



National University
of Kyiv-Mohyla Academy



Organization for Security and
Co-operation in Europe
Project Co-ordinator in Ukraine

STATE OF LEGAL EDUCATION AND SCIENCE

IN UKRAINE

(Research Findings)

Kyiv, 2009-2010

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I. Introduction

Today's state of higher legal education is marked by controversies: currently, the number of higher education institutions graduating lawyers in Ukraine is almost 300, whereas in Poland they are only 25 (of which 10 are private institutions), in Germany – 42, in the United Kingdom – 97, and even in the United States – less than 200. However, only 90 educational institutions made it to Compass-2010 – a ranking of Ukraine's higher schools of law, and only 7 of those were awarded over 10 points by graduates, employers, and experts on a 100-point scale.¹ The geography² of these law schools spans 28 cities in all regions of Ukraine, whose licensed capacity is sufficient to annually graduate 38,624 bachelors and 36,135 specialists and masters.

A comparative analysis of the population size versus the number of law schools and their graduates in selected countries is provided in Table 1.

Table 1. Comparison of the Population Size versus the Number of Law Schools and Their Graduates in Poland, France, United Kingdom, and Ukraine

Country	Population (thous.)	Number of lawyer-training institutions	Annual number of law graduates	Number of law graduates per 1,000 population	Number of lawyers
Poland	38 441	28 ³	6 037 ⁴	1,6	7,053 advocates 18,953 legal advisers
Germany	81 417	42 ⁵	10 696 ⁶	1,3	151,057 advocates and solicitors 20,138 judges and prosecutors
France	65 312	43 ⁷	30 000	4,6	43 977 ⁸
United Kingdom	62 698	90 ⁹	13 000 ¹⁰	2,0	18,400 ¹¹ barristers

¹ See Compass-2010 – a ranking of higher education institutions by fields of study:

<http://issuu.com/romankakulya/docs/compass-2010?mode=embed&viewMode=presentation&layout=http%3A%2F%2Fskin.issuu.com%2Fv%2Fflight%2Flayout.xml&showFlipBtn=true>

² These include the institutions, the information on which was available.

³ 16 schools of law at public higher education institutions and 12 at private ones.

⁴ Data for the 2008/2009 academic year.

⁵ Only educational institutions with full-fledged schools of law.

⁶ The number of persons who passed a state law examination and were admitted to professional internship in 2007.

⁷ http://en.wikipedia.org/wiki/List_of_law_schools_in_France

⁸ Of them 14,145 are practicing lawyers; 12,485 – partners of legal firms; 8,549 – legal assistants; and 2,594 – hired lawyers.

⁹ Schools/colleges whose graduation certificates were acknowledged by the Bar Standards Board of the Bar Association as "Qualifying Law Degrees" as of February 2011.

					139,666 solicitors¹²
Ukraine	45 134	87¹³	34 525¹⁴	8,0	28,944 advocates 8,000 judges

Judging by these figures alone, the need for such a number of lawyers is called into question. The Ministry of Education and Science informs that the surplus of lawyers in Ukraine is 400%, whereas only one in twelve law school graduates finds a job in his/her field of expertise.¹⁵ With this in mind the question is: what professions does higher education train lawyers for and, ultimately, which professions should be considered legal ones?

Also, there is an issue of the quality of professional knowledge and skills acquired by graduates of these educational institutions and of correspondence of the knowledge and skills to the demands of the legal profession. Eventually, the issue of professional training inevitably boils down to the challenge of shaping educational standards (curricula, syllabi, and methods of teaching and assessment), and control over compliance therewith.

This report is the outcome of a research with an objective to address the said issues and identify possible solutions.

¹⁰ Unfortunately, statistics on the number of persons admitted to or graduated from law schools is lacking; however, there is data on the number of those willing to take a Legal Practice Course in 2010 (9,337) and a Bar Professional Training Course in 2009 (2,657). Since the United Kingdom has only two types of legal practice courses, the Bar Professional Training Course is taken by those intending to work at the bar, whereas the Legal Practice Course – by everyone intending to be involved in other legal professions. It can be assumed, however, that this number is about 13,000 law school graduates every year.

