

Educación jurídica en el siglo digital: problemas y perspectivas

Legal education in the digital age: problems and prospects

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Resumen

Este artículo tiene por objeto el análisis de las Tecnologías de la Información y la Comunicación-TIC en la educación jurídica de acuerdo a la reforma del sistema educativo nacional ruso. Se observa como la creación de la educación digital en Rusia contribuye a su integración en el medio educativo global. Se parte del marco regulatorio para analizar las TIC en la educación jurídica, el aprendizaje electrónico y la educación a distancia. Con una metodología de análisis crítico se modela la posible implementación del aprendizaje basado en problemas utilizando las TIC y empleando como ejemplo el simulador de "constructor de contrato". Se concluye que la introducción de las TIC en el proceso educativo requiere un enfoque sistemático, una política estatal del desarrollo de esta área, financiamiento adicional y entrenamiento del personal docente.

Palabras clave: Aprendizaje electrónico; educación a distancia; educación jurídica; mensajes legalmente significativos; relaciones legales; tecnologías digitales; tecnologías pedagógicas.

Abstract

The purpose of this article is the analysis of Information and Communication Technologies - ICT in legal education according to the reform of the Russian national education system. It is observed how the creation of digital education in Russia contributes to its integration into the global educational environment. The regulatory framework for analysing ICTs in legal education, e-learning and distance education is used as a starting point. A critical analysis methodology is used to model the possible implementation of problem-based learning using ICT and using the "contract builder" simulator as an example. It is concluded that the introduction of ICT in the educational process requires a systematic approach, a state policy for the development of this area, additional funding and training of teachers.

Keywords: Digital technologies; distance learning; e-learning; legal education; pedagogical technologies.

INTRODUCTION

The modern period of development of the Russian state and society is characterized by active processes of globalization and the spread of computer technology. In these conditions, the agenda raises the question of the formation of a new system of requirements for all spheres of public life. Particular attention should be paid to the peculiarities of the development of modern legal education in the digital age, against the background of a comprehensive digitalization of various spheres of social life. These conditions cannot but affect the methodological approaches and the content of education: there is an active introduction of computer and innovative educational technologies in higher education, in particular, in the process of studying jurisprudence.

The use of digital technologies in education requires close attention not only from scientists, but also from the state. Until recently, e-learning and distance learning technologies were used unsystematically, in the absence of clear planning for the development of this field of education. However, the state is interested in the development of e-learning in our country, which, in particular, is evidenced by the experience of discussing these issues at the highest level of legislative power. Thus, in 2014, parliamentary hearings were held in the State Duma of the Russian Federation on the issue of regulatory support for the implementation of educational programs with the use of e-learning and distance learning technologies (Russian Federation, Ministry of Science and Higher Education, 2014).

The dynamic process of “digitization” of education takes place against the background of large-scale reform of the entire system of Russian education, including legal. The reform of Russian education is predetermined by a number of key factors.

First of all, we are talking about such an event significant for all Russian education as the accession of Russia in 2003 to the Bologna Declaration (European Ministers of Education, 1999), which requires the fulfillment of its obligations. As a result, the

Russian Federation officially joined the process of forming a single pan-European educational process. In our opinion, competent adaptation of the Bologna provisions on Russian soil, taking into account the accumulated European experience and domestic scientific, pedagogical and cultural traditions, will contribute to the improvement of all indicators of legal education. European Higher Education Area.

Also, a huge role in the process of reforming the domestic legal education is played by the Federal State Educational Standards (GEF), due to which the concept of modern legal education has changed significantly, its structure, principles and content have been updated. Another circumstance that set the vector for the modernization of Russian legal education is related to the issuance of Presidential Decree No. 599 (2009) “On Measures to Improve Higher Legal Education in the Russian Federation”.

