

Developing Legal Competence of a Contemporary Specialist in Conditions of Digitalization of Education

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ABSTRACT

There has been a concept of legal competence of a contemporary social specialist as an active subject of legal relations defined in the article; its development in the system of lifelong professional education of doctors and teachers as the most common professions in the social sphere is updated. Analyzed normative-legal acts and strategic documents of the Russian Federation (RF), defining new benchmarks of qualifications of teachers and doctors with a high level of legal competence are presented. The authors show statistic data and different points of view on tendencies and conditions of developing legal training of social professionals in frames of digitalization of education i.e. digital and life-learning education while fulfilling professional activities. There have been existing problems and difficulties that negatively influence the level of legal competence of personnel in spheres of education and health (the presence of legal nihilism in society, insufficient attention to legal training in higher education and the system of additional professional education, etc.) recognized. The authors believe that a well-organized system of educational-organizational events implemented in the system of higher education and in the system of additional professional education, based on the principles of continuity, regularity in the development of legal knowledge, literacy and creating mental actions using modern information technologies will be a successful guarantee of the development of legal competence of modern specialists. The authors confirm that the result of digital, life-learning legal education should be gaining legal way of thinking of specialists which enables specialists to analyze their activity in various professional situations taking legal norms and regulations into consideration eliminating numbers of defects in their work and making no legal mistakes and offences.

Keywords: *digital life learning education, legal competence, a doctor, an educator*

1. INTRODUCTION

Professions of assisting character such as educators, teachers, social workers, doctors, ecclesiastics are considered to be not professions but service. They bear a resemblance in the sphere of functioning. They belong to social sphere that requires communicative and legal training. The basis of their professional activity is an educational component. Great attention is paid to legal responsibility of specialists of social sphere.

In practice, social professionals have frequently to deal with issues of providing legal advice to citizens of retirement age, under-aged, single parents, and young families in the field of civil, family, and other branches of law, assisting in filling in documents for obtaining benefits and other social guarantees provided by the law. There is a quite detailed regulation of rights of citizens of all age categories in the professional activity of these specialists that also raises attention to the problem of forming legal competence of future social professionals.

We'll accentuate on professions of doctors and educators as more numerous representatives of professions of

social sphere in presented investigation. By the end Of 2018 the number of teachers was 549 thousand people, educators – 148 million people.

These figures seem to be magnificent based on the total number of population of the country of 148 million people, but the Russian Federation is experiencing a staff shortage every year (due to the increase in the children's population), more educators and teachers are required. Growth of diseases and necessary measures for their prevention need high-skilled doctors, but due to the small size of wages, doctors and teachers are forced to change their profession to a more paid one, etc.).

In modern conditions, there is an unfavorable stable trend of growing legal conflicts not only in medical practice, but also in educational activities, the main way to resolve this problem is judicial proceedings.

Nowadays there is an unfavorable stable tendency of growing number of legal conflicts not only in medical practice, but also in educational activities, the main way to resolve them is judicial proceeding. This is due to a number of reasons, the main of which is a low level of legal competence of specialists who are disabling in out-of-court procedure for the resolution of disputes. In addition, low legal qualifications of doctors and teachers

often cause faults in their work and professional offenses. Therefore, the analysis of issues and ways to develop legal competence of social sphere specialists remains a topical matter.

Gradually developing society, active usage of various digital technologies, developing educational legislation, implementation of Conception of life-long learning of adults in the Russian Federation up to 2025, Strategy of developing digital society in the Russian Federation on 2017-2030 and raising requirements to a level of qualification and quality of professional activity in accordance with Professional Standards for specialists of educational system and systems of health care actual from 2016. There have been new guidelines of business qualities set, obliging professionals to improve their legal competence constantly.

