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HISTORICAL AND LEGAL ANALYSIS AND STRUCTURE OF THE ORGANIZATION OF FOREIGN STATES AND REQUIREMENTS FOR THE ORGANIZATION OF THE EDUCATIONAL PROCESS IN LEGAL INSTITUTIONS OF HIGHER EDUCATION UNDER THE CONDITIONS OF MARTIAL LAW IN UKRAINE

ІСТОРИКО-ПРАВОВИЙ АНАЛІЗ ТА СТРУКТУРА ОРГАНІЗАЦІ ЗАРУБІЖНИХ ДЕРЖАВ ТА ВИМОГИ ДО ОРГАНІЗАЦІЇ ОСВІТНЬОГО ПРОЦЕСУ В ЮРИДИЧНИХ ЗАКЛАДАХ ВИЩОЇ ОСВІТИ В УМОВАХ ВОЄННОГО СТАНУ УКРАЇНИ

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Abstract. *A special task in today's conditions is not only to provide all participants in the educational process with safe learning conditions, but also to provide them with a certain amount of knowledge and skills, to form a person who is able to think creatively, make decisions, have his own position, take responsibility, adapt to living conditions, capable of mobility, rapid change of social roles, that is, to be a person competent in his field of knowledge, a highly qualified specialist who is fluent in one or several foreign languages. Over the past few years, the Association Agreement between Ukraine and the EU has become a guidepost for educational reforms, the implementation status of which in the section "Education, training and youth" is more than 80% (the average implementation of the Association Agreement is about 70%). In addition, the document emphasizes the need to strengthen the connection between education and the needs of the labor market (a task that Ukraine is working on); a dual form of education is being actively implemented in order to maximally match the skills of graduates with the requirements of employers. Standard of higher education in specialty 081 Law for the first (bachelor) degree of higher education. It enters into force already from the 2022/2023 academic year. Higher education institutions will need to urgently revise the content of their educational programs to comply with the provisions of the new standard.*

Keywords: *educational program, law, students, higher education, martial law, employers*

At the moment, the problem of motivating students to study is more relevant than ever, because the most acute question arose in institutions of higher education, how to motivate students to study during the martial law in Ukraine. Currently, institutions of higher education are acutely faced with the low level of motivation among students. Based on research conducted until February 24, 2022, the following



reasons were identified as the influence of society, upbringing, and if a person chose a profession and then realized that it was not theirs.

In the conditions of war, the issues of creating an educational environment and organizing the educational process in higher education institutions become important. A special task in today's conditions is not only to provide all participants in the educational process with safe learning conditions, but also to provide them with a certain amount of knowledge and skills, to form a person who is able to think creatively, make decisions, have his own position, take responsibility, adapt to living conditions, capable of mobility, rapid change of social roles, that is, to be a person competent in his field of knowledge, a highly qualified specialist who is fluent in one or several foreign languages. In our opinion, this is one of the important conditions for further self-education and self-improvement.

The list of participants is very broad and open to join. SRG "Education and Science" coordinates the attraction and use of international aid aimed at supporting the implementation of state policy to achieve the stated strategic priorities in the field of education and science. In the conditions of Russian aggression, the MES actively uses the Sectoral Working Group "Education and Science" as a platform for dialogue with the widest possible range of partners and friends of Ukraine with the aim of forming an international coalition in support of Ukrainian education and science. The SRG "Education and Science" uses the format of emergency (held on March 15 and May 9, 2022) and planned meetings, as well as thematic subgroups, in which current challenges in the education sector under martial law are discussed and proposals are formulated for the leadership of the Ministry of Education and Culture. In order to inform about the daily situation in Ukrainian education, starting from March 2022, the MES regularly sends international partners the "Overview of the current state of education and science in Ukraine under the conditions of Russian aggression" in Ukrainian and English, which is also published¹³ on the official website of the MES. In addition, the Ministry of Education and Culture together with the regional military administrations initiated the creation of a network of educational hubs. By the way, such educational hubs are being opened not only in Ukraine, but also in countries where a large proportion of Ukrainian pupils and students currently reside - in Romania, Poland, the Baltic States, of the Czech Republic

After signing the Association Agreement between Ukraine and the EU in 2014 for of domestic education not only opened up new opportunities, but also new ones appeared task. Ukraine is one of the most active participants of the European Union program for education, training, youth and sports Erasmus+ and the partnership program between Twinning schools [2, 4].

