

**Vysoká škola Danubius  
Fakulta sociálnych štúdií**

**STAV, PROBLÉMY A PERSPEKTÍVY  
PEDAGOGICKÉHO  
ŠTÚDIA A SOCIÁLNEJ PRÁCE**

Medzinárodná vedecko-praktická konferencia

28 – 29 októbra 2016

Vysoká škola Danubius  
Fakulta sociálnych štúdií

Sládkovičovo, Slovenská republika  
2016

## THE PROBLEM OF DEVELOPING ETHICAL COMPETENCE OF LAW SCHOOL STUDENTS

**Pogorielova T. F.**

*Senior lecturer*

*Modern European Languages Chair*

*National Academy of Statistics, Accounting and Audit*

*Kyiv, Ukraine*

It is universally recognized that legal education system should provide the society with skilled specialists who will occupy positions of lawmakers, politicians, judges, public prosecutors, lawyers and thereby influence on their country's development and the life of common people. Therefore the demands to the quality of training future lawyers must be rather high.

Article 9 of Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crimes and the Treatment of Offenders in 1990 says that «governments, professional associations of lawyers and educational institutions shall ensure that lawyers have appropriate education and training and be made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law» [1, h. 3].

Thus, professional activities of different representatives of legal professions must comply with the principles and norms of professional ethics, and formation of corresponding moral and ethical competence should be an essential element of their professional development while studying in higher educational institutions.

The problems of ethical training of jurists were raised in the works of such scholars as A. Alekseev, M. Burbyka, O. Bandurka, V. Dolezhan, A. Koblikov, A. Koni, V. Leonenko, G. Sereda, S. Slyvka and others.

The purpose of this paper is to present the results of the study held in 2012-2016, identify the main principles and effective means of formation of ethical competence as an integral part of general professional training of law students.

The research on the forms and methods of ethical training of future lawyers conducted in the National Academy of Prosecutors of Ukraine and the faculty of law of Ukrainian State University of Finance and International Trade proved that the attitude to teaching and learning legal ethics is pretty formal and doesn't meet modern requirements that deal with the competency approach in training of law students.

Ethics is seen as moral requirements for professional conduct of the staff to ensure the effective performance of professional duties. Ethical competence can be defined as the ability to deeply understand and apply in one's professional activities such universal humane and professional values as honesty, fairness, conscientiousness, responsibility, respect for human personality etc.

So development of ethical competency of law students requires the acquisition of special knowledge, human values, conceptual and social skills necessary for successful performance of professional duties.

Our study allowed to identify a list of basic principles, following which will help achieve educational purposes related to the effective ethical training of future lawyers, namely

1. focusing on human and professional values
2. theoretical and practical balance
3. consistency

#### 4. continuity

The first principle requires in-depth understanding of the philosophical concept of legal profession, according to which man is its highest value and lawyer's activity makes it possible to apply the law to protect human rights and freedoms. In the context of mastering professional values students become aware of real significance of their profession for the society. This principle should be seen as a methodological basis for effective interdisciplinary training of students by all the departments of law school.

The second principle deals with updating of methods and forms of teaching the course «Legal Ethics and Deontology» which requires providing a balanced approach to theoretical and practical training on the subject.

Along with traditional forms and methods of ethical training there should be introduced more effective ones such as interactive lectures, round table discussions, debates, training workshops on problem solving and decision making, distance learning on individual plans etc.

Consistency of ethical development of law students indicates that this is a complex phenomenon, whose elements (goal, objectives, contents, forms and methods) are interconnected.

Succession of steps in formation of specialist in the field of law implies his gradual professional development depending on the stage of training: basic, internship, beginning of professional career.

The principle of continuity denotes achieving such level of professional identification, when the adherence to the norms of professional ethics becomes its internal characteristics and even the need to encourage professional self-development within the system of continuous professional education.

All of the above principles are closely linked and can be considered as the fundamentals required for the simulation of results of vocational education programs and creating an effective system of training and retraining lawyers.

Assessment of the levels of professional ethical competence as we suppose should include the following criteria:

##### 1. Well developed level

Manifestation in behavior:

Having ethical motives to carry out professional responsibilities.

Consistent compliance with the norms and principles of legal ethics in different models of professional communication and behavior.

Ability to make a thorough analysis of morally difficult professional situations and make the right ethical choice.

##### 2. Developed level

Manifestation in behavior:

Having sufficient knowledge of professional ethics.

Consistent performance of the rules of professional conduct and communication at the workplace.

Inability to resolve difficult legal ethics problems by himself.

##### 3. Underdeveloped level

Manifestation in behavior:

Possession of fragmentary knowledge and skills in the field of professional ethics.

The lack of consistency in their application.

Commission of acts against the principles of legal ethics.

##### 4. Unformed level

Manifestation in behavior:

Possession of superficial knowledge on legal ethics and some elementary ethical skills.

Indifference to the object of professional activity.

Lack of moral reasons to perform professional duties.

Systematic actions that are contrary to the principles of legal ethics due to the inability to identify them.

Thus the level of ethical culture is an important part of the complex characteristics of lawyer, which certainly affects the efficiency of formation of his professional competence.

It should be also noted that well developed ethical thinking, self-respect and respect for others, fairness, responsibility, self-discipline, adherence to the rules of legal ethics and etiquette as well as other internal and external components of professional culture characterize moral maturity of representatives of legal professions.

#### References:

1. Basic on Principles on the Role of Lawyers Adopted by the Eighth United Nations Congress on the Prevention of Crimes and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 /Internet resurs. – Rezhym dostupu: <https://www.un.org/ruleoflaw/blog/document/basic-principles-on-the-role-of-lawyers/>
2. Koblikov A.S. Yuridicheskaya etika/ A.S. Koblikov. – M.: Norma, 2004. – 176 s.
3. Koni A.F. Ugolovnyi protsess: nravstvennyye nachala/ A.F. Koni. – Izd-vo SGU, 2006. – 150 s.
4. Russell Pearce Legal Ethics Must Be the Heart of Legal School Curriculum/ Russell Pearce. – 2002/ Internet resurs. – Rezhym dostupu: [http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1353&context=faculty\\_scholarship](http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1353&context=faculty_scholarship)
5. Slyvka S.S. Yurydychna deontologiya/ S.S.Slyvka. – K.: Atika, 2003. – 320 s.