In accordance with the RF Government Resolution No. 584 of 27.06.2016, and also the amendment to the Labour code of the Russian Federation and the Federal law "On education" developed professional standards are obligatory for an employer and determine necessary to perform job functions knowledge and skills by employees. Professional standards of a teacher and a doctor in each job function determine the list of legal knowledge i.e fundamentals of legislation of the Russian Federation on the rights of a child, on education, labor legislation, content of Federal state educational standards, an appropriate level of education, rules and norms of labour protection, health and safety at work [the Order of the Ministry of Labour and Social protection of Russia dated 18.10.2013 544н], of legislation of the Russian Federation in the sphere of health protection, regulatory legal acts and other documents governing the activities of medical organizations and medical workers [the Order of the Ministry of Labour and Social protection of Russia from 21.03.2017 N 293н]. Besides the necessity to improve the level of professional competence, including legal, dictate the requirements of Russian legislation to improve the skills of medical and teaching staff at least once every 3 years.

And finally, the Conception of demographic policy of the Russian Federation for the period up to 2025, the Concept of State Family Policy of the Russian Federation for the period up to 2025.

The Strategy of developing Healthcare in the Russian Federation for the period up to 2025, etc. [<http://www.consultant.ru/>] determines requirement of improvement of the quality of educational and medical services provided by creating and developing legal mechanisms that ensure the sustainable functioning of education and health systems.

There should be social institutions of doctors and teachers with a high level of legal competence in accordance with modern concepts of digital transformation founded in order to ensure the competitiveness of social professionals and reduce the level of legal conflicts, and improve legal literacy of the population.

2. RESEARCH OBJECTIVE

Legal education is a mandatory and important part of the General training of a doctor and a teacher, because the Federal state educational standards of higher education in all main areas of training (medical, pedagogical) emphasize that a medical worker/teacher should have the ability to use and constantly apply legal knowledge in professional activities.

As practice shows, it is not enough; the gap between modern democratic legislation and low culture of legal awareness of University graduates who are not ready to develop legal knowledge and skills in their professional activities is becoming more and more obvious.

3. ISSUES AND GOAL OF THE RESEARCH

The key issues are the following: 1. What does the legal competence of a modern social specialist mean? 2. What are the problems of developing legal competence in the system of life learning education? 3. What are the conditions and trends in the development of legal training of teachers and doctors in the framework of life-learning digital education in their professional activities?

Цель исследования – анализ содержания и проблем развития правовой компетентности специалистов сфер здравоохранения и образования как необходимое условие роста их профессионального потенциала.

The goal of investigation is the analysis of the content issues of developing legal competence of social and medical specialists is a necessary condition of growth of their professional potential.

4. METHODOLOGY OF THE RESEARCH

The methodological basis of the research is the competency-based approach in frames of which legal competence is considered to be one of the key elements in the structure of professional training of bachelors and their future professional activity (L.V. Bocharova, V.I. Baydenko, A.S. Belkin, G.B. Golub, E.F. Zeer, I.A. Zimnaya, V.V. Krayevsky, A.V. Khutorskoy and others.). Key methods of the research are synthesis, comparison, generalization, analysis of psychological, pedagogical and scientific-methodical literature, existing normative legal acts, strategic documents in spheres of Healthcare and Education.

5. RESULTS AND DISCUSSION

5.1. Nowadays we consider readiness and ability to improve person's legal knowledge in accordance with the requirements of the state and society for professional education and professional activity to be one of the components of person's legal competence.

M. A. Soboleva. in her research, defines legal competence of a healthcare professional as integral property of a person based on the legal values of society, reflecting readiness and ability of the person to apply the system of legal knowledge and skills in professional medical practice [Soboleva, 2012].

From the point of view of S. F. Volskaya and A. A. Zaitsev, legal competence is "a complicated phenomenon characterized by social, special, individual and personal components, which is expressed not only in teacher's knowledge and skills in applying certain legal norms in professional activities, but also in everyday civil life" [Volskaya, 2006].

