

THEORETICAL-CONCEPTUAL ISSUES OF LEGAL EDUCATION

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Abstract. The author gives own definition to legal education through analyzing issues practically and scientifically related to the role of legal education in the system of education. Interdependence of the components of legal education and importance of legal education in the development of state and society are researched in this article and the author gives his own definition on them. Also, in this article the issues of the role of legal education on the formation of individual in the version of national and foreign scientists are discussed. Besides, he tried to state other scientists' concepts on youth legal education, which is the one of the main object of legal education.

Keywords: education; legal education; law violation; legal consciousness; legal culture; prevention of offenses.

When we speak about the legal education, first of all, we have to pay attention to the term of “education” (upbringing) as the basis. Uzbek scientists researched the concept of education (upbringing) and they describes it as follows: “Practical pedagogical process which is directed to the specific physical, mental, moral, spiritual and practical formation of individual” [21, p. 270]. In this perspective, “Education” – an ongoing process which is directed to formation of individual in the framework of preparation of participation of individual in life of society [3, p. 240].

“Education” is repeated social category which refers to the daily life of human dealings. Professor I. Tultiev recognized that Social education embodies a unified system of all education in society [5, p. 302]. Academic I. P. Pavlov emphasizes that the education (upbringing) is to ensure the mechanism of preservation of historical memory [12]. The great thinker A. Avloni, who lived at the beginning of the twentieth century, emphasized that “Education is life or death, salvation or destruction, happiness or misfortune for us incidentally” [1]. Alternatively, the great encyclopedic scholar Farabi paid attention to the morality and mind-consciousness of the human, according his opinion education is to be directed to either progress of the human mind or moral, as well as upbringing perfectly [2].

Sociologists and pedagogues who did research in the field of education, gave its most important aspects, as well as many types of education provided. In particular, education is the process of the formation of development of individual in accordance with the specific aims and objectives of the society, as well as a complex of effects which are directed to the actively participation of individual to social, economic and cultural life, and they acknowledge the existence of the following types – family education, social education, social, educational, ancestry education, military education, legal education, religious education and etc. [8, p. 1]. At the same time, the national education law scholars recognize the political, cultural, spiritual, environmental, aesthetic and legal education basically [5, p. 302].

As seen from the above, legal education has particular role among all types of education. In particular, the legal education – one of the main factors that determines the position of individual’s relationship with society and the state. K. V. Naumenkova said that legal education – a system of measures aimed at establishing the principles and rules which monitor secular and national cultural and legal values [10].

In recent years, there is special attention to the legal education issues in the direction of Jurisprudence. However, despite existence of the large amount of scientific literature and the materials of practice in this area, there is

not enough scientific basis for legal education among lawyers, there has opposite ideas and opinions on the issues of legal education.

Professor V. K. Babaev notes that legal education is systematic, regulated organizationally, system of measures aimed at the formation of the depth knowledge among civilians, which serve for formation of legal behavior in human mind through different types of methods and tools [11, p. 488].

Some sources note that according to its content, legal education is a system of measures, which through it there will be reached a high level of legal culture and legal awareness in the society. The aim is to give citizens the necessary legal knowledge and establish in them a spirit of respect for the law. At the same time according to the nature of legal education in its various tasks, first of all, the relations between society and the individual as a necessary tool.

Some foreign sources of legal education state the understanding of legal education in two ways, which are the broad and narrow sense. In a broad sense, legal education is under the influence of various factors shaping legal awareness and legal culture of large-scale process. In the narrow sense, legal education is a form of legal repercussions on the human consciousness, targeted for the formation of legal awareness and legal culture on the human consciousness [18].

Legal education is based on direct knowledge of the legal implementation of legal knowledge through close contact with it. Legal knowledge is an external style of expression on the basis of forming theoretical legal knowledge to the object of legal education [13, p. 47].

