

# Problems of legal education in contemporary Russia

*Victor Linkin*<sup>1\*</sup>, *Zinaida Lusegenova*<sup>2</sup>, and *Galina Pulenko*<sup>1</sup>

<sup>1</sup> Don State Technical University, 344000, Rostov-on-Don, Russia

<sup>2</sup> Rostov Branch, Russian State University of Justice, 344038, Rostov-on-Don, Russia

**Abstract.** The authors set a goal to analyze the problems of contemporary legal education in Russia in the presented research. The necessity of legal education in interdisciplinary and cross-sector interaction with other humanities are identified, and only when these connections are established, it is possible to get into inter-scientific relations. The most extreme issues of the activities of law faculties in various types of educational institutions - in departmental and multidisciplinary institutions were considered, using the example of the influence of various approaches to training future employees of the judiciary. The influence of the educational institution affiliation on the educational process and the issues of deployment the teaching staff are considered, the differences in teaching practical skills in these types of educational institutions are also demonstrated. The authors identified two types of problems - internal and external. Internal - the problems of the educational institutions themselves, external - the problems of implementing the educational policy of the state. Unfortunately, the authors state the unwillingness of the teachers themselves to change because of the rapidly modifying social relations. The absence of a critical attitude, first of all to oneself, causes a false illusion of normality and acceptability. Resulting from the analysis of the entity of the problems, the necessity of initiating changes from the educational institutions and teachers is understood, and not from the state.

## 1 Introduction

Legal education is of particular importance, since it directly determines the attitude towards society, the state, law, legal and other social regulators. The system of higher education and science constitutes a single sphere of public life.

It is impossible to provide a normal educational environment for the training of legal professionals without understanding the world in which we live and the one we strive for. The reality of modern world development was eloquently affirmed (certified) by the report of the Club of Rome 2017 «Come On! Capitalism, lack of foresight, population and planetary destruction». The authors of the report proceed from the fact that on a planetary scale there is a social, political, cultural, moral crisis, a crisis of democracy, ideologies and the capitalist system as a whole. Authoritarianism and fundamentalism flourish, financial (speculative) capital prevails in the economy. Uncontrolled development and unethical use of technologies are progressing, people's consciousness is being demotivated in relation to

---

\* Corresponding author: [linkinviktor@gmail.com](mailto:linkinviktor@gmail.com)

the search for complex solutions that require lifestyle changes. Large-scale mistakes of the worldview are made, which excluded from the basis of market relations law and its values, the parity of law and morality. The fundamental theories of the world order are tortured: D. Ricardo's theory of relative advantages, or concern for the common good provided by national states, rather than transnational corporations; the theory of Charles Darwin, from which the restriction of competition and the protection of weak species are excluded, as a full-fledged mechanism of evolution. The authors of the report offer a picture of a new and complete world aimed at the development perspective, addressed primarily to the younger generation. Ideas of shared prosperity, a other firm economy that enhances the common good and not exclusively private benefit means a transition from Western individualism to a model of solidarization of life. The idea of moving from linear to circular logic means optimizing consumables for renovation and real estate for sharing. And, of course, education for the future, or as indicated in the report for future literacy. In the educational process, several rules-principles are proposed:

- the use of information technology exclusively for communication between people;
- interest in education, active employment of the ability of each student to learn for himself;
- the predominance of the value nature of education, respect for cultural differences, an emphasis on the well-being of everyone in the whole world;
- gaining knowledge about the interdependence of systems and sustainable development; the transition from systemic (analytical) mentality to integral one, which ensures the achievement of a true understanding of reality;
- pluralism of content, without promoting specific schools and ideas, cultural diversity with all contradictions and complementarity, as a source of social evolution [1].

Thus, in relation to the field of education, a new model of personal development is proposed, based on the ideas of moral ecology, which means that a person who does nothing for the common good loses the meaning of his individual life [2].

The quantity of studies on the problems of legal education in the world is viewed through the prism of interdisciplinary connections in various studies. Research developments were taken into account Louis N. Schulze (Legal Education's Difficulty with "Desirable Difficulties" and its Impact on Student Success and Bar Passage Rates. Journal of Applied Research in Memory and Cognition) [3], Natalia Udina (Law Education: Language and Legal Translation Perspectives) [4], John O. McGinnis Russell D. Mangas (An undergraduate option for legal education) [5] and Shashikala Gulpur Rupal Rautdesai (Revisiting Legal Education for Human Development: Best Practices in South Asia) [6].

