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Theoretical and methodological bases of formation of legal competence of future specialists of non-legal specialties

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Viktoriia Prylypko *
Oleksandr Kotliarenko **
Liudmyla Prypolova ***
Tetiana Dmytruk ****
Olena Paruta *****

Abstract

The objective of the study is a comprehensive analysis of the formation of the legal competence of future specialists of non-legal specialties by reviewing the educational programs of the main specialties in the participation of legal disciplines, describing the difficulties faced by students of non-legal specialties in the study of legal disciplines, all of which, allows to identify the methodological characteristics of the teaching of the legal disciplines for the direction of the students. Varied methodological tools were used, including philosophical methods of knowledge (dialectical, metaphysical, synergistic), general scientific and specifically scientific (compilers, comparative). The main results of the work are the definition of the problems of higher education in the formation of educational programs for students of non-legal specialties and the identification of the typical problems faced by students of non-legal specialties in the study of legal disciplines. A set of methodological

* Teacher, Candidate of pedagogical sciences Department of Fundamental and Branch Legal Sciences Faculty of law, humanity and social sciences, Kremenchuk Mykhailo Ostrohradskyi National University, Kremenchuk, Pershotravneva street, 20. ORCID ID: <https://orcid.org/0000-0002-6271-2148>

** Ph.D. Chief of the Research Division Research Division of Military Legislation Issues of the Center for Military and Strategic Studies of the National Defence University of Ukraine named after Ivan Cherniakhovskiy, 03049, Kyiv, Ukraine, Povitroflotskyi Avenue 28. ORCID ID: <https://orcid.org/0000-0001-8776-2515>

*** Ph.D., Leading researcher of the Research Division Research Division of Military Legislation Issues of the Center for Military and Strategic Studies of the National Defense University of Ukraine named after Ivan Cherniakhovskiy, Kyiv, Ukraine, 03049, Povitroflotskyi Avenue 28. ORCID ID: <https://orcid.org/0000-0002-8429-1866>

**** Assistant Kyiv National University of Culture and Arts, Faculty - PR, Journalism and Cybersecurity, Department - Information Technology, Eugene Konovalts Street, 36, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-3300-0635>

***** Candidate of Science of Law, Associate Professor Lviv Polytechnic National University, Institute of Jurisprudence, Psychology and Innovative Education, Department of Theory of Law and Constitutionalism, 79013, 12 Bandera street, Lviv, Ukraine. ORCID ID: <https://orcid.org/0000-0001-5452-0560>

techniques is proposed in the teaching of legal disciplines for students of non-legal specialties.

Keywords: legal competence; legal disciplines; educational program; teaching methodology; non-legal specialties.

Bases teóricas y metodológicas de la formación de la competencia jurídica de los futuros especialistas de especialidades no jurídicas

Resumen

El objetivo del estudio es un análisis exhaustivo de la formación de la competencia jurídica de los futuros especialistas de las especialidades no jurídicas mediante la revisión de los programas educativos de las principales especialidades en la participación de las disciplinas jurídicas, la descripción de las dificultades que enfrentan los estudiantes de las especialidades no jurídicas en el estudio de las disciplinas jurídicas, todo lo cual, permite identificar las características metodológicas de la enseñanza de las disciplinas jurídicas para la dirección de los estudiantes. Se utilizaron herramientas metodológicas variadas, incluyendo los métodos de conocimiento filosóficos (dialécticos, metafísicos, sinérgicos), científicos generales y específicamente científicos (compiladores, comparativos). Los principales resultados del trabajo son la definición de los problemas de la educación superior en la formación de programas educativos para los estudiantes de especialidades no jurídicas y la identificación de los problemas típicos que enfrentan los estudiantes de especialidades no jurídicas en el estudio de las disciplinas jurídicas. Se propone un conjunto de técnicas metodológicas en la enseñanza de disciplinas jurídicas para estudiantes de especialidades no jurídicas.

Palabras clave: competencia jurídica; disciplinas jurídicas; programa educativo; metodología de la enseñanza; especialidades no jurídicas.