¹¹ As of December 2010:

http://www.barcouncil.org.uk/assets/documents/Table_5_Annual%20Statistics%202010.pdf

¹² As of 2008: [http://www.lawsociety.org.uk/secure/file/183427/e:/teamsite-](http://www.lawsociety.org.uk/secure/file/183427/e:/teamsite-deployed/documents/templatedata/Publications/Research%20Publications/Documents/asr2008report.pdf)

[deployed/documents/templatedata/Publications/Research%20Publications/Documents/asr2008report.pdf](http://www.lawsociety.org.uk/secure/file/183427/e:/teamsite-deployed/documents/templatedata/Publications/Research%20Publications/Documents/asr2008report.pdf)

¹³ Higher education institutions which graduate lawyers and whose licensed capacity data became available.

¹⁴ Licensed capacity to train Specialists and Masters who major in Law and Legal Science.

¹⁵ See, e.g.: <http://www.dt.ua/3000/3300/64675/>

II. Project General Description

Project Justification and Objective

Cooperation between the OSCE Project Co-ordinator in Ukraine (OSCE PCU) and the National University of Kyiv-Mohyla Academy (NaUKMA) on improvement of legal education was started back in 2005. One outcome of NaUKMA and OSCE PCU's joint efforts in improvement of Ukraine's legal education quality was a pilot course on the rule of law, initiated at NaUKMA with OSCE PCU support. A working group comprising lead legal experts from all over Ukraine, established by the OSCE Project Co-ordinator in Ukraine, used this course to develop a draft syllabus for the course "Rule of Law". The draft curriculum was submitted for review of and approved during a Research-to-Practice Conference "Rule of Law in Ukraine's Legal Education", which took place in October 2008. Conference recommendations and the draft syllabus for the "Rule of Law" course is provided in Attachment 1.

The proposed research was initiated in 2009 as part of the project "Support to Improved Teaching of Administrative Legal Disciplines in Ukraine's Higher Education Institutions", which was developed and supported by the OSCE Project Co-ordinator in Ukraine in response to NaUKMA request. The objective of the research carried out under the project was to obtain a profile of the content and methods of teaching administrative legal disciplines in Ukraine and to demonstrate international best practices in teaching the administrative law.

The results of the research into methods of teaching administrative legal disciplines induced a number of versatile questions not only on teaching of an individual cycle of disciplines, but also on the current state of the higher law school in Ukraine. The issues brought up during the research were discussed during the Research-to-Practice Conference "Higher Law School in Ukraine: Current Challenges", held in June 2010, and became the foundation of Conference recommendations, which are provided in Attachment 2. This prompted the partners – OSCE Project Co-ordinator in Ukraine and the National University of Kyiv-Mohyla Academy – to continue their cooperation and expand the subject and scope of their research.

Thus, a 2010 joint project saw a substantial research into the format and methods of teaching the disciplines included in the constitutional and criminal law cycles, as well as into the overall academic structure of teaching in higher education institutions in Ukraine and other countries.

Selection of Experts

Project experts at all stages were selected through an open competition, in compliance with the OSCE expert selection standards. Experts are representatives of higher education institutions

from various regions of Ukraine (for the experts' Terms of Reference see Attachment 3). Also, the expert responsible for development of the software for statistical data processing (for Terms of Reference see Attachment 3) was also selected on a competitive basis. Eventually, the OSCE Project Co-ordinator in Ukraine experts were became involved in the research and development of this report. This research, therefore, is a joint effort of the experts, whose names are provided in the Table below.

