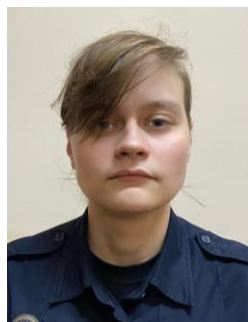


UDC 378.14, 34.08

DOI 10.31733/2078-3566-2021-5-317-324



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ADVANTAGES OF LEGAL EDUCATION FOR POLICE OFFICERS

Abstract. The article is devoted to topical issues of reforming legal education in Ukraine in terms of police training. It is argued that in order to successfully fight crime, police officers must receive legal education, which is especially important for investigators. Based on the analysis of foreign publications, the authors analyze the approach to training police officers in foreign countries, which is characterized by a tendency to increase the role of higher legal education in police training, and show some difficulties in training in police training.

Keywords: *higher legal education, investigator, police officer, free economic education with specific training conditions, police training, police education, police.*

Relevance of the study. Police reform in Ukraine in 2015 was aimed at creating a new service body, the main purpose of which is to protect human rights and freedoms. Particular emphasis was placed on the desire to create a police force that would be legitimate in the eyes of ordinary citizens. Society places high demands on police officers, and only a true professional, a person with a high level of knowledge and able to apply them in practice, can live up to expectations. In this context, the question arises about the education that could create such a professional.

In recent years, there has been fierce debate over the best model of police education. The urgency of the scientific community to this issue testifies to the urgency, because, in addition to the publications of individual researchers, various scientific and practical events are devoted to this issue, which actively discuss controversial aspects of this issue. There are many issues that are discussed, but in this paper we will try to explore two of them: whether a police officer needs legal education and what are the benefits of obtaining legal education for law enforcement.

Recent publications review. The issue of legal education of police officers has always been the focus of scholars. Scientists A. Andreev, O. Bandurka, V. Beschastny, M. Budzynsky, S. Venediktov, V. Glukhoverya, O. Dzhafarov, N. Kolomoyets, A. Klochko, O. Koristin, V. Sokurenko. devoted their works to the problematic aspects of personnel training for policing. The problems of foreign language training of future police officers and its compliance

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with European requirements were studied by such modern scientists as T. Pakulova [1], N. Poberezhna [2].

Among the latest researches, the most fundamental works are I. Savelyeva's dissertation "Administrative and legal support of training of the National Police of Ukraine" and D. Shvets "Formation of the police officer's personality in terms of professional training and professional activity: legal and psychological aspects".

Researchers have studied various administrative, legal and psychological aspects of the training of future police officers, including the role of higher education institutions of the Ministry of Internal Affairs system in such training. In their publications the researchers revealed their views on the education of police officers, the place of higher education institutions with specific training conditions in this process, as well as other debatable issues regarding the training of future law enforcement officers. However, some aspects have been overlooked.

The article's objective is to determine the role of legal education in the training of police officers in Ukraine, as well as the place of higher education institutions with specific training conditions in this process.

Discussion. The most important component of the spiritual life is the education system, which is associated with the implementation of the process of dissemination of knowledge. It covers the activities of real social institutions that prepare young people for life on the basis of knowledge acquired in children's preschool institutions, secondary special, vocational and higher education institutions.

The importance of education in human life is growing, so it can not be limited to the period of study. The urgent need for a constant increase in the level of knowledge has led to the emergence of such an interesting phenomenon in public life as continuing education. This process is accompanied by the search for new forms and methods of teaching that contribute to the proper formation of the scientific worldview, a deeper understanding of economic and social change.

Education is one of the oldest social institutions, caused by the needs of society in the reproduction and transfer of knowledge, skills, abilities, and preparation of new generations for life, preparation of social actors to solve economic, social and cultural problems facing humanity. In the modern world, education is a complex and diverse social phenomenon, the sphere of transfer, assimilation and processing of knowledge and social experience. Education is a certain system of educational institutions that carry out various forms of drawing on their experience in the development of cultural wealth.

