



UDC 378

INNOVATIVE METHODS USAGE IN THE PROFESSIONAL TRAINING OF LAWYERS IN THE HIGHER EDUCATIONAL ESTABLISHMENTS OF UKRAINE

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SUMMARY

The innovative methods of training lawyers in the higher educational establishments of Ukraine on the basis of the Educational and scientific Institute of law and social technologies of ChNTU have been revealed in the article. The specific peculiarities, the essence of methods of innovative training in the interactive educational environment of the higher educational establishment of Ukraine have been defined. It has been proved that the innovative methods of training lawyers directed at forming special students' skills promote applying knowledge and skills in practice.

Key words: innovation, interactive methods of teaching, role-playing, case method, cinquian, brainstorming, PRES-formula, jigsaw, legal clinic.

ИСПОЛЬЗОВАНИЕ ИННОВАЦИОННЫХ МЕТОДОВ В ПРОФЕССИОНАЛЬНОЙ ПОДГОТОВКЕ ЮРИСТОВ В ВЫСШИХ УЧЕБНЫХ ЗАВЕДЕНИЯХ УКРАИНЫ

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АННОТАЦИЯ

В статье освещены инновационные методы подготовки юристов в вузах Украины на базе учебно-научного института права и социальных технологий ЧНТУ. Определены характерные особенности, специфика методов инновационного обучения в интерактивной образовательной среде вузов Украины. Доказано, что инновационные методы подготовки юристов, направленные на формирование у студентов специальных навыков, способствуют применению знаний и умений на практике.

Ключевые слова: инновация, интерактивные методы обучения, ролевая игра, кейс-метод, синквейн, брейнсторминг, PRES-формула, ажурная пила, юридическая клиника.

The urgency of the research. The dynamic changes related to updating the content and forms of professional training of future lawyers, searching new perspective models of their professional

training in accordance with the European requirements and professional standards are taking place in the system of higher legal science and education in Ukraine. The lecture and seminar form of education remains

the main one in the higher educational establishment, but in our opinion, it needs radical changes and improvements.

Students' training in legal higher educational institutions should be based on



a social order and maximally directed to the future professional needs of the lawyer, form a high level of professional and general culture, professional competence, which will allow maintaining high professionalism in any field of legal activity at the level of growing demands of the society, professional corporation, consumers of professional legal services.

The urgent task is to find innovative forms and methods of training lawyers: from the development and introduction of new perspective disciplines in the curricula to implementing innovative methods of teaching law sciences.

The purpose of the research is to define the concept and to emphasize the significance of innovative methods, to describe the most effective methods of lawyers training at the Educational and Scientific Institute of Law and Social Technologies of ChNTU.

In accordance with the goal we outlined the following tasks: characterize the most effective innovative methods of teaching professional and other humanitarian disciplines for lawyers; to give recommendations on the implementation of innovative methods in the preparation of lawyers.

Analysis of the recent research and publications. The problems of innovative methods in the professional training of lawyers in the higher educational institutions are studied by such scientists as N.V. Artykutsa, Yu.V. Bystrov, V.M. Vakulenko, O.M. Kotykova, V.G. Chuzhikova and others.

Presenting the main material. The Law of Ukraine "On Higher Education" foresees "ensuring the organic combination of educational, scientific and innovative activity in the educational process" among the main tasks of the higher educational establishments [1].

The innovative forms of teaching disciplines deserve special attention, primarily because they are not directed at the reproductive thinking of students, but at the development of creative activity and research initiative of future lawyers. They set the foundation for further understanding and development of legal knowledge, the successful use of the acquired knowledge in practice.

In the history of teaching legal disciplines, several dozens of teaching methods are known which arose in accordance with the needs of the society to develop jurisprudence and were determined by its

character and the level of development at one time or another.

The experience of teaching with the help of innovative methods is realized not only in the process of teaching the academic disciplines at the university, but in offering methodological advice for conducting lessons in "Jurisprudence" in comprehensive schools in Chernihiv [2].

Within the framework of this article, we will consider the most effective methods of teaching legal disciplines for lawyers from the standpoint of their novelty, efficiency, and appropriateness in the modern conditions.