Introduction: Research Problem

Law as science provides the “framework” of public relations, creating a matrix for social interactions. Legal policy determines the ideological direction of the desired relations between people, group members, and subjects of law, for this purpose distinguishing socially useful and illegal

behavior. The globalization of social reality affects all spheres of life, including education. Modern configurations establish the demand for education. For example, according to a recent UNICEF report, households account for 30% of total educational expenditures worldwide and 39% in low- and lower-middle-income countries (UNESCO, 2021a). Education should predictably contribute to a peaceful, just, and sustainable future.

Knowledge of basic legal concepts is essential for the individual as a citizen of the state, regardless of professional direction or other individual factors. Such legal competence should be obtained at the level of school education, including knowledge of one's rights and duties, understanding of the principles of law, ability to defend one's rights and interests, including in interaction with public authorities, elective skills, and forms of implementation of labor and civil legal relations, etc. (Babanina *et al.*, 2021).

Vocational education is designed to equip a person with the necessary knowledge and skills in accordance with the specialty and direction. The level of integration of legal knowledge into professional education is essential for proper professional competence. Obtaining legal information necessary exclusively for a person's social life cannot compensate for the need to form the legal competence of a future specialist of non-legal specialties (Pohosian *et al.*, 2021).

The level of demand for legal knowledge and its direction clearly depends on the chosen specialty and specialization. There is no single model and countervailing approaches. Therefore, the theoretical and methodological toolkit, which is chosen by the teacher to convey legal knowledge to the student audience, is important. The peculiarity will act individualized complex and system of legal knowledge and skills for the target audience, so the effective work of the educational and pedagogical team is of particular importance in the area under study.

The unresolved scientific problem is that in the practical aspect it is necessary to take into account the variable determinants of social processes. This implies a departure from the classical form of receiving an academic education, adding synergetic methodological means of learning for the most effective receipt of in-demand qualifications. A competitive specialist combines state-of-the-art knowledge with the skills of knowledge updating, the ability to respond to transformational changes in professional and socio-social directions.

This requires a new way of thinking about the subject. The development of critical thinking and skills of knowledge renewal, the ability to learn throughout life is a professional globalization skill for students of non-legal specialties, which will ensure the retraining of a specialist in the future. Education that points solely to a knowledge of the norms of current

legislation as ontological truth, without the application of critical thinking, argumentation, comparison, and logical analysis of the casual situation and trends in legal norm development, loses relevance for the professional direction of non-legal specialists.

The student must not only master the legal thinking skills but also understand the trends of legal policy development in his professional sphere, see the multidimensionality of globalization-legal phenomena and processes.

The unresolved issue is also the formation of communicative skills, provided through the development of tolerant perception of others, finding mutual understanding with representatives of different groups, regardless of age, religious, cultural, and professional orientation, so learning to respect the rule of law, equality, and justice, promoting non-discrimination policies and protection of human rights and freedoms - an important skill of future professionals in the knowledge of any, including non-legal.

Therefore, the study of the peculiarities of formation of legal competence of specialists of non-legal specialties is important enough for the doctrine and practice contains significant unresolved scientific problems, concerns a wide range of educational specialties and directions, is actualized in connection with the globalization processes of social and legal relations of today.

1. Research Focus

This research article focuses on the main methodological aspects of updating the teaching of legal disciplines for students of non-legal specialties. The main focus of the study is focused on the problems that arise among students of non-legal specialties in obtaining legal competence and the development of proposals for effective teaching of legal disciplines for such students.

1.2. Research Aim and Research Questions

The aim of the article is a comprehensive study of the formation of legal competence of future specialists of non-legal specialties.

Objectives:

1. To analyze the educational programs of the main specialties on the involvement of legal disciplines.
2. To describe the difficulties faced by students of non-legal specialties in the study of legal disciplines.

3. To identify the methodological features of teaching legal disciplines for students of non-legal.

The section “Literature Review” contains an analysis of the previous scientific refinements in the field of professional competence of students of non-legal specialties and the place of legal knowledge and skills in it. The section “Methodology” contains an indication of the use of the author’s approaches and methods to the subject of research, in particular, the method of the survey on the developed author’s questionnaires, which was conducted in three regions of Ukraine during 2020-2021.

