

PalArch's Journal of Archaeology of Egypt / Egyptology

ACTUAL PROBLEMS OF LEGAL EDUCATION IN THE REPUBLIC OF KAZAKHSTAN

Anel Yensebayeva¹, Ritta Barsukova², Asset Tasmagambetov³, Lazzat Serikova⁴, Khamidulla Kustavletov⁵, Mirgul Narbinova⁶

¹Candidate of Law, Associate Professor, Head of Department, Department of National and International Law, Faculty of Humanities and Law, University of Turan-Astana, Ykylas Dukenuly Str., 29, Nur-Sultan, Republic of Kazakhstan.

²Candidate of Law, Associate Professor, Department of National and International Law, Faculty of Humanities and Law, University of Turan-Astana, Ykylas Dukenuly Str., 29, Nur-Sultan, Republic of Kazakhstan.

³Doctor of Historical Sciences, Professor, First Pro-Rector, Department of Legal Disciplines, Faculty of History, Economics and Law, West Kazakhstan State University named after M. Utemisov, Nazarbayev Ave., 162, Uralsk, Republic of Kazakhstan.

⁴Candidate of Historical Sciences, Associate Professor, Head of Department, Candidate of Law, Lecturer, Department of Legal Disciplines, Faculty of History, Economics and Law, West Kazakhstan State University Named After M. Utemisov, Datova Str., 32/2, Uralsk, Republic of Kazakhstan.

⁵Candidate of Law, Lecturer, Department of Legal Disciplines, Faculty of History, Economics and Law, West Kazakhstan State University named after M. Utemisov, Datova Str., 32/2, Uralsk, Republic of Kazakhstan.

⁶Candidate of Law, Dean of the Faculty of Humanities and Law, University of Turan-Astana, Ykylas Dukenuly Str., 29, Nur-Sultan, Republic of Kazakhstan.

¹nimptau@tau-edu.kz, ²barsukova@tau-edu.kz, ³t.asset63@mail.ru, ⁴lyaz_76@mail.ru, ⁵khamidkus@gmail.com, ⁶mirgul68@mail.ru

Anel Yensebayeva, Ritta Barsukova, Asset Tasmagambetov, Lazzat Serikova, Khamidulla Kustavletov, Mirgul Narbinova. ACTUAL PROBLEMS OF LEGAL EDUCATION IN THE REPUBLIC OF KAZAKHSTAN--Palarch's Journal of Archaeology of Egypt/Egyptology 17(7), 8838-8847. ISSN 1567-214x.

Keywords: education, higher legal education, teacher, higher educational institution, lawyer, legal personnel.

Abstract

This article examines the topical problems of legal education in the Republic of Kazakhstan at the present stage. It has been substantiated that one of the negative manifestations in the field of higher legal education is the loss of the continuity of the traditional values of Kazakhstani education, primarily of its fundamental nature. It is substantiated that to overcome negative manifestations in the field of legal education. The implementation of reforms must preserve the positive "grain" inherent in Kazakhstani education - its fundamental nature the integration of education and science. Simultaneously,

complementing the Kazakhstani experience with the achievements of foreign higher education, strengthening the practical orientation of training, its practical orientation, focus on the needs of the practice, employers. The article suggests some measures in this direction. In order to improve the quality of legal education, the necessity of its focus not only on the transfer of certain knowledge but also the formation of a high level of legal culture of future lawyers is substantiated, which is possible by combining the fundamentality and practice-orientedness of legal education.

Introduction

In the era of the information society, education plays a key role in the development of society, its human resources, thereby contributing to the country's worthy place in the world community. Therefore, education has long been viewed as a strategic priority in many countries around the world.