Business (role-playing) game is one of the most popular kinds of work among the students, because it is built on creativity, adversity, teamwork. But the effectiveness of this method is determined by the quality of the preliminary training of the teacher and students and accordingly it requires great efforts.

The main purpose of any business game is to create a situation that is as close as possible to the real one, in which the student-lawyer must perform the necessary professional actions, correctly apply the acquired knowledge, identify the skills of working with clients, colleagues, as well as the ability to work with normative documents [3, p. 378].

The script is usually prepared by the teacher himself, but under certain conditions can be developed by a student or several students (for example, it may be a special project).

The main components of the preparation and organization of the game: the creation of a fantasy (a specific life situation or close to it); processing the plot; work with normative documents; distribution of roles; drawing up of documents, for example, a claim or other application; collection of materials of the court case; verification of the implementation of laws; the actions of the participants of the game; analysis and summarizing.

Role games allow you to recreate and simulate the professional activities of the lawyer and communicate in it, they activate and intensify educational activities and communication, strongly stimulate learning activities, allow themselves to be tested in different types of role behavior [4]. This method is appropriate to use in teaching many professional disciplines. On the basis of our institute, this method is used in teaching the Constitutional Law of Ukraine, Criminal proce-

dural law. Consequently, practice shows that the business game increases motivation of students to study, allows using the acquired professional knowledge in the performance of various roles.

The next innovative method, which we would like to draw attention to – is a method of specific situations (ISS), or a case-method.

The method of situational education arose in 1870 at Harvard Law School, thanks to Professor H.K. Langdell. Using and developing the method of Socrates, he introduced the work with the original sources of litigation, appeals and other jurisprudence documents into practice. Students were faced with problems and different options for their solution. The experience gradually found support in other law schools [5, p. 74].

In 1919, Volas Donam, a former banker, using his practical experience in the field of law and business, invited lecturers to reconsider the lecture approach to "collecting cases" and working with them. At the beginning of the twentieth century (1921) the first textbook on writing situational exercises was published. After some time, in 1925, the first collections of cases were published in the reports of Harvard University [6].

The basis of the method is the principle of precedent, or case, which exists in Anglo-Saxon law and serves as a weighty criterion for deciding in a lawsuit in the absence of various types of codes [7, p. 9].

The value of this method, introduced in the curriculum first by the Harvard Law School, and later by the Harvard School of Business, lies in its applied orientation when the student learns to make professional decisions in the university classroom.

In Ukraine, the named method began to be widely implemented during the last 10-15 years.

The essence of the case method is to familiarize with the case material; discuss the case in small groups (10–20 min.); present group case solutions; organize a group discussion on issues raised in the case and sum it up the discussion: the findings of the teacher and participants in the discussion on the main issue of the case [3, p. 369].

One of the active innovative methods is the method of "brainstorming" (brainstorm). The purpose of its conduct is to receive from the group a large number of options for solving the problem dur-



ing a limited time. “Brainstorming” can demonstrate the level of knowledge of students, because they must offer ideas that can solve the problem, create a structure for the exchange of views on their general experience and the expressed wishes.

This method was created under rather interesting circumstances. During the Second World War, there was an officer Alex Osborn that served in the British navy. He was young and afraid to die, so he gathered the crew of the ship on the deck and offered everyone to give an opinion on the ways to protect the ship from fascist torpedoes. As it appeared, there were a variety of ideas and thoughts, although some of which did not make any sense. For instance, everyone should make a line and blow in the direction of the approaching torpedo. However, this idea inspired A. Osborn on opening the supporting screw that was installed in the shipboard. This screw directed a massive water flow on the torpedo interfering with its movement and forcing it to change the direction. In 1953 the book called “Guided imagination” by A. Osborn was published. The author describes the method of “brainstorming” as the method of generating ideas based on the principle that “a problem shared is a problem halved” [3, p. 326].

In the modern teaching methods, it is understood as a method of collective searching interesting, non-standard, creative ideas. The peculiarity of this method is that it can be used in the study of students of higher educational institutions of any direction, not only legal [8, p. 374].

