

шістнадцяти.

Також, на процес відбору суддів може вплинути будь який громадянин чи громадська організація, надіславши відповідне повідомлення.

Наприклад громадський Рух ЧЕСНО, в рамках кампанії ЧЕСНО.Фільтруй суд!, проаналізував усіх кандидатів та підготував аналітичні довідки про кожного із 653-х претендентів на крісла у Верховному Суді. У довідках була зібрана інформація із відкритих джерел про кар'єру, сумнівні судові рішення, статки, родинні зв'язки, причетність до корупційних справ та інші дані, які, на думку Руху ЧЕСНО, повинні бути відомими та використані у ході конкурсу у найвищу судову інстанцію України. Аналітичні довідки про кандидатів у Верховний Суд Рух ЧЕСНО передав Вищій кваліфікаційній комісії суддів та Громадській раді доброчесності для використання цієї інформації під час формування досьє кандидатів та висновків ГРД.

Висновки. Отже, на сьогоднішній день ми отримали прогресивний Закон України «Про судоустрій і статус суддів», який при цьому, звісно має певні вади змісту і створює потребу для подальшого реформування. Поряд з цим, необхідно визнати, що нескінченна, триваюча судова реформа в цілому відповідає нормі розвиненого суспільства.

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LEGAL EDUCATION IN PEDAGOGICAL HERITAGE OF A.S.MAKARENKO

Significant influence on the formation and development of legal culture in general and in educational activities, in particular, were the scientific works, practical educational activities of our outstanding teacher A.S. Makarenko (1888-1939). In his writings, we find not so many pages devoted specifically to the problems of legal education. At the same time, his developed and implemented concept of practical educational activities of youth civic education in a new environment, children's collective education of the individual in the team demonstrates clear goals for the formation of an adequate level of the formation of a citizen's legal culture, education of a human citizen and a democrat who will practice and observe laws, a citizen who will adhere to norms and rules in society, that is, a person of high civil discipline. Without a clear legal framework, the teacher sought to develop and implement certain regulatory and legal documents in all parts of the colony. note the labor commune of F. Dzerzhinsky, developed in 1928 by A.S. Makarenko and implemented in practice the "Constitution", which had seven sections: 1) the general part, 2) the general meeting, 3) the council of

commanders and subunits: 4) the working (consolidated) unit, 5) the duty, 6) the laws of the day; 7) orders and reports. This "Constitution" was, in fact, a legal document that regulated the activities and relationships of communists and teachers in the team.

Keywords: discipline, law, legal order.

Владимирова В.І. ПРАВОВА ОСВІТА У ПЕДАГОГІЧНІЙ СПАДЩИНІ А.С. МАКАРЕНКА

Значний вплив на формування і розвиток правової культури в цілому і в освітній діяльності, зокрема, були наукові роботи, практична освітня діяльність нашого видатного педагога А.С. Макаренка (1888-1939). В його працях ми знаходимо не так багато сторінок, присвячених конкретно проблем юридичної освіти. У той же час його розроблена і реалізована концепція практичної освітньої діяльності громадянської освіти в новому середовищі, дитяче колективне виховання особистості в команді демонструє чіткі цілі формування адекватного рівня формування правової культури громадянина, освіти громадянин-гуманіста і демократа, який буде практикувати і дотримуватися законів, громадянин, який буде дотримуватися норм і правил в суспільстві, тобто людина високої громадянської дисципліни.

Без чіткої законодавчої бази учитель прагнув розробити і впровадити у всіх частинах колонії певні нормативні та правові документи. відзначити трудову комуну ім. Ф. Дзержинського, розроблену в 1928 році А.С. Макаренка і реалізував на практиці «Конституцію», яка мала сім розділів 1) загальна частина, 2) загальні збори, 3) рада командирів і підрозділів: 4) робоча (консолідована) одиниця, 5) обов'язок, 6) закони дня; 7) накази і звіти. Ця «Конституція» була, по суті, юридичним документом, який регулював діяльність і взаємини комунарів і вчителів в команді.

Ключові слова: дисципліна, право, правовий порядок.