AZAROV Denys	Ph.D. in Law, Associate Professor of the Department for Branch Legal Sciences of the National University of Kyiv-Mohyla Academy	Expert on criminal law
ALEKSANDROVA Natalya	Ph.D. in Law, Associate Professor of the Department for State and Legal Sciences of the National University of Kyiv-Mohyla Academy	Research coordinator, expert on administrative law
ANTONOVYCH Myroslava	D.Sc. in Law, Associate Professor, Head of the Department for International Law and Special Legal Sciences of the Faculty of Legal Sciences of the National University of Kyiv-Mohyla Academy	Expert on higher education quality assessment
BONYAK Valentyna	Ph.D. in Law, Head of the Department for Constitutional and International Law of the Dnipropetrovsk State University of Internal Affairs, Militia Colonel	Expert on constitutional law and human rights
HOLOVATYI Serhiy	D.Sc. in Law, Member of Parliament of Ukraine, Head of the Commission for Strengthening Democracy and the Rule of Law	Expert on constitutional law and human rights, expert on assessment of the structure and dynamics of academic degree conferral
DESHKO Lyudmyla	Ph.D., Deputy Dean for International Education Programs of Donetsk National University	Expert on constitutional law and human rights
ZAVERUKHA Iryna	D.Sc. in Law, Professor, Head of the Department for Administrative and Financial Law of the Faculty of Law of the Ivan Franko National University of Lviv	Expert on assessment of international experience (Poland), expert on assessment of the

		structure and dynamics of academic degree conferral
KOLISNYK Viktor	D.Sc. in Law, Professor of the Department for Constitutional Law of Ukraine of the National University Yaroslav Mudryi Law Academy	Expert on constitutional law and human rights
LUKYANETS Dmytro	D.Sc. in Law, Head of the Department for Criminal Law Disciplines of the Ukrainian Academy of Banking of the National Bank of Ukraine	Expert on administrative law
MISHYNA Natalya	D.Sc. in Law, Professor of the Department for Constitutional Law of the National University Odesa Law Academy	Expert on constitutional law and human rights
PONOMARENKO Yuriy	Ph.D. in Law, Associate Professor of the Department for Criminal Law of the National University Yaroslav Mudryi Law Academy	Expert on criminal law
PUKHTETSKA Alla	Ph.D. in Law, Senior Staff Scientist of the Koretsky Institute of State and Law	Expert on assessment of international experience (France)
RYZHKOV Hennadiy	Instructor on administrative law and administrative justice, Institute of International Relations of Taras Shevchenko National University of Kyiv	Expert on assessment of international experience (Germany)
SYROID Oksana	National Manager of the OSCE Project Co-ordinator in Ukraine	Project Manager, expert on assessment of international experience (Great Britain)
STETSYUK Petro	Judge of the Constitutional Court of Ukraine, Ph.D. in Law, Associate	Expert on constitutional law and human rights

	Professor of the Department for Constitutional Law of Taras Shevchenko National University of Kyiv	
SUSHCHENKO Volodymyr	Ph.D. in Law, Associate Professor of the Department for State Legal Sciences of the National University of Kyiv-Mohyla Academy	Expert on criminal law
KHRYSTOVA Hanna	Ph.D. in Law, Associate Professor of the Department for Theory of State of the National University Yaroslav Mudryi Law Academy	Expert on constitutional law and human rights
SHKOLYK Andriy	Ph.D. in Law, Associate Professor of the Department for Constitutional, Administrative and Financial Law of the School of Law of the Ivan Franko National University of Lviv	Expert on administrative law
YASHYNA Yulia	Executive Director of the ADD VALUE Marketing Company	Expert on methodology development and quantitative analysis

III. Research Methodology

The research consisted of several stages and included several areas, for each of which the working group comprising representatives of the OSCE Project Co-ordinator in Ukraine, research coordinator, and expert on methodology development and quantitative analysis determined a relevant methodology.

Classification of Law Schools

For purposes of research the use was made of the list of Ukraine's higher education institutions included in the Compass-2010 ranking as schools that provide higher education in the study areas "Law" and "Legal Science". The list and licensed capacity of these higher education institutions are provided in Table 2.

