

# ПРАВОБА ОСБИТА

UDC 378: 340.12.004(045)

S. G. Holovko,

Candidate of Historical Sciences, Associate Professor

## DUAL EDUCATION AS AN EFFECTIVE TOOL FOR ENHANCING THE PROFESSIONAL COMPETENCE OF FUTURE LAWYERS

National Aviation University

Liubomyra Huzara Avenue, 1, 03680, Kyiv, Ukraine

E-mail: golovkos@ukr.net

ORCID ID: <https://orcid.org/0000-0003-0795-7166>

**Objective:** to analyze the organizational and legal aspects of the dual education model implementation and to substantiate its peculiarities in future lawyers' training. **Methods:** applying the method of comparative analysis, the features of dual education organization in European countries in the projection on the prospects of introducing this form of higher education in our country are highlighted; using the synthesis method, the system of normative legal support of dual education in Ukraine, the main functions of its subjects as well as organizational and pedagogical conditions for effective implementation in practice are considered. **Results:** european experience of implementing practically oriented educational and professional training programs for future specialists is covered; it is shown that dual education is one of the promising forms of higher education in Ukraine in the context of economic crisis and changes in employment structure, as it provides for the first employment of university graduates; legal and organizational-pedagogical conditions for effective realization of dual education are substantiated; the conclusion was drawn as to the overall development of its legal and regulatory support and the prospects for its improvement, in particular, regarding the specification of the legal status of dual education subjects; the necessity of qualitative structural changes of curricula as well as educational and professional training programs for specialists in order to overcome the detachment of theory from practice. The main difficulties in implementing this education form and ways of overcoming them are described, on the example of training of future lawyers. The article highlights the need to introduce new programs, to reinforce the cooperation of educational institutions with employers, to promote their interest in the results of qualitative implementation of theoretical and practical modules of educational and vocational programs by the education recipients through information campaigns for employers and business representatives in order to involve students in production processes. It is concluded that an important condition for the effectiveness of dual education is the formation of a new culture of discipleship and educational environment, in which the practical component will be motivated by the necessary issues and will not be inferior to the academic prestige. **Discussion:** the prospects for the development of dual education actualize the use of foreign experience in the context of the national educational system, taking into account its features as well as cultural and educational traditions, in particular, the ratio and status of theoretical and practical components of the educational process.

**Keywords:** dual education; practical training; educational and professional program; cooperation between educational institution and employers; legal support of dual education; professional training of future lawyers.

### Formulation of the problem and its relevance.

The global challenges facing civilization at the present stage are causing fundamental changes in

economic systems, the structure of the labor market and employment. For Ukraine, as well as for other countries, the issue of employment of vocational

school graduates is of particular importance. To a large extent, its successful decision depends on the effectiveness of the curriculum developed for training specialists, its practicability, the combined efforts of educational institutions and employers. In this context, we observe the relevance of identifying the tools for introducing educational process models aimed at a dynamic combination of theoretical and practical training, which provide general and special competences for the university graduates as they will be important for their further professional activity. In particular, it is significant for dual education as it is a recognized education form that is promising for our country.

**Analysis of research and publications.** Some aspects of introducing dual education were reflected in the works written by foreign and domestic scholars. To be more precise the experience of its introduction in the European Union countries is covered in the works of J. Fässler [13]. The problem of university graduates' employment as an important component of the completed cycle of training of specialists with higher education is actualized in the works of E. Hanushek, the Professor of Economics at Stanford University [14]. The empirical basis for the development of the methodology of dual education in Ukraine is the information materials of the State Employment Service and the results of sociological research [11]. In the work of S. Alyabyev, K. Koval, O. Menzul, the peculiarities of employment of national higher education institutions graduates are analyzed [1]. The manual [10] identifies the benefits of dual learning and the main factors that affect its efficiency.

At the same time, the peculiarities of introducing dual education into the practice of Ukrainian universities need further research.

**Objective:** to analyze the organizational and legal aspects of implementing dual education model and to substantiate its peculiarities in the future lawyers' training.

