

6) *the ability to control and analyze extra-training factors (to determine the state and degree of responsibility of the level of extra-training factors of the tasks set);*

7) *the ability to control and analyze students' competitive activity (to determine the state and degree of the correspondence of physical fitness level to goals and tasks).*

**Key words:** *professional training, management, control-analytical competence, physical culture and sport.*

UDK 378.14:340.143:378.4(045)

Svitlana Tsyganii

National Aviation University

ORCID ID 0000-0001-7466-6831

## **A STATE OF THE PROFESSIONAL AND LEGAL COMMUNICATION CULTURE FORMATION OF THE FUTURE LAWYERS DURING THE STUDY OF CRIMINAL LAW AT THE UNIVERSITIES**

*The article raises the problems of future lawyers' training in higher education institutions. The analysis of the formation state of culture of professional-and-legal communication among the law graduates is conducted. Gaps in the current training programs have been found, as well as inconsistency and obsolescence of teaching methods that are used by higher education institutions, which lead to an insufficient level of readiness for professional work and lack of competitiveness of young specialists.*

**Key words:** *communication, communication culture, higher education, professional and legal dialogue, professional training, interactive skills, perceptual skills, professional terminology.*

**Introduction.** Fleeting time, a radical course towards Europe increasingly confirms the relevance of the problem of the future lawyers' training in higher school. Some outdated teaching methods and goals are disputing the competitiveness of Ukrainian specialists in the field of law. Herewith it has been stated that law graduates are often not able to be engaged in a constructive dialogue, as well as to change or to defend their decisions. They choose a wrong way of communication and they do not always realize professional ethics. In this regard, creating a culture of professional-and-legal communication for the future lawyers becomes the actual trend of scientific and applied research.

**Analysis of relevant research.** Many famous native and foreign scholars have studied the problem of training future lawyers (A. Alekseev, V. Balyuk, A. Zhalynsky, R. Zheruhov, V. Ivanov, I. Kolchanova, E. Protas, B. Puhynskyy, V. Toporyn, A. Tyrkin, I. Uporov.), the formation of culture of language and speech (L. Baranovska, A. Vasiliev, L. Vvedenskaya, B. Holovin, V. Goldin, K. Horbachevych, L. Smith, V. Kostomarov, N. Kostrytsya, L. Matsko, L. Pavlova, M. Pentylyuk, O. Syrotynina, N. Shansky, L. Scherba and others). Problems of the lawyers' professional culture reflected in the writings of such scholars, as E. Agranovskii, N. Brown, A. Vengerov, A. Grischuk, Y. Groshev, A. Zhalinskyy, I. Ilyin, B. Kaminska, M. Koziubra, A. Kozlovsky, B. Kostytsky, V. Kotyuk, O. Kostenko, V. Lazarev, S. Maximov, E. Nazarenko, M. Orzih, P. Rabinovich, A. Ratinov, S. Savchuk, V. Salnikov, A. Semitko, M. Sokolov, O. Skakun, V. Taci, V. Temchenko, J. Farber and others.

Only a few researchers have studied the aspect of communicative component of the future lawyers' professional training and their professional activity (formation of professional speech competence – L. Baranovska, I. Sarazhynska; communicative competence – M. Tsenko; development of communicative tasks – A. Bandurka, P. Bilenchuk, formation of communicative skills – N. Kozhemiako).

However, outside the scope of the research remained the study on creating a culture of professional legal communication of the future lawyers in the course of training.

**Aim of the Study.** One of the key skills of a lawyer is the ability to interact with people competently and purposefully getting in touch with that dictated by the need of professional assistance and which, in the protection of their interests, the restructuring of their behavior, values, social roles, beyond the scope of their professional duties. The purpose of this study – to establish the level of formation of the culture of professional and legal dialogue at the future lawyers in the course of the study of Criminal Law at the existing approaches to the education system in higher education institutions of Ukraine.