This regulatory document was designed to bring order to the educational market, in particular, by optimizing the process of public accreditation of licensing activities of educational institutions. A prominent role in this process is assigned to the All-Russian public organization “Association of Lawyers of Russia”. We agree with the authors, who on this occasion note the following. At first glance, the publication of the Decree is dictated by the reasons for the internal quality: an unreasonable increase in the number of law schools, the training of low-skilled lawyers, a reduction in the quality requirements of education or a direct violation of these requirements. However, similar circumstances can be observed not only in the national, but also in the international arena: in the international aspect, there is a “mass” of education, especially humanitarian, the private education segment is expanding, there is a weakly pronounced correlation between the professional profile of graduates and the needs of the market for specialists (Sagalaeva, Komarevceva, Landina, Melnichuk and Mukhametova 2018).

Thus, the reasons for reforming the Russian legal education depend not only on the processes taking place within our country, but also on the international circumstances.

At the present stage of development of the Russian legal education, which is characterized by the practical implementation of the standards of the third generation standard, the main task of the educational process is the implementation of the competence approach laid down in the educational standard, the formation of competencies. In this regard, the issue of pedagogical technologies that can lead to the result stated in the new educational standard is being updated (Sagalaeva et al., 2018). As it is known, in the Russian legal education such technologies of training as problem training, game training and others are traditionally applied. We believe that in modern conditions of formation and development of digital society, special attention should be paid to information pedagogical technologies that should help students more quickly and effectively search, analyze and apply the information they need. In this case, the use of information technology in the educational process should be meaningful, optimally combined with other teaching methods.

Taking into account current trends in the development of legal education both in the world and in Russia, we consider it expedient to lead a discussion on the most appropriate and effective educational technologies in the context of the digitalization process of education. In this connection, one should turn to the analysis of such concepts as e-learning, distance learning, e-learning environment, etc.

TASK

In the course of this study, it is important to find out how modern the legal education system is “ready” for active implementation of information technologies in the educational process, what factors will contribute to their most effective use, and what are the possible risks. Also requires consideration of the question of what information technology and to what extent can be used in the preparation of law students. At the same time, it is necessary to proceed from the fact that today the majority of educational organizations use blended learning, when e-learning and distance learning

technologies are used in conjunction with traditional learning in classrooms. In addition, it should be borne in mind that the introduction of information technology will eventually change the role of traditional education in the educational segment. This does not mean that traditional teaching methods and pedagogical technologies should become a thing of the past, on the contrary, they should reach a qualitatively new level thanks to digital technologies. In the modern digital world, consumers of educational services need new educational products that meet the requirements of the digital economy. In this regard, it is necessary to develop the market of educational services, skillfully combine traditional education with innovative forms of pedagogical activity.

The use of information technology in legal education over the past few years has become a given. It is obvious that the effectiveness of this process largely depends on the position of the state, which should settle the issue at the legislative level, develop uniform requirements and standards for digital education. The state faces important tasks: checking the quality of e-learning and electronic educational resources, training and re-training specialists in this field. In this regard, we should pay special attention to the current legal and regulatory framework for the use of information technologies in the educational sphere.

METHODOLOGY

Information technologies have long been used in the educational environment of many countries. The history of e-learning in the West has more than a dozen years. Today in the US, about 90% of educational institutions are actively involved in the digital environment. The Russian experience of digital education is more modest, it originates from the 90s of the last century. The World and Russian e-learning market survey for 2012 notes that domestic education is a few years behind the Western one in terms of the breadth and efficiency of using digital technologies. It is noteworthy that in foreign countries the introduction of information technologies in the educational process is based on a systems approach:

active work is being carried out on the technical re-equipment of universities, on retraining of teachers who are able to carry out e-learning, and the state, in turn, positions the development of the digital education industry as a priority.

Analysis of the prospects for the use of digital technologies in legal education should be carried out taking into account the interests of participants in the educational process, as well as the state. The state should be interested in the active development of digital educational technologies, because thanks to them, access to education will be open to wide sections of the population, which will overcome the situation of educational inequality. Due to the active use of information technologies, it is possible to ensure the flexibility of the educational process schedule, as well as reduce the teacher's leverage, thereby increasing the time for his scientific research.