The section “Results and Discussion” presents the research of educational programs on the main specialties for the involvement of legal disciplines; highlights the difficulties faced by students of non-legal specialties in the study of legal disciplines; defines the methodological features of teaching legal disciplines for students of non-legal disciplines. The “Conclusions” section contains key statements and theses to which the authors arrived at during the analysis and substantiates the prospects for further research in a particular area.

2. Literature Review

Scientific sources have not paid much attention to this important issue by lawyers and pedagogical experts alike. Extensive attention has been paid to the subject in the context of legal socialization and the definition of a comprehensive approach in teaching for non-legal students (Schäfke *et al.*, 2018). Scholars also focus on the role of legal knowledge in times of pandemic threats and its potential in distance learning (Querci, 2021).

In the theoretical aspect, the researched issues of legal competence formation are analyzed through the construct of lifelong learning (Puhach, 2021), focusing on the European standards of higher education (Spyrydonova, 2021), as well as the importance of legal practice for the educational process (Bortnyk, 2021). Scientific advances of the new generation emphasize the need to update pedagogical methods, arguing that they should be the subject of constant reflection of teachers and administrators of universities, the development of curricula of law schools should be aimed at developing the intellectual abilities and curiosity of students (Vargiu, 2021).

The psychological attitude of professional sphere representatives to students who study non-core disciplines and methodological proposals in Questions about the knowledge of laws by specialists in other professions are devoted to the work of B. van Rooij (Van Rooij, 2020).

There are a number of doctrinal developments concerning the level of legal competence of students of certain specialties, in particular, on the specific academic needs and problems of students from creative media and art history to acquire legal knowledge and skills Sherstoboeva and Dubrovina (2021) the role of business law for courts of business administration (Reems , 2021; Khan, 2021), the teaching of business law in the mastery of the material by law and non-law students (Jianjian, 2018), the methodological challenges of future physicians' mastery of legal regulation of abortion (Cohen *et al.*, 2021), and forensic toxicology (Damian *et al.*, 2019).

3. Methodology

3.1. General Background

The methodology is based on a three-level system of methods and approaches. The first level considers philosophical methods, in particular the dialectical method - applied in establishing established and newest teaching methods; metaphysical method - to highlight the external factors affecting the educational process; synergetic method - to determine the hypothetical consequences of the implementation of updated pedagogical methods.

The second level of the methodology includes general scientific methods: analysis and synthesis, analogy, abstraction. Among special scientific methods (the third level) was used compilatory, with the help of which it was possible to compare the level of demand for legal knowledge in various non-legal specialties. The comparative method made it possible to analyze the practice of acquisition of legal competencies by students of different specialties.

3.2. Sample / Participants / Group / Instrument and Procedures

The representativeness of the author's provisions is substantiated by using the method of the survey, which was conducted in different regions of Ukraine during 2020-2021 by using the author's questionnaires. The participants of the survey are allocated into two groups. The first includes undergraduate students studying in all specialties, except "Law". First-year students were deliberately excluded from the survey, as their level of familiarity with the future subjects offered in the educational program may be insufficient to answer the questions.

Three leading institutions of higher education of Ukraine (the State Higher Educational Institution "Uzhgorod National University", the National University "Lviv Polytechnic", the Kyiv National University of Trade and Economics) were chosen for the survey. The number of respondents

was 342 people. The study was carried out by self-filling questionnaires by students in papers. Hypothetical statistical error - 2%.

The second group of respondents - practicing physicians with various years of medical practice to establish the demand for legal competence for medics. The number of respondents was 76. Doctors work in Lviv, Transcarpathian, and Kyiv regions. Hypothetical statistical error is 1.5%.

3.3. Data Analysis

The analysis was conducted by the authors of the article based on the use of the method of data collection and the method of analysis of the results, the search for relationships, and differences in the arrays. The statistical method was used to transfer the obtained results to the whole totality of information. Using the analysis of relations, we determined the degree of influence of the factor of the absence of “Medical Law” subject on the negative legal competence of the respondents of the second group of the survey.