The issues of education reform are especially acute for the countries of the CIS's young democracy, including the Republic of Kazakhstan. The relevance of the research topic is predetermined by the fact that modern Kazakhstan is focused on building a "knowledgeable" society, the basis of which should be a highly developed human capital. Therefore, the country pays special attention to reforming the education system to provide high-quality educational services that meet the modern needs of employers entering the global educational space. However, despite a number of reforms, along with achievements, there are a number of problems, as evidenced by the state of the labor market. Consider the situation on the labor market in one of the common specialties - legal. On the one hand, legal education in Kazakhstan is quite popular. Many universities in the country train future lawyers, especially at the beginning of independence, there was a boom of such universities (today their total number is more than 66, including many non-core universities). These universities graduate several thousand lawyers annually. On the other hand, legal education has certain disadvantages. According to representatives of a number of employers (law enforcement agencies, private companies), it isn't easy to find a graduate lawyer whose qualifications would suit a particular employer. For example, only in the judicial system by the end of 2019, there were a total of 172 vacancies, of which: 2 vacancies of judges of the Supreme Court, 14 vacancies of judges of regional and equivalent courts, 62 vacancies of chairmen of the district and equivalent courts, 94 vacancies judges of district and equivalent courts (National report on the state of the judiciary in the Republic of Kazakhstan, 2019; Kazakhstani universities graduate unnecessary lawyers, 2012). Considering that the entire judicial corps' staffing is 2,684 judges, the actual number is 2,442 (as of the beginning of 2019). It can be concluded that the judicial system is experiencing a shortage of highly qualified personnel. The situation is similar in other legal professions when there is a shortage of qualified personnel. Perhaps this was the reason for the formed opinion about the crisis of overproduction of specialists with higher legal education when 5-6 people apply for one vacancy in the legal profession. According to the Center for the Development of Human Resources in the country, there are 4,818 resumes per 1,221 vacancies (2019 data).

Nevertheless, a paradoxical situation has developed in the field of training legal personnel: there are many lawyers, but among them, there are few good professional lawyers. The quantitative indicators of the training of lawyers are in clear disparity with its qualitative characteristics. In recent decades, the

Ministry of Education and Science of Kazakhstan has tightened universities' requirements, as a result of which their number has significantly decreased. At the same time, this did not solve the problem of the quality of legal personnel. This article examines some of the topical problems in the field of legal education.

Materials and Methods

In this article, both general scientific and private scientific methods were used: system-structural, sociological, comparative-legal, historical, and cultural. The study examined regulatory legal acts in education, country policy documents, statistical, sociological data, and materials published in the media (How many lawyers does Kazakhstan need?, 2019). In the course of the study, the authors relied on the results of previous studies on the topic under consideration. These are the scientific works of the following authors: Aleshina (2008), Balaban (2002), Busurmanov, et al.(2019), Kussainova (2020), Laptinskaya (2006), Marchenko (2005), Narikbaev and Udartsev (2014), Nazarkulova, et al.(2020), Topornin (1996), Barenboim-Deev (1986) and others. Also, during the study, scientific works on legal education of foreign countries, on pedagogical comparative studies of the following scientists were used: Barenboim (1986), Dzhurinsky (2008), Zhulanov (2008), Kaverina (2007), Karnakov (2009), Fokina (2010) and others.

Results

In the Republic of Kazakhstan, one of the most frequently reformed areas is the system of higher and postgraduate education. These reforms aim to improve the quality of education, ensuring its compliance with the current needs of society in the context of globalization, the widespread dissemination of information and communication technologies by bringing it closer to world standards through entry into the world educational space. The results of these reforms in the field of higher legal education are considered. On the one hand, these reforms have brought many positive changes in the field of higher legal education, among which the main one can be called the expansion of the possibilities of Kazakhstani universities, students, teaching staff of access to world achievements in the field of science and education by entering the world educational space. But on the other hand, in the conditions of insufficient scientific and methodological substantiation of these reforms, there is a loss of continuity of Kazakhstani education's traditional values, especially its fundamental nature. This led to serious negative consequences, a decrease in the quality of training of future specialists. To overcome these problems, it is necessary to implement reforms to preserve the positive "grain" that was inherent in Kazakhstani education - its fundamental nature, the integration of education and science.

At the same time, by supplementing the Kazakhstani experience with strengthening the practical orientation of training, its practical orientation, and employers' needs of the practice. Ensuring fundamentality and practice-orientedness will require science-based severe decisions.

Discussion

The most important direction of reforming Kazakhstani education is the integration of the system of higher and postgraduate education in Kazakhstan into the global educational space, ensuring its compliance with the current

needs of society in the context of globalization, the widespread dissemination of information and communication technologies.

