

Olena Fatkhutdinova  
Faculty of Law of the Kyiv University of Tourism, Economics and Law  
Honored Lawyer of Ukraine

## THE IDEA OF HUMANIZATION OF LEGAL EDUCATION IN UKRAINE AND ITS CONTEMPORARY IMPLICATIONS

The idea of humanization of legal education in Ukraine despite the fruitfulness of research in this area is still far from a complete understanding and more from the embodiment it into everyday educational practice. Ukrainian educational system has a lot of contradictions: on the one hand, since the days of the Soviet regime educational system it still has stereotypical views on legal education, and on the other hand, some European approaches to legal education are already functioning. In general, this full of the conflicts context creates a difficult field for implication in educational activities. The aim of this study is to systematize the ideas of the humanization of legal education for practical use in educational activities of Ukrainian educational establishments.

The concept “humanism” has ancestral roots. The history of philosophy demonstrates that humanistic worldview is rooted in ancient Greek philosophy and based on knowledge and social practices of antiquity. Latin grammarian Aulus Gellius complained: Those who have spoken Latin and have used the language correctly do not give to the word *humanitas* the meaning which it is commonly thought to have, namely, what the Greeks call *φιλανθρωπία* (philanthropy), signifying a kind of friendly spirit and good-feeling towards all men without distinction; but they gave to *humanitas* the force of the Greek *παιδεία* (*paideia*); that is, what we call *eruditionem institutionemque in bonas artes*, or „education and training in the liberal arts [literally ‚good arts’]”. Those who earnestly desire and seek after

these are most highly humanized. For the desire to pursue of that kind of knowledge, and the training given by it, has been granted to humanity alone of all the animals, and for that reason it is termed *humanitas*, or „humanity”<sup>1</sup>. For Cicero (who was most responsible for defining and popularizing the term *humanitas* and who in fact frequently used the word in both senses), what most distinguished humans from brutes was speech, which, allied to reason, could (and should) enable them to settle disputes and live together in concord and harmony under the rule of law<sup>2</sup>.

The humanistic worldview sees the ultimate goal of society in the formation human well-being, creating immediate equity in justice and humanity as the principles of relations between people. If we start from a humanist vision, the humanization of education focuses on training of humanistic identity and self-esteem from the definition of a person’s right for freedom, happiness, development and expression of his/her abilities. As stated in the World Declaration of the XXI Higher Education “the core missions and values of higher education, in particular the mission to contribute to the sustainable development and improvement of society as a whole, should be preserved, reinforced and further expanded, namely, to educate highly qualified graduates and responsible citizens able to meet the needs of all sectors of human activity, by offering relevant qualifications, including professional training, which combine high-level knowledge and skills, using courses and

1. A. Cornelius Gellius, *Noctes Atticae* (Attic Nights) published in Vol. II of the Loeb Classical Library edition, 1927. p. 459.

2. Cicero, *De Inventione*, I. I: 2, quoted in Quentin Skinner, *Visions of Politics*, Vol. 2: *Renaissance Virtues* [Cambridge University Press, 2002], p. 54.

content continually tailored to the present and future needs of society”<sup>3</sup>.

On my point of view, the humanization of education should be based on:

- love for all humans;
- mercy as a sympathetic attitude towards the neighbor and condescension to it;
- the recognition of the knowledge’s right for comprehensive development;
- the ideals of goodness, beauty, truth, justice, equal relationships between people;
- faith, regarding which I. Ilyin notes the following: “ All people believe, consciously or unconsciously, pernicious or good-naturedly, strongly or weakly. Faith is not all, because belief presupposes in man the ability to stick soul (heart and will, and deeds) to what really deserves the faith that is given to people in the spiritual experience that opens them “way of salvation”<sup>4</sup>
- love and hope;
- freedom and creativity;
- creation for those who study purely human conditions and much more.

The system of humanitarization of education in the modern educational institution should promote the following aims<sup>5</sup>:

- Formation of the axiological-sense directions of humanitarian orientation which determine the mentality of a future specialist and through which there comes realization of the quickly changing world and the place of a human in it;
- Development of the axiological-sense attitude to any problem (global or local, mass or individual), realization of its inner human sense, understanding of its positive (or destructive) consequences;
- Formation of the sense of personal responsibility for the consequences, direct or indirect (including remote ones), of one’s professional and civic activities;
- Formation of need and ability to use the strategy of the values of humanism as obligatory targets in one’s professional and civic activities;

- Formation of the ability to understand the deep interdependence and interconditionality of life of all the people in the world, the values and purport of human life, the unique nature of a personality, one’s rights and freedoms;

- Formation of the ability to integrate at the stage of mastering ontologically different means of cognition of the world, created by science, religion, art;

- Development of emotional sphere, broadening of artistic aesthetic horizons, development of the ability to point out the elements of aesthetics in different kinds of educational and professional activity, formation of the aesthetic needs of an individual;

- Training of interest and respect to cultures of the peoples of our planet, aspiration for understanding of the most important, specific and common characteristics of these cultures, for understanding of their similarity and difference; realization of the fact that the global perception of the world is inseparably connected with the understanding of the unique nature of cultures, outlooks and customs, characteristic of different nations; integration of an individual into national and world culture;

- Integration of the channels of informational interaction with the world in its integrity and diversity, actualization of the natural resources of the multidimensional perception of the world;

- Broadening of the limits of adaptation of a human to the dynamic conditions of the habitat, development of the ability of constant social and professional mobility;

- Development of need of self-education and self-perfection, ability for cultural and professional advance.