**Presenting the main material.** One of the triggers of economic growth is innovation in the economy. The effectiveness of their implementation depends on the availability of skilled workforce that can master and implement innovative approaches to production. Against this background, the

requirements for the professional competence are constantly increasing, and the skills with which they come to work quickly become obsolete. "Lifelong learning" can solve this problem. At the same time, the effect of the "benefits of successful primary employment", which is directly related to obtaining a profession in educational institutions, remains relevant. However, these benefits are offset by a decline in capacity in the future [14].

Therefore, the employment of university graduates becomes an important component of the completed cycle of training specialists with higher education, which requires considerable efforts in the face of constant changes in the nature of employment structure in the labor market. Thus, in Ukraine in 2019, in Ukraine there were 1 million 24 426 of unemployed persons, 337 382 persons of them are young people under 35. As of April 1, 2020, the number of the unemployed is 349 424 persons and there are 64 057 vacancies. More than 110,000 unemployed have tertiary education [2]. On the one hand, there is a fairly stiff competition in the domestic labor market, namely, in the segment of professionals with higher education. On the other hand, there is a significant number of vacancies, and this fact testifies to the complexity of its structure. It is especially difficult to find employment for a young university graduate whose work experience is low.

According to the EY People Advisory Services 2018 survey, 37% of job seekers surveyed reported lack of work experience and insufficient knowledge and skills [4].

The results of the CEDOS analytical study show that the vast majority of students at domestic universities do not combine their studies with work. About 27% of them work full-time while studying and 4% of national universities students work part-time (for masters these figures are 37% and 10% respectively). However, 67% of students who combine work-based learning do not work in their future professional area [11].

One of reasons for this is the conflict of interests of students and employers. For example, the latter favors skilled workers with work experience, whereas students traditionally seek work without specific experience and qualification requirements and also find that their skills acquired during

training are inadequate. At the same time, the vast majority of students who work and study use the university's acquired skills (85%). This confirms the relationship between the demands of the labor market and university education. The following main ways of solving the problem of university graduates' employment are considered: retraining in other areas; encouraging young people to start and develop business; involvement in temporary work (eg public) [1]. However, all of them are not effective enough and require additional funding. One of the practical steps to encourage employers to employ graduates has been the introduction of a single social contribution payment. Thus, the Law on Employment of Population (2013) referred inpatient students receiving dual education to the employed population. A norm has been introduced whereby an employer who contributes to providing graduates with first jobs and internships for young students is entitled to the compensation for actual expenses of 50 percent of the amount of a single contribution paid for each such employee per month (Article 24) [7]. Unfortunately, this norm has not become widespread in practice.

The problem of student's employment is also relevant for European countries, which actively implement the principle of combining vocational education and practical activity, that is, dual education. E. Hanushek, the Professor of Economics at Stanford University, points out that due to dual education, Austria, Germany and Switzerland have established a close link between the educational and manufacturing sectors through intensive vocational training programs, and therefore, these countries have noticed a significant economy growth [14].

Increasing attention to dual education in Europe coincided with the 2008 crisis, which was accompanied by rising unemployment rates, particularly among people aged 25-34. Its main purpose today is to develop students' practical skills to perform professional tasks, which makes them in demand in the labor market immediately. Leading companies of Germany, Austria and Switzerland were one of the initiators of the introduction of the dual system in students' professional training. In particular, such companies as Volkswagen and Bosch fund the practical training of future

professionals, who spend about 70% of their study time on production [13].

More than 50% of German students are involved in dual vocational programs and can opt one of 326 vocational training courses (from aircraft construction to maintenance of heating systems). The main idea of dual education in Germany is to integrate training in educational institutions and workplace practices. This provides young people with flexible skills. One of the important results of this approach is the lowest youth unemployment rate in Europe [15].

The effectiveness of dual education depends to a large extent on the particularities of the production processes and policies of a particular company (targeting certain categories of consumers and labor availability of branches in different countries). The introduction of a standardized model of education in different countries with significant differences in education systems is quite a challenge (different levels of basic education, length of study, etc.). Therefore, an important task is to search for students and develop certified procedures for evaluating the quality of specialist training.

At the same time, requirements for vocational education institutions providing theoretical training for students are increasing. Modern dual training programs should focus on the formation of a wide range of competencies for future professionals, enabling the employee to adapt to specific rapidly changing production conditions quickly. As a result, the effectiveness of dual education is determined by the level of cooperation between educational institutions and employers, as curricula and educational plans are formed with their participation and based on their order [10, p. 8].