The essence of the process is that the group is given a topic, a question or an incomplete sentence. For a few minutes, participants express their opinions on this topic. All the opinions are fixed no matter how non-specific, meaningless or controversial it may be. At this time imagination works smoothly. There are no prohibitions and no ratings given.

It is extremely important that at the very beginning of the “brainstorm” the lead teacher explain to the group the order of their actions. It is equally important not to let the group break the order and being distracted from the given task [9, p. 110].

Before beginning the consideration of the problem it is necessary to conduct a warm-up which will help the participants to adjust to the desired communication style, type of thinking, reaction rate, etc.

To implement the “brainstorm” method the teacher organizes a group

of participants (8–10 students), invites students to choose a group’s moderator the one who will follow the rules of brainstorm, record ideas, offer his/ her own [10, p. 170].

Conditionally the “brainstorm” method can be divided into two stages.

At the first stage, participants generate their ideas and suggestions and ascertain all the possible options for the final solution of the problem. For example, a civil law seminar: What evidence can be gathered in this case? What are the consequences of a gift contract? All ideas are fixed (on the board). In the form of “brainstorming”, students can, for example, answer the question: “What could be a possible reaction of opposing sides in the case?” Or “What consequences of the agreement will the client face?”

The second stage of brainstorming is the selection of perspective suggestions, their discussion, rating, classification. It is efficient to work in small groups using discussion and its elements. The function of the teacher is to provide control, encourage students to actively participate in the ideas generating process, identify the right decisions, and highlight the prospects for further development of the expressed ideas [11, p. 181].

Research shows that collective thinking when criticism is prohibited creates 70% more valuable ideas than a simple sum of ideas received individually. In one hour, the group can put forward up to 150 new ideas. This is explained by the basic concept of the “brainstorm” method – to give new ideas a way out of the subconscious [12, p. 124].

In his study T.V. Mergel defines the advantages and disadvantages of the “brainstorming” method. Advantages of the method: providing each member of the “brainstorming” group with equal opportunities for participation in problem discussion and idea generation; the same performance at any stage of the decision-making process; the possibility of fixing and permanently recording all the suggested ideas; favorable conditions for the emergence of the “chain reaction” effect in generating ideas.

Disadvantages of the method: the possibility of domination by one or two leaders - the most active members of the group; the probability of “looping” on the same type of idea; the need for a certain level of competence and the presence of dif-

ferent specialties representatives in one group; limited time to conduct [13, p. 46].

In general, the technology of “brainstorming” provides an opportunity to activate the thinking activity of group members, creative thinking and finding new ways to solve existing problems and situations. This method stimulates the appearance of the greater interest in work and education because it brings together the team and gives the opportunity to every participant to express themselves.

In our opinion, this method deserves an honorable place in the modern method of teaching special disciplines in law schools.

The creative innovative method is cinquain – a five-line poetic form that arose in Russia at the beginning of the twentieth century under the influence of Japanese poetry. It is a fast and powerful way of analyzing, synthesizing and generalizing concepts. This method is used to develop a figurative language, unlike a long literary work, the method does not require long time; foresees realization of virtually all personal abilities: intellectual and creative ones. The procedure of creating cinquain harmoniously combines the elements of three educational systems: informational, activity and personally oriented.

The order of writing cinquain is as follows: the first line – one keyword – the theme that defines the content of the cinquain – the object or subject, which is being discussed; the second line – two adjectives that characterize this concept, give a description of its features and properties; the third line – three verbs that show the nature of the object; the fourth line is a short sentence in which the author expresses his attitude to the object; the fifth line – one word – a summary, usually a noun, through which a person expresses his feelings, associations related to this notion, its essence [14, p. 238].

An example of using cinquain on the subject “Criminal Procedure Law”:

Court →

Fair, independent →

Protects, condemns, justifies →

The court is the body that carries out justice →

Power.

This method can be used while teaching all law-oriented disciplines.



The next method, which is reasonable to use for training lawyers, is the PRES formula (from the English Position-Reason-Explanation or Example-Summary). This auxiliary teaching method is oriented on developing and consolidating skills for argumentation, justification and defending of own position in the discussion, dialogue, during business meetings.

In this formula, an algorithm for logically sequential actions is programmed: Position (thought) – justification – example – conclusion (consequence). The method forms the skills of effective professional communication, first of all, the ability to speak shortly (1-2 minutes) with 4 sentences, when the time for discussion is limited.

