

# LEGAL EDUCATION

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## LEGAL EDUCATION AT THE NATIONAL AVIATION UNIVERSITY

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### Abstract.

*The purpose of the present research is to highlight the role of the higher law educational institution in training a competent lawyer who is able to meet the needs and requirements of a society in a market economy and in prestigious world labor markets. **Methods:** general and specific scientific (special) methods were used to achieve the defined purpose. The use of these methods made it possible to outline trends in the development of legal education and science at the National Aviation University. **Results:** the research on the formation of a system of legal education and science, unquestionably, should take place through consolidated efforts of both the academic community and employers, the labor market, and state authorities – everyone who is to some extent involved in solving this issue. The further development of legal science and education at the present stage is directly related both to the need to solve practical problems, which the society and the state are faced with, and to the intensification of the research aimed at solving specific problems in various branches of law, which require urgent solution. **Discussion:** the author suggests improving academic curricula and syllabi in accordance with international educational standards. As for legal science, it is worth moving from an increase in quantitative indicators in assessing scientific advances to gradual transition of publications on jurisprudence to the international level.*

**Keywords:** legal education, National Aviation University, Department of Theory and History of State and Law, Department of Constitutional and Administrative Law, Department of Criminal Law and Process, Department of Civil Law and Process, student, Educational and Research Institute of Law.

### 1. Introduction

The theme, stated in the title of a scientific article, is highly relevant, as nowadays we are experiencing difficult times that affect, in their turn, the development of education and science. At the same time we should use the opportunity to give education, science and innovation the status, which they occupy in all the leading countries of the world. The leading Ukrainian scholars, the scientific community, should make every effort to support the construction of the country, in particular, to reform the educational, scientific and research-and-technical spheres. The scientific elite, as never before, needs to reject its own interests and ambitions in order for Ukraine to have a future, as its econom-

ic development directly depends on its scientific achievements.

In the present conditions of the modernization of Ukrainian society, an integral part of which is the dynamic and rational development of a democratic legal system, in accordance with internationally recognized legal criteria and standards, the role and significance of legal education and science in substantiating the legitimacy of principles, methods and means of ensuring effective foreign policy activity of the country, its main actors on the international arena, in an objective and impartial study of the processes of state-legal construction, legal aspects and segments of socio-economic transformations.

## 2. Research results

The National Aviation University is one of the top universities in Ukraine. Its origins date back to the first years of the twentieth century. In 1905-1906 at Kyiv Polytechnic Institute there was established an aeronautical section, which turned into an aviation club in 1908. Here, under the guidance of experienced teachers, talented young students studied the most advanced achievements of national and foreign scientists and designers in the field of aeronautics; built and tested gliders, planes, airships. In 1909-1912, about 40 original aircraft planes were constructed in Kyiv. Kyiv gradually becomes a leading aviation center. The problem of staffing and aviation industry development is acute. In 1921, at Kyiv Polytechnic Institute (KPI), aviation specialization was opened at the Mechanical Faculty on the initiative of the leadership of the aircraft plant. Fourteen students were enrolled in this specialization. In 1923 their number was 32, and in 1929 – 41 students.

In 1930, on the basis of KPI, there were created 8 separate institutes, including machine-building. In April of the following year the Aviation Faculty was opened and 947 students were trained. The need for training and interest in such specialists has been steadily increasing.

On August 25, 1933, the Council of USSR People's Commissars adopted a resolution on the establishment of Kyiv Aviation Institute based on the Aviation Faculty of Kyiv Machine-Building Institute, where 898 students were trained.

In 1937, the leadership of Aeroflot of the USSR decided to redirect the students to Leningrad Institute of Civil and Air Fleet Engineers, and to leave its branch in Kyiv for some time. The Institute was practically destroyed. However, with the assistance of the Government of the Ukrainian SSR, in 1938 the independent status of Kyiv Aviation Institute was defended, although the material and technical base, premises, and, most importantly, the teaching staff were lost. For comparison: if on July 1, 1937, there worked 229 permanent staff members, including 53 teachers, then as of September 1, 1938, there were 5 teachers and 24 staff members of the training and support staff at the Institute.