Studying foreign experience in the field of legal education trends, we separate out the following studies.

Daniel Goldsworthy's 2017 work the future of legal education in the 21st century emphasizes that the number of skill-based professional tasks that will be performed by machines will continue to grow, and lawyers will be relieved of many other process-related tasks that currently consume their time and energy. Future lawyers will only need to tackle those tasks that require complex reasoning or social intelligence (for example, the ability to negotiate). Complex social relationships will remain the prerogative of people, and algorithms will be responsible for everything else. Now more than ever in the history of university law education, law schools must position themselves as actors capable of identifying and responding to future changes in the role of the lawyer, technological advancement and automation. To do this, it is necessary to abandon a purely isolated legal education, the profession of a lawyer will require a broad humanitarian education, which makes it possible to study interdisciplinary connections, to possess social intelligence [7].

Kim Economides, in his Legal Education (2015), also predicts future changes, he believes that legal education will become more international and at the same time virtual, and law libraries may disappear altogether, as technology and legal online resources are

becoming more common not only among law students but also among the public. The modern law school will continue to fulfill its core functions of training lawyers and legal scholars and conducting research that builds the knowledge base for this education. But a third “hidden” function — outreach — is increasingly emerging as law schools invest in the dissemination of legal knowledge and skills [8].

It is also worth mentioning the Russian research by Dmitry Mareshin "The Crisis of Russian Legal Education in Comparative Perspective, 2017", in which the insufficient number of qualified specialists at universities, the lack of a competitive environment in modern law schools and the lack of real demand for a scientific approach. The author calls for taking off the "rose-colored glasses", adequately and reasonably assessing the existing situation, realizing their place in the world of legal science and only then starting forward movement [9].

## **2 Materials and methods**

The subject scope of the research is the Russian State University of Justice, created by the Decree of the President of the Russian Federation No. 528 dated 05/11/1998 and the University is entrusted with the functions of training candidates for the positions of judges and employees of the court apparatus, professional retraining and advanced training of judges and employees of the court apparatus, as well as the implementation of fundamental and applied, scientific and methodological research in the field of organization and activity of the judiciary.

To characterize the current state of legal education and design models for the formation (training) of specialists in the field of law and judicial activity it is proposed to use the sociology of law as a method of expertise problems. Traditionally, the sociology of law has relied on Marx's critical ideas about the social inequality of law enforcement in the conditions of the bourgeois state and law. Weber's ideas on the allocation of a special professional group of lawyers for the rationalization of public life, effective management of society, through formalized rules of law, predetermined such a direction of sociological research as the study of the legal profession [10]. Sociologists define law students as a promising social group [2] that will deal with the normative construction of the state and society, and the enforcement of the results of such construction. The quality of the training of law students (especially in the field of public branches of law) directly affects the quality of the future Russian society, the viability of reproducible legal institutions.

The demand for knowledge about the work of the judicial system is a necessary condition for the training of candidates for judges, specialists of the court apparatus and lawyers at all. Without scientifically substantiated answers to the question - how way do the models of training (education) of specialists of the judicial system affect the subsequent characteristics of participants in public administration, all attempts to change the system of legal education will be un-efficient.

## **3 Observation**

Depending on the public perception of the figure of a judge as a qualified lawyer, or a judge-official (representative of the state), different states use two main models of training candidates for judicial office. Traditionally, in common law countries, judicial candidates receive a general legal education. In the countries of the Romano-Germanic legal system, the system of postgraduate special education is often used. The English educational process is not aimed at educating professional judges, but at training professional lawyers, whose attention is focused on matters of procedure and evidence. In the countries of the Romano-

Germanic family, the goal of education is to train professional judges - lawyers who are constantly engaged in legal activities, whose vision of law goes beyond specific cases, is not limited exclusively to legal technology. In France, Italy and Germany, a judge is both a professional and a government official [11].

