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CHALLENGES AND PROSPECTS OF LEGAL EDUCATION IN THE FIELD OF IT LAW IN CONDITIONS OF DIGITAL SOCIETY

DEVELOPMENT

ВИКЛИКИ ТА ПЕРСПЕКТИВИ ЮРИДИЧНОЇ ОСВІТИ В СФЕРІ ІТ-ПРАВА У УМОВАХ РОЗВИТКУ ЦИФРОВОГО СУСПІЛЬСТВА ВЫЗОВЫ И ПЕРСПЕКТИВЫ ЮРИДИЧЕСКОГО ОБРАЗОВАНИЯ В СФЕРЕ ІТ-ПРАВА В УСЛОВИЯХ РАЗВИТИЯ ЦИФРОВОГО ОБЩЕСТВА

Summary. The article deals with the issues of the world community transition to the information society, the degree of development of the information space of Ukraine. It is noted that the information technology is one of the most important factors that stimulate economic growth and development of civil society, employment, competition expansion and, as a consequence, contribute to the "digital divide" overcoming. It is concluded that the level of technological development determines not only the economic potential of the country and the quality of life of its citizens, but also the role and place of this country in a global society, the scale and prospects of its economic and political integration with the rest of the world. It is emphasized that today, when all spheres of our life have an expression on the Internet, and the legal workflow is completely computerized, the question of the training of the relevant specialists in the field of jurisprudence is acute. The information technology plays a huge role in the lawyer's work. It helps to find, summarize relevant legal information, quickly exchange data, provide the necessary information to the judiciary and find statistical data, without which it is sometimes impossible to solve various issues. It is concluded that the reform of legal education in Ukraine in accordance with modern challenges and taking into account the advanced world experience is one of the prerequisites for the sustainability of state reforms in the period of the information society formation.

Key words: information technologies, information society, legal education, IT law, legal activity.

Анотація. У статті розглядаються питання переходу світової спільноти до інформаційного суспільства, ступінь розвитку інформаційного простору України в контексті сучасних вимог до кваліфікації та компетентностей юриста в IT-сфері. Зазначається, що інформаційні технології є одним з найважливіших факторів, що стимулюють економічне зростання та розвиток громадянського суспільства, зайнятість, розширення конкуренції і, як наслідок, сприяють подоланню "цифрового розриву". Зроблено висновок, що рівень технологічного розвитку визначає не тільки економічний потенціал країни та якість життя її громадян, але й роль та місце цієї країни у глобальному суспільстві, масштаби та перспективи її економічної та політичної інтеграції з рештою світу. Підкреслюється, що сьогодні, коли всі сфери нашого життя мають відображення в Інтернеті, а робочий процес в юридичній сфері повністю комп'ютеризований, гостро стоїть питання підготовки відповідних фахівців у галузі юриспруденції. Інформаційна технологія відіграє величезну роль у роботі юриста. Це допомагає знаходити, узагальнювати відповідну юридичну інформацію, швидко обмінюватися даними, надавати необхідну інформацію правозастосовчим органам та знаходити статистичні дані, без яких іноді неможливо вирішити різні питання. Зроблено висновок, що реформа юридичної освіти в Україні відповідно до сучасних викликів та врахування передового світового досвіду є однією з передумов стійкості державних реформ у період формування інформаційного суспільства.

Ключові слова: інформаційні технології, інформаційне суспільство, юридична освіта, IT-право, юридична діяльність

Аннотация. В статье рассматриваются вопросы перехода мирового сообщества к информационному обществу, степень развития информационного пространства Украины в контексте современных требований к квалификации и компетентности юриста в IT-сфере.