RESULTS

Information technologies open up for the teacher various possibilities for enriching the educational process with interactive teaching methods. One of the interactive learning tools is webinar. A webinar is a form of web conferencing and is highly interactive. Listeners are actively involved into the process, they can ask questions to the speaker. The webinar allows you to overcome certain psychological barriers: the participant has the opportunity to ask those questions that he could not ask at a full-time event. Physical and psychological comfort is the most important advantage of webinars.

The webinar as an interactive learning tool was successfully tested at the Law Institute of the North Caucasus Federal University as part of a project to improve the financial literacy of the population of the Stavropol Territory Fingramot NCFD. Within the framework of this project, several webinars were held, one of which was dedicated to the topic of microfinance. The proposal to participate in the webinar was previously published on the portals, in the official community of the project in the social net-

work. To connect to the webinar did not need to install additional software. Access was obtained by registered users of the project portal (Bichko, 2019). The main advantage of the webinar is feedback from the participants. Each student has the opportunity to participate in the discussion with the speaker through a chat. The webinar is accompanied by a video series, students have the opportunity to work with presentations. The organizer and the presenter (speaker) participate in the webinar. The organizer is the Project Consultant. The specialist of the Stavropol Regional Public Organization for the Protection of the Rights of Citizens and Consumers or the Consumer Market Coordination and Protection Consumer Rights Committee of the municipal order and trade administration of the city of Stavropol. The webinar was aimed primarily at law students, who were given the opportunity to talk with practitioners in the legal field. E-learning, of course, carries enormous potential, however, like any other product of scientific and technological progress, it cannot be unambiguously evaluated, it has not only positive characteristics, but also negative aspects. First of all, e-learning is not able to fully realize the whole range of educational functions. As is known, the traditional educational process is a unity of training and education, while between these elements there is an inextricable link, education was originally incorporated in the learning process, it is a single process. In the implementation of legal education, the educational activity of the teacher is also aimed at developing a legal culture in the student, which is very important in the professional activity of a lawyer. When e-learning may be difficult with the implementation of the educational component of education (Tereshchenko, Kovalev, Balakireva, Savchenko, E. and Solovtsova, 2017).

It is obvious that education is focused on the live communication of the teacher with the student, which is impossible to fully realize with virtual communication.

The use of digital technologies in legal education requires special qualities from the participants of this process - the teacher and the student. As for teachers, today there is still a shortage of

qualified teaching staff who would be competent not only in the field of their subject, but also in the field of information and communication technologies. The teacher as an e-learning participant is required to know how computer technology works, other technical means, the ability to use various software products. The teacher should be ready to create their own electronic educational product - a training course, a webinar, an online test bank, etc. However, it is acceptable to attract specialists in the field of computer technology in order to provide technical and methodological assistance to the subject teacher in the implementation of e-learning. However, the latter option, obviously, requires additional financial costs. In this regard, the most optimal way is to improve the skills of subject teachers in order to master their information and communication competences.

The personality of the learner involved in the e-learning process also has special requirements. We believe that the student must have special personal qualities: independence, conscientiousness, self-discipline. The student must be motivated to independently acquire new knowledge. After all, the lack of strict systematic control can adversely affect the student's academic discipline. Deficiencies are more often identified at the initial stage of training a lawyer. It is much more difficult for young people who have just graduated from school to learn how to control their own time and regulate the learning process, compared to how mature people are already undergoing retraining. Therefore, the use of distance and e-learning in obtaining basic education should, in our opinion, be limited and used in close connection with the traditional form of education.