To improve the quality of the specialists training of this specialty was carried out an ascertaining stage of a pedagogical experiment with the aim of determining the state of culture formation of professional-and-legal communication for the future lawyers in the course of training in higher school and, in particular, in the study of criminal law. The realization of this goal was possible when performing the following tasks:

- the analysis of the content of the future lawyers' training to identify academic disciplines that have a communicative potential and which are aimed at creating a culture of professional-and-legal communication;
- determination of the culture formation of professional-and-legal dialogue among law students;
- appropriateness of creating the culture of professional-and-legal communication among the future lawyers;
- definition of basic trends, means of the culture formation of professional-and-legal communication among the future lawyers as well as identifying possible pedagogical conditions affecting the process.

**Research Methods.** The main methods to achieve the goals and objectives of the ascertaining stage of the experiment were:

- content-analysis of the training documentation for the law students;
- a survey of students, researchers and teachers;
- the method of expert evaluations;
- interviews with employees of the legal field;
- psycho-diagnostics techniques.

**Results.** Based on the theoretical understanding of the nature and structure of the culture of professional-and-legal communication, we have

developed questionnaires for law students of 1–5 courses. The interviews took place in two stages: first, the students worked at the determining of the current system for the professional activity and communication in the field of professional knowledge and skills; at the next stage, they evaluated the level of the acquisition. The respondents performed their evaluation in terms of: “it is essential in the legal profession”; “it is advisable in the legal activities”; “it cannot be prevented in the legal profession”; “the lawyer does not need”. The evaluation of the level of the culture formation of the professional-and-legal communication was conducted taking into account their acquisition: “I know perfectly”, “a sufficient level”, “a low level of acquisition”, “I do not know”.

The interview was attended by 223 full-time students majoring in “Law”. Among them there were 63 students of the 1<sup>st</sup> year, 71 students of the 2<sup>nd</sup> year, 62 students of the 3<sup>rd</sup> year, 17 students of the 4<sup>th</sup> year and 10 students of the 5<sup>th</sup> year (Masters).

The evaluation results of the law students of the importance of basic, common law and specialized skills of the professional communication in the legal activity and the level of their formation of professional-and-legal communication are presented in comparison.

From the list of the mentioned in the questionnaire the most considerable knowledge for professional interactions, according to students, is the knowledge of etiquette, especially legal etiquette, its basic rules and functions (71 % of the respondents). The quantity of the students which personally “perfectly” possess it is 46 % of respondents; knowledge of the possible ways (modes) of conflict situations solutions in the professional activities have 66 % of the respondents, possessing them “perfectly” – 25 %. 55 % of the students possess the knowledge of the factors of efficiency and optimization of the professional communication; the quantity of the students which possess it “perfectly” – 17 %. 47 % of the respondents have knowledge about the psychological characteristics of the individual and the collective; “Perfection” of their own 26 % of future lawyers.

The students who participated in the survey, based on the psychological knowledge, gained in the study of social and humanitarian training, believe that skills important for professional communication are divided into three main groups: information, perceptual and interactive.

According to 78 % of the students the most important is the ability to find arguments and to speak clearly, correctly and expressively, but only 38 % of them can “perfectly” find arguments, 31 % are able to express themselves clearly, correctly and expressively. 74 % of the students consider it necessary to find information and make conclusions; 48 % can “perfectly” find information and 38 % can make conclusions correctly. 72 % of the respondents consider the ability to formulate questions and answers very important, only 32 % possess this quality “perfectly”. 70 % consider it important to determine the main idea in

the information, 47 % of respondents can do it “perfectly”. Proper voice training for everyday communicative activities of the lawyer is important to 46 % of the students, and only 36 % of respondents possess it. Non-verbal means of communication are necessary for the professional functions of legal experts – 26 % consider them essential, 23 % of the respondents possess them fluently.

The students who participated in the interview, based on the psychological knowledge gained in the study of the social and humanitarian training, believe that the skills important for professional communication are divided into three main groups: perceptual, interactive and proper communication.