4. Results and Discussion

Legal competence is necessary for a member of society and a specialist, so legal education is used to obtain it as an additional element of professional competence. The latter without legal knowledge cannot be formed since practice requires possession and use of legal norms a priori as a basic element of understanding of authority and professional status.

Legal education should be understood as a set of measures of educational, training, and informational nature aimed at creating appropriate conditions for the population to acquire legal knowledge and skills, as well as the process of acquiring legal knowledge, skills, and abilities to form the legal culture and competence of an individual to exercise the rights of conduct of the attitude and tasks of a particular professional branch of law. Legal competence is the result of legal training based on the legal consciousness of the person, formed at the expense of the development of the future professional's own views, position on the socio-legal reality.

The purpose of legal education is to organize an effective learning process for each student by conveying legal information, monitoring and evaluating its assimilation. Analysis of the catalog of educational programs. Recent scholarship advocates the introduction of interdisciplinary approaches to legal studies (Schäferke *et al.*, 2018), implemented for all approaches and majors, both legal and non-legal.

Let us analyze the Ukrainian national practice. The analysis of educational programs of National University “Lviv Polytechnic” allows to

point out that the educational process contains an insignificant number of subjects of legal direction and mostly all of them belong to the block of disciplines to choose from. The results are presented in Table 1.

Table 1. Law courses at the National University “Lviv Polytechnic”

Name of specialty	Name of the law course
Information, Library, and Archives	Legal support of professional activity; Legal basics of communication with the authorities
Finance, banking, and insurance	Legal Basics of Business Activities
Marketing	Legal Basics of Business Activities
Environmental Design	Labor law
Software Engineering	Labor legislation
Computer engineering	Normative-technical documentation of the branch (mandatory)
Cybersecurity	Normative legal support, standards, and policy of information and cyber security
Journalism	Legal norms of journalism in Ukraine
Psychology	Legal psychology
Management	none
Logistics	none
Industrial Engineering	none

Drawn up by the authors based on an analysis of Lviv Polytechnic National University.
 Majors' directory. Retrieved from: <https://www.uzhnu.edu.ua/>.

As for the educational programs of Uzhgorod University, the situation is much simpler. Most majors contain the subject “Jurisprudence” (“History and Archaeology”, “Philology”, “Economics”, “Entrepreneurship”, “Trade and Stockbroking”, etc.) or none at all (“Medicine”, “Dentistry”, “Forestry”). Only one specialty – “Cybersecurity” offers a selective course “Legal Basis of Information Protection”.

Almost the same approach is used in the educational programs of the Kyiv National University of Trade and Economics. “Jurisprudence” as a general course is offered to students of “Information Systems and Technologies”, “Finance”, “Banking and Insurance”, “Marketing”; for “Tourism” a course on labor law is selected; for “Food Technologies” it is considered that legal competence is not needed at all.

According to the authors, this analysis demonstrates that there are no unified approaches to educational programs, higher education institutions independently determine the necessary level of legal competence.

The improvement of the higher education system is based on the indicators of educational development worldwide, and in this regard, given the global trends (Shobonova *et al.*, 2020). The UN Educational, Scientific and Cultural Organization in its new global report “Reimagining our futures together: a social contract for education” points out that education, especially vocational education, should act as a new social contract that should unite the world “around collective efforts and provide the knowledge and innovation needed to shape a stable and peaceful future for all who are anchored in social, economic and environmental justice” (UNESCO, 2021b).

Unfortunately, Ukrainian universities are at the initial stage of forming special approaches to higher education. Let us allow ourselves to criticize the approach of the State Educational Institution “Uzhgorod National University” and the Kyiv National University of Trade and Economics, where the basics of law is a general discipline without analyzing the demand for legal knowledge within the specialization and qualification of the student.

In general, for some majors in HEE is not enough and the number of legal subjects offered to choose from, in particular for the specialty “Cybersecurity” we consider it appropriate to focus on information law as the main legal branch, without which their professional competence is incomplete. Also, for students of management, logistics, food technology specialty it is necessary to study the basics of at least business law; forestry - environmental law; medical and dentistry - medical law.

