

## The Question of the Problem-Based Learning Role in Legal Education

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### Abstract

It is justified in the work that at the present stage of social and economic development, problematization becomes the norm of professional activity. The basic requirements for the modern model of education in higher school are highlighted, based on the analysis of the main expectations of employers from graduates of the higher law school, and also based on the framework laws of pedagogy. Studying modern models of teaching (problematic, project-based, developing, contextual, modular-based, concentrated) made it possible to reveal that they are united by the idea of problematization. In this connection, the thesis on the prevailing role of the problematization principle in the system of legal education as an objectively necessary condition for the implementation of the requirements of the competence approach is substantiated.

It is proved that in the modern system of legal education, problem-oriented learning should be considered as a system basis, the basic type of education, within which it is possible to integrate pedagogical capabilities and other learning technologies. The main links of problem-oriented learning with the requirements of practical orientation of training are revealed, as well as the strengthening of the role and place of independent work of students. It is shown that the latter can act as a means of developing the creative potential of a learner while observing certain organizational and pedagogical conditions: integration of the factors of independent work, problems and multimedia presentations; step-by-step (depending on the degree of the teacher's participation, on the one hand, and on the ratio of reproducing and creative processes in the activity of the learner on the other) formation of the experience of the independent creative activity of the students.

**Keywords:** Higher Legal Education, Competence Approach, Problem-Oriented Learning, Trends in the Development of Problem-Based Learning.

### Introduction

Employers report on an insufficient level of general cultural and professional competencies among graduates of the higher legal education system, which does not allow them to effectively carry out professional activities without a long period of adaptation. According to the Levada Center, "experts, including employers, recognize that Russian students lack skills of a higher order, they need to be taught not to retell profile theories, but to reason, independently find solutions in difficult, non-routine circumstances,

to master a new information - it is these skills that form the potential for adaptation, transformation of a professional employee's capital in the conditions of a changing technological and organizational environment "[1, p. 166]. Researchers of higher legal education problems emphasize the fact that the formation of readiness for students to see and solve problems today is put on the list of priority tasks [2; 3, p. 8-9]. Today, the work of a lawyer requires not so much adaptation to the professional tradition, but the ability to respond to new situations, analyze and solve problems; the research approach to a problem situation becomes dominant, and the problematization itself becomes the norm of professional activity. . . "[4, p. 15].

As we see, both employers and researchers in the field of higher legal education note the need for specialists with competencies which composition and level would allow them to see and identify problems and find solutions in their professional activities. Due to the high speed of changes occurring in the professional and social environment, problematic situations are increasingly emerging in the activity of a lawyer, so that the ratio of standard and non-standard situations tends to increase the proportion of problem situations.

From the point of view of the requirements for the system of legal education, this means that it should be oriented towards developing the creative potential of students and graduates, developing their skills to solve problems arising in professional and social activities. The key element of the experience gained by the students in the system of legal education is not only and not so much a system of legal knowledge, but the well-formed problem thinking which is understood as the process of discovering new knowledge by posing problems and solving them [5].

However, analysis shows that, despite the introduction of a competence approach that requires the use of active and interactive forms and methods of teaching, in the real mass practice of the higher law school, teaching technologies focused on the formation of students' experience in executing and reproductive activities continue to dominate. This is manifested in the fact that content of the majority of textbooks and teaching aids also focused on the implementation, mainly, of the information function of education. Didactic mechanisms aimed at implementing the developmental function of education are reflected in them either partially or completely absent.

As a result, the system of legal education has faced a contradiction between the new requirements for future specialists, that are proposed by the Federal State Educational Standard of Higher Education introduced

and the knowledge economy (strengthening the pragmatist orientation of the educational process, ensuring motivational involvement of students in the educational process, and formation at learners the competences allowing to see, identify and solve problems in professional and social activities) and lack of readiness of high school teachers for the implementation of these requirements.

One of the pedagogical ways to resolve this contradiction is a broader and more targeted use of problem-oriented learning in the system of education of future lawyers. The purpose of this study is to provide a rationale for the role and place of problem-oriented learning in the system of legal education.

### Methods

To achieve the goal, the authors have used theoretical methods of research (the study and analysis of normative documents: the Federal Law "On Education in the Russian Federation", the methodological recommendations of the Ministry of Education and Science of the Russian Federation, etc., the comparative analysis of concepts, generalization, etc.), the study and generalization of innovative experience in higher school, as well as their retrospective and actual experience of pedagogical activity.