Universities of Ukraine are active participants of this program in the field of higher education in international academic mobility, cooperation between universities and European studies, as well as other directions and areas during 2014–2020, some projects will be implemented until 2025. Together with partners from various member countries and the Erasmus+ program, 39 joint and 9 structural projects are implemented, including 19 national and 29 multinational projects with the participation of 28 member countries and 19 partner countries of the program. The projects last 2–3 years (with a possible extension for a year) with a budget of 500,000



1,000,000 euros with the participation of more than 6 partners from different countries in the consortium. The total budget of EU grants awarded to 48 projects is about 43 million euros. For the 2019–2020 competitions, Ukraine additionally received a separate "financing window" for projects on the development of the potential of higher education - 2 million euros. During 2014–2020, 53 (42 + 11) projects were implemented with the participation of Ukrainian public organizations as partners within the direction "Supporting reforms in the field of youth policy" (KA 347).

The teachers of Yuriy Fedkovich Chernivtsi National University were invited to teach "Jean Monet" modules to the project coordinated by the university from Germany. The budget of the EU financing of projects of the "Jean Monet" direction for Ukraine amounts to more than 3.9 million euros plus 1.3 million euros for the support of multinational network consortia [4, 7].

Within the framework of the "Jean Monet" direction, support for teaching, learning and research on issues of European integration continues. Erasmus+ program for 2021–2027 expands opportunities for international cooperation to fulfill the tasks of the European Education Area, the Digital Education Action Plan, the European Competence Program and other EU strategies.

The main characteristics of an adult listener, which are distinguished by both domestic and foreign scientists, are the following: self-awareness as an independent, self-directed person; accumulated life (domestic, professional, social) experience, which becomes an important source of learning for the student himself and his colleagues; strong internal motivation; striving for quick implementation of acquired knowledge, skills, and abilities. As a rule, adult listeners are more organized and disciplined. During educational activities, they can concentrate on tasks for a long time. If an adult immediately gets the opportunity to practice new knowledge, and then repeat it periodically, such knowledge will remain in the memory for a long time. [5, 6].

Of course, there is always room for self-improvement and development. During

In the past few years, the Association Agreement between Ukraine and the EU has become a guidepost for educational reforms, the implementation status of which in the section "Education, training and youth" is more than 80% (the average implementation of the Association Agreement is about 70%). In addition, the document emphasizes the need to strengthen the connection between education and the needs of the labor market (a task that Ukraine is working on); a dual form of education is being actively implemented in order to maximally match the skills of graduates with the requirements of employers.

Ukraine receiving the status of a candidate for membership in the European Union on June 23, 2022 is primarily a powerful political signal from the EU states regarding its recognition as a member of the European family. For the sphere of education and science, as well as for others, the status of a candidate is a political incentive for the implementation of qualitative transformations in the educational and scientific sectors, the relevance of which has long been overdue. In addition, it will be a recognition of the success of European integration reforms in Ukraine, supported or initiated by European partners. In addition, after acquiring candidate status, Ukraine



will be able to receive long-term loans from the EU, as well as assistance in the form of grants for education, culture, health care, etc. The formats and directions of such assistance will be determined during bilateral negotiations.

Motivation to study in wartime should contain a large system of goals, motives and needs are also an integral part of the formation of motivation, because they are what push a person to learn new knowledge, skills and means of cognition, to consciously relate to learning, and to be active during learning. The motivations for learning include the student's focus on the various aspects of educational activities, the desire for independent assimilation of skills, knowledge, and abilities. Achievement motivation is defined as a means to increase or maintain maximally high abilities for all types of activities, in relation to which it is possible to apply success criteria and where the performance of such activities can lead to success or failure [7].