Отмечается, что информационные технологии являются одним из важнейших факторов, стимулирующих экономический рост и развитие гражданского общества, занятость, расширение конкуренции и, как следствие, способствуют преодолению "цифрового разрыва". Сделан вывод, что уровень технологического развития определяет не только экономический потенциал страны и качество жизни ее граждан, но и роль и место этой страны в глобальном обществе, масштабы и перспективы ее экономической и политической интеграции с остальным миром. Подчеркивается, что сегодня, когда все сферы нашей жизни имеют отражение в Интернете, а рабочий процесс в юридической сфере полностью компьютеризирован, остро стоит вопрос подготовки соответствующих специалистов в области юриспруденции. Информационная технология играет огромную роль в работе юриста. Это помогает находить, обобщать соответствующую юридическую информацию, быстро обмениваться данными, предоставлять необходимую информацию правоприменительным органам и находить статистические данные, без которых иногда невозможно решить различные вопросы. Сделан вывод, что реформа юридического образования в Украине в соответствии с современными вызовами и с учетом передового мирового опыта является одной из предпосылок устойчивости государственных реформ в период формирования информационного общества.

Ключевые слова: *информационные технологии, информационное общество, юридическое образование, IT-право, юридическая деятельность*

Statement of the problem. The rhythm of modern life requires innovations in all spheres. To a large extent this also applies to the education system. The fact of interconnection and mutual influence between the spheres of education, culture, science, economics, politics and technology in the process of

development of any society is generally recognized. The main trend today is the rapid globalization, which manifests itself both in the liberalization of the global economy and in the progression of the informatization of society. The latter initiates the formation of an informational and communicative sphere, making available information of any kind for each person. Such an opportunity is provided by means of information technologies, through which any person is able to accumulate and store information, work with any information, apply it in professional activities [13]. The acceleration of scientific and technological progress, based on the introduction of flexible automated production systems, microprocessor and software control devices, robots and machining centers, has given the modern legal science an important task - to educate and train professionals able to actively engage in a qualitatively new stage in the modern society development[14].

Analysis of recent research and publications. Some issues of development of society that arise in the process of its informatization, as well as related issues of legal education were highlighted, in particular, in the works of such researchers as D. Tapscott, Yu. O. Kutz, O. D. Firsova, M. Kulyaba, O. E. Simson and others, however, the issue of modern trends of legal education reform in the context of technology development and, in particular, the implementation of distance learning, remains relevant and needs further study.

The purpose of the paper is to study the development of information technologies in Ukraine and their significance in the modern society, to determine the place and importance of legal education in the information environment in accordance with today’s needs and demands of modern legal practice.

Presentation of the main research material. The present state of development of society is characterized by the progressive use of computer information technologies in all spheres of human activity. Their application gives new opportunities for work and rest, as well as simple communication of

every modern person. The present society can hardly be imagined without information technology. The information is one of the most valuable resources of the state that determines its level of development and potential levels. New knowledge gained as a result of creative human activity becomes "new" objects of social relations, the continuous accumulation of which stimulates the development and improvement of the technology of information resources exploitation – the technologies of accumulation and dissemination of information, called "information and communication technologies". This, in turn, raises the need to develop an effective policy, strategy and tactics of the development of society, transforming from industrial to informational [7].

The question of the emergence, existence and development of the information society was actively explored at the end of the twentieth century. Thus, as Y. O. Kuts notes, in the year 1959, the professor of the University of Harvard, Daniel Bell, who is considered to be the classical sociologist, first used the term 'post-industrial society' - that is the socium in which the industrial sector loses its leading role and the main driving force is the science-intensive (high, thin) technology. This term was used in the scientific environment until the 80's of the XX century, adequately describing the development of society. However, if earlier high technologies led to the birth of the islands of knowledge in the society, today personal computers combined with the possibilities of the Internet caused the avalanche spread of global information and communication technologies and the successes in this area were so striking that in the media sources the society began to be called informational [1, p. 3].