Let us turn to the experience of leading universities. Experts argue not only about the need for specialization, but also the systematic updating of educational courses. In addition to environmental law and environmental law, European universities, with the financial assistance of the European Union, are introducing a mandatory course on energy transition law, “Comparative Climate Change and Energy Transition Law between the EU and the United States,” which has been taught since 2019 (Smith *et al.*, 2019). This example reflects the demand for knowledge not of general rules and principles of law, but industry-specific specialized law and practice.

The results of the author’s survey also illustrated the actualization of legal knowledge among students (**Fig.1**). Almost 68% of respondents indicated the demand for legal disciplines.



Fig.1. Drawn up by the authors according to the results of the author's survey

So, the majority of students understand the importance of legal competence for their professionalism in the future. However, almost half believe that legal subjects are not enough in their educational program (see **Fig. 2** for details).

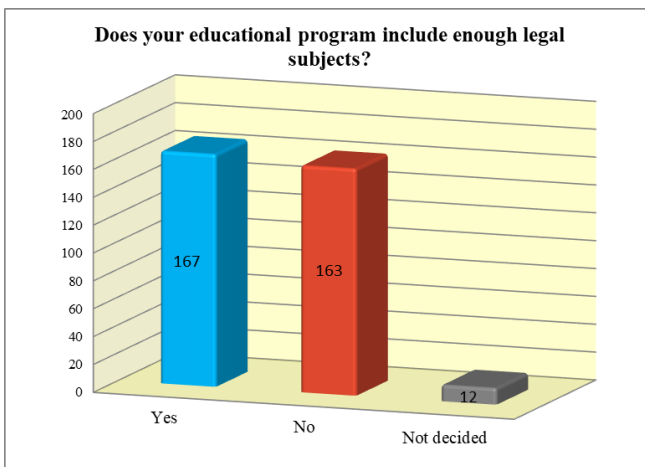


Fig. 2. Drawn up by the authors according to the results of the author's survey.

Students face a great deal of difficulty in obtaining legal competence. As N. Nikonova, the requirements for law students can be an overwhelming task for students in other majors. Therefore, it is necessary to adapt the material, to simplify it if possible (Nikonova, 2020). H. Ambaras Khan argues that law is perceived as a difficult topic and takes a lot of time. This subject needs to be presented in a way that is acceptable to students to attract attention and interest. During the Covid-19 pandemic, all teaching is done through an online platform. The instructor must have a good teaching plan to ensure that students are able to learn and enjoy the subject of law (Khan, 2021).

Our survey of students also confirmed the difficulty of legal knowledge for their perception (Fig. 3).

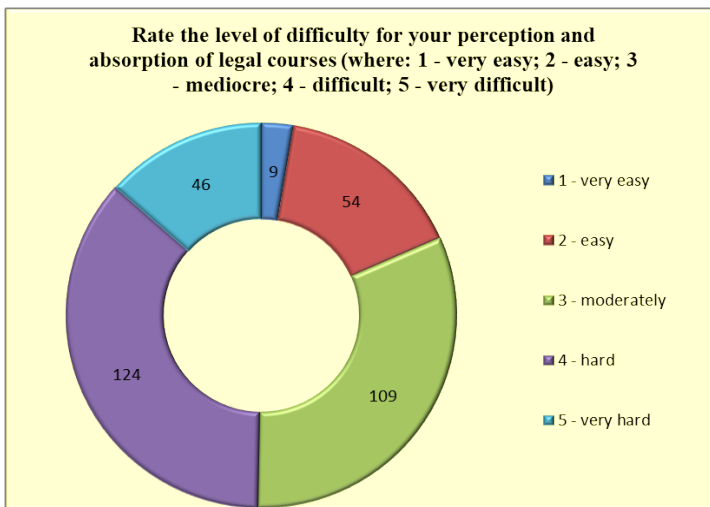


Fig.3. Drawn up by the authors according to the results of the author's survey.

Content analysis of preliminary research and the author's survey allowed us to group the problems in the study of legal disciplines into such groups:

- 1) the complexity of the material for perception;
- 2) the volume of the legal course;
- 3) the material is very boring and uninteresting;
- 4) low professional and pedagogical competence of the teaching staff;

- 5) lack of understanding of the need to apply legal knowledge in the future for professional competence.