Education unites different types of educational and cultural activities, unites their content into a single social system, and orients them to the social order, to the social needs of mankind. Among the social institutions of society of modern civilization, education occupies one of the leading positions. After all, human well-being, the position of culture and spirituality in society, the pace of economic, scientific, technical, political and social progress depends on the quality and level of education.

Learning, skills, learning, and other concepts, terms are used to support the learning process. The foundations of a person's upbringing, his diligence and many other spiritual qualities are laid from an early age. The role of preschool institutions in this process is quite essential. However, their importance is underestimated. Quite often it falls out of sight that this is an extremely important level of education, which lays the foundation for personal qualities. And the point is not in the quantitative indicators of "coverage" of children and satisfaction of parental applications. Kindergartens, nurseries, factories are not considered only as a means of "supervision" of children, but they are regarded as centers for their physical, mental and spiritual development.

Legal education is a part of the system of specialized education, which provides training of future lawyers for work in the state apparatus, courts, and law enforcement agencies. Experts consider "legal education" as a component of more general legal education, as a branch of higher education, as a foundation of legal profession, as a guarantee of professional competence of a lawyer, as an environment for forming a new generation of lawyers, as one of the tools of social function of law, as a specific type of entrepreneurial activity, as a way to build a political career, as a way to realize personal ambitions, etc. Therefore, there are many opinions as to the purpose of legal education [3].

The development of higher legal education in Ukraine began at law faculties within universities, with the exception of the oldest Lviv University (1661), which appeared mainly in

the 19th century. These are the law faculties in Kharkiv (1805), Kyiv (1835), Odessa (1865), Chernivtsi (1875).

The current state of higher legal education is characterized by contradictory characteristics: the number of higher education institutions that provide legal education in Ukraine now reaches almost 300, while before 1991 there were only 6 public ones. There are only 25 of them in Poland (10 of them are private), in Germany – 44 (1 of them is private), in France – about 80, in Great Britain – 97 and even in the United States – less than 200.

The structure of legal education includes: higher legal education, postgraduate legal education, postgraduate studies, doctoral studies, professional legal self-education. Educational and qualification levels are junior bachelor, bachelor, master.

The main subject of training of police officers is the Ministry of Internal Affairs of Ukraine. However, along with the Ministry, the Ministry of Education and Science of Ukraine plays an important role in providing educational services, which sets general standards for higher education, conditions and procedures for the operation of relevant institutions, the work of research and teaching staff, etc. [4]. In Ukraine, there is a network of seven educational institutions that train specialists with higher education for almost all police departments. The main areas of training for police officers are "Law" and "Law Enforcement".

Some researchers noted that the system of training police officers in the educational institutions of the Ministry of Internal Affairs is outdated and contributes to excessive waste of budget funds. Police reform provided for the liquidation of all higher education institutions of the Ministry of Internal Affairs and structural units. It was proposed to create a network of vocational training institutions (police schools) on the basis of liquidated departmental universities and institutes, which would not provide higher education, but would provide initial training (from six months to one year) only for authorized police officers. Applicants for management positions will have to study for three to six months at the Higher School of Police, which would be formed on the basis of the National Academy of Internal Affairs.

Critics of higher departmental education point out that quality higher legal education obtained in any educational institution is suitable for work in the police. They note that if the National Police of Ukraine has a special need to train a certain number of specialists with higher legal education, it can do so by including a quota in the state order for training in a certain educational institution. Candidates for police positions need to take a special intensive training course in a police training institution from six months to one year [6].

Currently, departmental institutions of higher education of the Ministry of Internal Affairs of Ukraine have accumulated considerable experience in training highly qualified police personnel. It is not necessary to abandon the development of educational institutions in which scientific schools have been formed over the centuries. An invaluable contribution has been made to the development of departmental education and science; so research and training have not escaped any area of law enforcement.