The training of lawyers with a developed system of professional legal knowledge, a high level of legal awareness and professional legal culture is a priority issue of the constitutional and legal policy of any modern state. In a short period of time, the principles of institutional and legal regulation of the educational sphere were formed in Ukraine during the period of martial law. Such regulation is carried out within the limits of and in accordance with the Law of Ukraine "On the Legal Regime of Martial Law" dated 12.05.2015 No. 389-VIII (as amended) Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" dated 24.02.2022 No. 64/202210, approved by the Law of Ukraine dated 24.02.2022 No. 2102-IX, as well as in accordance with other normative legal acts of Ukraine. Yes, in accordance with the norms of Art. 15 of the Law of Ukraine "On the Legal Regime of Martial Law", the powers of local authorities, in particular in the part of managing institutions and educational institutions, are transferred to the military administrations of settlements in the relevant territory. The powers of central authorities continue to be exercised.

The Ministry of Education and Culture remains the main body in the system of central bodies of executive power, which ensures the development and implementation of state policy in the spheres of education and science, scientific, scientific and technical and innovative activities, the transfer (transfer) of technologies, and also ensures the formation and implementation of state policy in the sphere of implementation state supervision (control) over the activities of educational institutions, enterprises, institutions and organizations that provide educational services or conduct other activities related to the provision of such services, regardless of their subordination and form of ownership. Therefore, during the period of martial law, the Ministry of Education and Culture continues to implement the state policy in the field of education under the new conditions, ensures accessibility and continuity of the educational process [6].

On the first day of the full-scale war, the order of the Ministry of Education and Culture "On the formation of the Situation Center of the Ministry of Education and Culture" dated February 24, 2022 No. 229 was issued, which made it possible functioning of the advisory body during the period of martial law. The main task of the Situation Center of the Ministry of Education and Culture is to ensure the



activities of the Minister of Education and Science of Ukraine during the period of martial law. With the beginning of the war, the Ministry of Education and Culture created institutional and legal foundations to ensure the educational process in the conditions of challenges caused by the armed aggression of the Russian Federation against Ukraine. One of the first steps (order of the Ministry of Education, Culture and Sports No. 232 of February 28, 2022) was the exemption from the state final certification of students who completed primary and basic secondary education in 2021/2022. p.

The issues of ordering, producing and issuing documents about general secondary education in the conditions of martial law in Ukraine were promptly resolved (orders of the Ministry of Education and Culture No. 432 of May 12, 2022, No. 466 of May 20, 2022, joint order of the Ministry of Education and Culture of the Ministry of Foreign Affairs of Ukraine No. 538/192 dated June 9, 2022 and other legal acts). General issues of the organization of the educational process in educational institutions are regulated by the letter of the Ministry of Education and Culture "On the organization of the educational process in the conditions of military operations" dated 03.06.2022 No. 1/3371-22[1, 5].

The organizational transformation affected all segments of the education system of Ukraine - from preschool to higher education, which became a serious challenge. However, educational managers did everything possible to stabilize the educational process, the completion of the 2021/2022 academic year. r., organization of the introductory campaign and ensuring a successful start of the new school year.

In Ukraine, 286 institutions of legal education implement educational activities, of which 245 are "classical", subordinate to the Ministry of Education and Culture of Ukraine; 25 departments subordinate to the Ministry of Internal Affairs, Ministry of Defense, Ministry of Justice, Ministry of Finance, SBU; 16 – private (without subordination). By the end of 2021, 92,789 students of higher education were studying in Ukraine for the specialty 081 "Law", of which: 61.7% were bachelors, 17.6% were masters, and 20.7% were junior specialists.

However, as a result of the war, up to 2 million Ukrainian students and our future applicants were moved abroad from Ukraine. Because there are many opportunities for Ukrainian students today - various programs, scholarships, grants.