The institutional framework for the implementation of dual education in Ukraine is governed by basic educational legislation. In particular, in the Law on Education, dual education forms are defined as a way of obtaining education, which involves combining the training in educational establishments (in other subjects of educational activity) with on-the-job training at enterprises, institutions and organizations for the acquisition of certain education, qualifications; such training is usually contract based (Article 9). Art. 59 of this law significantly expands the types

and forms of professional development of pedagogical and scientific-pedagogical employees. In particular, there is an opportunity to study by educational programs, internships, participation in certification programs, trainings, seminars, workshops, meetings, and webinars. In addition, professional development can take many forms (institutional, dual ones, in the workplace) [8].

The Law of Ukraine «On Higher Education» defines dual education as a form of full-time education, which provides for the organization of the educational process, under which a considerable part of the volume of the educational program is performed by the contractor at enterprises, institutions and organizations. At the same time, on-the-job training involves fulfilling the job duties of the applicant in accordance with the employment contract and remuneration (Article 49) [6].

An important step towards the institutionalization of the new model of educational and vocational training was the introduction of the Concept of Training of Specialists in the Dual Education Form (Cabinet of Ministers of Ukraine, 2018). Its purpose is to develop the principles of the state policy of improving the quality of professional training on the basis of a new education form. The implementation of the concept is foreseen in several stages. At the first stage (2018-2019), it was planned to develop a regulatory framework. In the second stage (2020-2021), typical models of dual education should be developed and piloted. Creation of dual education clusters on the basis of educational establishments and enterprises of interested employers is planned during 2020-2023. The concept specifies the role of dual education subjects. In compliance with it, an educational institution, together with the employer, should develop holistic educational programs that meet the requirements of educational and professional standards, as well as ensure their high-quality acquisition by applicants.

The employer is involved in the development of curriculum and training programs for specialists, provides students with work at the enterprise or in the institution and pays financial compensation, provides them with the necessary resources and information materials to perform the work, assigns qualified mentors, and ensures compliance with the

requirements set by law. Together with the educational institution they evaluate the learning outcomes in accordance with the educational program. Furthermore, they also get an opportunity to participate in the competition among the most responsible and competent graduates. The basis of training organization is the block model of distribution of hours and coordination of the content of educational training between the educational establishment and the enterprise [9].

Consequently, at the end of the first stage of implementation of the dual education concept, its legal framework was formed as a whole. However, the success of this process is determined by other factors. Let us analyze the main organizational and pedagogical difficulties in the implementation of the dual education form and the possible ways to overcome them in training future lawyers. It should be noted that surveys of employers' expectations of law school graduates relate, first of all, to their ability to think logically and critically, as well as their professional competences to solve practical problems. At the same time, the role of fundamental theoretical training in civil, criminal, administrative, labor, business law, knowledge of procedural disciplines, constitutional law and human rights, general theory of law and state is not diminished [3, p. 6].

The current standard of higher legal education (specialty 081, that is, Law, bachelor's degree) provides for vocational training of 240 ECTS credits, at least 150 of them are aimed at enhancing general and special (core) competences. At least 10 ECTS credits should be directed to practice in public and private legal entities engaged in law enforcement activities, in particular, on the basis of legal services of local self-government bodies, legislative and executive bodies, enterprises, institutions and organizations regardless of ownership as well as in courts, prosecutor's offices, and public defender's office [12].

The analysis of educational and professional programs for training lawyers in higher education institutions shows that they meet the requirements of the standard regarding the correlation of the disciplines of theoretical and practical training. In particular, 18 credits are allocated to the subjects of practical training (familiarization and professional

practice) (with a minimum of 10) [5]. Instead, the Law of Ukraine “On Higher Education” stipulates that according to the dual form of training, the applicant must perform from 25 to 60 percent of the total volume of the contract-based education program at enterprises, institutions and organizations (Article 49) [6]. Thus, in order to organize a full-fledged dual education of a future lawyer, it is necessary to ensure that students acquire a practically oriented component of the educational and professional program directly in the enterprise or in an institution in the amount of 60 to 144 ECTS credits. That is, it is necessary to increase the proportion of the practical component by 3-8 times. In its turn, it requires considerable effort, which is related to the significant changes in the internal and external priorities of the educational environment.