63 % consider from the most essential among the perceptive ones is the ability to emotional balance; 33 % of respondents are fluent in it. The lawyer should be able to predict the response of the communication partner (46 %), perfectly capable of doing it 30% of the students. To be effective in a legal action it is necessary to possess the ability to understand the interlocutor’s mood, to determine how the conditions (time, place) assist or interfere with the communication (30 %), and only about 26 % have these skills.

From the interactive skills group as the most appreciated skills were chosen: establishing a contact with a person – 65 %, persuading the interlocutor – 62 %, maintaining a contact with the interlocutor in the process of communication – 56 %. However, “perfectly” these skills are possessed respectively by 37 %, 28 % and 38 % of the respondents. To formulate an order, to criticize the interlocutor’s opinion and organize a collective solution is necessary for about 35 % of the future lawyers who participated in the interview, only about 23 % possess these skills.

General legal skills are quite important for the effective professional communication. Among them the ability to use professional knowledge of law students has been evaluated as the most important in the legal activities, 22 % of them possess it. A lawyer must correctly use legal terminology and should be able to compile procedural documents (67 %), only 17 % of respondents possess this ability “perfectly”. No less important for the activity of a lawyer is rhetorical skills (58 %), however, according to the students only 27 % of them possess them.

To perform specific professional functions the law graduates are provided by the requirements of the prosecutor, judge, lawyer, notary, etc. activities, these activities require specialized legal skills. First of all it is the ability to speak clearly, substantially (75 %); procedural knowledge (trials, forms of contracts, carrying out operative crime detection activities, examinations) – 67 %. These skills are “perfectly” possessed respectively by 33 % and 19 %. They should be able to use different forms of documents (depending on the type of legal activity) – 56 %; 17 % possess this skill perfectly. The importance of putting an important content in the statement and the ability to focus their attention depending on the position will make a successful career of 29 % of the future lawyers, 22 % of the respondents estimate their possession of these skills as perfect. About 8 % of the students

consider abstract thinking and expressing their opinion as very important skills, and the capacity of using the medical, technical, economic terminology; 27 % of the respondents believe that they have perfectly mastered the ability of abstract thinking and expression of their opinion, 13 % estimated their ability to use the medical, technical, economic terminology as “perfect”.

Among the given skills in the questionnaire, the future lawyers think that the main skill is to resolve conflict situations arising in the process of the professional activity (61 %), effective communication (51 %), behavior in the society and during the communication with citizens according to the etiquette rules (50 %), psychological (lawful) impact on the individual (49 %). “Perfectly” these skills are developed respectively at 25, 28, 37 and 30 %. 45 % of the respondents consider it important to estimate their own actions and the actions of others from the point of ethics and morality, 32 % think that they possess this skill. 31 % of the respondents think that it is very important to have skills of psychological express-diagnostics of the person, 21 % of the respondents think they possess it insufficiently.

Analysis of the survey of students shows the understanding by the students of their future legal responsibility and the importance of the role of developing the culture of professional legal communication in the field of their professional and personal growth. The respondents thoroughly analyze the need of certain knowledge, skills, and really understand the problems associated with the process of future lawyers training in higher legal education. The students, participated in the survey, had the opportunity to evaluate the training acquired during the specified components of culture of professional legal communication. However, the results showed the lack of professional communication knowledge and skills. They agreed on the need for targeted special communicative training of the future lawyers in higher school. The participants of this phase of the experiment lack knowledge of the culture structure of professional-and-legal communication of the future lawyer.

To confirm the reliability of the results of this phase of the experiment and determine the real state of the culture formation of professional and legal dialogue at the future lawyers during their training was conducted a survey of practicing lawyers from different fields of law, the various fields of work and with a professional experience not less than 5 years. 7 of them work in the field of law enforcement (police, prosecutor’s office, the security service of Ukraine), 6 – practicing lawyers (working in different fields of law), 5 – solicitors (in public and private enterprises), 4 – judges, 3 – notaries, 5 – lawyers – in the state and local government (totally 30 people). Among the respondents 67 % – graduates of the Kyiv National Taras Shevchenko University; 3 % – graduates of the National Aviation University; 10 % – Kharkov Academy of the Internal Affairs Ministry, 15 % – National Academy of Internal Affairs, 5 % – Odessa National Law Academy. Specialties are mainly Masters (75 %) and Specialists (25 %).