The typical models of statements are offered:

1. Position (what is your point of view) – I believe that ...

2. Substantiation – because ...; because of...

3. An example – for example ...

4. The consequence – that's why ... [11].

Therefore, it seems reasonable to introduce and use the PRES formula in Ukrainian universities.

An interesting and creative method of working with texts for lawyers is the method of "jigsaw". The method allows participants to work together to learn a large amount of information over a short period of time and encourages them to help each other learn by teaching.

When working on the "Jigsaw" method, participants should be prepared to work in different groups. Firstly, each participant will work in the "home" group. The task for each participant in the "homegroup" is to analyze and assimilate a certain amount of information at such a level that it is able to clearly and understandably present it to teach other participants.

Then in another group, called "expert group", the participants will act as "experts" on the issue they were working on in the "home" group, will teach others this information and answer their questions. In the "expert" group, students should also receive information from representatives of other groups. The task of the "expert" group – to exchange information.

In the last part of the lesson, participants return to their "home" group to

share the new information provided to them by members of other groups. Their task now will be to exchange information again, to generalize it and to work out joint decisions together with the members of the "home" group [14, p. 235].

Thus, with the help of the "jigsaw" method, a large amount of information can be obtained within a short period of time.

An important component of the innovation activity of the Law Faculty of Chernihiv National University is a legal clinic. Its slogan is "from theory to practice of law in the walls of the university".

Legal (law) clinic – a special institution that provides legal aid to people with low income and /or conducts research work; but, at the same time, is a form of training future lawyers for professional knowledge and skills, conducted under the guidance of a mentor-lawyer in such an institution. The legal clinic provides students with practical skills.

Thus, the legal clinic "Aditorium" was created and successfully functioning on the basis of the law faculty of the Educational-Scientific Institute of Law and Social Technologies of the Chernihiv National Technological University [15].

Conclusions. The article analyzes the main innovative methods that can be used in the educational process at the law faculties. Summarizing the material presented, it was concluded that the introduction of innovative teaching methods is an extremely important component of teaching and methodological work of a teacher of higher educational establishment, as it helps to maintain his professionalism and pedagogical competence at the level of modern requirements.

We believe that in order to provide qualified scientific and methodological assistance to teachers who wish to introduce innovative forms and methods of work, it is advisable to create a Center for Innovative Technologies of Legal Education based on the Faculty of Law of Chernihiv National University of Technology.

References:

1. Про вищу освіту: Закон України від 1 лип. 2014 р. № 1556-VII. Офіційний вісник України. 2014. № 63. Ст. 1728.
2. Методична розробка для проведення уроку з дисципліни «Пра-

вознавство» суспільно-гуманітарного напрямку, правового профілю для учнів 10-х класів профільного рівня / розробн.: А.Г. Нітченко, О.Г. Козинець, Н.В. Марущак, С.В. Веремієнко, А.М. Толкач, О.А. Марущак. Чернігів: ЧНТУ, 2017. 23 с.

3. Чужикова В.Г. Методика викладання права: навч. посіб. К.: КНЕУ, 2009. 425 с.

4. Котикова О.М. Рольові технології у психолого-педагогічній підготовці майбутніх юристів на основі навчання через практику. URL: <http://www.nbu.gov.ua/portal/>

5. Рыбачук-Ярова Т.В. Історія виникнення кейс-методу та його сутність. Імплементация сучасних технологій навчання у навчальний процес: матеріали Міжнародної наукової конференції, 17-18 березня 2015 р. К.: НУХТ, 2015. С. 73–78.

6. Адонина Н.П. Кейс метод. История появления и развития URL: <http://www.aspirantura-olimpiada.narod.ru/index/0-96>

7. Барнс Л.Б., Кристенсен К.Р., Хансен Э.Дж. Преподавание и метод конкретных ситуаций (конкретные ситуации и дополнительная литература): пер. с англ. А.И. Наумова. М.: Гардарики, 2000. 501 с.