Despite the problems in obtaining legal competence, it is still in demand and necessary for specialists in a particular specialty. Let us illustrate this with an analysis. Another study we conducted among physicians demonstrated the demand for knowledge of medical law. In particular, when asked if they told a patient's close relatives his diagnosis without prior consent, 89% responded in the affirmative.

We should add that such behavior is contrary to national standards in health care. 56% of doctors do not see the need to ask a minor over 14 years about consent to treatment, because they believe that these issues should be discussed with the parents before adulthood. The above shows the lack of knowledge about the specifics of the legal regulation of issues of medical secrecy, the provision of medical services to a minor patient, so the principle of confidentiality is practically not respected in the health care system of Ukraine.

If medics had received knowledge in the sphere of medical law when studying in HEE, the results of legal errors would have been lower. Medical law as a complex institute of law has formed recently in the post-Soviet space (three to five years), so it is just beginning to be introduced as an academic discipline among medical students.

Peculiarities of teaching legal subjects for law students are manifested in the fact that the knowledge they acquire is important for their future specialization, but in contrast to the profile, disciplines require additional adaptation to acquire knowledge. This applies to legal tools, conceptual and categorical apparatus, understanding of the system of law and the system of legislation, and key concepts of general theoretical jurisprudence.

The teacher should not rely on the fact that students of non-legal specialties have the necessary basic knowledge to perceive the specialized rules of law. For example, in presenting any legal subject, especially in the first lecture classes, emphasis should be placed on the basic concepts that will be used later to enrich the student's lexical toolkit.

In particular, it is appropriate to focus on the fact that jurisprudence uses such concepts as "legal person" instead of the commonly used "firm" or "enterprise"; to explain the difference between the legal force of laws and bylaws and interpretative legal acts from the previous two; to distinguish crime and misconduct; to recall the system of public authorities and the structure of the judicial system of the country.

The set of methodological and conceptual and categorical apparatus depends on the legal course offered to students. We consider it necessary to provide in the introductory class some general methodological provisions for the enrichment of theoretical concepts of legal sense.

Another important feature of gaining knowledge is that the approach used in the educational process should be aimed specifically at the student of a particular specialty. Suppose when expounding “Entrepreneurial Law” for law students, one should focus exclusively on topics that have not been the subject of other courses, in particular, within the framework of economic law, civil law, tax law, customs law, budget law, shareholder law, etc.

However, when teaching the same course for students of non-legal specialties (economists, logisticians, financiers, managers) it is necessary to expand the subject of the discipline to include the main provisions of related subjects. It is important that the specialist who will develop and teach the relevant course be familiar with the educational program and the individual plans of the student. Thus, the discipline will be an effective component of a single set of educational components.

To reduce the level of complexity of the material, it is methodologically correct not only to simplify it but also to adjust the student’s evaluation criteria. The level of knowledge of the subject cannot be the same as that of law students. Law students often study in law schools certain existing attitudes, personalities, qualities, interests, values. Typically, individuals with well-developed linguistic skills, reading a lot of material, writing, and rhetoric come to study. Therefore, professional outcomes among non-law students cannot be achieved with the same course model, teaching styles, and strategies adopted for teaching law students.

A methodological shift in teaching approaches from the general normative to the specifically casual is necessary for a better perception of the material. A sign of successful learning in any field of endeavor is the ability of students to retain information from the course. The way to achieve this goal is for instructors to create comprehensible factual situations in the form of problems stemming from jurisprudence.

The sharper and more vivid the subject matter, the more likely students will engage in class discussions and remember what they have learned. The ability to model legal situations, to make decisions that do not violate legal procedures when applying knowledge plays an important role in a professional’s qualifications. The main indicator of assimilation of legal knowledge, abilities, and skills acquired by the future specialist is the ability to show the degree of their readiness to work consciously using the information received.

By democratization and humanization of education, an important condition in the formation of legal competence is that the student is considered as an active subject of the educational process, his subjective experience, cognitive needs and abilities, future professional interests and requests, his individual and personal characteristics. determine the success of higher education. Consideration of employer and student opinion is a necessary principle of formation of modern professional education.