The system of higher and postgraduate education has undergone the most significant changes. This was due to Kazakhstan's accession to the Bologna Process, the implementation of the basic principles of the Bologna Declaration. The country assumed obligations to implement the main recommendations: mandatory, recommendatory, and optional (Kazakhstan joined the Bologna Declaration, 2010), and Kazakhstani universities must comply with international standards and criteria of international rating companies and agencies. The basic principles of the Bologna Process are reflected in the main legal acts regulating the activities of universities: the Law of the Republic of Kazakhstan "On Education" dated July 27, 2007 and the Law of the Republic of Kazakhstan "On Science" dated February 18, 2011. This step was also due to the internal needs of the national educational services market - improving the quality of higher education by approaching world standards through gradual integration into the global educational space.

In order to implement the basic requirements and standards in the higher education system, the following was done:

- The credit technology of education was introduced into the educational process of universities;
- A transition to a three-level model of training specialists was made: bachelor's - master's - doctoral (PhD). At the same time, master's educational programs are implemented in two directions: scientific and pedagogical and specialized.

In order to improve the quality of education, considerable attention in universities is paid to improving the content of education, determined by general educational curricula and educational programs. Educational programs of higher education include a cycle of general education, basic, major disciplines, as well as professional practices in the relevant areas of personnel training. The content of higher and postgraduate education is built on the basis of descriptors, which are a description of the level and volume of knowledge, abilities, skills and competencies acquired by students upon completion of the study of the educational program of the corresponding level (stage) of higher and postgraduate education, based on learning outcomes, formed competencies and academic credits (Order of the Minister of Education and Science of the Republic of Kazakhstan, 2018).

In the past few years, universities' academic and managerial independence has been expanding in Kazakhstan, aimed at increasing the social responsibility of universities for the quality of graduated specialists. This allows universities to determine the curriculum independently and students to choose educational paths. According to representatives of universities, academic freedom is one of the main advantages of the credit technology of education: students have the opportunity to both choose teachers and shape their educational trajectory. Along with standard and working curricula, students' individual curricula are introduced, which determine the content of education and the organization of their training (Kubeev, 2004).

These reforms in the field of education, the ongoing processes of integration and globalization of international relations, the creation of optimal conditions for the introduction of the Kazakh legal system to international legal standards brought a lot of positive things to the education system, led to significant changes in a very short time. There is a gradual integration of the Republic of Kazakhstan into the European educational space: Kazakhstani students got the

opportunity to study in world universities on academic mobility programs, scientists and university teachers got the opportunity to train in leading foreign universities and research centers, actively develop scientific cooperation, exchange programs, research projects and connections (joint research projects are being implemented, research institutes and centers are being created, etc.), the credit technology of education introduced in all universities allow actively implementing joint educational programs with foreign universities. In general, national universities have become recognizable in the list of world rating companies, which should also be considered an achievement.

Despite the successes achieved, on the other hand, the modern education system in Kazakhstan still does not fully meet the individual needs of the individual and society's needs as a whole. We believe this was influenced by the lack of a sound scientific and methodological base, the lack of a systematic approach to reforming education.

One of the acute problems in the field of legal education is its insufficient quality, which is evidenced by the above data indicating the dissatisfaction of the labor market in specialists qualified in the field of law. One of the reasons here is seen in the availability of paid legal education, which led to a decrease in the quality of training of legal personnel and a crisis in the professional legal consciousness of lawyers. It is no secret that the legal profession's attractiveness in the eyes of young people is often due to its being considered a source of high income. In general, this is one of the facets of a more global problem that is rapidly growing in the countries of young democracies in the CIS - this is a decline in the prestige of law in the eyes of society, a low level of trust in state and legal institutions, the development of legal nihilism in society.

Therefore, precisely today, when the Republic of Kazakhstan from an authoritarian past strives to form a democratic rule-of-law state, the country is in dire need of not just the so-called. "Artisans from jurisprudence," but in lawyers with a high legal and general culture, true servants of the law, active carriers of legal culture, unique missionaries of the ideas of democracy and justice in society. At such critical times, the legal profession becomes extremely important. The history of the development of state and law shows that it was lawyers, as true servants of the law, who became the driving force behind the legal development of the country, who were able to refract the legal reality in the country (often in spite of the rulers, the country's leadership), to establish high ideals and values of the rule of law in society. These global needs of society assign a high mission to the system of legal education to train lawyers who meet the most stringent requirements of the level of legal culture and education.