Table 2. List of Higher Education Institutions and Their Licensed Capacity for Training of Lawyers

Higher Education Institution	City (Region)	Licensed Capacity (individuals), Full-Time Education					Licensed Capacity (individuals), Extramural Education					Total
		Bachelor (Law, Legal Science)	Specialist (Law, Legal Science)	Specialist (Law Enforcement)	Master (Law, Legal Science)	Master (Law Enforcement)	Bachelor (Law, Legal Science)	Specialist (Law, Legal Science)	Specialist (Law Enforcement)	Master (Law, Legal Science)	Master (Law Enforcement)	
Academy of Advocacy of Ukraine	Kyiv	175	175		50		175	175		50		800
Ukrainian Academy of Customs	Dnipropetrovsk	100	65		10		25	65				265
Academy of Municipal Administration	Kyiv	100	70		30		100	75		10		385
Academy of Labor and Social Relations of the Federation of Trade Unions of Ukraine	Kyiv	200	100		10		200	100		10		620

Berdiansk University of Management and Business	Berdiansk	50	50				50	50									200
Bila Tserkva National Agrarian University	Bila Tserkva	75					75										150
Bukovyna University	Chernivtsi	85					85										170
Open International University of Human Development "Ukraine"	Kyiv	200	125		20		200	125		25							695
Volyn National University of Lesya Ukrainka	Lutsk	15	120		120		0	120		120							495
Dnipropetrovsk Humanitarian University	Dnipropetrovsk	75	50				75	50									250
Dnipropetrovsk State University of Internal Affairs	Dnipropetrovsk	400	200	125	150	25	400	200	175	50		25					1750
Dnipropetrovsk National University	Dnipropetrovsk	90	70		20		90	70		5							345
Dnipropetrovsk University of Economy and Law	Dnipropetrovsk	90	75				75	75									315
Donetsk State University of Management	Donetsk	50			35		100			35							220
Donetsk National University	Donetsk	350	188		62		250	188		62							1100
European University	Kyiv	100					100										200
Transcarpathian State University	Uzhgorod	75					75										150
Zaporizhzhya National Technical University	Zaporizhzhya	75	30				75	60									240
Zaporizhzhya National University	Zaporizhzhya	150	105		40		120	120		40							575

Ivano-Frankivsk King Danylo Galician University of Law	Ivano- Frankivsk	100	100	30	100	100	30	460
Izmail Institute of Water Transport	Izmail	50	50		50	50		200
Augustine Voloshyn Carpathian University	Uzhgorod	50			40			90
Kyiv Hetman Konashevych- Sahaidachny State Water Transport Academy	Kyiv	75	75		75	75		300
Kyiv International University	Kyiv	100		50	100		50	300
Vadym Hetman Kyiv National Economic University	Kyiv	460		460	250		250	1420
Kyiv National Linguistic University	Kyiv	60	50		60	50		220
Kyiv National University of Trade and Economics	Kyiv	120	80	60	120	100	60	540
Taras Shevchenko National University of Kyiv	Kyiv	555	300	250	500	250	220	2075
Kyiv National University of Culture and Arts	Kyiv	160			160			320
Kyiv University of Culture	Kyiv	100			100			200
Kyiv University of Law of NAS of Ukraine	Kyiv	200	200	50	400	400	50	1300
Kyiv University for Market Relations	Kyiv	75	75	30	75	75		330
Kyiv University of Tourism, Economics and Law	Kyiv	75	75	25	75	75	25	350