Which model of training candidates for judges is the most effective for the Russian judicial system primarily depends on the legal consciousness and legal culture of society, its ideas about the image and role of a Russian judge. The judge of the Constitutional Court of the Russian Federation, both a scientist - lawyer and practitioner, believes a modern judge should think about realities: about the economy, about the consequences of his decision, which should be rational one in all cases. According to the scientist, this sets the direction for legal education as a search for a strictly verified rational solution, without opposing rationality and justice, morality, ethics. We must look for a balance between economically rational arguments and ethical rationality [12].

To determine the model of Russian legal education, sociology provides such answer key as the definition of the concept of a legal field, in which the structural boundaries of the effectiveness of legal action depend on whether the priority belongs to the rule of law or bureaucratic procedures. The term mobilization of law by society and the trend of law behavior means the willingness of people to go to court or to use other legal remedies and stimulates the improvement of practical training. The social context of the use of law is associated with the process of understanding the everyday situation as legal, the ability to take actions to transform the conflict into a legal dispute. Sociology of law makes it possible to study law from the outside, as opposed to traditional legal dogma based on legal doctrines and texts of laws. Without sociology, law only studies what lawyers do (judges, prosecutors, lawyers). Sociology discovers new opportunities in the study of law from the outside. It allows to study on a scientific basis the influence of social characteristics of participants in legal relations on law enforcement practice; in matters of the interpretation of legislation, consider how individuals and certain social groups use the law in their own interests, consider the influence of the organizational contexts of justice on the ways in which laws are applied; see the real work of legal institutions, study painful problems of modern society and propose ways to solve them. Inspection of the principle of Law autonomy in the form of claims to its neutrality and equality before the law is necessary for the reform of justice. Russian legal education is still in search of its own way of development: the Western version, or the original one. Historically, the Russian model certainly has European roots. Currently, the state policy of higher education has moved from quantity to quality, which is objectively due to a decrease in demand for low-quality education.

The legalized test for checking the compliance of the level of training of a Russian student with the requirements of the modern legal environment is the knowledge, skills and abilities of a graduate. Is the graduate ready for practical work and should he be ready for it. Is this the task of the higher school exactly? [13] The answer to this question will allow us to determine the proportion of theory and practice in legal education.

## **4 Discussion**

Russian legal education is still in search of its own way of development: the Western version or the original one. Historically, the Russian model has European roots. The permanent confrontation between Westerners and Slavophiles was reflected in the higher law school. The transition from the number of educational institutions to quality is objectively due to a decrease in demand for low-quality education and the introduction of public accreditation. It's important to have your own specialized frame.

In our opinion, the problems that hinder taking a step in the evolution of teaching legal disciplines can be divided into external and internal. Internal problems include:

- Lack of staff, especially in provincial educational institutions. Qualitatively staffing the department with strong specialists seems to be a super task. It seems to us that the ideal combination of the legal staff is the synergy of theorists and practitioners. So, we can distinguish two types of legal educational institutions, in which the issue of staffing is solved in different ways. The first type is departmental educational institutions (Russian State University of Justice, Russian Customs Academy, All-Russian State University of Justice, Russian Academy of National Economy and Public Administration under the President of the Russian Federation and others), it is also often the basis of practice, employees of the department with the necessary professional knowledge and skills are involved in the educational process, and full-time teachers are responsible for theoretical training. We dare to assume that this type is more competitive, since students receive not only theoretical, but also applied training. And the difference in the level of training of lawyers, regardless of where the educational institution is located, does not differ by an order of magnitude. The second type is multidisciplinary educational institutions with a law faculty. The situation with the deployment of the teaching staff looks very alarming, if we do not take into account the large, well-known universities with rich traditions and already existing scientific schools. In most regional universities, there is a question of recruiting qualified personnel. Due to the lack of connection between theory and practice, students receive very limited knowledge about modern legal reality. The average legal department is a team with predominantly theoretical knowledge. At the same time, only a small part of the teaching staff generate scientific results (publication activity, grant activities, mastering new knowledge and technologies), most of the teaching staff in such educational institutions work according to the formula "deliver a lecture - asked at a seminar", while the speed of actualization of the taught material is extremely low. The lack of correlation on the part of the teacher of the existing theory with legal reality cause to a situation - "the ignorant teaches the ignorant".