8. Толкач А.М., Заяць А.Р. Методика використання «мозкового штурму» на семінарських заняттях в професійній підготовці юристів. «Інноваційний розвиток інформаційного суспільства: економіко-управлінські, правові та соціокультурні аспекти»: збірник матеріалів V Міжнародної науково-практичної інтернет-конференції студентів, аспірантів і молодих учених (м. Чернігів, 23 грудня 2016 р.). Чернігів: Черніг. нац. технол. ун-т, 2016. С. 374–377.

9. Борисенко А.В. Застосування активних методів навчання у викладанні модулю «Захворювання пародонта». *Соврем. стоматология*. 2013. № 5. С. 110–114.

10. Телемуха С.Б. Мозковий штурм як метод реалізації інтерактивного навчання. *Український науково-медичний молодіжний журнал*. 2014. № 1. С. 169–171. URL: http://nbuv.gov.ua/UJRN/Unmmj_2014_1_47

11. Артикуца Н.В. Високоєфективні методики фахової підготовки правників URL: <http://ekmair.ukma.edu.ua/bitstream/handle/>



12. Клименко О.В. Застосування методу «мозкової атаки» у медичних закладах. Інвестиції: практика та досвід. 2012. № 1. С. 123–125.

13. Мергель Т.В. Застосування інтерактивного методу «мозкового штурму» у навчальному процесі. Медична освіта. 2015. № 4. С. 44–47.

14. Методична скарбничка URL: <https://www.novadoba.org.ua/>

15. Положення про юридичну клініку «Adiutorium» Чернігівського державного технологічного університету від 17 грудня 2012 р. URL: <http://www.stu.cn.ua>

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UDC 338.24

PUBLIC-PRIVATE PARTNERSHIP: ESSENCE, GOALS, STRUCTURE

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SUMMARY

The article deals with the directions of cooperation focused on the implementation of public-private partnership, the definition of the concept of public-private partnership is proposed. The types, concept and essence of public-private partnership are outlined and characterized, and the interaction of public-private partnership as one of the types of strategic relations is emphasized.

Key words: public-private partnership, public administration, economic transformations.

ГОСУДАРСТВЕННО-ЧАСТНОЕ ПАРТНЕРСТВО: СУЩНОСТЬ, ЦЕЛИ, СТРУКТУРА

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АННОТАЦИЯ

В статье рассматриваются направления сотрудничества, направленные на реализацию государственно-частного партнерства, предлагается определение концепции государственно-частного партнерства. Очерчены и охарактеризованы типы, концепция и сущность государственно-частного партнерства, подчеркнута взаимодействие этого партнерства как одного из видов стратегических отношений.

Ключевые слова: государственно-частное партнерство, государственное управление, экономические преобразования.

Statement of the problem. In today's conditions of reforming the economy the directions of cooperation aimed at the implementation of public-private partnership are of particular importance, which require the application of the newest methods, forms and principles of interaction between public authorities, business structures, enterprises, research institutions and the population. One of the main ways to increase the efficiency of state-owned enterprises is the development of public-partnership relations, called public-private partnership (PPP).

The relevance of the research topic. The development of industrial and social infrastructure has a significant impact on the growth of the effectiveness of the functioning of the socio-economic system as a separate territory, and the country as a whole. Socio-economic infrastructure, interconnected with the state social and economic infrastructure, requires systemic development taking into account national and regional interests [1, p. 137]. An essential condition for the effec-

tive functioning of a market economy is the constructive interaction between business and government structures. The nature of this interaction, as well as methods and specific forms may vary significantly depending on the maturity and national characteristics of market relations [2, p. 69].

Status of research. The works of Mr. T. Veblen, Mr. J. Commons, Mr. R. Coase, Mr. D. North, Mr. J. Hodgson and others are dedicated to the problems of the development of theoretical foundations of building relations between the state and the private sector. Among domestic scientists, there are Mr. Kryshtal T.M., Mr. Braylovsky I.A., Mr. Bazhenov A.V., Mr. Varnavsky V.G., Mr. Pavlyuk K.V., Mr. Bondar N.M. and others. Without a doubt, emphasizing the practical requirements for implementing investment projects under the conditions of public-private partnership, we should, in our opinion, consider the most significant theoretical aspects of the formation and development of relations between the state and business.