

ARTICLE

TO THE QUESTION OF ORGANIZATION FREE LEGAL AID BY THE LEGAL CLINICS OF THE EDUCATIONAL ORGANIZATIONS OF HIGHER EDUCATION

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ABSTRACT

In the modern conditions for innovative development of Russia, the development of the higher education, including legal one, is very important. It is connected with a role of education during evolution of society and also with the fundamental value of the right for education in the system of the rights and freedoms of any person. The main forms of getting legal education in Russia are legal institutes, faculties of universities and also colleges. Educational process is organized so that to train a lawyer of a wide profile who can be used at any position demanding legal education, and at the same time having profound knowledge in a certain area of legal activity. Therefore, all students study a wide range of legal sciences, along with social, economic, humanitarian and general education disciplines. Legal education has a great value for development of legal system of Russia, which is aimed at training of specialists in legal spheres. The main and core objective of the system of higher education at the present stage is training of qualified and competitive experts. The list of abilities or competences has to be created with direct participation of employers, experts and potential clients. It is also necessary to underline the fact that competences are rather mobile and significantly change [1] eventually. The legal clinic (consultation) is one of the main directions of training a creative and competitive person as an expert, who is able to put and solve professional problems independently and competently and to promote and take personal part in the effective regulation of legal relations. Eventually, it is implemented in higher educational institutions of the legal sphere for the development and strengthening of legality, law and order.

INTRODUCTION

The realization of the right for getting a qualified legal aid is constitutionally guaranteed, and directly connected with the institute of free legal aid (further – FLA) [2].

KEY WORDS

Free legal aid, non-state system of free legal aid, legal clinic (consultation).

The first attempt of creation of legal clinic can be referred to the middle of XIX century. Its birth has occurred in the Kazan University. D.I. Maier was the main initiator for introduction free legal aid by students whom he taught into the educational process.

In his work "About the meaning of practice in the system of modern legal education" he tried to prove the need for a "clinical" form of training for future lawyers. Showing an analogy between getting legal and medical education, D.I. Maier wrote: "It is indeed, that the lawyer's rank, as well as a rank of the doctor is practical. As the practical training of students for medical science happens at school, just the same way practical preparation of the lawyer has to be made at the same place" [3].

According to the existing Russian legislation, the legal clinics act as the independent legal entity or structural division of the educational organizations of the higher education [4], which are special subjects of non-state system of free legal aid. Nowadays, the practice of creation of legal clinics as structural divisions of the educational organizations of the higher education is widely used. The establishment of organizational features of procedures for creation and implementation of activity, forms and order for giving legal aid by legal clinics emphasizes their special place in the non-state system of giving FLA.

MATERIALS AND METHODS

Respectively, a legal clinic of the educational organization represents the specialized educational division, which is created by taking into account some features of personnel potential, material supply and so on, that provides higher educational institution.

A number of peculiar features of a legal clinic are normatively prescribed. First of all, legal aid is given to the special subjects which are structural division of the educational organization of the higher education. The decision of FLA creation is made in the order established by the charter of educational institution for decision-making for creation of structural division of educational institution. The legal clinic carries out its activity on the basis of the provisions, stipulated in the order provided by the charter of educational institution [5].

Secondly, the analysis of the Federal law "About Free Legal Aid in the Russian Federation" allows to draw a conclusion that it contains the common and special objectives of implementation FLA. And the last are enumerated dew to legal clinics and include legal education for population and formation of legal skills for implementation of legal aid by students [4,6]. Therefore, legal clinics are urged to solve problems of training, formation of professional legal consciousness and legal culture of students. As a rule, the implementation of practical activities is carried out by students attending practical lessons. However, for realization of an integrated approach to such training there is

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"The legal clinic" in the Naberezhnye Chelny Institute of Kazan Federal University. It operates in the law department as a separate structural division.

The data of students' polls from the law department, which are carried out annually, are important for the purpose of examination in what way their participation in the work of legal clinic influences the level of knowledge and formation of practical skills [7].

About 80% of respondents have considered the possibility of obtaining new knowledge to be important. More than 70% of students have stated that the possibility of practical application of theoretical knowledge and mastering some practical skills and abilities is the main inducing reason. About 60% of people have noted that consultation of citizens stimulates their participation in scientific activity. More than 40% of students have mentioned that such approach to training influences the level of sense of justice, professional ethics, and also influences positively for a microclimate in a group.

Besides, students have noted that visiting of legal clinic influences positively for the progress in their studies. Training in legal clinic has multivariate character and includes: meeting of visitors, holding business games, trainings, interviewing, analysis of different cases, consultations, organization of office-work, etc.

