

# High-Quality Legal Education as a Source for the Formation of Legal Culture and Professional Legal Awareness of Lawyers

Anzhelika Anatolyevna Sergeeva<sup>1</sup>, Marina Anatolyevna Gorbatova<sup>2</sup>, Mikhail Gennadevich Rusetskiy<sup>3</sup>, Svetlana Sergeevna Tikhonova<sup>4</sup>, Irina Alekseevna Efremova<sup>5</sup>

<sup>1</sup>Saint Petersburg Institute (Branch) of All-Russian State University of Justice, 10th line of Vasilievsky Island, 19A, Saint Petersburg, Russia, 199178

<sup>2</sup>South Ural State University (National Research University), Lenin prospekt, 76, Chelyabinsk, Russia, 454080

<sup>3</sup>North Caucasus Federal University, Pushkina Street, 1, Stavropol, Russia, 355009

<sup>4</sup>Lobachevsky State University of Nizhni Novgorod, Gagarin Avenue, 23, Nizhny Novgorod, Russia, 603950

<sup>5</sup>Saratov State Law Academy, Volskaya Street, 1, Saratov, Russia, 410056

## Abstrac

The article considers higher legal education as a source for the formation of legal culture, as well as professional legal awareness of lawyers as a structural element of legal culture. The reasons that give rise to legal nihilism among lawyers are analyzed. The authors particularly highlight the shortcomings and omissions in the process of legal training and education of future lawyers. Special attention is paid to the characteristics of the educational environment in higher education institutions in Russia, which provide training for legal personnel, including the requirements that the state sets to the quality of legal education in Russia, as well as the compliance of higher education institutions with these requirements. It is concluded that professional competency of a lawyer should be formed simultaneously with general cultural competency, which, in turn, is characterized by respect for the law, as well as a strong belief in the need for professional activity to adhere to the norms of morality and demonstrate lawfully oriented behavior.

Keywords: professional legal awareness of a lawyer, legal nihilism, professional and general cultural competency, higher education.

---

# Educación legal de alta calidad como fuente para la formación de la cultura jurídica y la conciencia jurídica profesional de los abogados

## Resumen

El artículo considera la educación jurídica superior como una fuente para la formación de la cultura jurídica, así como la conciencia jurídica profesional de los abogados como un elemento estructural de la cultura jurídica. Se analizan las razones que dan lugar al nihilismo legal entre los abogados. Los autores destacan especialmente las deficiencias y omisiones en el proceso de capacitación legal y educación de futuros abogados. Se presta especial atención a las características del entorno educativo en las instituciones de educación superior en Rusia, que brindan capacitación para el personal legal, incluidos los requisitos que el estado establece para la calidad de la educación legal en Rusia, así como el cumplimiento de las instituciones de educación superior. con estos requisitos Se concluye que la competencia profesional de un abogado debe formarse simultáneamente con la competencia cultural general, que, a su vez, se caracteriza por el respeto a la ley, así como una fuerte creencia en la necesidad de que la actividad profesional se adhiera a las normas de la moralidad. y demostrar un comportamiento legalmente orientado.

Palabras clave: conocimiento legal profesional de un abogado, nihilismo legal, competencia cultural profesional y general, educación superior.

## 1 Introduction

The statement that professional legal awareness plays the paramount importance in the structure of legal awareness can be found practically in all educational and scientific publications on the legal theory. Legal awareness is usually understood as the totality of feelings, ideas and views, which allow expressing the attitude to the current and desired state of law, to legal phenomena, legally significant actions and acts, activities of legal institutions and organizations (Morozova, 2010, p. 344). Moreover, it is believed that all lawyers – representatives of the unique strata of people with special legal training (ideally extensive, systematic knowledge in the field of jurisprudence) – should possess this trait. Lawyers not only possess specialized legal knowledge but also the skills and abilities to use legal knowledge in professional activities. The assertion that professional legal awareness, which lawyers are

endowed with, determines the understanding of the value of the law is practically axiomatic. That is why the level of legal awareness of lawyers is presumed to be high, and commitment to ideals in the field of law is sustainable, that is, lawyers respect the law, are ready to follow its instructions and call others for it. It can be argued without a doubt that the activity of the “social and legal group of lawyers” (Shmykov, 2010, p. 30) in the legal life of Russian society has a social purpose, expressed, *inter alia*, in their participation in strengthening the rule of law in the country.

However, there is a situation in the Russian society that is characterized by the presence of a serious deformation of legal awareness, a crisis state of legal culture, a general axiological and cognitive vacuum (Bugaenko, 2007, p. 67). Evidence of the emerging tendency towards the formation of legal nihilism among legal professionals is becoming more numerous.