At the beginning of the Great Patriotic War, the Institute was rebuilt into the regiment, the faculties into the battalions, and the courses into the platoons. They performed their duties in accordance with the requirements of wartime.

In the post-war period, the Institute successfully developed, its material and technical base increased, and the name changed: Kyiv Civil Aviation Fleet Institute (1947), Kyiv Institute of Civil Aviation Engineers (1965), Kyiv International Civil Aviation University (1994), National Aviation University (2000).

Today, the National Aviation University is one of the most powerful aviation higher education institutions in the world. More than 50 thousand students, attendees and learners study here.

Powerful scientific and pedagogical schools provide the opportunity to prepare not only specialists in engineering, but also economists, ecologists, translators, psychologists, sociologists, as well as lawyers.

Legal disciplines have been taught at the University throughout the period of its existence. In the post-war years, a law section was created. It was part of the Department of Occupational Safety and Fire Prevention, which in 1964 was renamed the Department of Labour Protection and Environment. The Department was headed by Ph.D. in Engineering Science, Associate Professor L.A. Burychenko. A group of highly qualified lawyers provided the courses entitled "Air Law", "Labour Legislation", "Fundamentals of Law" and others.

In 1982 the Department of Culture and Law was founded on the basis of the Department of Theory and Practice of Educational Work in Civil Aviation. The Department was headed by PhD in Philosophy, Associate Professor H.A. Lisovyk. In 1985-1993 the law section was headed by a renowned lawyer and educator, D.Sci.Jus., Professor V.M. Marchuk.

The National Aviation University has started training of legal specialists in 2000, when the jurisprudence science specialty was opened on the initiative of heads of enterprises and agencies of the air transport industry. The admission and training of lawyers was carried out by the Faculty of Linguistics and Law, on the basis of which the Law Faculty

was created later. In the future it received the status of the Institute.

In different years of its existence, the Institute had different names:

2001 – Faculty of Law, 2003 – Institute of Aeronautical and Space Law, 2007 – Law Institute “Institute of Air and Space Law”, 2009 – Institute of Air and Space Law and Mass Communications, 2010 – Juridical Institute, 2015 – Educational and Scientific Law Institute.

Today, hundreds of higher education institutions offer training in the most popular and promising specialties, including Law. The expediency of training lawyers by so-called non-core institutions, universities and academies so far causes a great number of discussions, doubts and disputes. Moreover, a certain part of teachers – scientists, officials of higher education institutions categorically denies the effectiveness of training lawyers outside the legal faculties of classical universities. Are they right? Is the training of lawyers at technical universities a commercial tribute or a need of the present? Let's think together.

The declaration of independence of Ukraine provided new opportunities for the development of public life, politics, economy, but at the same time caused certain problems. Expansion of international cooperation revealed legal insecurity of aviation enterprises and airlines of Ukraine. In their practical activity, there arose questions regarding the legal provision of production, maintenance, repair, certification of aircrafts; activities of civil aviation enterprises; production and operation of land-based radars and radionavigation complexes, satellite communication systems and navigation; airport equipment, flight information processing systems, development and maintenance of flight software, operation of aviation information and diagnostic systems, protection of information resources and restricted access databases, development and use of biotechnical and medical equipment for aviation enterprises. It turned out that there was a need for the study and improvement of the legal regulation of using air and cosmic space, the observance of the principles of using air space, the provision of international air transportation and air communications, flight safety; assistance for aircrafts.