Formulation of the problem. Significant influence on the formation and development of the legal culture in general and in educational activities in particular, had research papers, practical educational activities of our outstanding educator AS. Makarenko (1888-1939). In his writings we find not so many pages devoted specifically to the problems of legal education. At the same time, his designed and implemented concept of practical educational activities of the younger generation civic education in the new environment, children's collective build education of the individual in the team demonstrates clear objectives of a citizen's adequate level of legal culture forming, education of the citizen-humanist and democrat who would practice and keep to the state legal laws, the citizen who would adhere to the norms and rules in the society, that is a man of high civic discipline. Without clear legislative framework, the teacher sought to develop and implement in all parts of the colony certain regulatory and legal documents In this regard, noteworthy is the labor commune named after F. Dzerzhinsky developed in 1928 by A.S. Makarenko and implemented in practice "Constitution" which had seven sections 1) general part; 2) general meeting; 3) council of commanders and units: 4) working (consolidated) unit; 5) duty; 6) the laws of the day; 7) orders and reports. This "Constitution" was, in fact, the legal document that regulated activity and relationship of communards and teachers in the team According to it 'a court of comrades' acted in the commune, which had the right to punish for some serious guilt. "A court of comrades" was elected by the general meeting for a term months and consisted of four pupils and one teacher in turn. In the role of "prosecutor" usually performed the Head, "defender" was one of the Communards, the trial was fair with the flag, the monitoring of made by "the court of comrades" Sentences relied on "bailiff", who was elected by the general meeting and the sentence of "court of comrades" was approved by the Head of commune (Chapter VII of the "Constitution").

Analysis of recent research and publications. In the history of pedagogical thought, the problem of formation humanistic values has always been relevant. During the analysis of scientific sources, the but that this issue was at the center of attention of many foreign and domestic scholars who looked at various aspects of this multifaceted problem. In particular, the ideas of humanization are formulated in the works of A. Distervega, Y. Komensky, A. Maslow, M. Montessori, S. Patterson, K. Rogers, J.-J. Russo, B. Spock, S. Frene, E. Fromm, R. Steiner and others.

Formation of the purposes of the article. The purpose of the paper is to uncover the activities of the outstanding teacher A.S. Makarenko, namely in the context of the problems of legal education.

Presentation of the main material. AS. Makarenko believed that normal pedagogy is an active and purposeful pedagogy; it can turn quickly the children's team on the common team if the development and formation of pupils are made according to the certain legal norms and rules of conduct. His scientific pedagogical work «Discipline, regime of punishment and encouragement» is devoted to this issue. In fact, it is legal document concerning the formation of legal culture, human behavior in society. Considering the discipline as a result and as a means of education. Considering discipline as full protection of the individual, as full confidence in his/her own right to a normal life and work, AS. Makarenko emphasized that those homeless people and offenders who were in his colony, often have been in these children's groups, where there was no discipline, and they experienced the "terrible burden of such undisciplined life", where "the power of individual leaders", "senior, stronger children" led to exploitation of other children, to coercion, theft,

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hooliganism, etc. So discipline in the colony has become their "true salvation" real conditions of human life, which gave the right and the ability of the child to realize himself as a person [3]. So, discipline and the right A.S. Makarenko regarded in their close unity and interdependence, he didn't imagine any team without a clear legal discipline and believed that discipline decorates the team. But discipline must be based on specific state legal norms, so in the current context of human society we judge on the authority of any state from a position of civic discipline, order in compliance with legal regulations, laws, rules etc.

It is well known that violation of state law provides certain punishment. And in this case A.S. Makarenko during the period of the so-called "revolutionary legal consciousness" made his contribution and gave his understanding of punishment: "I am personally convinced that punishment is not such great good. But I am convinced that where they should be punished, the teacher has no right not to punish. Punishment is not only the right but also the duty in those cases, when the punishment is necessary [2]. In this sense the correct and appropriate use of punishment is very important. A good teacher can do a lot by the penalty system, but inept, stupid, mechanical application of penalties is harmful for our work you can not give a general recipe on the question of punishment, each act is always individual. In some cases the most correct is an oral oburgating even for the very serious actions, in other cases a person should be strictly punished for a little guilt. For the educator to apply penalties and other sanctions correctly, it is necessary to learn the principles of punishment. If he does not understand them, he can not be an educator «Our starting point is a collective punishment, either in the narrower sense of detachment. team, class, child care centers, or in the wider - the working class, the Soviet state. Collective interests, especially the interests of workers and the Soviet state are common interests. Who violates these interests who is going against the team, who is responsible to the team. Punishment is a form of team influence as its direct decisions, or as decisions of authorized, elected persons in the team for the sake of its interest's protection.

Based on this guideline, our punishment should necessarily meet the following requirements:

- a) it should not have purpose and not actually cause simple physical suffering;
- b) it makes sense only if punished person realizes that the case is that the team defends the common interests;
- c) punishment is needed if interests of the team indeed are violated and if the offender open and consciously is violating, ignoring the demands of team;
- d) in some cases, the penalty should be abolished when the offender declares that he obeys to the team and is ready in the future not to repeat his mistakes;
- e) punishment it is important not only the content of imposed procedures, but the very fact of its technique;
- f) punishment should bring up. Punished person should know exactly why he is punished, and understand the meaning of penalty.

According to our understanding of penalty is very important its technique. Each penalty must be strictly individualized according to the case and to the pupil.