Legal nihilism in the legal environment as a type of professional deformation of a lawyer is dangerous because it provides a person with special systematic knowledge of law, a real opportunity to realize one’s arrogantly dismissive attitude to the right in professional activities, when a lawyer demonstrates a “departure” from the legal field of solving problems in the direction of using non-legal methods.

In this case, it is not only the legal professional psychology of the lawyer that is affected but also his/her professional legal ideology. The harm caused as a result of the manifestation of legal nihilism in representatives of the legal profession is multifaceted and can become apparent in any area of the professional activity of a lawyer.

## 2 Methods

Formation and further development of both ordinary and professional legal awareness, as many authors rightly point out, is an educational and pedagogical process, during which knowledge of the law is transferred to a student for subsequent understanding, evaluation, and application in practice (Klimentov, 2011, p. 207).

Therefore, it is logical to conclude that the source of the deformation of professional legal awareness is not only disappointment in law, law enforcement, loss of legal ideas in the process of professional legal activity, but the consequences of defects, mistakes, flaws in legal education in the period of receiving a higher legal education. Identifying the causes of professional deformation of a lawyer, expressed in the manifestations of legal nihilism in the process of professional activity, may allow eliminating the shortcomings of the formation of professional legal awareness.

endowed with, determines the understanding of the value of the law is practically axiomatic. That is why the level of legal awareness of lawyers is presumed to be high, and commitment to ideals in the field of law is sustainable, that is, lawyers respect the law, are ready to follow its instructions and call others for it.

It can be argued without a doubt that the activity of the “social and legal group of lawyers” (Shmykov, 2010, p. 30) in the legal life of Russian society has a social purpose, expressed, *inter alia*, in their participation in strengthening the rule of law in the country.

However, there is a situation in the Russian society that is characterized by the presence of a serious deformation of legal awareness, a crisis state of legal culture, a general axiological and cognitive vacuum (Bugaenko, 2007, p. 67). Evidence of the emerging tendency towards the formation of legal nihilism among legal professionals is becoming more numerous.

Legal nihilism in the legal environment as a type of professional deformation of a lawyer is dangerous because it provides a person with special systematic knowledge of law, a real opportunity to realize one’s arrogantly dismissive attitude to the right in professional activities, when a lawyer demonstrates a “departure” from the legal field of solving problems in the direction of using non-legal methods.

In this case, it is not only the legal professional psychology of the lawyer that is affected but also his/her professional legal ideology. The harm caused as a result of the manifestation of legal nihilism in representatives of the legal profession is multifaceted and can become apparent in any area of the professional activity of a lawyer.

## 2 Methods

Formation and further development of both ordinary and professional legal awareness, as many authors rightly point out, is an educational and pedagogical process, during which knowledge of the law is transferred to a student for subsequent understanding, evaluation, and application in practice (Klimentov, 2011, p. 207).

Therefore, it is logical to conclude that the source of the deformation of professional legal awareness is not only disappointment in law, law enforcement, loss of legal ideas in the process of professional legal activity, but the consequences of defects, mistakes, flaws in legal education in the period of receiving a higher legal education. Identifying the causes of professional deformation of a lawyer, expressed in the manifestations of legal nihilism in the process of professional activity, may allow eliminating the shortcomings of the formation of professional legal awareness.

In this regard, it is of interest to study the role of higher legal education in shaping the legal culture and professional legal awareness of a lawyer. The opinion of some authors of research in this area is that higher legal education is an independent element of the legal culture in Russian society (Petrov & Gorbatova, 2007, p. 176).

It should be noted that higher legal education is an educational activity of subjects determined by the Federal Law No. 273 “On Education in the Russian Federation” dated December 12, 2012 (hereinafter – Education Act) (Federalnyi zakon ot 29.12.2012). The quality of higher professional education in Russia, including legal, is determined based on its compliance with Federal State Educational Standards of higher education (hereinafter – FSES), the study of which gives an idea of the current requirements for legal education.

General and special methods of scientific research, the historical method and the method of systematic-structural analysis were used in the work.

### 3 Results

It is necessary to determine the content of the concepts that are used in this work to conduct qualitative research. We agree with the opinion of the researchers A.V. Petrov and M.K. Gorbatova (2007, p. 179), stating that professional consciousness is “a scientifically based harmonious system of legal knowledge, beliefs, and feelings that guide one’s activities”. Once again, we note that many authors recognize higher education, in our case, legal, as a source of professional legal awareness.