In this context, if we comment the above-mentioned points, in a general sense, legal education is aimed at increasing legal awareness and culture of citizens. The main purpose of legal education is to educate individuals in spirit of legal actions, as they are realized through: the provision of legal information, legal education, and a person involved in the activity of state bodies through implementing his legal practice.

Uzbek lawyers provided legal education is the process of pedagogic influence, which is monitored in legal consciousness of individuals and social groups, targeted, planned and realized by means of special methods of legal education [14, p. 187]. Another group of scientists assess the legal education as targeted activity of public and state officials, which is directed to formation of legal consciousness on citizens and government officials [19]. As well as some other scientists believe that legal education is connected closely with other forms of education, for example, political, ethical, aesthetic and spiritual education [15, p. 704].

Some sources of legal education has been recognized legal education as a complex process, its components are listed below:

- Educational entities (public authorities, government officials, politicians, educators, journalists, and others);
- Educational facilities (civilians, labor unions, social groups and etc.);
- The content of the education (can be used to attract individuals to personal, political and legal values, ideas, principles, information, experience and others);
- Education tools (persuading learners, support, punishment and other psychological and educational impact);
- Form of education [20].

When we speak about the legal education that should be noted that legal knowledge should be taught regularly at all levels of general education, secondary vocational and higher education and after all it will be possible to form a high level of legal awareness and legal culture. At the same time, legal education can be set at the appropriate legal framework. This, in turn, legal knowledge among the population and the general public by radio, television and other mass media through the promotion of a wide display. At the same time, the formation of legal experience, legal training has its own operational role. In this sense, through application of the right of citizens to participate in the practice of of legal

knowledge they will be informed and share with each other and the community.

In addition, self-education of person is noted as a clear view of legal education. This will be realized through the ability to analyze own experience, knowledge and legal reality. More precise, it can be understood that the individual, which is relied on the legal knowledge acquired during his professional qualifications, experience and practice, regulates his activity according to the laws and other normative-legal acts and fulfill its requirements.

Based on the above-mentioned opinions, it can be noted that only legal education, cannot realized through only informing citizens with legal documents. This is a very extensive process, should be realized in condition in which each individual should know and his rights, freedom and the obligation and realize them in practice established in Constitution and all legal documents adopted on the basis of Constitution. However, the task of implementing legal education because it is one of the more important activities of the state, every country needs to ensure its citizens' awareness and should be created of the legal, organizational, legal and economic principles. In our Republic legal education issues had a attention at the level of state policy and Decree No. UP-1791 of President of the Republic of Uzbekistan "on improving legal education, as well as to raise the level of legal culture, improving the system of training of lawyers, improving researching public opinion" was approved on 25 of June in 1997 [22]. According to this legal document, specific measures designed to raise the legal knowledge of citizens and awareness of the population, to develop political activity of society, and to improve the system of preparing legal personnel. Besides, the decision No.466-I of the Parliament of Uzbekistan "On national program on improving the legal culture in society" on 29 August of 1997 [22], as well as, decision No. 235 of Cabinet of Ministers of the Republic of Uzbekistan "On measures of realizing national program on raising the legal culture in the society" can be seen as the most important measures

to be taken to raise the level of legal awareness and culture are among citizens.

Everyone can protect himself from authorities' illegal actions through a full understanding of rights and obligations. From this point, the main objective of legal education is to teach the legal knowledge necessary for a person's real life, and upbringing in the spirit of obedience to laws and regulations, through this it can be reached to the establishment of a high legal culture, and is provided to reduce the amount of violations.

V. V. Strelyaeva researched the issue of role of legal education in the development of legal state, she expressed that one of the most important sign of the legal education is formation of characteristics such as choosing true position in relations of daily life, as well as public and legal, civil and family law, labor relations, and administrative and legal, feeling a sense of responsibility for the actions and decisions [16, p. 48].