M. Castells in his work "Information Age: Economics, Society and Culture" gives the concept of 'information' and 'informational' society. By delimiting these terms, the author notes that the use of the concept of 'information' is related to the place occupied by the information as such. On the contrary, the concept of 'informational' society (so-called 'informationalism' as a new stage of society development) to a greater extent reflects the development

of information technology, through which the generation, processing and transmission of information turned into a fundamental source of productivity and power. It is stated that the ability or failure of society to manage information and relevant strategic technologies largely shapes its fate, although technology per se does not determine historical evolution and social change, it embodies the ability of society to transform itself and to determine the direction of applying its technological potential. As indicated in the scientific literature exploring the interconnections between technology and society it is necessary to remember the role of the state as a decisive factor inhibiting or accelerating technological innovation. [2, p. 29; 3].

D. Tapscott, highlights the signs of the existence and implementation of the so-called 'electronic-digital society'. Among the mentioned signs are indicated: orientation towards knowledge, digital form of object relations, virtual nature, interconnection, innovative nature, dynamism, globality and scale, presence of contradictions, etc. As the main distinctive feature of a new society the scientist specifies the ability to create new goods and services, the ability to turn enterprises into new structures which no one imagined yesterday and tomorrow he will not remember [4, p. 53].

O. D. Firsova rightly notes that comprehensiveness, complexity and network character are decisive qualities of the information and technological paradigm. The most important processes taking place in society are organized around networks, which in turn changes production processes and perceptions of power and culture [7]. Considering the emergence of a network society M. Castells explores the interaction between two relatively autonomous trends: the development of new information technologies and the attempt of the old society to use the power of technology in favor of the technology of power. People, organizations and society as a whole take part in the transformation of technology by mastering it, modifying it and experimenting with it. As a result of such an interaction a new socio-technical structure is formed [2, p. 17].

Today, the forms of communication, dissemination and processing of information through social networks become especially popular. The latter can be defined as a structure based on social ties and mutual interests of individual persons and organizations as a whole. The task of such a resource is to provide users with all possible means of interaction, including video, chat, images, music, blogs, etc. [12] In recent years there has been a phenomenon of particular popularity of relevant Internet resources, including Facebook, Twitter and LinkedIn in the USA and Western Europe, while VKontakte and Classmates countries are sites with millions of active users in CIS. However, the emergence of appropriate means of communication also causes the problems of their use in society [5].

So, as a result of a study by Ipsos Mori commissioned by The Guardian, the UK's leading publication, the findings were obtained that indicated the need for enhanced legal regulation of information circulation on social networking sites. The study found that most respondents desired the development of common rules that would help users of relevant networks complain about obsessive materials posted on the site, as well as the establishment of generally accepted mechanisms for the effective protection of information in these databases. Problems caused by the lack of unified principles of the legal regulation of relations in social networks, the issues of prosecution for intellectual property rights violation, problems of the legal regulation of advertising, e-commerce and the use of trademarks, problems of the information security provision and the protection of personal data of users of relevant sites still remain unresolved [6].

It is evident that with the development of the information society there is a need to protect the interests of entities that use information in their activities. That is why the main task of modern jurisprudence (at the levels of science, lawmaking, law enforcement and legal education) is the search for legal mechanisms capable of ensuring an effective legal regulation of information

relations, which will allow to withstand various offenses in this area. Modern realities of the development of society require the development of a comprehensive regulatory and legal support for the process of functioning of the IT sphere, solving such pressing issues as the organization of the activities of information security actors; detection, termination and prevention of violations in the IT sphere; protection of consumers' rights when making online contracts; settlement of the relations arising in connection with the creation, transfer and protection of intellectual property rights on the Internet; bringing to responsibility for the violation of content usage terms, creating a legal field in the sphere of labor relations in the IT industry; convergence of the domestic legal field with the norms of international regulations for the IT industry, etc.

Solving the mentioned tasks is largely based on IT law - a special branch, the subject of which is the relationship in the digital environment, namely the relationship related to the creation, storage, transmission and protection of information in electronic form, processing of which takes place using information technology in global and local information systems [3]. Today the IT law direction develops at a fast pace in Ukraine, becoming one of the most promising areas for training lawyers to work in this area. It should be noted that this industry has its specifics in our country. First of all, this is due to the state of the IT market in Ukraine. So, despite the crisis in the domestic economy it has grown several times in the last few years. Ukraine holds the leading position in IT freelance among Eastern European countries, controlling the large amount of the market. The IT industry is ranked third in terms of exports. The main customer of services is the USA, which make up more than half of the volume of the world market of IT services [3].