In particular, it will require an increase in the load of practice-oriented disciplines in the curriculum structure that ensure the formation of specific professional competences (for example, drafting legal documents (contracts, procedural documents, business letters; basics of records; working with legal bases and registers; legal management; rhetoric; communication and conflict; negotiation).

In its turn, this process will require involvement of practitioners who have jurisprudence expertise in the educational process. On the other hand, there is a problem of harmonizing the schedule of the educational process at the university with the peculiarities of functioning of institutions providing a practical component of dual education as we have to take into account the specificity of their activity and status in society.

**Conclusions.** Dual education is a promising form of vocational training organization in higher education institutions, which is especially important under the conditions of transformation of the employment market against the background of crisis phenomena. At the same time, its implementation requires fundamental organizational and legal changes. It is still urgent to further improve the legal framework for the functioning of dual education. In particular, it is significant to specify the legal status of the subjects of the educational process, built on new methodological approaches.

Curricula as well as educational and

professional training programs for specialists are needed in order to overcome the detachment of theory from practice. It is impossible to reinforce cooperation with employers without their conscious interest in the results of qualitative implementation of theoretical and practical modules of educational and professional programs by the education recipients. With this in mind, broad information campaigns for employers and business representatives to engage students in manufacturing processes and launch new internship programs are relevant. An important condition for the effectiveness of dual education is the formation of a new culture of apprenticeship and an educational environment in which the practical component will be motivated by the necessity and will not be inferior to the academic prestige.

### References

1. Аляб'єва С.С., Коваль К.О., Мензул О.М. Працевлаштування випускників вищих навчальних закладів: проблеми та державний інструментарій їх вирішення. *Вісник Вінницького політехнічного інституту*. 2014. № 1. С. 128-134.
2. Аналітична та статистична інформація. URL: <https://www.dcz.gov.ua/analitics/68> (дата звернення: 26.04.2020).
3. Звіт за результатами аналітичного дослідження «Знання та навички випускників юридичних факультетів та закладів вищої освіти через призму відповідності потребам ринку праці». URL: [https://uba.ua/documents/ZVIT\\_Jurosvita.pdf](https://uba.ua/documents/ZVIT_Jurosvita.pdf) (дата звернення: 26.04.2020).
4. Найкращий роботодавець 2018 – дослідження вподобань студентів. URL: <https://eba.com.ua/najkrashhyj-robotodavets-2018-doslidzhennya-vpodoban-studentiv> (дата звернення: 26.04.2020).
5. Освітньо-професійна програма «Правознавство» Першого (бакалаврського) рівня вищої освіти за спеціальністю 081 «Право» (шифр та найменування спеціальності) галузі знань 08 «Право» (шифр та найменування галузі) освітня кваліфікація: Бакалавр з права (найменування кваліфікації). URL: [https://pau.edu.ua/download/Quality%20Assurance\\_ukr/EKTS/OPP\\_2019/YF\\_YI/1\\_081\\_bak.pdf](https://pau.edu.ua/download/Quality%20Assurance_ukr/EKTS/OPP_2019/YF_YI/1_081_bak.pdf) (дата звернення: 26.04.2020).
6. Про вищу освіту: Закон України від 01 лип.

2014 р. № 1556-VII. URL: <https://zakon.rada.gov.ua/laws/show/1556-18> (дата звернення: 26.04.2020).

7. Про зайнятість населення: Закон України від 04 лип. 2013 р. № 406-VII. URL: <https://zakon.rada.gov.ua/laws/show/5067-17> (дата звернення: 26.04.2020).

8. Про освіту: Закон України від 05 вер. 2017 р. № 2145-VIII. URL: <https://zakon.rada.gov.ua/laws/show/392-20> (дата звернення: 26.04.2020).

9. Про схвалення Концепції підготовки фахівців за дуальною формою здобуття освіти: Розпорядження Кабінету Міністрів України від 19 вер. 2018 р. № 660-р. URL: <https://zakon.rada.gov.ua/laws/show/660-2018> (дата звернення: 26.04.2020).

10. Соціально-економічний портрет студентів: результати опитування / І. Когут, І. Самохін, М. Куделя, Т. Жерьобкіна, Є. Стадний. URL: <https://www.cedos.org.ua/uk/articles/sotsialno-ekonomichni-portret-studentiv-rezultaty-opytuvannia> (дата звернення: 26.04.2020).