Therefore, today's important task is not only to preserve the student contingent, which is the national and intellectual potential of the country, and to encourage applicants to study in our country, but also to organize the educational process in accordance with new realities on the basis of clear, objective and justified requirements of today. Passports are drawn up (updated) for classrooms (laboratories) of the institution every year before the beginning of the academic year. Locations of the shelters of the fund of civil defense protective structures are marked with signs (inscriptions) and road signs to them. On 07/20/2022, the Ministry of Education and Science of Ukraine Order No. 644 approved and put into effect the Standard of Higher Education in Specialty 081 The right for the first (bachelor) degree of higher education. It enters into force already from the 2022/2023 academic year. Higher education institutions will need to urgently revise the content of their educational programs to comply with the provisions of the new standard.



The main innovations of the standard of higher education in specialty 081 Law:

I. Admission to the first (bachelor) level of higher education on the basis of a junior bachelor's degree is carried out based on the results of the external examination with compliance with the requirements for the minimum competitive score, which is established by the Conditions of admission to study for the relevant year of admission. That is, graduates of law colleges will no longer be able to enter universities through internal entrance exams, avoiding external independent assessment

II. The institution of higher education will have the right to transfer subjects (and ECTS credits) taken at law colleges, but not more than 60 ECTS credits.

III. The duration of the bachelor's practice has been increased by 5 credits and must amount to at least 15 ECTS credits. It is mandatory. completion of less than 5 ECTS credits either in the courts, or in the system of the prosecutor's office, or the bar.

IV. The wording and content of some special competencies (SC) and program learning outcomes (LP) have changed.

V. The bachelor's standard establishes requirements for the organization of correspondence and distance education. Now they are provided in the amount of not less than 1/6 hours of classroom (contact) workload in educational disciplines from planned credits (ECTS).

The developed and proposed Concept of the Development of Legal Education envisages a model of "end-to-end master's degree" that meets modern international and European standards and includes a five-year program for training master's lawyers immediately after the entrants complete general secondary education (there is no bachelor's level). In other words, those seeking education in specialty 081 "Law" will not receive a "bachelor's" degree and will immediately study for a "master's" degree.

According to the end-to-end system, lawyers are trained in Bulgaria, Italy, Germany, Poland, Hungary and the Czech Republic, that is, training takes place continuously for 4-6 years. On the other hand, in Belgium, Greece, Denmark, Estonia, Ireland, Spain, Cyprus, Latvia, Lithuania, the Netherlands, Portugal, Slovakia, Slovenia, Finland, France, Croatia and Sweden, training of lawyers takes place according to the classic bachelor's-master's degree system. In Austria, a mixed system is provided: end-to-end with the possibility of a step-by-step system.

The Committee on Education, Science and Innovation decided that the concept will be further developed by the Commission on Legal Reform under the President of Ukraine, where it was transferred [1, 4, 5,].

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Анотація. Особливим завданням в умовах сьогодення є не лише забезпечення всіх учасників навчального процесу безпечними умовами навчання, а й надати їм певний обсяг знань і вмінь, сформувати людину, здатну творчо мислити, приймати рішення, мати свою позицію, брати на себе відповідальність, адаптуватися до умов життя, здатну до мобільності, швидкої зміни соціальних ролей, тобто бути людиною компетентною у своїй галузі знань, висококваліфікованим спеціалістом, який вільно володіє однією або декількома іноземними мовами. Упродовж останніх кількох років дороговказом освітніх реформ стала Угода про асоціацію між Україною та ЄС, статус виконання якої в частині розділу «Освіта, навчання та молодь» становить більш ніж 80 % (за середнього значення виконання Угоди про асоціацію близько 70 %). Крім того, документ наголошує на необхідності посилення зв'язку між освітою й потребами ринку праці (завдання, над яким Україна працює); активно впроваджується дуальна форма здобуття освіти для максимального узгодження навичок випускників із вимогами роботодавців. Стандарт вищої освіти зі спеціальності 081 Право для першого (бакалаврського) ступеня вищої освіти. Він вступає в силу уже з 2022/2023 навчального року ЗВО необхідно буде в терміновому порядку переглянути зміст своїх освітніх програм на відповідність положення нового стандарту.

Ключові слова: освітня програма, право, студенти, вища освіта, воєнний стан, роботодавці