This makes it essential to improve legal regulation of IT-sphere relations with the implementation of information services for foreign counterparties. Among the actual issues that need to be addressed there are the protection and defense of intellectual property in IT, the conclusion and maintenance of

licensing agreements, the structuring, financing and tax optimization of IT business, the restriction of confidential information disclosure (NDA, Non-disclosure agreement), the conclusion of prohibition of competition and non-solicitation agreements, etc. Sociological researches argue that as a result of the development of information technology in the field of jurisprudence, new professions such as: a network lawyer, a virtual lawyer, a cyber-investigator and a media policeman will soon become promising. Of course, this is due to the fact that more and more administrative services are translated into online mode and the online format of any service has become most convenient for most citizens.

It is difficult to overestimate the need for information technology in the field of education and science. Today, the concept of "lifelong learning" is becoming increasingly popular, which necessitates the use of new forms and methods of learning through the introduction of new information and communication technologies. One of such measures is the distance form of training of future jurists and the subsequent transition to the Smart education stage. The development of this area is due to the needs of the labor market, the level of information technology development, the financing of distance learning; the level of scientific works' culture in the field of distance education; socio-cultural and organizational-methodical preconditions [15].

The creation of a distance learning system is defined as the important task of informatization of education in the National Strategy for Education Development until 2021 [16]. The Regulation on Distance Learning (2013) states that the distance education is implemented as a separate form of learning or through the use of distance learning technologies to provide learning in various forms [17]. C. Vedemayer notes that the distance learning involves various forms of teaching and learning, in which teachers and students communicate in different ways; whose goals are to provide students with the opportunity to study independently within certain time limits [18].

Starting to develop electronic distance learning, each Ukrainian university

chooses the appropriate learning environment. There is a practice in the world when several universities create their own virtual platform. In Ukraine at the moment the following foreign virtual products are successfully used: LearningSpace, WebCT, ILIAS, Moodle, Prometheus and others. Ukrainian universities mostly use those virtual educational products that are freely available on the Internet. Mostly these are the two most common programs: ILIAS and Moodle. Also in the distance learning of legal disciplines it is common to use various information resources, such as communication by SMS, online messengers (Viber, Telegram, WhatsApp, etc.), e-mail, etc. Creating Google Drive, Google Docs, developing your own sites is becoming important. One of the best servers for distance education is Google Classroom, where teachers can create training courses, fill them with relevant materials, create tasks and monitor their progress. As well as the organization of video conferencing through the Zoom platform for lectures and practical classes is very popular and handy.

The existing system of education, which is obliged to prepare new generations for living in an information-saturated environment, is forced to reconsider the educational ideals of the past by setting tasks that meet new needs. Today the main goal of modern education should be to raise the level of information competence of students at all levels. The use of digital educational resources in learning activities can and should transform the teaching of traditional educational subjects and optimize the processes of understanding and memorizing educational materials and, above all, raise students' interest in learning to a higher level.

The development and modernization of the system of higher legal education in Ukraine is a rather complex and complicated process that requires constant and well-considered reforms. The sphere of higher legal education is significantly influenced by the political, economic, social, scientific and technical factors of the present. During recent years significant changes have

taken place, but despite this the system of modern legal education in our country is far from being fully in line with the current needs of law enforcement (especially in today's world globalization and integration processes).

Currently, there are a significant number of higher law schools in Ukraine and our country is even ahead of the United States by the number of lawyers. But the quality of education itself lags far behind the global trends of social development and requires constant adaptation of its content [8].