At the first stage of the survey we offered the practicing lawyers to estimate the given developed system of the skills of the professional-and-legal communication culture on the scale: “it is essential in the legal profession”; “it is advisable in the legal activities”; “it cannot be prevented in the legal profession”; “the lawyer does not need”. Among the information skills that are absolutely necessary in the legal activities 93 % of the law professionals noted the ability to find the source of information, the ability to highlight the most important item in the message, the ability to find arguments and the ability to set up the question and the answer. The ability to express clearly and competently as being necessary in the legal activity was evaluated by 85 % of the lawyers, 15 % of them consider this skill desirable. Voice control is necessary for 45 % of the professionals surveyed, 27 % reported it as a desirable skill in the legal profession. Almost similarly the practicing lawyers estimated the importance of non-verbal means of communication in their professional activities.

From the group of perceptual abilities as the most highly appreciated was the ability to control own emotions. The ability to estimate own state during communication, the ability to understand the mood of the interlocutor, the ability to anticipate the reaction of the partner the majority of the respondents (70–75 %) estimated as necessary in the legal profession.

75 % of the specialists think that among the interactive skills the skill to criticize the interlocutor’s opinion is necessary, 25 % estimated it as desirable in legal activities. A half of the surveyed experts have estimated the ability to persuade the interlocutor as necessary for the legal profession, the second half – as desired. About 66 % of the lawyers consider desirable the ability to establish a contact with a person and keep it in the process of communication, as well as the ability to organize a collective solution to the problem. Accordingly, 30 % of the respondents believe this skill necessary to achieve the efficiency of legal activity.

In the group of general legal skills the ability to operate with legal terminology was rated by the lawyers as the most important in their professional activities. The ability of making procedural documents 80 % of the professionals consider necessary for the legal activities, 15 % – desirable. 25 % of the surveyed experts believe in the necessity of the ability to master the basics of eloquence and 40 % of the practicing lawyers think this ability desirable.

From the group of specialized legal abilities the most important skill is the ability to use the knowledge of various forms of documents according to the type of legal activity and knowledge of legal procedures (court sessions, investigation and search operations, examinations), forms of the contracts conclusion – 80 %. Abstract thinking, the ability to express oneself clearly, concisely, and, in fact, the ability to make accents, depending on the position, knowledge of general medical, technical and economic terms are desirable for 67 %.

As necessary skills in a professional legal activity the experts consider the skills of ethical behavior in a team and communication with citizens in

accordance with the rules of professional etiquette, constructive solutions to conflict situations in their professional activity and an efficient professional and business communication. 80 % of the respondents think so; desirable from the point of view of the 65 % of the experts, the most desirable are the skills of the psychological characteristics of express diagnostics of the personality of the citizens, assessment of their own actions and the actions of others according to ethics and morality, legitimate psychological impact on the person.

Only 30 % of the lawyers have expressed doubt that a lawyer should control his/her voice, use non-verbal means of communication, and 20 % – the ability to master the basics of eloquence. 5 % of the lawyers who took part in the survey believe that their professional communication skills should not include such skills as the ability to speak in public, the ability to formulate demands and orders, control his/her voice and use non-verbal means of communication.

Thus, the estimation of the significance of separate skills of professional-and-legal communication of practicing lawyers generally confirmed the importance of the developed system of knowledge and skills of culture of professional-and-legal communication necessary for legal activity. The system is based on the analysis of literature.

At the second stage of the ascertaining experiment our experts determined the degree of possession of the elements of culture of professional-and-legal communication by the law graduates of higher education institutions.