The situation in Ukraine with police education is quite ambiguous. The Law of Ukraine "On the National Police" [7] provides for several forms of police training, among which obtaining higher education in the higher education institution with specific training conditions is currently the main one. In the future, the role of such institutions may change. From the draft Concept for the Development of Legal Education [8], it is unclear what role freelancers with specific learning conditions play in legal education. Bill No.7147 of 28.09.2017 "On legal (law) education and general access to the legal profession" [9] generally excluded police officers from the list of legal professions, and therefore did not provide for them the possibility to receive legal education at all. The bill has now been withdrawn, but the issue remains open.

But, unfortunately, this cannot be done in six months or even a year on the basis of the primary training center and the Police Academy. Careful preparation is possible only in the presence of higher legal education [12, p. 162].

We are deeply convinced that an investigator, such as a lawyer (defense counsel) and a prosecutor, must have a legal education. Ultimately, all of these actors must be equal participants in order to adhere to the adversarial principle. Otherwise, what equivalent competition between the prosecution and the defense can we talk about in the case of superficial legal education of the investigator? Let's not forget that a lawyer who has professional legal training is allowed to participate in criminal proceedings as a defense attorney. Thus, given the procedural errors made by the pre-trial investigation authorities and superficial knowledge of the law, a lawyer will always be able to legally prove the innocence of his client, even if the latter actually committed a criminal offense. Under such conditions,

the violated legal rights of individuals and legal entities will become even more vulnerable [13].

People who can think critically should serve in the police. This is perhaps the most important competence that educators, especially investigators and coroners, should receive. Higher legal education is not just knowledge in the field of law. A lawyer is a person with a certain worldview, whose focus is on the protection of human rights. As noted in the scientific literature, the academy is a place created by liberal-democratic societies for reflection and critical thinking. The academy (meaning higher education) provides the police with an intellectual space to deal with policing. Academic policing programs can become laboratories in which policing practice will be subject to academic scrutiny.

If we turn to modern foreign experience, we can see a clear trend towards increasing the role of higher education in police training. Having studied the training systems in England and Wales, Sweden, New Zealand, Latin America, Norway, Germany, Australia and several other countries, foreign scholars see the need for police officers to receive higher education that meets modern challenges. The ever-increasing scale of crime, the significant revival of migration processes indicate that events in one country may have a significant impact on other states. It is in order to overcome these problems that most Western countries are trying to make their police more professional, so they are introducing a system of higher education for police officers [14, p. 44]. But this process does not always go smoothly. In countries that are just introducing or expanding access to such education for police officers, this is not always welcomed. For example, an empirical study of the impact of higher education as a police officer in England has shown that not in all cases has their leadership approved of such a move. These were already officers who decided to get a higher education or a scientific degree. According to the study, some officers even kept silent about the fact of training, because the leadership either accepted this fact without much enthusiasm, or even treated it with hostility.

After analyzing the working conditions of police officers, the researchers put forward an interesting version. According to them, one of the reasons for the negative attitude to the fact of obtaining higher education is that senior management may oppose the ability of subordinates to make important decisions. According to the study, junior and middle police officers represent a dilemma for the police: while they have the critical and analytical skills of a graduate (meaning a person with a higher education), in the police hierarchy they remain in a position that does not allow them to use the acquired skills. According to the level of acquired knowledge, such graduates are able to make legally significant decisions, but this remains the "privilege" of their leaders, who see this as an "encroachment" on their authority [15, p. 466].

Higher education creates a versatile person who not only has certain knowledge, but also is able to see the problem from different angles. The more extended knowledge a person has, the more factors he takes into account when making a decision. Such a person is able to anticipate possible difficulties and find a way out of a difficult situation. Isn't this the most important competence for a future investigator? And will an investigator who has received a minimum of knowledge in the field of law be able to look at the problem from different angles? But in that case, he will not even know that such parties exist. The broad outlook of the investigator, which can be formed during the higher legal education, is an unconditional demand for successful counteraction to crime.