The basis of modern legal education is a vocational competence approach, thanks to which the student lawyer develops professional skills and qualities during the course of study. The vocational competence approach implies the use of both general pedagogical principles and innovative and interactive methods, which include problem-based learning technologies. Thanks to the use of technology of problem-based learning, a student becomes involved in

the process of learning, in parallel he develops research skills and professional competencies.

The essence of problem-based learning is to manage the cognitive activity of the individual. It is based on the principle that a deep and lasting assimilation of knowledge is possible when a problem is posed, in the solution of which the student himself must participate. Only under this condition, they actively perceive educational information, and the solution of the problem becomes creative, ensuring the formation of genuine professional skills. In this light, the method of problem-based education should be understood as an organization of the educational process, which includes creating a problem (search) situation in the classroom, causing students the need to solve emerging problems that involve them in independent cognitive activity (Kupavtsev and Malchenko, 2008).

It should be noted that problem-based learning is characterized by the psychological state of the cognizing personality included in the probabilistic environment. Understanding the contradictions in the process of preparing the model by students, the intellectual complexity of performing theoretical or practical tasks by means of previously acquired knowledge leads to the formation of a stable need for new knowledge, skills, and skills that help to resolve research contradiction, initiate new creative goals and objectives. It is necessary to note a high level of efficiency in the application of problem-based education in legal education, which is influenced by a number of factors: the selected or compiled problem tasks must differ in relevance and professional significance; the specifics of problem-based learning should be taken into account in relation to various forms of the educational process; the creation of methodological support for problem-based learning is required; the level of pedagogical skills of the teacher should ensure the possibility of optimal organization and stimulation of the active cognitive activity of the student; problem-based learning should be based on a student-centered approach. With this in mind, it becomes obvious that the use of information technologies ...

... in the educational process requires consideration of the possibility of implementing problem-based education, the value of which for legal education has been repeatedly emphasized in the pages of domestic and foreign literature (Sagalaeva et al., 2018; Segal, 2011).

We believe that generally available information and legal systems, for example, Consultant Plus, Garant, can provide enormous assistance in ensuring the implementation of problem-based learning using digital technologies. These electronic products have in their arsenal a variety of tools, in particular, the “contract designer”, which can be used in the educational process as a “simulator” for students in drafting certain types of civil law contracts. Students, having received theoretical knowledge of a particular legal structure, can apply them in drafting a contract. But not only contracts can be learned to draw up, using the existing functionality. So it is very effective for teaching students you can use the designer of legal documents, which allows you to write a claim, complaint, claim. Preparation of constituent documents of an organization can also start with work on the constructor. At the same time, it is better not to use the help of such a “designer” at the initial stage, and then apply your theoretical and initial practical knowledge when working in educational legal clinics, when providing free legal assistance to citizens. The introduction of such a mandatory e-course into the educational process of bachelors, in our opinion, would be an ideal solution for developing practical skills of a lawyer. Of course, it is necessary to increase the duration of training, but the use of digital technologies in this case would minimize the cost of training, but would increase the level of professional training of young professionals.

DISCUSSION

Various information technologies are used in the modern system of legal education: e-learning, distance learning, etc. We emphasize that in the Russian Federation e-learning is developed under state control, namely, the possibility of using digital technologies in the educational process is fixed at the legislative level. Thus,

the law “On Education in the Russian Federation” (Federal Law, 2012) includes, among other things, information and telecommunication networks, electronic educational resources among the means of instruction and education. In accordance with Art. 13 of the above law when implementing educational programs, the use of e-learning is permissible.

The phenomenon of e-learning is known worldwide, this type of learning is usually denoted by the term e-learning. The literature indicates on the huge potential of e-learning, thanks to which it is possible to implement an individual learning path (Bolkunov, 2016). The concept of e-learning is revealed in Art. 16 of the Law “On Education in the Russian Federation”, in accordance with which e-learning is a certain way organized educational activity, which is characterized by the following points. First, e-learning in the implementation of educational programs involves the use of information contained in databases. Secondly, during e-learning, the said information is processed and transmitted via communication lines by means of information technologies, technical means, as well as information and telecommunication networks. Similarly, there is an interaction of students and teachers: with the help of information and communication networks, information technology and technical means.