The studies on the formation of the culture of the professional-and-legal communication offer a variety of compositions criteria which assess the level of these skills formation. So, to the criteria they refer a positive motivation, awareness of skills, congruence of the content and the form of the information; the importance of speech, creativity in communication, situational and contextual competence, general responsibility for communication, assessment of the speech results [1]; readiness for actualization of the necessary knowledge, clarity and completeness of the communicative abilities of the structure, the quality of acts constituting their structure.

At the selection of the criteria for evaluating the level of formation of culture of professional-and-legal communication we have come to a conclusion about the expediency of the following criteria: quality, speed and independence of the actions performance that form the structure of culture, flexibility and variety of application of specific means of communication.

According to these criteria, it has been allocated three levels of formation of culture of professional-and-legal communication: perfect, sufficient, weak and has been considered the level of – “do not possess”. The characteristics of each level are presented in Table 1.

Table 1

**Levels of professional-and-legal communication culture formation**

<i>Levels</i>	<i>Estimated characteristics</i>
<b>Perfect</b>	<ul style="list-style-type: none"> <li>- the ability to identify the problem quickly and the ways of its solution;</li> <li>- the ability to find information independently and quickly and to analyze the collected information;</li> <li>- the ability to establish contact with someone quickly and keep it in the process of communication;</li> <li>- the ability to carry out an assessment of the partner quickly and correctly, his mood, position; to assess properly own capabilities to communicate with him ,</li> <li>- the ability to express their point of view clearly and accessibly, the ability to use the techniques of communication for the best goal achievement;</li> <li>- competent use of professional vocabulary</li> </ul>
<b>Sufficient</b>	<ul style="list-style-type: none"> <li>- the ability to identify the problem quickly enough and the ways of its solutions;</li> <li>- mistakes in the selection of information and its analysis, which does not distort its essence;</li> <li>- difficulties in establishing and maintaining a contact with the interlocutor;</li> <li>- adequate, but slow assessment of the partner and own capacity to communicate with him,</li> <li>- mistakes in the statements, difficulties in presenting its opinion, in some cases, not precise use of professional terminology;</li> <li>- mistakes in the assessment of the conditions of communication, which, however, do not have a negative impact on the process and its results</li> </ul>
<b>Weak</b>	<ul style="list-style-type: none"> <li>- inability to single out a problem properly and determine the ways to solve it;</li> <li>- inability to find and analyze information quickly;</li> <li>- serious difficulties in establishing and maintaining a contact with the interlocutor;</li> <li>- incorrect assessment of the partner, his opinion, the overestimation (underestimation) of own opportunities in dealing with him;</li> <li>- a large number of clichés, poor syntax, illiterate use of professional vocabulary;</li> <li>- inability to assess properly the conditions in which the communication takes place</li> </ul>

Thus, the perfect level of professional-and-legal communication culture formation implies a high efficiency of contact with others; a sufficient level is characterized by irregular formation of separate skills which are a part of the culture structure of professional-and-legal communication, leading to a situation where the person cannot fully cope with the tasks. A weak culture of professional-and-legal communication means that people are hardly able to solve task without assistance.



At the next stage of the study the experts will evaluate the level of professional-and-legal communication culture formation among young lawyers (graduates up to 3 years) on a scale of “perfect”, “sufficient”, “weak”, “do not possess”.

According to the survey we can conclude that in only 40 % of the graduates of higher legal education institutions have perfectly developed information skills; a sufficient level of formation have 48 % of them, a weak level have 12 %.

Perceptual skills and interactive communication are completely developed by 24 % of young professionals, 64 % – developed sufficiently, developed weakly – 20 %.

32 % of the graduates have highly developed general legal skills of professional communication; 44 % have them sufficiently developed, 24 % have them weakly developed.

Specific skill of professional-and-legal communication culture is perfectly developed only by 20 %, sufficiently by – 35 %, and weakly by 53 %.

**Conclusions.** This analysis of the results shows that from the information abilities of young professionals the least developed ability is to express one’s thoughts clearly and correctly, make conclusions, control own voice and use non-verbal means of communication; from perceptual abilities – the ability to restrain emotions during communication and the ability to determine the conditions (time, place) help or hinder the communication; among perceptual skills – the ability to organize the group work; from specific skills – the ability to master eloquence and ability to write procedural documents.