The heads of enterprises and institutions of the aerospace industry were the first to feel the need for specialized training of lawyers. Moreover, it turned out that in many countries of the far abroad there has been an experience of such training for a long time, which proved itself to work well in practice. “In what way?” – You will ask. It is thought that many terms in the previous paragraph have already attracted your attention, for example: flight information, radiodetectors, air navigation equipment, etc. Can a person be a competitive and qualified lawyer if he does not know the system or process that needs legal regulation and legal support? The rectorate of the National Aviation University was convinced that the basic professional training of a lawyer in conjunction with studying specialized disciplines (“International Air Law”, “General Course of Air Transport”, “Air Transport Offenses Prevention” and others) and foreign languages will provide future lawyers with many advantages in finding a job, as they will have not only the qualifications of a lawyer, but also additional profiling in the field of air and space law. Such a possibility has only one university in Ukraine – the National Aviation University.

Today, Scientific Training Law Institute of the National Aviation University is a structural subdivision of the University, which provides training and retraining of lawyers according to the programs of bachelor's and master's degree.

The Institute consists of five departments: Theory and History of State and Law; Constitutional and Administrative Law; Criminal Law and Process; Civil Law and Process; Business, Air and Space Law, which provide the educational process on the profile of their professional direction in all specialties of the University, as well as training specialists in the specialty 081 “Law”.

*The Department of Theory and History of State and Law* was created in order to ensure the study of fundamental disciplines, in particular, the theory of state and law, the history of state and law, the history of legal and political doctrines, which were studied at the Scientific Training Law Institute, and jurisprudence, which was studied in other structural subdivisions of the University.

*The Department of Constitutional and Administrative Law* was created in order to provide teaching courses in the leading legal disciplines which ensure fundamental legal knowledge related to the mastering of the foundations of the legal status of a person and citizen, the mechanism of state authorities and interaction between them, with the content of administrative activities of executive bodies, the peculiarities of foreign constitutionalism, the specifics of public administration in certain sectors and areas of state-building, in particular in the field of civil aviation, financial and credit policy, etc.

*The Department of Criminal Law and Process* was created in order to organize and conduct teaching and guiding on criminal law disciplines, educational work with students, scientific research on criminal law, criminal process, criminalistics, criminology.

*The Department of Civil Law and Process* was created in order to provide teaching of civil law disciplines, create necessary scientific and methodological base, conduct scientific research on civil law and process in the aerospace industry, family and labor relations, legal provision of activities of scientific and pedagogical workers and students.

*The Department of Business, Air and Space Law* (before 2016 – the Department of Air and Space Law and the Department of Business Law and Process) is a special department, the mission of which is ensuring the specialization of lawyers in the aerospace industry. On the content of its activities, it is the only department in Ukraine and it focuses on studying theoretical foundations and practical aspects of international, European and national air and space law.

For the first time in Ukraine the staff of the Department prepared and issued the manual *“Air Law in Ukraine”*, prepared for students and teachers of law and other higher education institutions, civil servants and aviation businessmen, crew members and passengers of aircrafts, customs officers, prosecutors, internal affairs workers and border controllers.

Scientific and pedagogical staff members of the Institute are constantly working on improving legislation in the field of air and space law, in particular: conduct scientific expertise of draft laws. In ad-

dition, our specialists joined the development of the Air Code of Ukraine in 2011, the discussion of the draft Laws of Ukraine “On State Regulation in the Field of Satellite Navigation”, “On Airports”, “On Amendments to Article 343 of the Criminal Code of Ukraine (regarding the protection of the rights of state registrars and the prohibition of unlawful interference with the activities of state registrars)”.

The main tasks of *the Training Center for Air and Space Law Problems* are the following: accumulation and processing of regulatory acts regulating the aerospace industry; creation of a data bank on a regulatory framework in the field of international and European air and space law; conduction of comparative analysis of the legislation of different countries; definition of ways of adaptation of the national legislation to the law of the European Union.