11. Стандарт вищої освіти за спеціальністю 081 «Право» галузі знань 08 «Право» для першого (бакалаврського) рівня вищої освіти. URL: <https://mon.gov.ua/storage/app/media/vishcha-osvita/standarty> (дата звернення: 26.04.2020).

12. Fässler J. Implementing the dual education system: the success, the challenges and the future. URL: <https://www.alpla.com/en/blog/2018/03/> (дата звернення: 26.04.2020).

13. Hanushek E.A. Dual education: Europe's secret recipe? URL: <http://hanushek.stanford.edu/publications/dual-education-europes-secret-recipe> (дата звернення: 26.04.2020).

14. Niranjana A. What is Germany's dual education system – and why do other countries want it? URL: <https://www.dw.com/en/what-is-germanys-dual-education-system-and-why-do-other-countries-want-it/a-42902504> (дата звернення: 26.04.2020).

### References

1. Aliabieva S.S., Koval K.O., Menzul O.M. Pratselvashtuvannia vypusknikiv vyshchykh navchalnykh zakladiv: problemy ta derzhavnyi instrumentarii yikh vyrishennia. *Visnyk Vinnytskoho*

*politekhnicnoho instytutu*. 2014. № 1. S. 128-134.

2. Analychna ta statystychna informatsiia. URL: <https://www.dcz.gov.ua/analytics/68> (дата звернення: 26.04.2020).

3. Zvit za rezultatamy analychnoho doslidzhennia «Znannia ta navychky vypusknikiv yurydychnykh fakultetiv ta zakladiv vyshchoi osvity cherez pryzmu vidpovidnosti potrebam rynku pratsi». URL: [https://uba.ua/documents/ZVIT\\_Jurosvita.pdf](https://uba.ua/documents/ZVIT_Jurosvita.pdf) (дата звернення: 26.04.2020).

4. Naikrashchy robotodavets 2018 – doslidzhennia vpodoban studentiv. URL: <https://eba.com.ua/najkrashhyj-robotodavets-2018-doslidzhennya-vpodoban-studentiv> (дата звернення: 26.04.2020).

5. Osvitno-profesiina prohrama «Pravoznavstvo» Pershoho (bakalavrskoho) rivnia vyshchoi osvity za spetsialnistiu 081 «Pravo» (shyfr ta naimenuvannia spetsialnosti) haluzi 08 «Pravo» (shyfr ta naimenuvannia haluzi) osvitnia kvalifikatsiia: Bakalavr z prava (naimenuvannia kvalifikatsii). URL: [https://nau.edu.ua/download/Quality%20Assurance\\_ukr/EKTS/OPP\\_2019/YF\\_YI/1\\_081\\_bak.pdf](https://nau.edu.ua/download/Quality%20Assurance_ukr/EKTS/OPP_2019/YF_YI/1_081_bak.pdf) (дата звернення: 26.04.2020).

6. Pro vyshchu osvitu: Zakon Ukrainy vid 01 lypn. 2014 r. № 1556-VII. URL: <https://zakon.rada.gov.ua/laws/show/1556-18> (дата звернення: 26.04.2020).

7. Pro zainiatist naseleennia: Zakon Ukrainy vid 04 lyp. 2013 r. № 406-VII. URL: <https://zakon.rada.gov.ua/laws/show/5067-17> (дата звернення: 26.04.2020).

8. Pro osvitu: Zakon Ukrainy vid 05 veres. 2017 r. № 2145-VIII. URL: <https://zakon.rada.gov.ua/laws/show/392-20> (дата звернення: 26.04.2020).

9. Pro skhvalennia Kontseptsii pidhotovky fakhivtsiv za dualnoiu formoiu zdobuttia osvity: Rozporiadzhennia Kabinetu Ministriv Ukrainy vid 19 veres. 2018 r. № 660-r. URL: <https://zakon.rada.gov.ua/laws/show/660-2018> (дата звернення: 26.04.2020).