It is necessary that the of right to impose a punishment had only a teaching assistant or the head of the institution. No one else has the right to impose punishment. Penalties can be imposed on behalf of management and the government bodies: the collective Council, general meetings, but in all these cases all responsibility for penalty has the Head of the teaching part, no penalty should be imposed without his knowledge and advice and nobody should start imposing penalties if the teaching part Head does not agree to penalty.

The Head of the teaching part should know all the pupils, their position in the workplace, at school and the team. If the pupil has made fault, the previous history of the pupil in the team, his character, already used on him impact measures must be considered.

Anyway, before you punish, you need to talk with the pupil. All this talks and conversations can deal with pupil's behavior, but also gain the external forms of penalty [3].

A. S. Makarenko said that these conversations may have the following form:

- a) The conversation immediately after the action in the presence of elder friends must be very short, serious and formal, has to require explanation. If these explanations are not satisfactory, the pupil must be simply told how to do;
- b) Private conversation immediately after the action. It must be conducted in a more severe tone, accompanied by extensive analysis, but in the form of a reasoned protest on behalf of the team. It must be accompanied by pointing to the damage caused by violation, a political gap of the offender. It may be accompanied by the threat to refer the matter to the General Meeting;
- c) Delayed conversation. It must be also conducted privately or in the presence of a small number of persons in the evening of the same day or the next day after violation. The violator must know in advance that he was invited to talk at a certain time. Sometimes the invitation to talk should send him by a note so that only the offender should know about it. This form allows the offender who expects conversation and of course is worried, to think a lot about his behavior, talk to friends. In this conversation should be explained to the pupil all the harmfulness of his behavior for himself and for the team.

Educator stressed that penalty should mainly have the character of condemnation. This includes: reprimand at a general meeting, reprimand in order. Sometimes it is useful for the meeting to resolve: who did wrong, and indicate how to do properly .

A.S. Makarenko, highly appreciating the work of teaching, wrote: "our teacher faces the most honorable, difficult task, it holds hope the whole country, they must prepare people for life in a new society, and in a new culture teacher belongs the most honorable and most prominent place." [3].

Personality is the subject and object of public relations and belongs to its society and its activities should serve the interests of society as a strategic perspective. It is the socialization of the individual that is influenced by cultural factors. The leading role in the formation of personality belongs to the educator.

Therefore, the "Constitution" provided certain rights and obligations of the Communards. At the general meeting of the commune named after F.E. Dzerzhinsky in the organs of self-administration, in home and practice during five of its work certain rules and regulations were elaborated that defined life way in communes and the rights and responsibilities were appointed to the pupils until they got the title of Communards. However, at a general meeting of the Communards every pupil participated with the right to vote. Council had the right to transfer the Communards to the status of pupil for misconduct, for violation of the commune interests, for any action which vilified Commune and Communards title. Any lawful order should be immediately executed by the Communard. A.S. Makarenko considered discipline as a result of the educational process and the result of the collective efforts of the pupils seen in all spheres of life: industrial, household, school, cultural.

The most important quality of the individual A.S. Makarenko considered sense of responsibility and discipline - as moral phenomenon. Educator concentrated attention on what discipline should be seen not only as a means of education, and as a result of the educational process. Discipline must be accompanied by consciousness, by complete understanding of discipline.

A.S. Makarenko emphasized that discipline is one of the process components of moral and legal education, which is the basis of personality formation.

Right is the idea that children need to get discipline skills not only as an integral part of legal education, but must discipline logic elements, namely:

- a) the team needs the discipline to make it better and to reach its goal faster;
- b) discipline requires that each individual was developed to a raised ability to overcome obstacles and perform heavy work and deeds, if it is necessary;
- c) in any team discipline must be put above the interests of individual team members;
- d) discipline beautifies the team and each team member;
- e) discipline is freedom, it puts the person in a secure, free position and creates a complete confidence in his own right ways and opportunities specifically for each individual;
- f) discipline is evident not when a person makes for himself something nice, but when a person does something difficult, unexpected, requiring significant stress. He/she makes it so that believes in the necessity and usefulness of this case for the whole team, the whole of Soviet society and the state [1].

The educator stressed, these points will not be useful unless they are not accompanied by a constant specifying the discipline examples in our society and if they are not accompanied by the experience of the team itself and permanent control.

Conclusions. The organization of such experience shall be expressed in special forms that go beyond the usual daily practice in all areas of group life.

Social, public order and discipline are closely linked with such legal categories as the legality and rule of law. Discipline as a regime of social relations under existing social norms, which is formed due to the implementation of all social subjects and is characterized by civil order.

A.S. Makarenko developed theoretical basis of legal education and proved them in educational activity and practice.

Thanks to his system of education the former homeless offenders became worthy citizens of our country and have worked in various areas of the economy.

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