After the opening at the Institute of *the Specialized Academic Board for the defense of PhD theses*, the work on research on topical issues of air and space law became more active. Only for the last cadence there were defended the following field-specific dissertations: “Administrative and Legal Principles of Ensuring the Safety of Flights on Aviation Transport” (I.Ya. Kozachok), “Administrative and Legal Principles of Information-Analytical Activity of the State Aviation Service of Ukraine” (Ya.V. Horbatiuk), “Administrative and Legal Organization of Civil Aviation Personnel” (O.A. Husar).

For approbation of scientific research the Institute has a special edition *“Collection of Scientific Works of the National Aviation University. Series: Legal Bulletin “Aerospace and Space Law”* (certificate of the state registration from 11/10/2005). In 2015 the journal was re-certified in accordance with the order of the Ministry of Education and Science of Ukraine No. 522 from 12/05/2015, received the ISSN number provided by the ISSN International Center; the journal is included in the ICV 2014 (Index Copernicus), ICV 2015 (Index Copernicus), ICV 2016 (Index Copernicus), which highlights current issues of air and space law, ways to harmonize Ukrainian air law with the EU air law, etc. The authors of the journal are 149 both national and foreign scientists.

Every year (since 2011) *the All-Ukrainian Conference of Young Scientists and Students "Aero. Air and Space Law"* is held at the Institute. The participants of the conference are the overwhelming majority of students, who are well aware that one of the factors influencing the level of development of Ukraine is perfect legislation, including the proper legal regulation of the aerospace industry. According to the results of the conferences, 1237 student abstracts were published.

The Institute closely cooperates with Georgian Aviation University, Varna Free University named after the Montenegrin Hragra (Bulgaria), Melitense Academy (Spain), Technological University of Ningbo (China), Maria Curie-Skłodowska University (Poland), Ljubljana University (Slovenia), Baku National University (Azerbaijan), Institute of Continuing Education (Slovakia), Comenius University (Slovakia), Institute of Air Law (St. Petersburg), National Academy of Aviation of Azerbaijan, European Air Law Association, Turkish Airlines, ICAO Institute, State Aviation Service of Ukraine, State Space Agency of Ukraine, State Enterprise "International Airport Boryspil", International Airport "Kyiv" named after Ihor Sikorskyi (Zhuliany) and many others.

The Law Institute has its own specificity, due to the peculiarities of the training of lawyers for the aerospace industry. Therefore, in addition to traditional specialization in the training of law students, the Institute conducts in-depth study of transport law.

The Institute has a Partnership and Business Cooperation Agreement with the following organizations: State Aviation Service of Ukraine (Partnership and Business Cooperation Agreement from 26/03/2015, expiry date – 31/12/2019); National Center for Space Assets Management and Testing (Partnership and Business Cooperation Agreement from 26/02/2015, expiry date – 31/12/2019); Limited Liability Company "Pravova Hildiia Viktorial" (Partnership and Business Cooperation Agreement from 19/05/2011, expiry date – 30/06/2020; legal support of the activity of aviation enterprises, airlines and airports, in particular JSC "Ukrainian Helicopters", UMAIR (Ukrainian Mediterranean Air-

lines); State Enterprise "Antonov" (Partnership and Business Cooperation Agreement).

The presence of professionals with specialized training in the field of air, space and international law is one of the factors that determines additional opportunities for the development of Ukraine as an aviation state, contributes to increasing the competitiveness of enterprises and airlines in the national and international markets. Among them there are our graduates: Vlasiuk Olha Hennadiivna, Legal Adviser of the Public Enterprise "Contractor Specialized Road Repair and Construction Management"; Chemeryska Olha Olehivna, lawyer of the All-Ukrainian Professional Pilots Union; Tolsta Nataliia Oleksandrivna, Assistant Director on legal issues of Boryspil International Airport; Kapustynskyi Oleksii Andriiovych, Executive Director of the All-Ukrainian Pilot Union; Myrhorodska Olena Serhiivna, Acting Head of the Regulatory Affairs Department of the State Aviation Service of Ukraine, Tiutiun Liudmyla Stanislavivna, Chief Specialist of the Legal Department of the State Aviation Service of Ukraine.