In accordance with Article 69 of Education Act, the goal of higher education is to ensure the training of highly qualified personnel in all areas of socially useful activities in accordance with the needs of society and the state, to meet the needs of the individual in intellectual, cultural and moral development, deepening, expanding education, scientific and pedagogical qualifications. This noble goal can be achieved only if higher education institutions (hereinafter – universities) implementing a higher legal education program offer high-quality education, which the same law defines in Article 2 as “a comprehensive description of the educational activities and training of a student, expressing the degree of their compliance with federal state educational standards and (or) the needs of natural or legal person in whose interests the educational activities are carried out, including the degree of achievement of the planned results of the educational program”.

FSES serves as the basis for an objective assessment of the quality of education. In Russia, with the introduction of FSES, a competency-based approach in education was introduced. The formation of general cultural, general professional, professional and professional-specialized competencies, the set and content of

which are recognized by many specialists as controversial, is perceived as the main result of higher education.

Obviously, a graduate's competency as a complex integrative property includes “not only cognitive and operational-technological components, but also motivational, ethical, social and behavioral” (Bashev, 2001, p. 16). It reflects, among other things, the results of mastering the educational program (knowledge, skills), as well as value orientations, habits, etc. Therefore, it is very important that the aggregate of competencies that should be formed is a system formed with the sole purpose of preparing a worthy representative of lawyers with a high level of professional legal awareness.

The legislator does not disclose the concept of general cultural, general professional, professional and professional-specialized competencies. At the same time a systematic analysis of some provisions of legislation in higher education, as well as a broad discussion of the content of these concepts in the scientific and specialized literature allows us to conclude that the set of general professional, professional and professional-specialized competencies should ensure the future professional competency of a lawyer as an indicator of professional skills in various areas of social practice in which he/she will work. That is, professional competencies are designed to form a professional specialist who has the necessary set of legal knowledge, professional skills and abilities in professional activities (for example, performing various administrative and prescriptive actions, working with legal information, selecting, analyzing and evaluating situations that require solving legal tasks using legal means).

The fact that the emphasis has shifted towards practice-oriented legal training in the process of reforming modern education in order to form graduates' professional competencies as a prerequisite for a future lawyer to quickly adapt to a specific field of professional activity is obvious for many specialists (Gerbekova, 2016). This led to the gradual elimination of the former educational component from the education process, which resulted in an unreasonable decline in the value of the general cultural competency of graduates. However, the legal profession has high demands not only to the quality of professional skills of a lawyer but also to the level of his/her legal culture, the structure of which organically includes professional legal awareness. Moreover, there is a growing need for lawyers with a high level of general culture in modern society.

Anatoliy Fedorovich Koni (1967), an outstanding Russian lawyer, state and public figure of the second half of the 19th – first half of the 20th centuries, wrote: “An educated lawyer must be a person in whom general education goes ahead of the special one”.

The qualified application of the norms of law by a future lawyer should be based on a deep belief in the value of law, which is often replaced by an instrumental approach to its definition, when knowledge in the field of law and the ability to apply them are evaluated only as a tool to achieve other goals. In this regard, more and more attention should be given to the formation of general cultural competencies, which, according to many scientists, are key competencies (Khutorskoi, 2002).

General cultural competencies are universal, they are constant, unlike professional ones, which can vary and depend on many factors. The general cultural competency of a future lawyer, the structure of which is recognized by many authors as multi-component and including cognitive, value-oriented, and communicative-activity components

(Nigmatzyanova, 2014), is the basis for the development of professional competency of a future lawyer.

FSES in the field of legal profile contains a certain set of general cultural competencies, which a future lawyer should have. In the specified competencies, as rightly noted by M.A. Lepshokova (n.d.), the following characteristics are highlighted: maximum use of abilities to carry out professional activities; mastering the knowledge, skills and abilities necessary for the work in the specialty; collaboration with colleagues; competent combination of knowledge optimal for the performance of professional work; practical orientation in activities. It is also important that among these competencies, the ability to understand and analyze issues of value-orientation motivation is also reflected, which allows, based on the level of a student's own legal needs, to understand such legal values as the priority of the rights and freedoms of a person, respect for universal values, cultural identity, national traditions, etc.

However, it seems rather doubtful that the aggregate of general cultural competencies embodied in the standard alone, without high-quality student training, provided by a serious personnel potential of teachers, and a well-thought-out system of legal education, can contribute to the formation of a system of moral values in a student.