Organizations engaged in educational activities are entitled to use e-learning in the implementation of educational programs in the manner established by the federal executive body that performs the functions of state policy development and legal regulation in the field of education. When implementing educational programs using exclusively e-learning in an organization carrying out educational activities, conditions must be created for the operation of an electronic information and educational environment, including electronic information resources, electronic educational resources, a combination of information technologies, telecommunication technologies, relevant technological means and providing students with the development of educational programs in full, regardless of the location of students. When implementing educational programs

with the use of e-learning, the place of educational activity is the location of the organization carrying out educational activities, or its branch, regardless of the location of students. When implementing educational programs with the use of e-learning, the organization carrying out educational activities ensures the protection of information constituting state or other secrets protected by law (Order No 22, 2014).

It is noteworthy that the use of e-learning is not acceptable in all areas of training future specialists. The state has taken control of the scope of e-learning, limiting it. So, there is a list of professions, specialties and areas of training, the implementation of educational programs for which are not allowed using only e-learning, distance learning technologies. This list has been approved by the federal executive body responsible for the development of state policy and legal regulation in the field of education. In the context of our study, it should be noted that in some areas of training in the field of jurisprudence, the implementation of educational programs using e-learning is not allowed. We are talking about specialties of secondary vocational education: “Law and organization of social security) and “Law enforcement activities”.

In the modern conditions of modernization of legal education, the development of distance education is becoming particularly relevant, allowing it to effectively solve the complex problems of improving the professional competencies of both future and practicing lawyers. It is the distance learning that is the best solution to the problem of meeting the “constantly changing educational needs” (Galyaev and Zasanova, 2012) of modern society. Remote education models allow a wide range of the population to get an education in the best higher educational institutions of the country, and on the job, improve existing knowledge, or master completely new competencies in various training programs.

The normative basis for the use of distance learning technologies in the educational process are:

- Federal Law of December 29, No. 273-FZ (2012) “On Education in the Russian Federation”;

- Federal Law No. 149-Φ3 (2006) “On Information, Information Technologies and Protection of Information”;
- Federal Law No. 152-Φ3 (2006) “On Personal Data”;
- Decree No. 1642 (2017) “On Approval of the State Program of the Russian Federation“ Development of Education”;
- Order No. 816 (2017) “On Approval of the Procedure for the Application by Educational Organizations of E-Learning, Distance Learning Technologies in the Implementation of Educational Programs”;
- Order No. 301 (2017) “On Approval of the Procedure for Organizing and Implementing Educational Activities in Higher Education Educational Programs - Undergraduate Programs, Specialty Programs, Magistracy Programs”.

When organizing the educational process, it is necessary to take into account the list of professions and specialties of secondary vocational education, the implementation of educational programs for which are not allowed using only e-learning, distance learning technologies, approved by Order of the Ministry of Education and Science of the Russian Federation of August 23 (Order № 816, 2017).

The flagship of modern higher education, including legal education, Moscow State University named after M.V. Lomonosov in 2007 developed the Concept of development of a distance learning system (MSU, 2007).

The Concept outlines ambitious goals of using such a system:

- Compliance of the educational system with global trends and growth in demand for high-quality educational services;
- development, participation and use of opportunities of a single educational space of the world community;
- ensuring a fundamentally new level of availability of quality education, excluding territorial barriers;
- the creation and use of new forms of education to improve the quality of education when they are integrated with other forms of education.

Already in 2014, the Center for the Development of Electronic Educational Resources was established on the basis of Moscow State University (MSU, [2007](#)).

The MSU project “University without Borders” has become a modern network educational platform for continuous distance education, within which for students of seniors and middle teachers of secondary schools, secondary special educational institutions, students of higher educational institutions, and all those who are oriented towards obtaining fundamental scientific and cultural knowledge are taught by leading teachers of MSU.