The Institute has implemented master classes of leading Ukrainian and foreign lawyers. The educational process is equipped with modern technical means.

For conducting business games at the Institute, there was organized and properly equipped *the Court Room*. There also functions *forensic laboratory* equipped with unique techniques, stands and visual aids. Computerization of the educational process gives students and teachers the opportunity to freely use the Internet. The training takes place using Internet technologies and multimedia systems. An appropriate electronic scientific and educational base and modern *computer classes* are in operation.

The Court Room is equipped with audio and video techniques, by means of which students of the Institute consolidate the theoretical knowledge, acquire practical skills of the judicial authorities work and study the process of consideration of court cases in Ukraine and abroad.

*The methodological office (library)* of the Institute provides the teaching staff and students of full-time and part-time modes of study with learning

and teaching, scientific literature, professional periodicals.

Law students do practical training in the Ministry of Justice of Ukraine, State Judicial Administration of Ukraine, Supreme Economic Court of Ukraine, Commercial Courts of Kyiv and Kyiv Oblast, State Aviation Administration of Ukraine, legal departments of airlines, aviation enterprises, advocacy and notaries.

In order to involve students in the practical work of lawyers, the Legal Consulting "Legal Clinic" successfully works at the Institute. On its basis the students solidify their theoretical knowledge obtained in the educational process, acquire the skills of practical and scientific activity.

The tasks of the Legal Clinic are the following:

- to combine theoretical training with practice;
- to form professional skill of a law student;
- to solve social problems of the local region;
- to form active social position and legal consciousness among students.

The Legal Clinic cooperates with other legal clinics of higher educational institutions of Ukraine.

The Institute promotes the inclusive development of the student's personality, supports student self-government, encourages various student activities: participation in competitions of the Club of the Merry and Inventive, students' festivals "Student Spring" and "March Shoots", student sports competitions, amateur performances, club of ballroom and sport dance, section of boxing, football, volleyball, rugby, shaping.

The Institute pays special attention to the development of scientific relations with the leading universities of the world: the Aerospace University (Korea), the Faculty of Law of the University of Zagreb (Croatia), the University of Leiden (the Netherlands), the Faculty of Law and Administration of the Jagiellonian University (Krakow, Poland), University of Al-Baath (Homs, Syria), American Law Schools Association (the USA), the Faculty of Law of the University of Paris (France), the Faculty of Law of the Belorussian State University (Belorussia), Dresden Technical University (Germany). This enables teachers, post-graduates and students to study foreign law, experience in foreign jurisprudence, to jointly investigate scientific is-

ssues, hold research-to-practice conferences, undergo a study course at foreign higher education institutions, publish articles in foreign scientific journals, etc.

The Law Institute has its own specificity, due to the peculiarities of the training of lawyers for the aerospace industry. Therefore, in addition to traditional specialization in the training of law students, the Institute conducts in-depth study of transport law.

The training of lawyers is carried out in the scope of existing educational and professional programs of the Ministry of Education and Science, Youth and Sports of Ukraine.

In particular, the training of lawyers combines obtaining one of the specialties: "Transport Law", "Civil and Labor Law", "Commercial Law", "Public Service", and "Court. Prosecutor's Office. Advocacy. Notary" with in-depth study of a foreign language and specialized educational disciplines in the field of air and space law.

Students of the specialty "Law" receive the basic professional training of highly qualified lawyers. Having mastered the knowledge of the theory of state and law, legal deontology, constitutional law, criminal law and process, civil law and process, environmental law, economic law and process, students receive theoretical and practical training for the performance of official duties of a lawyer.

Upon completion of training, graduates receive qualification of a lawyer and are able to work in judicial, law enforcement and human rights bodies and organizations; in international structures and provide legal services to the population.

The presence of professionals with specialized training in the field of air, space and international law is one of the factors that determines the additional opportunities for the development of Ukraine as an aviation state, contributes to increasing the competitiveness of enterprises and airlines in the national and international markets.