Classical Private University	Zaporizhya	150	115	40		250	210	60		825
E.O. Didorenko Luhansk State University of Internal Affairs	Luhansk	700	700	60	50	700	700	60		3020
Lviv Commercial Academy	Lviv	80	80	25		80	80	25		370
V. Chornovil State Institute of Modern Technologies and Management of Lviv	Lviv	75	50			75	50			250
Lviv State University of Internal Affairs	Lviv	460	385	150		360	285	150		1790
Ivan Franko National University of Lviv	Lviv	500	200	250		500	200	250		1900
Makiivka Economic-Humanitarian Institute	Makiivka	50	30			50	30			160
Mariupol State Humanitarian University	Mariupol	90	60	15		90	75			330
Intersectoral Institute of Management of the Ministry of Education and Science of Ukraine	Kyiv	100	100			100	100			400
International Humanitarian University	Odesa	225	50	50						325
Stepan Demyanchuk International University of Economics and Humanities	Rivne	50	50			50				150
International Science and Technology University	Kyiv	100	50	20		100	50	20		340
International University of Business and Law	Kherson	50								50

Interregional Academy of Personnel Management	Kyiv	210	100	60	50		210	100	60	50		840
National Academy of Internal Affairs	Kyiv	2,340	2,040		300	75	3,040	2,440		720	75	11,030
Bohdan Khmelnytsky National Academy of the State Border Guard Service of Ukraine	Khmelnytsky	150		150			150		150			600
National Academy of Prosecution of Ukraine at Prosecutor General's Office of Ukraine	Kyiv				150					150		300
National Academy of Security Service of Ukraine	Kyiv	340	340		150	45	340	340		150		1,705
National Academy of Security Service of Ukraine	Kyiv	340	340		150	45	340	340		150		1,705
National Academy of Management	Kyiv	100	50		50		70	50		50		370
Yaroslav Mudryi National Law Academy	Kharkiv	2,945			2,650		2,255	2,000		450		10,300
National University of Life and Environmental Sciences of Ukraine	Kyiv	75	60		15		75	75				300
National Aviation University	Kyiv	125	100		75		125	100		75		600
National Mining University	Dnipropetrovsk	50					50					100
Dragomanov National Pedagogical University	Kyiv	60	35		25		60	60				240

National Technical University of Ukraine "Kyiv Polytechnic Institute"	Kyiv	150					100						250
National University of Kyiv-Mohyla Academy	Kyiv	75	75		30								180
National University of Ostroh Academy	Ostroh	70			45								115
National University of State Tax Service of Ukraine	Irpın	485	85	170	150	80	485	175	170	60	80		1,940
Admiral Makarov National University of Shipbuilding	Mykolaiv	55											55
Odesa National Maritime Academy	Odesa	60	60				60	60					240
Odesa National Law Academy	Odesa	225	200		25		250	225		25			950
Odesa National Maritime University	Odesa	65					65						130
I.I. Mechnykov Odesa National University	Odesa	225	200		25		250	225		25			950
Vasyl Stefanyk Precarpathian National University	Ivano-Frankivsk	300	250		50								600
Sumy State University	Sumy	50			50		50						150
Sumy National Agrarian University	Sumy	75					25						100
East European University of Economics and Management	Cherkasy	75	75		10		75	75		10			320
Volodymyr Dahl East Ukrainian National University	Luhansk	250	285		15		150	100		10			810

Taurida National V.I. Vernadsky University	Simferopol	60	40	20	90	60	30	300
Ternopil National Economic University	Ternopil	120	85	50	120	85	60	520
Uzhgorod National University	Uzhgorod	85	65	20	85	85		340
Ukrainian Academy of Banking of the National Bank of Ukraine	Sumy	70	50	20	70	70	20	300
Ukrainian State University of Finances and International Trade	Kyiv	50	20	30	25	20	5	150
Krok University of Economics and Law	Kyiv	130	80	30	130	100	30	500
University of Modern Knowledge	Kyiv	150	75		275	100		600
Kharkiv Skovoroda National Pedagogical University	Kharkiv	100	75	25	100	100		400
Kharkiv National University of Internal Affairs	Kharkiv	1,480	1,200	300	1,480	1,200	300	5,960
V.N. Karazin Kharkiv National University	Kharkiv	100	75	25	75	75	50	400
Khmelnysky University of Management and Law	Khmelnysky	130	100	30	100	100	30	490
Cherkasy Bohdan Khmelnysky National University	Cherkasy	50	50		50	30		180
Yuriy Fedkovych Chernivtsi National University	Chernivtsi	262	110	80	500	85	80	1,117
Chernihiv State Institute of Economics and	Chernihiv	50			50			100