Therefore, improving the quality of training of students in law schools, along with the formation and functioning of an effective system of legal education in universities, are the main areas of prevention of legal nihilism among lawyers. This study will focus on the analysis of the quality of legal education. However, one cannot ignore the special role of legal education, which, to a greater extent, is provided by society as a universal system, while the main responsibility for the state of the education sector in Russia today is borne by the state, which remains the main subject of educational policy (Taranenko et al., 2018). It seems that the previous conclusion necessitates the study of the educational

environment in which a future lawyer receives a professional legal education. Disappointing conclusions regarding the quality of legal education in Russia were formulated in one of the analytical reviews of the Institute for Law Enforcement Problems “Legal Education in Russia: Analysis of Quantitative Data and Changes since 2012” (Moiseeva, 2018, pp. 13-15). Thus, despite the consistent policy of reducing the number of students studying in extramural form (as a rule, the share and period of contract work of a teacher and a student in the extramural form of study are reduced by 5-7 times). The proportion of students studying in the legal training areas and in extramural studies is approximately 70%, while the proportion of future lawyers who study in non-core educational institutions, for which higher legal education is not a priority, is high (about 45%). However, law students' education brings a certain income to such institutions of higher education. At the same time, the demand for legal education in Russia remains very high, which causes an increased cost of education at law faculties. Specialized educational organizations of classical universities, as well as specialized law universities, including departmental affiliation (Ministry of Internal Affairs of Russia, Ministry of Justice of Russia, Supreme Court, etc.), are primarily specialized educational organizations implementing programs of higher legal education. About 950 state and non-state universities functioned in the country, which, in turn, trained students in 1,300 branches as of January 1, 2013, according to the Ministry of Education and Science of Russia. About 150,000 people enrolled in higher education programs during this period. In 2012, the system of higher legal education included the levels of bachelor, specialist, master, as well as four programs (Jurisprudence (bachelor's degree level), Law Enforcement Activities (specialist's degree level), Legal Support of National Security (specialist's degree level) and Jurisprudence (master's degree level)), which were attended by about 660,000 students, which accounted for about 12.7% of all students in Russian universities. At the present time, despite the steady high demand for higher legal education among applicants in Russia, the number of higher education institutions implementing programs in the legal professions has decreased, but the quality of legal education has not improved.

FSES also place heavy demands on the staffing conditions for the implementation of higher legal education programs, among which one can name the requirements for specialized compliance of the teacher's basic education, scientific degree (academic title), advanced training, including the profile of subjects taught, etc. These requirements limit the possibility of teaching in several universities simultaneously by reducing the number of teachers working in an educational institution outside the main employment. At the same time, there



is a sufficient number of universities in Russia, among which the overwhelming majority are non-state and (or) non-major higher education institutions that do not comply with these requirements, which certainly affects the quality of legal education.

A similar situation exists in such conditions of current reality when special importance is attached to the activities of teachers in shaping students' motivation to vocational training, the conscientious performance of professional duties, and adherence to the principles of ethics of lawyers. The ethical competency of future lawyers will allow them to demonstrate the ability to adhere to the norms of morality and ethics in various conditions, as well as demonstrate lawfully oriented behavior in professional activities. The task of legal education is to instill such qualities and it can only be solved by teachers with a high level of pedagogical and professional skills. It is possible to propose the mandatory inclusion of the requirement for compulsory mastering the discipline "Professional ethics of a lawyer" in the FSES as one of the possible solutions to such a problem. The discipline should be taught by a teacher with the necessary professional qualities (for example, specialized education, practical experience, and the results of scientific research in this area).

#### 4 Conclusions

Lawyers as a special social and legal group have not only specialized knowledge but also the skills and abilities to use it in their professional activities. That is why legal nihilism among professional lawyers is dangerous. There is a real opportunity to demonstrate the skills of using "non-legal methods" "with competency" with impunity in professional activities.

At the same time, the main cause of the deformation of professional legal awareness of lawyers is shortcomings and omissions during the period of their studies in higher education institutions, which are not always able to offer high-quality legal education to applicants. Moreover, it is necessary to take into account the fact that at present, higher legal education in Russia is characterized by a practice-oriented bias in shaping the professional competency of a future lawyer in the prejudice of general cultural competency.

Great importance should be attached to the professional conditions for the provision of educational activities in which the formation of students' professional and general cultural competency will be entrusted to teachers with high-level pedagogical and professional skills.

#### 5 Conflict of interest

The authors of the article declare that they have no conflict of interest.