Currently, among the cadets who study at the higher educational institutions with specific training conditions, only those who study at the faculties for the training of investigators receive legal education. Other applicants who are preparing to become future operatives, district police officers, juvenile prevention inspectors, receive knowledge in the specialty "Law Enforcement" in the field of knowledge "Civil Security". It is believed that only investigators should be a lawyer, it is enough for all other police officers to have any higher education, and for some positions such a requirement is not even specified [16, p. 57].

The Law of Ukraine "On the National Police" does not state any requirements to the education of a police officer. More specifically, the law requires a candidate for police service to have a complete general secondary education. Although in 2016 there was a legislative proposal to include as mandatory requirements for persons recruited to the police, the availability of higher legal education and military service, but after consideration by the relevant committees, the bill was rejected. Thus, modern legislation allows for maneuvering in matters of police education. This is quite appropriate, as excessive regulation at the level of laws of issues, which is characterized by a certain variability, may in the future create significant enforcement problems.

At the same time, when selecting for a specific position, certain requirements are set for the education of a police officer. For example, the selection for the position of investigator requires higher education degree (educational qualification level) bachelor, specialist, master in "Jurisprudence" and "Law" [17, p. 334]. As for the district police officer and operative, higher education is required, but without specification, i.e. any, not even necessarily "Law Enforcement" activities. As for most other positions, in order to work as a police officer in the patrol police response sector, a police officer of a special police unit or a police officer of a security police, it is sufficient to have only a complete general secondary education. What does this situation indicate? Apparently, this is evidence that the lack of staff reduces the requirements for future police officers. It is no secret that many police departments are not fully staffed, so low requirements for candidates give hope that more people can apply for a position.

As we have already mentioned, currently only an investigator needs higher legal education, any higher education is required for service in other positions, or its absence is allowed at all. In our opinion, this is an extremely negative situation, which also has a sad tendency to worsen. We believe that legal education is needed not only by the investigator, but also by police officers in other positions, first of all, the operative officer, the district police officer, and the juvenile prevention inspector. Currently, the training of these specialists takes place in the specialty "Law Enforcement", which does not allow police officers to fully master the necessary knowledge and skills. In accordance with their job responsibilities, these individuals solve a wide range of legal tasks, so their education should be legal [18].

This issue is particularly acute in the light of amendments to criminal law on criminal offenses. Modern criminal procedure legislation provides for the participation of the investigator in the pre-trial investigation of criminal offenses, giving him the powers of the investigator during the inquiry. Obviously, such a person as an investigator must have a legal education. In addition, the Code of Criminal Procedure of Ukraine states that inquiries are carried out not only by inquiry departments, but also by authorized persons of other divisions of the National Police. The CCP does not contain a clear list of such bodies (this is especially justified in light of the frequent reforms of various units of the National Police).

If we turn to departmental regulations, it can be noted that the right to carry out within the competence of pre-trial investigation of criminal offenses in the form of inquiry is given to employees of juvenile prevention units, police officers. Thus, when conducting an inquiry within their powers, both the district police officer and the juvenile prevention inspector are endowed under criminal procedure law with the powers of an investigator, equivalent to the powers of an investigator [18]. Therefore, with this in mind, their education should also be legal! Investigation of persons who do not fully possess legal knowledge is not only ineffective, but also poses a threat of violation of the rights of persons involved in this process.

There is an opinion that even if the investigator needs legal education, it can be provided by any higher education institutions that have a license to study in the specialty 081 "Law". From the point of view of inclusion, this form of education can be allowed. Indeed, there is nothing to prevent you from getting a law degree in "civil" free education. But we can not say that this should be the only possible form of legal knowledge. Unfortunately, the police are characterized by a significant turnover of staff due to various subjective and objective factors. Difficult conditions of service, in particular overwork and emotional tension, lead to the fact that not everyone is able to withstand the difficulties of service. Even highly motivated young investigators do not always want to continue working after a year or two in office. Cadets who studied at the higher education institutions with specific training conditions are more "hardened" in this respect. From the first year of study, they receive not only theoretical legal knowledge, but also practical skills at various training grounds, which are available in any departmental institutions. Fire and tactical training of young police officers is given considerable attention, which is not available in "civil" educational institutions [19, p. 189].