We believe that legal competence is an integrative quality of a person which is expressed by a complex of competencies in legal sphere of knowledge, ability to influence actively the process of development and self-development of socially-valuable characteristics of a person which reveal law-abiding position and positive socially-legal person's experience. The essential characteristics of legal competence of a contemporary specialist includes integration of knowledge in the field of legislation; skills to use this knowledge in practice, and then apply it in professional activities; formation of personal qualities of a professional as an active subject of legal relations in the system of digital, lifelong education; experience of emotional and valuable attitude to reality.

Earlier F.E. Wainert laid the foundation for understanding the phenomenon of competence [Wainert, 2001, 27] "... the essence of existing cognitive abilities and skills of an individual to solve certain types of problems that the individual can have or gain via training, as well as related motivational, volitional and social predispositions and abilities..." and now in General it is defined in three dimensions [Duta, 2014, 392] cognitive (knowledge); functional-effective dimension (skills); measurement of value relations related to individual autonomy and responsibility performing professional competencies. We go on a premise that in the modern world legal education is the process of professional training and developing his/her legal competence, the structure of which include very important components such as motivational, cognitive, active-practical as well as professional and personal qualities.

Thus, a conceptual model of development of legal competence of specialists in both education and healthcare is based on principles of continuity, consistency, functionality, interactivity, professional orientation, and collective interaction. Having regard on the above, it follows that training of pedagogical and medical professionals to apply legal knowledge and skills in the social sphere is one of the key indicators that allow to assess the quality of services provided by them.

5.2. Within the framework of digital life-learning education in accordance with changes in Federal legislation – the Labor code of the Russian Federation "On Education", special conditions in the field of additional professional education, in which medical and educational institutions operate have been created.

In order to hold events focused on monitoring the level of legal competence of doctors and teachers, statistical data analysis reflecting the number of errors made by doctors and complaints lodged against teachers in Russia have been carried out.

According to the Investigative Committee of Russia, in 2016, 878 penal proceedings were opened against medical workers. In 2017 — 1791, and in 2018-m — 2229. The number of complaints and appeals related to medical errors has also increased. According to Federal Service of State Statistics two years ago, there were about 4.9 thousand of them, and in 2019 - 6.6 thousand. Besides in 2019, 52,669 complaints were filed against teachers, in 44,646 of cases disorders were found. Based on the results obtained, we have to state that this tendency –increasing the number of complaints against specialists in both spheres (education and healthcare) is connected not only with low financial security, but also with the level of legal literacy of doctors and teachers. In the current situation it is reasonable to consider individual enhancement of their own knowledge as a parallel way to increase the level of legal competence of teachers and doctors, However, many experts explain the lack of financial opportunities to subscribe to magazines and newspapers on law, to buy special literature, due to the discrepancy between the high cost of publications and low salaries. In addition it is known that the greater workload of a doctor and teacher, the more often it leads to mental stress and affects the quality of medical and educational services provided. Based on statistical data of All-Russia People's front it is also confirmed that in Russia 80.0% of doctors and teachers work for more than a full-time job, which indicates the intensity of work activity and high work-load of medical and teaching staff.

G.Yu. Barkovskaya states that "depending on the extent to which the level of knowledge, skills and abilities of an employee correlates with conditions that determine opportunities of their manifestation, it is possible to speak about a certain level of his professional competence and, as a result, his role in formation of competitive positions of a medical organization" [Barkovskaya, 2018]. The famous British psychologist J. Raven in his work "Competence in modern society: identification, development and implementation" noted that mechanisms of a market economy and representative democracy do not guarantee successful realization of formation and realization of competence in professional sphere [Raven j., 2002].

In the view of the foregoing, we can make a conclusion that legal postgraduate training of specialists in the sphere of health and education in the conditions of continuity, training and improving practical legal skills is not sufficiently developed due to such negative tendencies as: staff shortage of specialists in these areas as well as a low level of material support of doctors and teachers.