As mentioned, many elements, which are closely related to one another and complex of measures, which are realized in close relationship had formed based on legal education and it cannot be researched separately. Because they require one another, without mutual connection of the elements it cannot be achieved intended results of legal education. In this regard, if we pay attention the issue of legal awareness and legal culture as basis of the legal education, in exactly the same time both the concept itself will be in close relationship with one another and develop. Because, the legal culture cannot be imagined without legal consciousness. Legal awareness and legal culture define the legal literacy. As E. N. Zorchenko notes that legal literacy is not only knowledge about some legal acts, judicial networks, but awareness of different legal view, the development of the legal framework of the state and society. Thus, legal literacy and legal knowledge constitute the basis of legal culture and behavior-specific effect on the behavior of the people in the community [6, p.26].

I. Tultiev said that legal awareness as the one of the basic elements of legal education is knowledge and awareness of citizens about

the rights, as well as human rights perceptions reflected in the human brain [5, p. 295]. In legal education of youth, national lawyers focused on the legal consciousness, which is a complex of ideological, social, regulatory and complex psychological, social and legal differences, reflect the different elements of reality. Individual legal awareness of the youth is a spiritual derivative which is appeared from the sum of legal opinions and beliefs, sensations and emotions [17, p. 176].

Some lawyers assess that legal consciousness as a main part of legal education is a sum of legal emotions, ideas and views about country's legislative, legal practitioners, as well as human rights, freedom and legal obligations reflected legislation [7, p. 403].

For some reason, we understand legal consciousness as basis of the legal education in mind, at least – first of all, the level of awareness of individual the existing legislation fully in the country. More precise, each person's awareness of laws and regulations, and that it is an important criterion for determining the level of legal awareness.

M. Ghulomova noted, "Legal education is not an absolute constant and does not depict the subject and the object" [23, p. 160]. Such legal norms, laws, the relationship between the people, the state, society and change management, as well as in motion like social life. This factor requires constant movement of the legal education.

Human actions and activities do not defined genetically. He controls his behavior, words and actions in life and learns to direct them. The legal culture teaches the people to live in accordance with the rules of law adopted by the state. That are "socially expected" normal compliance [9, p. 19].

Legal awareness, legal culture and legal education are interdepend and we do not deny the idea of interdependence among them as well as these terms have different own unique aspects that should be emphasized. Legal awareness is legal knowledge, attitudes, emotions, and as a set of ideas, the legal culture displays the strict observance of the requirements of the law of the. At the same time, the legal culture is a greater un-

derstanding than legal awareness and can be seen as of the whole set with the level of development of legal consciousness of society, and that every member of the society by the strict adherence to the norms of human rights, expressed in the community, ensuring human rights and freedoms.

Granted, there are times when it should be noted that, for any conscious entity cannot always serve as the legal owner of the culture. A more precise knowledge of the legal sufficiently high level of legal awareness level of any person who is not a strict observance of the requirements of the law. This, in turn, several times, as stated above, the legal implementation of the training process. This place is perfect the legal culture plays an important role in achieving the role of legal education may be.

Some legal scholars recognize the existence of certain specific characteristics of the education they will include the following:

- 1) The legal education system is built on the basis of the rules of law;
- 2) Allowance to the mind of learners, implementation of legal force and restrictive elements in the form of intimidation. It is sustained by the measures taken by the State; the legal process is directly related learners to ensure the right to act in accordance with it.
- 3) By defining legal liability for violation, it create the opportunity to coercive state power;
- 4) Not only rights, but also the rights of individuals and the tendency to violate the law violates the right to take on their own.
- 5) Excellent implementation of legal education by methods and means;
- 6) Conducted by trained instructors with special legal information [15, p. 521].

So we can conclude that the legal culture in harmony with the essence of legal awareness and legal culture and thought, if they need one to fill their interdependence will adequately serve the interests of the state and society. However, it should be noted that the formation of legal education and legal

awareness and legal culture, and have to, as well as serve as a key factor in the development of society through preventing delinquency. Based on the same side of legal culture and legal awareness and legal culture associated with it. Consequently, legal education and legal awareness and legal culture is not, as well as a continuous systematic manner, which carried out a complex process. So as well as legal awareness and legal culture and legal education characterized by a number of scientists, application specialists and other structural analysis of the views of the researchers from the analysis of the concept of legal education, and we will try to express his description. At the same time legal education in social life and the depth and importance of the scientific-theoretical and practical conceptual analysis and speech.

