

Vodolaskova K. Yu., Ph.D, Ass. Professor,
National Aviation University,
Advocate, Procurement Manager of Boryspil International Airport
State Enterprise, Kyev, Ukraine

SPIRITUAL ASPECTS OF MODERN LEGAL HIGHER EDUCATION

The aim of real education should be self-realization, realization of the spiritual values of the soul [1]. Spiritual and emotional values constitute a key element in development of student's skills and regulation of their activities [2]. Nowadays modern education expands its borders nationally, territorially, globally. Universities are opening their doors for the young people from all over the world despite of national, cultural and religious qualifications. Therefore, it is crucial to unify spiritual aspects in higher education, especially of higher legal education. Spirituality was highlighted in scientific research of philosophers, psychologists, pedagogues L. Sokhan, L. Oleksyuk, V. Sugatovsky, I. Bech, O. Kirichuk, G. Kostiuk, M. Sukhomlynsky, M. Makarenko, etc. The aim of this article is to identify spiritual aspects during the educational process of students for legal professions taking into consideration of modern conditions of legal education.

The relevance of this current research is determined by social requirements to modern legal education, which is the source of highly educated leaders with deep spiritual and moral values. Spirituality has to become a strong basis of a modern society, which requires leaders with deep spiritual beliefs without limitation by religious frames. Students of legal faculties are future leaders of our society: lawyers, advocates, prosecutors, judges, politicians, managers, etc., and they need to have not only professional skills, but also high level of spiritual qualities and beliefs no matter what religious belief they have.

Education is the basis of the intellectual, spiritual, physical and cultural development of the personality, his successful socialization, economic prosperity, a guarantee of the development of society, united by common values and culture, and the state [3]. Spiritual development is the development of the non-material aspects of life, focusing on personal insight, values, meanings and purpose. Students should develop a zest for life and the courage and ability to persevere, overcoming any inner resistance and vacillation when approaching obstacles. They must develop the desire to use and extend what they learn in high school. According to the Order of the Cabinet of Ministers of Ukraine "On Approval of the Concept of the State Target Social Program "Youth of Ukraine" for 2016-2020 dated September 30, 2015, No. 1018-p one of the priority for development of youth is called "Culture and spirituality", whose purpose is to support young people's initiatives, create conditions for their creative and spiritual development, intellectual self-improvement [4].

Spirituality gives an opportunity for person to rise above the biological and social limitations of his human being. At this level, the will to life is transformed into a will to power, but first of all - to power over oneself. Overcoming oneself, a person becomes a person. He “raises the bar” for his “I” and realizes his potential [5]. Morality and as spirituality, rather than “being abstract “traits”, are qualities that potentially attach to any and every experience of growing persons in their interaction with their natural, social, cosmic world, and are to be experiences through discovery and through functional use of living” [6].

For many centuries it had been considered that education and knowledge in general and universities in particular were responsible for the moral and social development of students and for bringing together diverse groups for the common good with the strong spiritual basement, which is a guarantee of peaceful existence and comprehensive development of society and certain person.

To keep up this high requirement modern education and particular legal high school needs to work upon following vectors:

1) Contents of spiritual and emotional educational should be included in training programs for faculty members of universities.

2) The instruction of spiritual values that contribute to development of student’s emotions in order to develop their self-behavior should be included in courses and activities provided to students.

3) Teaching methods in universities should be developed in a manner that agrees with the value and moral curve that supports student’s self-discipline skills and activates them to work, achievement, respect for others and combating contemporary challenges like violence, determinism and dark thoughts.

Summary: modern society is facing the problem, which can be called “spiritual hunger”, and education has to tackle it to create stable and strong basement for personal and social growing and development. Unfortunately, majority of modern education processes is still based on a machine-age model of separate subject areas which encourages a fragmented view of learning. With the concentration of a unifying spiritual perspective, which is based on understanding of unifying of God’s order, high legal schools should understand that, in days of spiritual hunger, education needs to do more than grope in the dark, it needs to point students to the light of the world.

References

1. A.C. Bhaktivedanta Swami Prabhupada. Sri Isopanishad. – Los Angeles, USA: ISKCON Books. – 1971. – 139 p.
2. Aspy, D.N & Roebuck, F. N. Affective Education: Sound investment. Educational Leadership. – 1982. – # 39(7), 488-493.
3. On Education. Law of Ukraine // The voice of Ukraine. – 2017 – № 178-179.
4. On Approval of the Concept of the State Target Social Program "Youth of

Ukraine" for 2016-2020. Order of the Cabinet of Ministers of Ukraine from September 30, 2015, No. 1018-o // The Official Bulletin of Ukraine. – 2015, No. 80, p. 78, article 2683, code of the act 78871/2015.

5. Kalnoy I.I. Philosophy of Law: Textbook / I.I. Calnoy – St. Petersburg: Legal Press Center, 2006. – 259 p.

6. Bower W.C. Program of Moral and Spiritual Values in Education // Educational leadership. – 1951. – 471-474.

УДК 346.9(477) (043.2)

Гурін Л. В., Невмержицька О. В., студентки магістратури,
Національний авіаційний університет, м. Київ, Україна
Науковий керівник: Череватюк В. Б., к.і.н., доцент

СУДОВИЙ ПРЕЦЕДЕНТ ЯК ЕФЕКТИВНИЙ СПОСІБ ЗАБЕЗПЕЧЕННЯ ЄДНОСТІ СУДОВОЇ ПРАКТИКИ

Як показує історія – судовий прецедент є досить ефективним способом забезпечення єдності судової практики, що у свою чергу надає можливість якісно відстоювати права та інтереси людини і громадянина в суді [2, с. 113]. Необхідність запровадження єдності судової практики в національне законодавство України зумовлено тим, що у зв'язку з введенням численних змін у судову систему нашої країни, скасування значної кількості правових норм та запровадження оновленої законодавчої бази в частині судового захисту прав та свобод людини та громадянина, виникла необхідність у пошуку дієвих механізмів вирішення численних колізій та прогалин у чинному законодавстві, що на сьогодні становлять дійсну загрозу для учасників вітчизняного судочинства, порушують конституційну засаду рівності кожної людини перед законом і судом [3].

До визнання судового прецеденту як джерела права в Україні неоднозначне ставлення. Так Сахнюк В.В. вважає, що незважаючи на суттєві переваги судового прецеденту у регулюванні суспільних відносин в умовах реформування судової системи та наявності значних її недоліків, визнавати на законодавчому рівні судовий прецедент джерелом права поки що недоцільно [4, с. 121].

На нашу думку існує необхідність у тому, щоб надати судовій владі права нормотворчої функції, оскільки судова влада більш точно розуміє правову природу та реальні шляхи вирішення проблем судочинства ніж законодавчий орган.

Однією із найсуттєвіших проблем української судової системи є те, що при вирішенні схожих спорів одні і ті самі норми трактуються судами по різному тому, як наслідок, відбувається неоднакове застосування матеріальних та процесуальних норм судами різних інстанцій, що в свою