### Results and Discussion

First of all, it should be noted that in order to meet the demands of employers and the requirements of the federal state educational standard of higher education, modern technology of education in the system of legal education should provide: 1) motivated pragmatist capturing of human culture in the form of: a) objective results of human activity; b) subjective abilities of an individual (intellectual, moral, aesthetic, etc.) [6, p. 27-33]; 2) the interaction between all participants in the educational process with each other, the exchange of information, joint modeling of situations and the search for ways to resolve them; 3) orientation both on the reached, and on the nearest level of development of creative abilities of students; 4) the possibilities for self-determination of each student in educational activities, the launch of a motivational-need mechanism of the "self" of an individual, creative self-development. Ultimately, modern technology of education should be oriented towards ensuring effective motivation, communication and independence of students.

We proceeded from the fact that at the current stage it is possible to evolve the basic theory of learning which could become the basis for the integration of other theories and technologies of education in its framework. For this purpose, an analysis was made of known theories and technologies of teaching in higher education: contextual, project-based, problem-module-based, concentrated, interactive, and personality-oriented learning. The study showed that each of them is distinguished by a dominant target orientation, specific forms and methods of learning. However, all of them have such a general characteristic, as

problematicity, which today becomes an attribute of the learning process in the system of legal education [7]. Studies of foreign scientists in the field of didactics also speak about this [8 - 12].

Hence, we can conclude that the modern system of legal education requires a *model of problem-oriented learning* as a type of education, the main purpose of which is the formation of creative abilities of students, and the development of their personality as a whole. This conclusion is supported by the established fact that there is a fairly high degree of correspondence between the characteristics of problem training (the regular relationship between educational problems and practical life experience of students, the systematic application of the most effective types and types of independent work of students as a form of organizing their activities on solving problems of learning process, compulsory individualization of educational process, dynamism, compulsory presence of high emotional activity of a learner), and the mentioned above requirements for the competencies of graduates. In addition, another reason for this conclusion is the growing interest in active learning technologies observed from the beginning of the 21st century, various forms of which, as a rule, represent one or another type of problem-oriented education. This is due both to external factors (information and technological revolutions, a high degree of uncertainty which requires a person's readiness for change, that is, the formation of flexible thinking, the ability to solve professional, social, personal and other problems, etc.), and internal factors of development of education (the requirements of the Federal State Educational Standards of Higher Education to the realization of the conditions include mandatory use of active and interactive teaching forms and methods that objectively focus on the intensification of productive learning activities of students that forms an active person which is characterized by the ability to see, formulate, solve and evaluate solutions to problems.

In recent years, a number of dissertational studies (from 2000 to the present - more than 80 papers) revealing various aspects of problem-oriented teaching have been carried out. The analysis of the research subjects showed that, on the whole, orientation on the use of problem-oriented teaching as a means of developing creative and critical thinking, the research competence of students, and the formation of professional competence of future specialists predominates. The general tendency of the integration of problem training with other technologies is convincingly traced in the development of such areas as: problem-active-based, problem-project-based, problem-model-based, problem-situational-based, problem-training-based, problem-module-based, problem-targeted, problem-play-based-based, and problem-integrative-based education.

Proceeding from the foregoing, and also considering that the problem-oriented learning has absorbed many of the ideas and merits of other didactic systems (contextual, modular-based, explanatory-illustrative,

project-based, concentrated, etc.), we believe that in modern higher school, problem-oriented learning should consider as a basic type of education, allowing to integrate pedagogical capabilities and other models and technologies of teaching. In this regard, we note that in 1975, M. I. Makhmutov, one of the leading authors of the problem-based learning theory, emphasizing the role and place of problem-based learning in the development of society prophetically wrote that problem-based learning should play a leading role in the set of all the means of society for the education of an intellectually active person [13].

Orientation to the formation of creative thinking in future specialists presupposes the organization of purposeful and systematic educational and professional independent activity of students to solve problems (educational, professional, and social). It is also necessary to use the pedagogical capabilities of other technologies that can be integrated on the basis of the theory of problem-oriented learning. The methodological basis of such integration is the polyparadigmatic approach suggesting a soft integration based on the principles of cooperation, complementarity, holography of various paradigms [14].

The question arises: *Does such a vision contradict the role and place of problem-oriented learning in the idea of practical orientation of education, which is so characteristic to the current stage in the development of education?* The study of this issue allows us to state that there is no contradiction here. Moreover, problem-oriented learning is closely related to the idea of practical orientation. The fact is that in the most general form, depending on the nature of the unknown involved in the problem, all problems are divided into three types: *practical* problems in which methods of applying knowledge in a new situation are unknown (to solve them, practical efforts are required, as a rule, a new organization of previous knowledge, skills and habits); *scientific* problems in which the law (principle, concept) of science is unknown (these problems require for their solving the acquisition of new knowledge still unknown to science); and problems of *aesthetic attitude toward reality*, in which emotional-shaped forms and modes of action are unknown. All these problems can be transformed into educational problems [13, p. 122].