## References

- BASHEV, V.V. 2001. Strategiya modernizatsii soderzhaniya obshchego obrazovaniya. Materialy dlya razrabotki dokumentov po obnovleniyu obshchego obrazovaniya [The strategy of modernization of the content of general education. Materials for the development of documents on updating the general education]. Moscow, OOO Mir knigi, 104 p.
- BUGAENKO, Yu.Yu. 2007. "Deformatsiya i krizisnye yavleniya v pravovoi kulture sovremennogo rossiiskogo obshchestva" ["Deformation and crisis phenomena in the legal culture of modern Russian society"]. Obshchestvo i pravo [Society, and Law], 1(15): 67-74.
- Federalnyi zakon ot 29.12.2012 No. 273-FZ "Ob obrazovanii v Rossiiskoi Federatsii" [Federal law of 29.12.2012 No. 273-FZ "On education in the Russian Federation"]. Rossiiskaya gazeta [Russian newspaper], 31.12.2012, No. 303.
- GERBEKOVA, L.Kh. 2016. Professional training of law students on the basis of the competency approach, Pedagogical skills: materials of the VIII International. scientific conf. Moscow, June 2016. Moscow, Buki-Vedi, 4-8. Retrieved from <https://moluch.ru/conf/ped/archive/191/10686/>
- KHUTORSKOI, A.V. 2002. Klyuchevye kompetentsii i obrazovatelnye standarty [Key competencies and educational standards]. Eidos online magazine. Retrieved from <http://eidos.ru/journal/2002/0423.htm>.
- KLIMENTOV, V.L. 2011. "Razvitie pravovogo soznaniya i pravovoi kultury v sisteme yuridicheskogo obrazovaniya" ["Development of legal awareness and legal culture in the system of legal education"]. Vestnik Sankt-Peterburgskogo universiteta MVD Rossii [Bulletin of St. Petersburg University of the Ministry of Internal Affairs of Russia], 2(50): 207-210.
- KONI, A.F. 1967. Sudebnye rechi [Courtroom speech], Vol. 3. In: Koni, A.F. Sobranie sochinenii: v 8 t. [Collected Works: 8 v.]. 1966-1969. Moscow, Yuridicheskaya literatura.
- LEPSHOKOVA, M.A. Obshchekulturnye kompetentsii yuristov kak uslovie formirovaniya budushchikh yuristov [Common cultural competencies of lawyers as a condition for the formation of future lawyers]. Portal "Problemy nauki" ["Problems of Science" portal]. Retrieved from <https://scienceproblems.ru/obshchekulturnye-kompetentsii-budushchih-juristov-kak-uslovie-formirovaniya-grazhdanstvennosti.html>.
- MOISEEVA, E. 2018. Yuridicheskoe obrazovanie v Rossii: Analiz kolichestvennykh dannykh i izmenenii s 2012 goda. Seriya "Analiticheskie obzory po problemam pravoprimeneniya" [Legal education in Russia: Analysis of quantitative data and changes since 2012. Series "Analytical reviews on problems of

law enforcement"]. SPb, IPP EUSPb, 32 p.

MOROZOVA, L.A. 2010. *Teoriya gosudarstva i prava* [Theory of State and Law]. 4th ed. Moscow, Rossiiskoe yuridicheskoe obrazovanie [Russian legal education], 384 p.

NIGMATZYANOVA, G.Kh. 2014. "Struktura i sodержanie obshchekulturnykh kompetentsii studenta" ["The structure and content of general cultural competence of students"]. *Gumanitarnye nauchnye issledovaniya* [Humanitarian scientific research], 2. Retrieved from <http://human.snauka.ru/2014/02/5851>.

PETROV, A.V. & GORBATOVA, M.K. 2007. "Yuridicheskoe obrazovanie kak element pravovoi kultury obshchestva" ["Gorbatova Legal education as an element of the legal culture of society"]. *Vestnik Nizhegorodskogo universiteta im. N.I. Lobachevskogo* [Bulletin of Nizhny Novgorod University. N.I. Lobachevsky], 3: 175-182.

SHMYKOV, V.I. 2010. "Sotsialno-professionalnye usloviya zhiznedeyatel'nosti yuristov" ["Social and professional conditions of life for lawyers"]. *Vestnik Permskogo universiteta. Yuridicheskie nauki* [Perm University Bulletin. Juridical Science], 3(9): 30-43.

TARANENKO, N., RUSETSKAYA, E., GLAZ, V., GLAZ, Y., & OKOROKOVA, O. 2018. "The Tendencies of the Development of Cultural Contradictions in the Information Society and Their Effect on the Development of the Educational System in Russia". *Journal of History Culture and Art Research*, 7(3): 35-42. doi:<http://dx.doi.org/10.7596/taksad.v7i3.1744>.