Therefore, functioning of legal clinics promotes improvement of methodology of training, completion of the gaps, arising while students pass a traditional training course and educational process [8, 9].

RESULTS AND DISCUSSIONS

Legal clinics represent a positive example of integration of legal education, science and practice. The types of legal aid, provided by legal clinics, have complete and acceptable character that is their distinctive feature. We have the following types in the university: legal consultation in oral and written form, drawing up statements, complaints, petitions and other documents of legal character [5].

In our opinion, in this particular case, there is a need of consideration of a question for possibility of implementation of activities for legal education with legal clinics.

It should be noted that the students of legal clinic of the Naberezhnye Chelny institute of KFU were actively recruited in the actions dedicated to the legal education and legal informing; students prepared information booklets and presentations on vital themes. Our students together with their teachers-tutors prepared thematic model of lessons (legal hours).

The work in clinic became one of the directions of organization for production and externship of students. Skills, which are formed by students during consultations concerning legal questions in an oral and written form; designing of the statement, complaint, petition, statement of claim and other documents of legal character; representation of interests of citizens in civil legal proceedings, form the competences necessary for practical activities.

The legal clinic in the Naberezhnye Chelny Institute provides free legal aid concerning any legal questions. Students hold consultations (oral and written), help everyone with drawing up addresses, complaints, claims, drafts of statements of claim.

Special conditions for the participation in providing FLA for legal clinics are established: voluntariness, personal interest and presence of necessary level of common cultural and professional competences of students (listeners). These abilities are gained by the students in the course of development of the appropriate educational programs. These are standardly established. The level of professional competences of the students, necessary for providing free legal aid is defined by educational institution itself independently [5,10].

The obligatory condition for the organization of work of legal clinic is providing legal aid under the control of the persons who have the higher legal education. These people are also responsible for students' training, and the activity of legal clinic.

For the organization of providing FLA it is necessary to supply material and technical resources and inform the citizens about obligatory minimum of information.

The material and technical resources are formed by educational institution. Fixing of the obligatory minimum of information, which is brought to the attention of citizens, promotes realization of the principle of availability for FLA.

The legal clinic informs citizens about: the place of its location, phone, fax, e-mail address and (or) the address of website in the Internet (if technically possible); working hours; some information about types of the provided free legal aid; Provision of legal clinic [5].

CONCLUSION

Taking into consideration the organization of educational process, legal clinic represents a specific form of the organization of educational process for students referred on fixing particular theoretical knowledge, practical skills and abilities while providing free legal aid, and their participation in activities for legal education.

It is interesting to note here, that D.I. Meyer also suggested introducing clinical education which would allow students to transfer theoretical knowledge into practice. He drew an analogy between legal and medical preparation: "Really, the lawyer's rank, as well as a rank of the doctor, – practical and therefore as practical preparation of pupils for medical science happens in school, it's in the same way practical preparation of lawyer has to be made in the same place" [3].

At the same time the carried-out analysis allows us to select certain demands for the organization of providing FLA by legal clinics: the complex service, including the need of carrying out interviewing, reception of applications, preparation of drafts of complaints, etc.; voluntary nature of involvement of students (listeners); accountability of providing FLA to teachers-tutors; ensuring access to the location of a legal clinic and free movement in rooms for persons with limited opportunities of health.

Providing legal aid by legal clinics includes several specific tasks which do not concern them as structural units of educational organizations. They are: ensuring the appropriate quality of legal aid, corresponding to the level of professional competences of students (listeners); integrity of information with limited access, including personal data (safety of the data which aren't relating to public information); ensuring special-purpose character – protection of the rights and the interests of citizens protected by the law; the limitation terms (urgent character) caused by need of protection and restoration of the violated right at the scheduled time [11].

Thus, clinical legal education is the comprehensive training program of vocational preparation for lawyers, providing carrying out studies in various forms, training of students and providing free legal aid by them to separate categories of citizens, under the leadership of teachers-tutors.

Therefore, the legal clinic represents structural unit of the educational organization of the higher education which activity is referred on providing legal aid to separate categories of citizens on the basis of voluntariness, accountability, accounting of level of professional competences of students [12]. For formation of unified law-enforcement practice it is necessary to fix the concepts "legal aid", "legal education", "legal education" in a legislative order.

As an option for discussion the following definition of legal aid is offered: it is a set of the actions directed to protection of the interests of the citizen, violated in rights and protected, including legal consultation and (or) legal education. Legal clinics and their activities for providing FLA are subjects to complex legal regulation. The improvement of the legislation, the development of unified educational and methodical recommendations about providing FLA by legal clinics will promote the qualitative organization of work of these subjects of non-state system of providing FLA.

CONFLICT OF INTEREST

There is no conflict of interest.

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