Conducting a co-design of curricula, literature can lead to greater student engagement, motivation, and learning, contribute to the development of graduate qualities and positively influence the relationship between students and teachers. An important methodological approach to overcoming the problem of alienation from the law is the cooperation of all participants in the educational process.

Skills of independent mastering of knowledge have a key place for students extracting higher education, the individual pace of learning, independence in mastering the acquired knowledge takes priority. The task of researchers in establishing the correct vector of knowledge acquisition and determining the proper vector of independent work, monitoring and supervising this process.

In the period of globalization changes, the dominance of technical ways of obtaining knowledge, computer education of students - all this contributes to independent work. Students can systematically update legal knowledge, in particular, follow the changes in legislation and practice through the official Internet representations of public authorities (Supreme Council, President of Ukraine, Commissioner for Human Rights, Ministries and departments). They usually contain not only normative legal acts but also an unofficial interpretation by specialists.

Also positively assess the public access to decisions of all levels of the judiciary and local authorities, legal registries. Therefore, it becomes relevant to use the technology of independent work to form university students' skills of independent mastering of knowledge and skills, development of their ability to self-improvement and self-education, rapid response to changes in the law, and the state.

And in conclusion, we note that in the context of pandemic threats, legal competencies can serve as a subject of social communication and contribute to the reduction of social tension among students, which is due to distance learning. Socialization activities are an essential part of the educational process, as well as other non-formal and informal educational opportunities that derive from participation in the social life of the university.

Through the introduction of social distancing activities, students may feel isolated, depressed, and anxious, and thus face unprecedented challenges in achieving their academic goals. Law courses are creative, fostering discussion, argumentation, and motivation, so they provide an opportunity, unlike exact academic subjects, to feel free, socially engaged. Quercin, I. motivates that the activity of teaching law can help de-escalate some of the side effects of quarantine on students while also generating innovative changes in society. Methods exist and can be developed to create rich learning environments where the law is a tool for participation and inclusion, despite the problems associated with long-term e-learning and distance education (Querci, 2021).

Conclusions

Analysis of the educational programs of students of non-legal specialties in the three leading universities of Ukraine has demonstrated the lack of unified approaches to educational programs, higher education institutions independently determine the required level of legal competence and often do so without applying special methodological approaches, violating international legal standards in the field of education. The practical problem of higher education is the study of the general course of law basics, which only indirectly contributes to the development of professional competence, or often the lack of legal disciplines at all, but the demand for the competitiveness of a specialist.

The results of the survey of students demonstrated their interest in the study of complex legal and professional disciplines, they emphasized the insufficiency of such disciplines, as well as their difficulty for perception. Typical problems faced by students of non-legal specialties in the study of legal disciplines were identified: the complexity of the material for perception; the volume of the legal course; lack of curiosity of materials; low professional and pedagogical competence of the teaching staff; lack of understanding of the need for legal knowledge application in the future for professional competence.

The need for legal competence is demonstrated by reviewing the results of a survey of practicing physicians in the area of medical and legal issues and the need to deepen the knowledge of the latter in the area of medical law is indicated.

It is proposed for the application of the following methodological techniques in teaching legal disciplines for students of non-legal specialties: additional adaptation to the acquisition of knowledge by explaining the used legal tools, conceptual and categorical apparatus, understanding of the system of law and the system of legislation and key concepts of general theoretical jurisprudence.

Individual pedagogical approach aimed at the student of a particular specialty and avoiding the unification of material for all areas, including law students; simplification of the material of the discipline and correction of the criteria for assessing knowledge; transition from the general normative to a specifically causal approach in teaching; intensification of communication and cooperation between the teacher and the student in order to adjust work programs and lecture material; formation of the skill of independent mastering of knowledge and skills, which will facilitate the possibility of renewal of knowledge during life; using legal disciplines as a springboard to overcome the problems of pandemic nature in education.

Prospects for future studies analyze the specifics of obtaining legal competence by specialists in certain areas and the demand for them in practice, the possibility in the future to update knowledge during life.

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