In this regard, we believe that legal education should be aimed at the formation of high professional legal culture, legal education, and the personality of a future specialist. This requires the accumulation of legal knowledge and the transformation of this knowledge into personal beliefs, which is what the educational process should be aimed at. The experience of teaching in legal specialties has shown that the formation of legal culture is based on a deep understanding of the principles and norms of law, recognition of its social value, the development of legal conviction. It includes not only knowledge of legal norms, confidence in the truth of this knowledge but also an unconditional readiness to act guided by the norms and principles of law. Therefore, to form a high level of legal culture, it is necessary to develop conceptual legal thinking, style, attitudes, the intuition of fairness, and legality

of decisions made. This is ensured by studying jurisprudence's conceptual apparatus through the knowledge of the theoretical and methodological aspects of the disciplines studied. And it is extremely important to ensure the transition of legal knowledge into legal convictions. How can this be achieved? It is a rather difficult question. We believe that here an important role is assigned to the study of historical and theoretical legal disciplines, philosophy, sociology, and psychology of law. Along with this, it is important to develop flexible and practical skills of future lawyers, their creative abilities that contribute to filling the imperfection of an abstract norm in a specific situation, possessing a "sense of justice", legal intuition, knowledge of legal techniques, techniques and methods of legal interpretation.

To form the above knowledge and skills, the value basis of the personality of a lawyer, it is important to combine the fundamentality and applied nature of legal education. So, the development of the world scientific and pedagogical theory and practice is associated with the dialectical interaction of two educational trends - pragmatic and humanitarian. Different countries have developed their own approaches to the organic unity of these two trends. For example, in Germany, legal education lasts a total of 8-9 years, during which students develop both solid fundamental knowledge and practical skills. In Great Britain and the USA, legal education, being only the second higher education, also contributes to the formation of these two components.

However, recently, Kazakhstani legal education has largely lost its fundamentality, humanitarian orientation, hypertrophied bias towards education's pragmatism, and a distorted understanding of its practical orientation are becoming increasingly obvious. Evidence of this is the fact that many law schools have reduced hours in fundamental, historical and legal, philosophical, and legal disciplines of a methodological nature. As a result, university graduates do not have basic legal knowledge and concepts. They do not have sufficiently developed legal thinking, which leads to difficulties and mistakes in finding solutions from difficult legal situations. And most importantly, this leads to an insufficient level of development of future lawyers' legal culture, which is especially important for legal professions associated with the adoption of decisions of increased social significance that affect the fate of people (judges, prosecutors, investigators, etc.).

We believe that one of the important reasons for this situation in legal education was the loss of continuity of the traditional values of Kazakhstani education due to blind copying of foreign experience without thorough scientific and methodological training. In this regard, we believe that the positive meaning of the unification of legal education, which is taking place in the course of the implementation of the principles of the Bologna Declaration, is the adoption of experience that will increase the efficiency and competitiveness of Kazakhstani higher education through strengthening the practical orientation of education, but at the same time without rejecting the obvious advantages of the previous legal system education - the fundamental nature of education and the integration of learning and science.

An important area of improving the quality of higher education is to ensure the wide participation of potential employers and professional legal communities in the training of legal personnel, which will ensure the demand for higher education graduates in the labor market. This is in line with the advanced foreign trends. For example, in Germany, legal education is under the judicial community's control, to the needs of which legal education is oriented. In countries of case law, the mechanism for integrating legal education and

practice is similar - through the professional legal community's direct participation in the training of legal personnel.

In the system of higher education in Kazakhstan, a competence model is being implemented, which in its essence orients the learning process to employers' expectations and the needs of the labor market. According to the State Compulsory Standard of Higher Education (Order of the Minister of Education and Science of the Republic of Kazakhstan, 2018), employers should be involved in the development of state compulsory education standards, model curricula and programs, educational programs; organization of professional practices of students using the production base of enterprises, conducting internships for teachers of special disciplines and specialists; to assist employers in the employment of university graduates; providing the labor market with highly qualified workers and specialists in accordance with the requests of employers; participation in the training process for practitioners in relevant sectors of the economy; joint control of the quality of training of specialists during the final certification of students; financial assistance from employers for the development of educational organizations. For example, when choosing elective disciplines, the opinion of the customer should be taken into account in agreement with the educational institution. When developing a curriculum, it is necessary to be guided by competencies - a set of knowledge, skills, and abilities that make it possible to change specialties throughout life repeatedly. At the same time, in fact, potential employers' participation in the training of future lawyers is still insufficient, which is often reduced to one-time events (holding meetings, lectures with students, visiting events, etc.). Based on this, the most important direction for improving the quality of legal education is to ensure employers' direct participation in the training of legal personnel.