An important component of training young police officers is their psychological support, which should not be underestimated. A person may have high-quality legal knowledge, practice the techniques in the gym well, but when faced with a real situation, get confused and not be psychologically ready for the practical application of the acquired knowledge and skills. Training over 4 years gradually forms a strong personality who is physically, legally and psychologically ready to fulfill their responsibilities to protect the rights and freedoms of citizens in their professional activities.

We fully support the statement of scientists that the practical component of education in

higher education institutions with specific training conditions of the Ministry of Internal Affairs of Ukraine is much more effective than in "civil" free educational institutions that provide legal training services involved in law enforcement activities. This axiom is also supported by other researchers, who argue that the training of specialists for pre-trial investigation and criminal police requires other approaches, which are possible only in the conditions of higher education institution, which combines theoretical knowledge, skills and practical skills [19, p. 194].

Often, the graduates of a higher education institution with specific training conditions return to work where they were sent to study. This is a positive trend, as it contributes to the staffing of local police units. The realities of life prove that not all graduates of higher education institutions, especially "civil" ones, will be interested in getting a job, for example, as a district police officer in a small town or village. In the same case, if a person comes from there, there is a high probability that he will return to work there. This probability increases even more due to the fact that cadets mostly practice and train at the place of residence, and therefore, even during their studies, they master the specifics of serving at the future place of work. Related to this is another positive point that a graduate of higher education institutions with specific study conditions is automatically employed. That is, departmental higher education institutions are guaranteed to train personnel for the police, which is extremely important in the conditions of staff turnover. A graduate of other educational institutions does not have a guaranteed job. Not the fact that he will go to work for the police after graduation. Therefore, for the most part, it is the "police" of the higher education institution who join the ranks of the police. We must not forget the fact that training in departmental education institutions is carried out at the expense of the budget, while civil higher education institution mostly offer such training under contract, which significantly limits access to training for persons who can not afford to study on a contract basis [19, p. 205; 20].

Thus, training at higher education institution with specific training conditions has much more advantages for the state in general and future police officers in particular than training in other higher education institutions. This is a completely predictable situation, as departmental higher education institutions are interested in replenishing the ranks of well-trained police officers and are working for the future. "Civil" higher education institutions are interested in providing only quality educational services and are not "accountable" to society, where their graduates will apply this knowledge. Giving the opportunity to train in the specialty 081 "Law" exclusively to "civil" freelancers, this may lead to a decrease in the number of people who can work as investigators, which in modern conditions can become critical.

Conclusions. It should be noted that we have given only some arguments in favor of our opinion, which are partially reflected in the scientific literature, trying not to repeat the facts contained in other scientific publications. Taking into account all the facts mentioned above, we can draw certain conclusions. Actually, the investigator must have a legal education to successfully fight crime. Only a person with the ability to think critically, a broad outlook, deep legal knowledge in various fields of law, practical skills of applying such knowledge, motivated to establish the rule of law in the state, is able to successfully combat crime. In addition to the investigator, higher legal education is required for investigators, operatives, district police officers, juvenile police inspectors, who, due to their responsibilities, need legal knowledge, especially in view of changes in the legislation on criminal offenses.

The best way to obtain higher legal education for these specializations is to study at the higher education institution with specific training conditions that will meet the needs for theoretical and practical mastery of the necessary competencies. Also, training in such institutions guarantees the constant replenishment of the police with well-trained employees and is a "forge" of police personnel. Therefore, the issue of revising the Concept for the Development of Legal Education in order to address issues of discussion, including the establishment of the appropriate status of higher education institutions with specific training conditions in the training of lawyers is relevant.