In the process of training future lawyers, there are situations of solving all three groups of educational problems. One or another aspect will dominate depending on the direction or the level of the educational program y. For example, if we talk about the level of an educational program (bachelor's, master's, post-graduate), then it is clear that the higher this level, the greater will be the specific weight of scientific problems. If we are talking about the directions of training, it is obvious that when preparing specialists in the field of art, the main problems will be artistic and practical will dominate when training lawyers.

By definition, a practical problem is a problem in which methods of applying knowledge in a new situation are unknown. To solve them, there are required practical efforts, a new organization of previous knowledge and skills, they require to solve not obtaining new scientific (or other) knowledge, but finding a way of acting in a new situation. Implementation of the problematization principle in this case is connected to the fact that almost any law can be applied in a variety of ways, and therefore the search for their application presents opportunities for the development of divergent thinking, which not only helps students realize the practical significance of knowledge, but also gives an incomparable possibility of consolidation of the knowledge captured.

Solving practical problems opens up great opportunities for the integration of theory and practice in education for the development of intelligence, savvy, and intuitive thinking of students. For example, it is proved that "the use of the research method in the performance of laboratory work leads to an increase in learning ability in students more than three times compared with the traditional approach (according to the instruction)" [15, p. 235].

Learning on the basis of solving practical problems unites cognition and activity, the content and function of knowledge. Since in any practical problem there is a certain amount of theoretical knowledge, so practice ceases to be "blind" for a student, and theory ceases to be an empty game of words.

In addition, it is important to note that the solution of practical problems is the point of integration of problem-oriented and project-based learning, since the project-based learning by definition involves an orientation toward the creation of a product with practical value.

A feature of the modern stage of the development of higher education is *strengthening the role of independent educational and cognitive activity of students* as envisaged by modern educational standards and a corresponding increase in the planned volume of learning hours. However, this does not mean a guaranteed improvement in the quality of education. The study of experience shows that in the practice of teaching in higher education institutions the content and types of proposed tasks for independent work are focused mainly on the assimilation and use of ready algorithms, and episodic creative activity does not lead to the development of the creative qualities of an individual.

What to do in this situation? How can we use the factor of increasing the role and place of independent work of students as a means of developing the creative potential of learners, their ability to carry out independent creative activity? One of the possible answers to this question is the integration of factors of independent work, problems and multimedia presentations. In the innovative experience of higher education, three stages are distinguished in the formation of the experience of independent creative activity, determined depending on the degree of the teacher's participation, on the one

hand, and on the ratio of reproductive and creative processes in the activity of the learner on the other [16, p. 156-157]. It is important to note that the effectiveness of using a multimedia presentation in conjunction with problem-oriented education increases if students work in groups (2-3 people), since this allows you to model a real professional creative process in which students are shown the necessary knowledge, skills and competencies.

### Summary

The creation of problem-oriented situations in the process of teaching in order to form various competences becomes one of the main didactic means in modern education. Moreover, we draw attention to the fact that this takes place in learning, regardless of which learning technology is implemented in a particular case. So, if it is realized as the main personal-oriented technology of learning, then problem situations are created that actualize personal aspects in learning; in the technology of contextual learning, situations are created that set the professional and social contexts and require students to be active in the development of new knowledge (cognitive activity), a new way of communicating (communicative activity), etc.

Problem-oriented learning creates favorable opportunities for integration: the forms of organization of learning (slide lecture, computer workshop, lecture-discussion, seminar-discussion, etc.), general scientific and professional training, knowledge, skills and attitudes, theory and practice, learning content and process.

In modern pedagogy the tendency of integration of problem-oriented learning with other technologies is very clearly traced. It manifests itself in the development of such areas as: problem-situational-based, problem-activity-based, problem-module-based, problem-project-based, problem-targeted, problem-play-based, problem-integrative, problem-training, problem-model-based learning, etc.

### Conclusion

The results of the research show that problem-oriented learning contributes to the effective formation of the creative experience of a future lawyer, teaches the complex art of solving problems, raises the level of readiness for successful behavior in a highly competitive professional environment. Therefore, we believe that problem-oriented learning at this stage in development of the higher education system acts as a basic type of learning and an adequate didactic means of implementing a competence approach in the system of legal education.

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