Topical problems also exist in the field of staffing of universities. Universities have not developed a systematic reproduction of the teaching staff, the deep reason for which can be called, on the one hand, the undeveloped system of universities' interest in the system of labor motivation of employees; on the other, excessive administration of the educational process, which does not allow a flexible response to the achievements of science and technology, changed production needs (Nurmanbetov, 2016). As an example, we can take the example of the model of research universities in advanced countries, where all the necessary conditions for engaging in scientific activities have been created for the teaching staff (a separate office, access to research and information support centers, to extensive research and information bases, material-technical support: communication means, office equipment, access to WI-FI, etc.). The presence of such conditions in higher education institutions for the teaching staff is an important stimulating factor for motivation in improving the quality of teaching.

However, in Kazakhstani universities for teachers, conditions have not been created enough for research, methodological activities (not all universities have separate rooms for teachers, other conditions have been created for scientific activities). Unfortunately, the Law "On Science" norms on social security and incentives for workers in the field of education and science do not fully work. We believe that in order to ensure their implementation, it is necessary to adopt a number of by-laws.

The system of motivation and remuneration of teachers is not sufficiently developed. So, despite the fact that credit technologies require serious preparation of an extensive methodological base, many teachers develop

copyright methodological developments. Nevertheless, teachers do not receive payment for this. As a result, the motivational interest of teachers in improving the quality of teaching decreases. Besides, due to low salaries, teachers are often forced to work part-time. One of the problems for university teachers is the difficulty in recognizing degrees awarded by foreign universities. The Republic of Kazakhstan has ratified the Convention against Discrimination in Education and concluded interstate agreements on the mutual recognition of education documents. Nevertheless, the procedure for recognizing educational documents, including those confirming the receipt of an academic degree at a foreign university, is unreasonably rigid and creates many bureaucratic obstacles. This leads to teachers' low interest in conducting scientific activities and receiving academic degrees in foreign universities, and those who have received it - to return to work in Kazakhstan. Therefore, until this procedure is facilitated until conditions are created for research activities in the Republic of Kazakhstan, the problem of personnel reproduction will remain acute in Kazakhstan.

In this regard, in order to improve the quality of legal education, it is necessary to further search for effective ways to improve the system for developing the personnel potential of universities, to develop scientifically based models of labor motivation for the teaching staff, and the rational organization of their work.

Conclusion

Despite the implementation of a number of reforms in higher legal education, there is still an evident lag in education from society's modern needs and the labor market in many universities. In general, the analysis of difficulties in the field of higher legal education testifies to their systemic nature, which requires the same systemic measures to overcome them, cardinal organizational, structural transformations, updating the content of education and improving the quality of training specialists in accordance with modern socio-economic and political conditions of development republics and the progressive experience of highly developed countries.

In order to improve the quality of legal education, the necessity of its focus not only on the transfer of certain knowledge but also the formation of a high level of legal culture of future lawyers is substantiated. This is possible by combining the fundamentality and practice-orientedness of legal education. For this, in the educational process, attention should be paid to theoretical, historical, philosophical, legal, and applied aspects of the educational process.

One of the aspects of the practice-orientedness of legal education should be considered the expansion of the participation of employers in the educational process: in the development of educational programs, in the process of teaching, organizing and conducting practice, quality control of graduates' training (taking final exams, etc.).

An equally important condition for improving the quality of legal education is the improvement of the system of working with human resources in universities, the development of motivation, and the creation of decent conditions for highly productive work of the teaching staff.