We believe that the development of legal education in any case should not be limited solely to the scope of the functioning of the state and law. Legal education is primarily the formation of a deep a world outlook foundations of legal professionals, which in this case will attract them to the universal issues and to the basics, which are growing the main

3. *World declaration on higher education for the twenty-first century: vision and action*. Date Views 01.01.2013. [www.unesco.org/education/educprog/wche/declaration\\_eng.htm](http://www.unesco.org/education/educprog/wche/declaration_eng.htm)

4. Ильин И.А. Путь к очевидности / Иван Александрович Ильин. – М.: «Республика», 1993. – с. 140

5. T. Elkanova, N. Chedzhemova, *Humanization and Humanitarization of Education: The Essence, Principles, Aims*. World Applied Sciences Journal 22 (5), 2013,- p. 700.

characteristics of the modern state and the dominant features of the legal system.

We offer the following principles of humanization of legal education in Ukraine:

1. liberalization of legal education;
2. fundamentalization legal education;
3. activity-orientation of legal education.

In our view, the proposed principles are arising from the way of life of Ukrainian society and meet the goals and objectives that Ukraine faces towards the formation and development of democratic principles. Let us consider each of them more closely.

Liberalization of legal education in Ukraine includes improvement of aesthetic and ethical training of students and other members of the macro- and micro-groups, improvement of economic education of pupils and law students, improvement of environmental education.

The goal of aesthetic education is a high level of aesthetic culture of personality, his/her ability to aesthetic assimilation of reality. Unfortunately, in the last decade in Ukraine stopped paying due attention to aesthetic education. For example, aesthetics as a philosophical discipline that covers the basics of sensory knowledge, the source of beauty and harmony in a world was removed from the compulsory courses for law students at higher educational institutions in Ukraine.

Of course, this practice leads to a negative influence on the formation of the inner world of student. Aesthetic education is the systematization of the sensory-emotional component of the human psyche, the correlation aspect of the mind and soul, harmony and perfection of attitude.

Unfortunately, in the direction of ethics training and education, the impact of Ukraine's education system has also shortcomings that lead to problems in the perception of the world in establishing relationships between the inner world of human and social environment. Because of the numerous reasons which relate primarily with educational policy in Ukraine, students underestimate the importance of ethics as a philosophical study of morality and ethics for formation of their own worldview.

Improving the economic training and education of pupils and law students is also a very important step in humanization of legal education in Ukraine.

In the developed market economy, in our view, it is important to give law students the necessary skills to organize and conduct legal business. On the one hand, this opens the possibility of additional space to the self-satisfaction of common needs, on the other hand - prepares them to work in a market economy, in competition.

Another condition of humanization of legal education in Ukraine is the development of environmental education. Environmental education called to articulate the views of the inner student understanding of the close relationship with nature.

Once again we draw attention to the need for professional growth of student from course to course. Legal education is not only a study of the future profession or specialty, and it is also a way of life and a special way of outlook formation. For law students legal education is a holistic perception of the foundations of statehood, an understanding of the complex relationships in the judiciary, the executive power, in the structure of society.

The next stage in the development of the humanization of legal education in Ukraine is a principle of fundamentalization. It includes:

- a) Development of the core of general, secondary and of specialized secondary law education.
- b) Basic qualifications training for law students.
- c) Strengthening general educational components in the professional education programs.
- g) Module construction of the content of legal education (integrative education as one of the possible option).
- d) Strengthening the scientific potential of the school.
- e) Methodological training of law students.

Another important stage in the development of the humanization of legal education in Ukraine is the implementation of activity-orientation of legal education. On activity-oriented legal education we understand the following:

- a) The relationship of theoretical knowledge of students with their practical needs, values.
- b) Improving the system of knowledge that determines the activity-orientation of the person.
- c) Formation of abilities of integrative activities at the level of practices and strategies.

Thus, we can conclude that the idea of humanization of education in Ukraine in qualitative systematization and deeper understanding is feasible in practice. The embodiment of the idea of humanization into pedagogical influence on pupils and students lead to the large scale positive transformation. Among them are: perfection the world outlook positions of students; strengthening the spiritual component of the inner world of students; improving professional skills - namely respect for the law;

expansion of their own ideas and guidelines, which are based on modern legal values of society; competence, that sufficient to protect the rights and interests of the individual and lawful implementation of citizenship.

**Olena Fatkhutdinova** is Doctor of Philosophical Sciences, Professor, Dean of Faculty of Law of the Kyiv University of Tourism, Economics and Law, Honored Lawyer of Ukraine