According to legal education in this state bodies, enterprises, institutions and organizations, educational institutions and other government agencies carried out by the society and create a positive attitude towards the rights of persons in each of the activities aimed at establishing the legal awareness and legal culture.

Bibliography

1. Абдулла Авлоний. Танланган асарлар. – Тошкент : Маънавият, 2-жилд, 1998.
2. Абу Наср Форобий. Фозил одамлар шаҳри. – Т. : А. Қодирий номидаги халқ мероси, 1993.
3. Абушенко В. Л. Личность // Новейший философский словарь / сост. А. А. Грисанов. – Мн. : Изд. В. М. Скакун, 1998.
4. Гавров С. Н., Микляева Ю. В., Лопатина О. Г. Воспитание как антропологический феномен : учебное пособие. – М. : Форум, 2011.
5. Davlat va huquq nazariyasi. (Darslik). – Т. : Sharq nashriyoti, 2009.
6. Зорченко Е. Н. Воспитание правовой культуры молодежи. – Минск : Белорусь, 1986.
7. Исламов З. М. Общество. Государство. Право. : учебник. – Т. : Адолат, 2001.
8. Комиллика элтувчи мезон: тарбия тушунчаси ва турлари // “Иқбол” газетаси. Сиёсат ва ҳаёт рукнидан. – № 23. – 05.06.2014.
9. Лукьяненко М. В. Проблемы совершенствования правового воспитания студенческой молодежи: Автореф. дис. ... канд. юрид. наук. – Алматы, 1989.
10. Науменкова К. В. Проблемы правового воспитания граждан России на рубеже веков.

URL:

<http://tsu.tmb.ru/nu/kon/arhiv/2004/kon22.03/sek1/13.htm>. (Дата обращения: 17.03.2016).

11. Общая теория права : курс лекций / под общей редакцией профессора В. К. Бабаева. – Нижний Новгород, 1993.
12. Павлов И. П. Мозг и психика : Избранные психологические труды. – М. : изд. МПСИ, 2004.
13. Почтарь Т. М. Правовое воспитание в педагогических вузах: вопросы методологии и методики : дисс. : канд. юрид. наук. – М., 2001.
14. Саидов А. Х., Таджиханов У. Т. Давлат ва ҳуқуқ назарияси. (Дарслик), 2-жилд. – Т., 2001.
15. Скакун О. Ф. Теория государства и права : учебник. – Харьков : Консум; Ун-т. внутр. дел, 2000.
16. Стреляева В. В. Правовое воспитание в условиях становления правового государства : дис. ...канд. юрид. наук. – Москва, 2007.
17. Таджиханов У., Саидов А. Ҳуқуқий маданият назарияси. (Дарслик). 2-том. – Т. : Ўзбекистон Республикаси ИИВ Академияси, 1998.
18. Электронный ресурс - http://www.studyaw.narod.ru/tgp1/r3/tgp1_3_12_4.htm. (Дата обращения: 16.12.2015).
19. Электронный ресурс - <http://www.grandars.ru/college/pravovedenie/pravovoe-vozpitanie.html>. (Дата обращения: 22.01.2016).
20. Электронный ресурс - http://studme.org/12140310/pravo/pravosoznanie_pravovoe_vozpitanie. (Дата обращения: 13.03.2016).
21. Ўзбекистон миллий энциклопедияси. 8-жилд. Солнома – Тўйтепа / А. Азизхўжаев, М. Аминов, Т. Даминов ва б. – Т. : “Ўзбекистон миллий энциклопедияси” давлат илмий нашриёти, 2004.
22. Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси, 1997 й., 7-сон, 179-модда.
23. Ғуломова М. Суд-ҳуқуқ тизимини либераллаштириш масалалари. – Т. : Fan va texnologiya, 2006.