References

1. National report on the state of the judiciary in the Republic of Kazakhstan. (2019). Available at:

- http://vss.gov.kz/sites/default/files/doklad_kz%2Bru_web.pdf. Date of treatment: July 5, 2019.
2. Kazakhstani universities graduate unnecessary lawyers. (2012). Available at: <https://www.zakon.kz/4515949-kazakhstanskije-vuzy-vypuskajut-nikommu.html>.
 3. How many lawyers does Kazakhstan need? (2019). Available at: <https://vlast.kz/obsshestvo/35492-skolko-uristov-nuzno-kazahstanu.html>.
 4. Aleshina, E.A. (2008). *Formation of legal culture in the process of legal education*. Available at: <https://www.dissercat.com/content/formirovanie-pravovoi-kultury-v-protssesse-yuridicheskogo-obrazovaniya>.
 5. Balaban, A.M. (2002). Comparative analysis of the training of lawyers in Russia and the USA. *Legal Education and Science*, 2, 32-34.
 6. Busurmanov, Z., Kussainova, A., Nazarkulova, L., Salpekov, A., and Assanbayev, Y. (2019). Modernization of the system of selection and training of candidates for judges in the Republic of Kazakhstan in the light of advanced international experience. *Ad-Alta: Journal of Interdisciplinary Research*, 1S (7).
 7. Kussainova, A.K., et al. (2020). Competency-Based Approach to the Improvement of Judicial Personnel in the Republic of Kazakhstan: Status, Problems, and Prospects. *Talent Development & Excellence*, 12(1), 5995-6005.
 8. Laptinskaya, S.V. (2006). *Formation of the personality of a specialist lawyer*. Dissertation of Doctor of pedagogical sciences. Moscow.
 9. Marchenko, M.N. (2005). Problems of legal education in modern Russia. *Legal education and science*, 1 S, 13-18.
 10. Narikbaev, M.S. and Udartsev, S.F. (2014). *Higher legal education in Kazakhstan in the XXI century: reforms, problems and prospects*. Collection of articles (compiled by S.F. Udartsev). Kazakh Humanitarian Law University. Research Institute of Legal Policy and Constitutional Legislation. Astana: Foliant, 336.
 11. Busurmanov, Z., Kussainova, A., Nazarkulova, L., and Kanatov, A. (2019). Judicial Education Development Issues and Prospects in the Republic of Kazakhstan in the Light of the OECD Countries' Experience. *Academic Research Publishing Group*, 5, 819-825.
 12. Nazarkulova, L.T., Busurmanov, Z., Kussainova, A.K., and Serikova L. (2020). The Role of the Judiciary in Improving the Quality of Legal Education in the Republic of Kazakhstan in the Light of Foreign Experience. *Talent Development & Excellence*, 12(1), 6006-6012.
 13. Topornin, B.N. (1996). Legal reform and development of higher legal education in Russia. *State and Law*, 7, P.34-52.
 14. Barenboim, P.D. and Deev, N.N. (1986). Legal Education in the USA: Organization and Social Function. *Jurisprudence*, 1, 47-52.
 15. Dzhurinsky, A.N. (1999). *Development of education in the modern world*. Textbook for university students studying in the pedagogical specialty. Moscow: VLADOS, 199.
 16. Zhulanov, A.V. (2008). *Democratization of education in the United States of the second half of the XIX - early XX centuries*. Dissertation of the Candidate of pedagogical sciences. Volgograd, 211.
 17. Kaverina, E.Yu. (2007). *Trends in the development of US higher education*. Dissertation of the candidate of economic sciences. Moscow, 246.

18. Karnakov, Ya. V. (2009). Features of legal education in the United States. *Law*, 2, 73-84.
19. Fokina, S.P. (2010). *Formation and development of higher legal education in the United States*. Dissertation of the Candidate of pedagogical sciences. Moscow.
20. Kazakhstan joined the Bologna Declaration. (2010). Vesti.kz (March 12, 2010). Available at: <http://vesti.kz/foundation/43448/>.
21. Order of the Minister of Education and Science of the Republic of Kazakhstan. (2018). No. 604 "On approval of the State compulsory standard of higher education", October 31.
22. Kubeev, E.K. (2004). *Features of the implementation of the credit system of education at a classical university*. Credit training system: implementation experience and prospects. Almaty: Kazakh University.
23. Nurmanbetov, D. (2016). *On readiness to provide academic, managerial and financial independence to universities of the Republic of Kazakhstan*. Available at: <http://www.parlam.kz/ru/blogs/nurmanbetova/Details/4/41772>.