- Decrease in the qualifications of teachers. The motivation for teaching has changed - financial interest has been replaced by a status one. Motivation in the field of academic degrees, dissertations is recognition, career, status. In the USSR - recognition, career, finance. There is practically no competition among the teaching staff in educational institutions. First of all, there are no material incentives to improve the professional skills of teachers and to conduct scientific research. An academic degree has become an element of the status of a lawyer practicing in public authorities, courts, the legal profession, and plays the role of an indicator of his success. Also, one of the sides of this problem is the devaluation of an academic degree. From the early 2000s until recently, it was not difficult to obtain the coveted academic degree. Many educational institutions had their own "pocket" dissertation councils, in which it was quite easy to defend a scientific research. We now have a huge number of employees of higher education with academic degrees, but who graduated from science at the same time defending a thesis, while still carrying out teaching activities. The quality of higher education comes down to the college level.

External factors include the following problems:

- Science has lost binding with practice. Scientific research is not stimulated from the outside, their subject area are formed by the university itself (leads to the absence of new subject matter, new research methods). If departmental educational institutions in defining scientific research are guided by the requests of the founders, then law faculties in multidisciplinary universities simply act as a "factory" of educational certificates.

- The problem of the closed nature of the higher law school (the language of research and teaching, there are no joint projects, Russian law is the law of the recipient country). Russian law is not special in terms of creating new directions of legal conception Russian

legal scholars have a rather difficult time communicating with foreign colleagues, here from the lack of interdisciplinary international research. This problem is explained by the peculiarities of national legal systems, it is also typical for other states. Law, despite the globalization processes, remains a local science, especially in the field of practical branches of Russian public law (criminal law, administrative law, financial law, and others). Also, the existing problem is a consequence of the low knowledge of foreign languages, which condemns the teacher to isolation of thought, to the absence of a platform for a scientific debate. Some teachers constantly tell students that learning is necessary throughout their lives, they themselves do not follow this rule. Under the conditions of constant facilitation of the process of obtaining information, no matter even in what language the information is given, there is no desire to master the elementary implements for obtaining information.

## 5 Conclusion

The situation in Russian legal education does not differ much from the situation in education in general. The problem of legal education is in the field of positioning - the government sets goals for legal science that are divorced from reality, while not making attempts to solve basic issues (financing and staffing).

The latest global trends in legal research are legal futurology, the establishment of interdisciplinary connections where they were considered impossible ten years ago (artificial intelligence, machine learning, and others). The world's leading schools of law are rapidly approaching with other sciences, forming very interesting and promising areas for future research. In Russian legal science, unnecessary theoretical disputes are still being conducted by anyone (what is law? What is the source of law? Which type of legal understanding is better? And the like), which are more like a ritual than a discussion. We believe that we should not wait for either with stakes and in centives from the state, but try to change legal education ourselves. If we want a better our legal education, then first of all we need to change ourselves.

## References

1. E. Weizsaecker, A. Wijkman, Springer-Verlag New York (2018).
2. E. Koval, S. Ushkin, Sociological research **2**, 135-146 (2018).
3. L.Jr. Schulze, J.Applied Research in Memory and Cognition **9**, 428-432 (2020).
4. N. Udina, Procedia - Social and Behavioral Sciences **214**, 1134-1138 (2015).
5. J. McGinnis, R. Mangasb, International Review of Law and Economics **38**, 117-131 (2014).
6. S. Gurpur, R. Rautdesai, Social and Behavioral Sciences **157**, 254-265 (2014).
7. H. Manne, International Review of Law and Economics **38**, 107-116 (2014).
8. D. Goldsworthy, Adelaide Law Review **41(1)**, 243-265 (2020).
9. K. Economides, Legal Education. International Encyclopedia of the Social & Behavioral Sciences (Second Edition), 743-739 (2015).
10. D. Maleshin, Journal of Legal Education **66 (2)**, 289-308 (2017).
11. V. Volkov, Sociology of Law **365 (4)**, 34-42 (2017).
12. T. Neshataeva, Modernization of the status of a judge: modern international approaches (Norma: INFRA-M., Moscow, 2011).
13. V. Bagaev, Law magazine **4**, 10-17 (2015).

14. D. Maleshin, Law magazine **1**, 29-30 (2014).
15. L. Martinez, Charleston L. Rev. **267** (2015).