In the countries of the European Union, as well as in most leading countries of the world, an innovative model has long been applied in the system of higher legal education. But domestic reforms in the field of higher legal education, which have been taking place in recent times, are aimed mainly at bringing the external form of higher education into conformity with European standards and requirements. As for the content of higher legal education it remains almost unchanged as reforms in this direction are taking place very slowly [9].

Also the existing labor market needs and persistent trends in the world economic processes are far from being fully taken into account in the modernization of the higher education sphere. Thus it is universally recognized that one of the priority sectors of the Ukrainian economy development, which requires the need for skilled personnel and, in particular, lawyers is the IT sector, which is currently one of the most dynamic business spheres. Its growth rates exceed the indicators of other sectors of the economy while the sustained growth of this sector is also expected in the future. The main product of the Ukrainian IT sector is the custom software development [10].

Consequently, there is an evident need for a large number of qualified lawyers that have specialization in this relevant area of law enforcement, namely: advanced theoretical knowledge of important provisions, categories, concepts for the protection of intellectual property rights in the IT field, including international legal aspects. It should also be borne in mind that the

important factor for the successful professional lawyer's work in the field of high technologies is the availability of practical skills in solving problems related to the implementation of intellectual property laws in the IT industry. But this is not possible without the efforts of the educational institutions to implement curriculum-oriented practices and teaching a wide range of disciplines relevant to this direction. It is also very important to introduce practical training of students, modeling and solving practical incidents, attracting specialists who have real work experience in the field of high technology to the teaching process.

Unlike widely used in the countries of the European Union practice of partnership between universities and business, in Ukraine such forms of interaction are only rare cases. At the level of the European Union many legal acts have been adopted to support innovation, protection of investments and intellectual property, which also affects the level of partnership between companies and universities. A separate indicator of the partnership in the EU is the number of graduates who have gone to work in a specialty or have opened their own companies within a certain period of time. Legislation on education and taxation has significant diversity in different countries. For example, the reform of higher education in Germany was intended to create entrepreneurial educational institutions. And in the UK universities private sector representatives are actively involved in the development of voluntary codes of ethics for institutions. Among the global priorities of 'business – universities' partnerships typical are the following: the research and development; the development and assessment of courses/programs (in some countries, for example, Germany, Ireland, France, business representatives also belong to independent national agencies that carry out program accreditation); the mobility of students as employees; the protection of intellectual property. Less developed, but existing are such aspects as the professional development, joint business projects and business involvement in university management. In most

countries, higher education institutions have the right to create research parks and business incubators in the structure of universities, innovative companies (business companies are often co-owners), technology research centers or holdings of intellectual property management [11, c. 7-8]. And this European experience needs to be carefully studied and attempted to implement.

It is understandable that the higher legal education is a complex and multifaceted phenomenon. And the educational institutions in the field of legal education should first of all try to give students full legal knowledge of the disciplines, give them skills of proficient application of theoretical positions during practical activities [3]. Therefore, considering the need for meaningful reform of the higher legal education at the stage of Ukraine's accession to the European educational space, substantial efforts should be made to provide high-quality training of lawyers, including in the field of high technologies. And thus it is necessary to rely on the experience of the existing legal education system in the developed countries of the world, which is rather valuable in this context.

Conclusions. The development of information technologies is becoming a dominant factor today, that influences the acceleration of social transformations of modern society, which is of particular importance in the modern conditions of the national economy development and its inclusion in the world integration processes. New technologies create new opportunities and new horizons for the personal development and extend the range of individual choices [7]. An important role for the development of the country is played by its educated specialists whose level of knowledge and experience corresponds to the current realities and requirements of practice in the field of information technologies. Unfortunately, current approaches to higher education in Ukraine largely continue to use old teaching methods. The legal profession is a profession of increased public trust, which requires the proper training of students, the formation of qualitative knowledge, values and developed practical skills. Therefore the reform of legal education in Ukraine in accordance with modern

challenges and taking into account the best world experience is one of the prerequisites for the sustainability of state reforms in the period of the information society formation.

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