Development of education leads to drastic changes in the labor market, in educational standards, It focuses on reorganization of educational process, rethinking and increasing the role of modern social professionals. A modern specialist is obliged not only to be literate in the

field of law, but also learn to apply legal skills in their professional activities.

5.3. The analysis of the current state of legal training system in the sphere of education and health allows us to identify a number of problems that negatively affect the level of legal competence of these specialists:

1. Inadequate attention is paid to mechanisms of legal training not only in educational process of higher education, but also in additional professional education.

2. Combination of modern economic and organizational-legal conditions for the professional activity of doctors and teachers is not able to ensure the effective formation of their legal competence.

3. There are contradictions between the state's requirement for education and health professionals with high legal competence and traditional approaches in their general professional training and legal training in particular.

Analysis of the content of identified problems has shown that the mechanism for developing legal competence of such specialists as doctors and teachers should present a well-established system of educational and organizational measures put into practice not only in the system of higher education, but also in the system of additional professional education, based on the principles of continuity, interactivity, flexibility, adaptability, development and improvement of practical legal skills and planning within the process of formation of mental actions using active forms of education and modern information technologies.

According to opinion of V.I. Blinov, M.V. Dulinov, E.Yu. Esenina, I.S. Sergeev the use of digital technologies in the system of additional professional education provides objectivity and transparency of assessment, as well as creates a stable educational motivation, due to the

6. CONCLUSION

The study and analysis of scientific, educational and methodological literature, normative legal documents, as well as the results of dissertation researches and analytical activities of the authors give an opportunity to speak about contradiction between increased needs of society and the state in highly qualified and competent specialists of social sphere and ability of the educational system to meet these needs in full degree. In this regard, pedagogical and medical universities face the task of training future teachers and doctors, and retraining existing staff who can quickly respond to changes in the social sphere and adapt to professional activities in conditions of a constant development.

Ural state medical university and Ural state pedagogical university have become regional centers of training medical and pedagogical professionals, where formation of legal competences of students are provided by keeping

immediate assessment reinforcement and point support [Blinov V.I., Dulinov M.V., Esenina E.Yu., Sergeev I.S., 2019].

For example, O.N. Griban, I.V. Griban, and A.V. Korotun note that "a modern teacher must learn to use new technological tools and unlimited information resources in their professional activities. Virtual reality technologies create a unique opportunity to use a variety of training programs that are not tied to a single workplace. Mobile learning technologies allow you to learn at any time and in any place" [Griban O. N., Griban I. V., Korotun A.V., 2019]. The same can be referred to professional activity of a doctor. Higher school establishments should start with creating conditions for training doctors and teachers who are able and ready to update their knowledge permanently, being involved in the continuous process of improving forms, tools and methods of teaching using digital technologies.

The result of lifelong legal education, in our opinion, should be occurrence of such legal thinking among these specialists, which enable them to carry out a legal analysis of emerging situations and events in their professional activities, thereby reducing the number of defects in work and preventing professional delinquencies.

Besides, in frames of our study we should agree with Morozov A.V. and Anuchkin V.A., confirming the following: "in order to form the legal competence, the law should gain the values, get emotional coloring, achieve a foothold in the skills of legal behavior, to become the inner conviction, to get sense for an individual. One can become a real competent person if he/she can combine knowledge and skills in order to solve a specific problem in the field of law" [Morozov, Anuchkin, 2011].

to complex of pedagogical conditions: providing motivational attitude of students to the law as a necessary regulation their future professional activity; strengthening professionally-legal direction of the discipline "Law"; development and introduction in educational process of special courses: "Legal foundations of medical practice", "Legal ensuring of professional-pedagogical activity"; the use of interactive forms and methods in legal training [Korotun, 2010].

Therefore the formed legal competence in the context of digitalization of education will allow graduates of the Ural state medical university and the Ural state pedagogical University to be ready to overcome difficulties of legal conflicts in their professional activities and legal literacy should be an integral component of training programs medical practitioners [Bogdanov, 2019] and teachers do not lose their relevance with time.

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