Conflict of Interest and other Ethics Statements
The authors declare no conflict of interest.

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Submitted: 01.12.2021

Ганна ДЕКУСАР, Карина ЛАГУН, Данило НОВІКОВ ПЕРЕВАГИ ОТРИМАННЯ ЮРИДИЧНОЇ ОСВІТИ ПОЛІЦЕЙСЬКИМИ

Анотація. Стаття присвячена актуальним питанням реформування юридичної освіти в Україні з точки зору підготовки поліцейських. Стверджується, що для успішної боротьби зі злочинністю співробітники поліції повинні отримати юридичну освіту, що особливо актуально для

слідчих. На основі аналізу зарубіжних публікацій автори аналізують підхід до навчання співробітників поліції в зарубіжних країнах, який характеризується тенденцією до підвищення ролі вищої юридичної освіти в процесі підготовки кадрів для поліції, а також показують деякі труднощі, які наявні в системі підготовки кадрів для служби в поліції.

На основі сучасних реалій розкриваються переваги вищої юридичної освіти для слідчих як передумови успішної боротьби зі злочинністю. Було заявлено, що саме правова освіта здатна сформувати співробітника поліції, який володіє критичним мисленням, здатного орієнтуватися в різних галузях права та підходити до проблеми об'єктивно і з різних сторін, щоб успішно її вирішити. Аналізується, що тепер вимога про вищу юридичну освіту пред'являється тільки слідчому, а по ряду спеціальностей наявна вимога тільки про наявність вищої освіти або повної середньої освіти в цілому. З урахуванням змін у кримінально-процесуальному законодавстві, в рамках яких відповідно до своїх функціональних обов'язків представники окремих підрозділів поліції наділені повноваженнями проводити досудове розслідування кримінальних проступків, необхідність розширення переліку посад співробітників поліції, які потребують підвищеної зазначалося юридичну освіту. Автори також аналізують переваги ЗВО зі специфічними умовами навчання перед цивільними університетами з точки зору підготовки кадрів для поліції.

Відзначається, що кращі умови для формування юридичних знань в поєднанні з практичними навичками, які необхідні співробітникам поліції для виконання своїх обов'язків, створені в ЗВО зі специфічними умовами навчання.

Ключові слова: вища юридична освіта, слідчий, дізнавач, поліцейський, ЗВО зі специфічними умовами навчання, навчання поліцейських, освіта поліцейських, поліція.

UDC 5527

DOI 10.31733/2078-3566-2021-5-324-328



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SPECIAL PHYSICAL TRAINING IN JUDOKA TRAINING

Abstract. Special physical training (SFP) is a process of development of physical qualities, which provides the predominant development of motor skills necessary for a particular sport (sport). In addition, special physical training is designed to develop these motor skills to the maximum extent possible. With the growth of sportsmanship, the amount of OFP funds decreases, and SFP – increases. Special physical training of a judoka is aimed at the development of physical qualities that a wrestler exhibits when performing specific judo actions. It is an integral part of the entire training process at all stages, including competitive. Special training tools include exercises in performing fragments of the struggle. These exercises help to increase the opportunities involved in the performance of certain special actions of the wrestler. The article presents generalized information on the organizational and legal foundations of firepower and physical training. The authors analyze the departmental normative legal acts regulating the training of personnel in the internal affairs bodies, including official and legal.

The issues of compulsory study not only by students, but also by employees of internal affairs bodies of both practical and theoretical parts of firepower training, and in the framework of physical training - compulsory study of injury prevention are considered. The authors conduct a comparative analysis on the organization of fire and physical training in the territorial bodies of internal affairs and in the educational organizations of the Ministry of Internal Affairs of Ukraine. Despite the fact that the normative regulation of physical and fire training classes is quite complete, there are certain issues in the organization of this process that do not contribute to the proper physical and fire training of employees.

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