Bibliography

1. Abdulla Avlonij. Tanlangan asarlar. –Toshkent : Ma’navijat, 2-zhild, 1998.
2. Abu Nasr Forobij. Fozil odamlar shahri. – Т. : А. Qodirij nomidagi halq merosi, 1993.
3. Abushenko V. L. Lichnost’ // Novejshij filosofskij slovar’ / sost. A. A. Grisanov. – Мн. : Izd. V. M. Skakun, 1998.
4. Gavrov S. N., Mikljaeva Ju. V., Lopatina O. G. Vospitanie kak antropologicheskij fenomen : uchebnoe posobie. – М. : Forum, 2011.
5. Davlat va huquq nazariyasi. (Darslik). – Т. : Sharq nashriyoti, 2009.

6. Zorchenko E. N. Vospitanie pravovoj kul'tury molodjozhi. – Minsk : Belarus', 1986.
7. Islamov Z. M. Obshestvo. Gosudarstvo. Pravo. : uchebnik. – T. : Adolat, 2001.
8. Komillikka eltuvchi mezon: tarbija tushunchasi va turlari // "Iqbol" gazetasi. Sijosat va hajot ruknidan. – № 23. – 05.06.2014.
9. Luk'janenko M. V. Problemy sovershenstvovanija pravovogo vospitanija studencheskoj molodjozhi: Avtoref. dis. ... kand. jurid. nauk. – Almati, 1989.
10. Naumenkova K. V. Problemy pravovogo vospitnija grazhdan Rossii na rubezhe vekov. URL: <http://tsu.tmb.ru/nu/kon/arhiv/2004/kon22.03/sek1/13.htm>. (Data obrashhenija: 17.03.2016).
11. Obshhaja teorija prava : kurs lekcij / pod obshhej redakcij professora V. K. Babaeva. – Nizhnij Novgorod, 1993.
12. Pavlov I. P. Mozg i psihika : Izbrannye psihologicheskie trudy. – M. : izd. MPSI, 2004.
13. Pochtar' T. M. Pravovoe vospitanie v pedagogicheskik vuzah: voprosy metodologii i metodiki : diss. : kand. jurid. nauk. – M., 2001.
14. Saidov A. H., Tadzhihanov U. T. Davlat va huquq nazariyasi. (Darslik), 2-zhild. – T., 2001.
15. Skakun O. F. Teorija gosudarstva i prava : uchebnik. – Har'kov : Konsum; Un-t. vnutr. del, 2000.
16. Streljaeva V. V. Pravovoe vospitanie v usloviyah stanovlenija pravovogo gosudarstva : dis. ...kand. jurid. nauk. – Moskva, 2007.
17. Tadzhihanov U., Saidov A. Huquqij madaniyat nazariyasi. (Darslik). 2-tom. – T. : Uzbekiston Respublikasi IIV Akademijasi, 1998.
18. Jelektronnyj resurs - http://www.studylaw.narod.ru/tgp1/r3/tgp1_3_12_4.htm. (Data obrashhenija: 16.12.2015).
19. Jelektronnyj resurs - <http://www.grandars.ru/college/pravovedenie/pravovoe-vospitanie.html>. (Data obrashhenija: 22.01.2016).
20. Jelektronnyj resurs - http://studme.org/12140310/pravo/pravosoznanie_pravovoe_vospitanie. (Data obrashhenija: 13.03.2016).
21. Uzbekiston millij enciklopedijasi. 8-zhild. Solnoma – Tujtepa / A. Azizhuzhaev, M. Aminov, T. Daminov va b. – T. : "Uzbekiston millij ensiklopedijasi" davlat ilmiy nashrijoti, 2004.
22. Uzbekiston Respublikasi Olij Mazhlisining Akhborotnomasi, 1997 j., 7-son, 179-modda.
23. Gulomova M. Sud-huquq tizimini liberallashtirish masalalari. – T. : Fan va texnologiya, 2006.

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