The marketing research of educational services shows that there is a demand for training, retraining and advanced training of such specialists in Ukraine as well as among foreign countries. Our experience proves that this approach to the training of special-

ists is a guarantee of their professionalism and competitiveness.

### 3. Conclusion

Further development of legal science and education at the present stage is directly related both to the need to solve practical problems, which the society and the state are faced with, and to the intensification of the research aimed at solving specific problems in various branches of law, which require urgent solution.

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### ПРАВОВА ОСВІТА В НАЦІОНАЛЬНОМУ АВІАЦІЙНОМУ УНІВЕРСИТЕТІ

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**Мета.** Показати роль вищого юридичного навчального закладу у підготовці компетентного, конкурентоспроможного юриста-практика та юриста-вченого, спроможного відповідати вимогам та потребам суспільства в умовах ринкової економіки та на престижних світових ринках праці. **Методи.** Для досягнення мети дослідження були використані загально- та конкретно-наукові (спеціальні) методи. Використання цих методів дало можливість окреслити тенденції розвитку юридичної освіти та науки в Національному авіаційному університеті. **Результати.** Робота над формування системи юридичної освіти та науки, безумовно, повинна відбуватися завдяки консолідованим зусиллям як академічної спільноти, так і роботодавців, ринку праці, органів державної влади - всіх тих, хто в тій чи іншій мірі залучений до вирішення цього питання. Подальший розвиток юридичної науки та освіти на сучасному етапі безпосередньо пов'язаний із необхідністю розв'язання практичних завдань, що постають перед суспільством та державою, активізацією досліджень, спрямованих на розв'язання конкретних проблем у різних галузях права, які потребують нагального вирішення. **Обговорення:** автор пропонує удосконалення навчальних планів та програм відповідно до міжнародних освітніх стандартів. Щодо юридичної науки, то варто перейти від збільшення кількісних показників в оцінці наукових досягнень до поступового виходу на міжнародний рівень публікацій з правознавства.

**Ключові слова:** правова освіта, Національний авіаційний університет, кафедра теорії та історії держави і права, кафедра конституційного і адміністративного права, кафедра кримінального права та процесу, кафедра цивільного права та процесу, студент, Навчально-науковий юридичний інститут.

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**ПРАВОВОЕ ОБРАЗОВАНИЕ В НАЦИОНАЛЬНОМ АВИАЦИОННОМ УНИВЕРСИТЕТЕ**

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**Цель.** Показать роль высшего юридического учебного заведения в подготовке компетентного, конкурентоспособного юриста-практика и юриста-ученого, способного отвечать требованиям и потребностям общества в условиях рыночной экономики и на престижных мировых рынках труда.

**Методы.** Для достижения цели исследования были использованы общие - и конкретно научные (специальные) методы. Использование этих методов позволило выделить тенденции развития юридического образования и науки в Национальном авиационном университете. **Результаты.** Работа над формированием системы юридического образования и науки, безусловно, должна происходить благодаря консолидированным усилиям как академического сообщества, так и работодателей, рынка труда, органов государственной власти - всех тех, кто в той или иной степени вовлечен в решение этого вопроса. Дальнейшее развитие юридической науки и образования на современном этапе непосредственно связано с необходимостью решения практических задач, стоящих перед обществом и государством, активизацией исследований, направленных на решение конкретных проблем в различных отраслях права, требующих неотложного решения. **Обсуждение:** автор предлагает усовершенствование учебных планов и программ в соответствии с международными образовательными стандартами. Что касается юридической науки, то стоит перейти от увеличения количественных показателей в оценке научных достижений к постепенному выходу на международный уровень публикаций по правоведению.

**Ключевые слова:** правовое образование, Национальный авиационный университет, кафедра теории и истории государства и права, кафедра конституционного и административного права, кафедра уголовного права и процесса, кафедра гражданского права и процесса, студент, Образовательно-научный юридический институт.