information is actively discussed among lawyers [4, p. 25]. Many classical notions are put in doubt, including: state, law, democracy, subject and object of legal relations, national sovereignty, public, private law, etc. Different issues are discussed: capturing a criminal offense of an individual in legislation, criminal liability of a legal entity, corporate, procedural responsibility and etc. Victimological training deserves special attention [5].

Students need to be taught to recognize and qualify cybercrime, electronic fraud, hacker attacks, etc. A necessary condition for obtaining objective knowledge of legal reality is methodological pluralism. It is a combination of universal research methods: materialism, idealism, dialectics, metaphysics, logic, formational, civilizational approaches, anthropic and axiological principles, as well as the use of methods of synergistic, hermeneutic, existential, phenomenological philosophy, philosophy of life.

Synergetic methodology considers state and law as self-organizing nonlinear systems, subject to risk and constant change. At critical stages of society, at points of instability, bifurcation, probabilistic, random connections and relationships play a major role. These connections and relationships can change the trajectory of society's movement and lead to unexpected, often negative, results (October Revolution in Russia, the collapse of the USSR, etc.). Hermeneutic methodology is aimed at the knowledge of law and the state through the study of language, text, works of art, through self-observation, personal implementation in the subject of study. Phenomenological methodology is aimed at describing a specific state and law, where knowledge goes through the stream of consciousness, the researcher's self-consciousness.

The existential method offers the study of state and law in the conditions of interfacial situations: war, peace, revolution, the collapse of the country, unification, formation of national states, riots, iron discipline, catastrophe, betrayal, heroism, etc. Only a reasonable combination of diverse methods, verified in practice and based on legal facts, can lead to a positive result and create an objective, real picture of legal reality. Careful selection of material, reliance on an updated regulatory legal framework, interesting examples from law enforcement practice can captivate, interest and assist the student in obtaining the necessary amount of knowledge. The advantage of this approach is the diversity of points of view, the study of the spiritual, moral, psychological components of the state and law. Moreover, an integrated (interdisciplinary) approach to the study of the state and law assumes to consider them as an ideological form of objective reality. When presenting the material, the teacher should have a verified and well-founded position based on the program, regulatory legal acts and generally accepted, well-established doctrines of reputable and recognized scientists. This does not exclude the need for students to get acquainted with new approaches and concepts, to obtain a required analysis of their strengths and weaknesses.

The presented material should disclose patterns, concepts, generally accepted concepts by highlighting their characteristics, indicia, principles, essence, functions, mechanism, normative component and show new phenomena related to information, electronic, digital changes in the activities of the state and law. Traditional and new, static and dynamic, the phenomena in the center of the legal circle and on the periphery, constitute the substantive aspect of the disciplines taught. Particular attention should be paid to improving the legal culture of law students, especially in terms of legal conviction, the formation of skills and abilities [6].

Herewith, this is blended education that combines traditional methods and digital education, including a modular approach, e-learning, online study mode, self-study, the availability of online courses, learning via

smartphones, tablets, mobile communication, social networks. QR codes are used. These codes allow quick access to a large amount of coded information, media holographics, stereo image (+ 3D), video presentations, etc. The teacher becomes increasingly involved in the learning process, i.e. a robot that can not only transmit information, communicate with students, but also check homework, look in students' notebooks, give marks, give observations, express delight, indignation, anger [7, p. 63–64].

In the field of creating artificial intelligence, research is actively conducted on the development of neural networks that replicate the human nervous system. Even today, the neural network is able to recognize people, train, synchronously translate from a foreign language into a native language, process documents, clean up the house, control the plane and the car, perform complex calculations, play chess, do surgical operations, etc. [8, pp. 79–80].

G. Gref, Chairman of the Board of Sberbank of Russia, speaking at the Baltic Federal University named after Immanuel Kant, said that in 2016, 450 lawyers who prepared statements of claim in Sberbank of Russia were made redundant, because the neural network made them much better, therefore, preference for recruitment was made for those lawyers who know how to work with it [9, p. 37].

**Conclusion.** Electronic pedagogics is aimed at training highly qualified specialists who have deep knowledge not only in jurisprudence, but also in the field of high technology, finance, credit, those who know foreign languages and psychology. It is necessary to reasonably combine profiling and comprehensive training.

Automation of legal functions, the addition of a living lawyer with artificial intelligence, a robot capable of varying, comparing hundreds of decisions and making the most rational, logical option, radically changes both the training and the legal profession itself. Quantitative changes in education create conditions for the transition from the old quality to the new.

Taken into account that the right is mostly a rational system, we can assume that most of the preliminary actions of a lawyer, up to a decision, will be carried out by the machine. Templates, analogy, automated evaluation of the pros and cons of the proposed solution, significantly change the life of lawyers. The digital age brings us closer to the realization of the “pink” dream of the positivists (normative writers): “Let the laws rule, not the people”.

At the same time, one cannot abandon traditional teaching methods and achievements of the Soviet pedagogical school. A lively, emotional, knowledgeable lecturer will not be replaced by any “talking head”. The authority, trust, personal example of the teacher, still remain very popular among students. It is a different matter that the teacher should be aware of the changes that are taking place in legal science, in the field of advanced technologies. Using the new digital form one needs to remember that the content aspect is primary.

The system of blended education should be aimed at training highly qualified lawyers with strong knowledge, possessing the necessary skills and abilities, quickly adapting to changing conditions, having a desire to constantly improve their skills. This training requires close and continuous interaction and trust of the tutor and the student. The student must want to learn. You can only teach someone who wants to do it himself. The teacher from the transmitter, knowledge translator turns into a mentor, partner, tutor. He teaches students to extract the necessary knowledge. Only in this case, knowledge turns into a creative force.

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