The given assessment indicates the average level of formation of culture of professional-and-legal communication by young professionals, which leads to the emergence of serious difficulties in their professional activities. So, young lawyers are experiencing problems with the presentation of the law requirements to those who do not possess legal knowledge, cannot persuade the interlocutor of the correctness of their offered solution to the problem, they are unaware how to control their mental state, to restrain negative emotions, make mistakes in the preparation of regulatory and procedural documents, which affect the results of the work.

The expert assessment of the levels of formation of legal culture in professional-and-legal communication reaffirmed the importance of our study.

At the same time, the educational and professional training programs for lawyers of higher education institutions do not pay sufficient attention to the training of law graduates in professional-and-legal communication. The study revealed the fact if the future lawyers during their training did not reached the required level of professional-and-legal communication culture formation – it sharply reduced the effectiveness of their professional activities, and therefore their competitiveness.

## REFERENCES

1. Baronenko, E. A. (1998). Formirovanie umenii didakticheskoho rechevoho obshcheniia u studentov pedahohicheskikh vuzov [Didactic speech communication skills formation in students of pedagogical HEI] (PhD thesis). Chelyabinsk.

## РЕЗЮМЕ

**Цыганій С.** Состояние сформированности культуры профессионально-правового общения у будущих юристов в процессе изучения уголовно-правовых дисциплин в ВУЗах.

*Данная статья поднимает проблематику подготовки будущих юристов в высших учебных заведениях. Дан анализ состояния сформированности культуры профессионально-правового общения у выпускающихся правоведов. Выявлены пробелы в существующих учебных программах, несоответствие и устарелость педагогических методик, которые используются ВУЗами, что приводит к недостаточному уровню готовности к профессиональной деятельности и неконкурентоспособности молодых специалистов.*

**Ключевые слова:** коммуникация, культура общения, высшее образование, профессионально-правовое общение, профессиональная подготовка, интерактивные навыки, перцептивные навыки, профессиональная терминология.

## SUMMARY

**Tsyganiі S.** A state of the professional-and-legal communication culture formation of the future lawyers during the study of criminal law at the universities.

*The author of this article carried out a study to establish the level of formation of the culture of professional and legal communication at the future lawyers in the course of the study of Criminal Law at the existing approaches to the education system in higher education institutions of Ukraine.*

*Using a variety of methods the ascertaining experiment was conducted which consisted of a content analysis of educational documentation of the specialty "Law", a survey of students, researchers and teachers, experts and experienced employees of the legal industry, conducted interviews and psycho-diagnostic methods used.*

*As a result, experiment levels of professional and legal communication culture formation have been identified at the future lawyers in the course of study of Criminal Law (perfect, sufficient, poor), and estimates derived characteristics of each level. Based on the results of the study, it confirmed the need and feasibility of creating a culture directed at professional and legal communication at future lawyers; the basic directions, means of creating a culture of professional and legal communication among young lawyers and identifies possible pedagogical conditions that influence the effectiveness of the process.*

*Summing up the results of the ascertaining experiment, we can say with certainty that the current law degree requires substantial and fundamental changes. These changes are necessary to carry out a comprehensive, targeted and compulsory order. That means, firstly, the development of the State standard of higher legal education in view of the proven contact issues and the needs of society for qualified specialists and the introduction of this standard in the curricula of the universities of the country. Second – development of recommendations for a culture of professional and legal communication formation in the process of learning all disciplines of the specialty. Third – development of the discipline "Culture of professional and legal communication" and implement a training program for "Master of Law". Fourth – to look for new methods and techniques of teaching based on the direction of creating a culture of professional and legal communication. The experience of foreign countries and advanced IT-technology is considered.*

**Key words:** communication, communication culture, higher education, professional and legal dialogue, professional training, interactive skills, perceptual skills, professional terminology.