The North Caucasus Federal University (SKFU), being a unique scientific and educational center for training competitive personnel for the North Caucasus region and the country as a whole, is actively involved in the modern educational environment in the context of intensive development of information technologies.

In March 2019, the SKFU Academic Council approved the Regulation on the implementation of higher education educational programs using e-learning, distance learning technologies at the SKFU (hereinafter referred to as the Regulations), according to which the distance learning technologies are understood to be mainly with the use of information and telecommunication networks with indirect (at a distance) interaction of students and teachers (SKFU, [2019](#)).

In our opinion, the Provision clearly reflects such principles of distance learning as: the principle of integrity, reproducibility, adaptation, science, flexibility, controllability (Moshkalov, [2012](#)).

For example, it is determined that the monitoring of academic performance is determined by the calendar training schedule and can be carried out remotely using test subsystems of the learning management system or in the traditional form (in the case of the use of a mixed technology), while control measures should be regular and are an essential element of the training process. Students receive information about the results of educational activities through the management system study, email, in class or consultation. At the same time, the attendance of students’ attendance of

classes conducted using e-learning and distance learning technologies is carried out, which is carried out on the basis of taking into account the student's attendance time in the learning management system using a personal account (Clause 3 of the Regulations).

We believe that it is precisely distance education that allows you to create an open and flexible model of modern education that corresponds to world trends in the educational space, using various means, methods and technologies of education.

We emphasize that today the most common in Russia is the distance education system Moodle. Moodle is free software with a GPL license (General Public License - free software license), which makes it possible to use the system for free, as well as make it painlessly modified to meet the needs of an educational institution and integrate with other products. Moodle is an abbreviation of the Modular Object-Oriented Dynamic Learning Environment (modular object-oriented dynamic learning environment) (Kamal and Tsapko, 2013).

The Moodle system is characterized by wide opportunities for communication "at a distance" both between a teacher and a student, and between students. In order to assess the formation of competencies in the Moodle system, you can use a number of interactive elements, such as: "Forum", "Glossary", "Wiki", "Test", "Lecture", "Task", "Seminar" (Ektov, 2017).

Each of these elements allows the student to provide various educational materials and "contains technological tools for passing various tasks and evaluating the educational process".

For example, the most common form of distance learning that is common for classical education, testing allows, according to A.V. Ektov, to "compare the educational achievements of an individual student with the amount of knowledge and skills planned for learning, with the predicted level of competence" (Ektov, 2017).

Interestingly, within any element it is possible to create simulators, modulators, organize discussion of problems in real time, solve cases, etc.

For the traditional learning process, there is a “student-teacher” feedback that allows the teacher to respond quickly enough to the student’s learning process, individualize the material transfer process, complicate it or make it more accessible. The implementation of distance learning requires from the teacher a completely different approach to their professional activities. The creation of high-quality electronic courses, the free management of electronic educational technologies dictate the need for mastering special competences, which is not always possible. In this regard, the personnel issue is one of the problems in the development of modern distance education, along with legal and financial problems. The solution of these problems will allow to create an effective model of distance education, which allows, using modern pedagogical technologies with minimal resource costs, to receive lifelong education throughout life, which will allow to meet the realities and challenges of the time.

CONCLUSION

As a result, we note that at the present stage, in the conditions of fierce competition in the labor market, there are high demands on lawyers. In order to form an optimal set of professional competencies in future specialists, it is necessary to use a wide range of pedagogical technologies, both traditional and other, including electronic and distance learning. There is no doubt that the introduction of information technologies in the field of legal education is, of course, a progressive step that promotes the integration of Russian education in the global educational space. However, all this requires changes in the organization of the educational process. We believe that in the current situation of active development of digital technologies, it is quite natural to increase the share of electronic and distance learning in the educational segment.

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