10. Sotsialno-ekonomichni portret studentiv: rezultaty opytuvannia / I. Kohut, I. Samokhin, M. Kudelia, T. Zherobkina, Ye. Stadnyi. URL: <https://www.cedos.org.ua/uk/articles/sotsialno-ekonomichni-portret-studentiv-rezultaty-opytuvannia> (дата звернення: 26.04.2020).

11. Standart vyshchoi osvity za spetsialnistiu

081 «Pravo» haluzi znan 08 «Pravo» dlia pershoho (bakalavrskoho) rivnia vyshchoi osvity. URL: <https://mon.gov.ua/storage/app/media/vishcha-osvita/standarty> (data zvernennia: 26.04.2020).

12. Fässler J. Implementing the dual education system: the success, the challenges and the futurei. URL: <https://www.alpla.com/en/blog/2018/03/> (data zvernennia: 26.04.2020).

13. Hanushek E.A. Dual education: Europes

secret recipe? URL: <http://hanushek.stanford.edu/publications/dual-education-europes-secret-recipe> (data zvernennia: 26.04.2020).

14. Niranjana A. What is Germanys dual education system – and why do other countries want it? URL: <https://www.dw.com/en/what-is-germanys-dual-education-system-and-why-do-other-countries-want-it/a-42902504> (data zvernennia: 26.04.2020).

С. Г. Головка

## ДУАЛЬНА ОСВІТА ЯК ЕФЕКТИВНИЙ ІНСТРУМЕНТ ФОРМУВАННЯ ПРОФЕСІЙНОЇ КОМПЕТЕНТНОСТІ МАЙБУТНІХ ЮРИСТІВ

Національний авіаційний університет  
проспект Любомира Гузара, 1, 03680, Київ, Україна  
E-mail: [golovkos@ukr.net](mailto:golovkos@ukr.net)

**Мета:** проаналізувати організаційно-правові аспекти реалізації моделі дуальної освіти та обґрунтувати її особливості на прикладі підготовки майбутніх юристів. **Методи:** з використанням методу порівняльного аналізу висвітлено особливості організації дуальної освіти у європейських країнах у проекції на перспективи запровадження цієї форми здобуття вищої освіти у нашій країні; з використанням методу синтезу розглянуто систему нормативно-правового забезпечення дуальної освіти в Україні, основні функції її суб'єктів та організаційно-педагогічні умови ефективної реалізації на практиці. **Результати:** висвітлено європейський досвід упровадження практико-орієнтованих освітньо-професійних програм підготовки майбутніх фахівців; показано, що дуальна освіта є однією з перспективних форм здобуття вищої освіти в Україні в умовах наростання кризових явищ в економіці та змін у структурі зайнятості населення, оскільки забезпечує перше працевлаштування випускників університету; обґрунтовано правові та організаційно-педагогічні умови ефективної реалізації дуальної освіти; зроблено висновок щодо розробленості в цілому її нормативно-правового забезпечення та визначено перспективи його удосконалення, зокрема, щодо конкретизації правового статусу суб'єктів дуальної освіти; актуалізовано необхідність якісних структурних змін навчальних планів та освітньо-професійних програм підготовки фахівців з метою подолання відірваності теорії від практики; охарактеризовано основні труднощі у впровадженні цієї форми здобуття освіти та шляхи їх подолання на прикладі підготовки майбутніх юристів; наголошується щодо доцільності посилення співпраці закладів освіти з роботодавцями, сприяння їх зацікавленості в результатах якісного виконання здобувачами освіти теоретичних та практичних модулів освітньо-професійних програм через інформаційні кампанії для представників роботодавців та бізнесу щодо залучення студентів до виробничих процесів, а також запровадження нових програм стажування; зроблено висновок, що важливою умовою ефективності дуальної освіти є формування нової культури учнівства та освітнього середовища, в якому практичний складник буде вмотивовано необхідним та не поступатиметься за престижем академічному. **Обговорення:** перспективи розбудови дуальної освіти актуалізують питання використанні зарубіжного досвіду в умовах вітчизняної освітньої системи з урахуванням її особливостей та культурно-освітніх традицій, зокрема, щодо співвідношення та статусу теоретичних та практичних складників освітнього процесу.

**Ключові слова:** дуальна освіта; практична підготовка; освітньо-професійна програма; співпраця закладу освіти та роботодавців; нормативно-правове забезпечення дуального навчання; професійна підготовка майбутніх юристів.