Management													
Chernihiv State Institute of Law, Social Technologies and Labor	Chernihiv	482		60		535							1,077
										418			
Total		19,479	10,618	505	6,817	320	18,640	12,903	555	7	230		74,254

Ukraine's higher education institutions that made it to the Compass-2010 ranking can be subdivided into the following categories (see Table 3):

23 classical universities with faculties of law that account for 19% of the licensed capacity;

6 higher education institutions specializing in law that account for 21% of the licensed capacity;

10 higher education institutions specializing in law-enforcement that account for 37% of the licensed capacity;

48 higher education institutions specializing in professions other than law that account for 22% of the licensed capacity.

Table 3. Categories of Higher Education Institutions and Their Licensed Capacity for Training of Lawyers

Higher Education Institution Category	Total Licensed Capacity (persons)	Bachelor (Law, Legal Science)	Specialist (Law, Legal Science)	Master (Law, Legal Science)	Specialist/Master (Law Enforcement)
HEI specializing in law	15,560	7,625	3,975	3,610	350
HEI specializing in law enforcement	28,315	13,315	10,700	3,160	1,140
HEI specializing in professions other than law	16,407	9,762	4,530	1,995	120
Classical university	13,972	7,417	4,316	2,239	-
Total	74,254	38,119	23,521	11,004	1,610

About 3% of lawyers are graduated from higher education institutions that do not have faculties of law, but rather have combined faculties of economics and law (see Table 4).

Table 4. Licensed Capacity to Train Lawyers according to the Higher Education Institution's Level of Professional Specialization

Level of Professional Specialization	Total Licensed Capacity (persons)	Bachelor (Law, Legal Science)	Specialist (Law, Legal Science)	Master (Law, Legal Science)
HEI specializing in law	14,570	7,425	3,775	3,550
Combined faculty	1,865	1,145	585	135
Faculty of Law	56,029	29,549	19,161	7,319
Total	72,464	38,119	23,521	11,004

The bulk of lawyers (87%) are graduated by higher education institutions of Accreditation Level IV and another 3% – by Accreditation Level III institutions (see Table 5).

Table 5. Licensed Capacity to Train Lawyers according to the Higher Education Institution's Level of Accreditation

Accreditation Level	Total Licensed Capacity (persons)	Bachelor (Law, Legal Science)	Specialist (Law, Legal Science)	Master (Law, Legal Science)	Specialist/Master (Law Enforcement)
III	2,337	1,817	460	60	-
IV	64,772	32,122	20,756	10,584	1,310
III, IV	7,145	4,180	2,305	360	300
Total	74,254	38,119	23,521	11,004	1,610

About half of lawyers receive their education extramurally (see Table 6).

Table 6. Licensed Capacity to Train Lawyers according to the Form of Education

Form of Education	Total Licensed Capacity (persons)	Bachelor (Law, Legal Science)	Specialist (Law, Legal Science)	Master (Law, Legal Science)	Specialist/Master (Law Enforcement)
Full-time	37,739	19,479	10,618	6,817	825
Extramural	36,515	18,640	12,903	4,187	785
Total	74,254	38,119	23,521	11,004	1,610

Overview of Ukraine's Higher Education Institutions (HEI) in the Context of Government Order for Law Majors in 2011

The legislation provides for the following funding sources for training of specialists in law:

- state and local budgets;
- government order;
- funds provided by individuals (legal entities).

In the situation of coexisting budget funding and self-funding of education (through tuition), government **control** of the law-specializing HEI network is effected primarily **through the institute of government order** for budget-funded student vacancies in the speciality "Legal Science". An important role is played by central executive agencies both in relation to their subordinated HEI, and other HEIs, to which they provide guidance.

Analysis of regulatory instruments, publicly available information and statements by the press service of the Ministry of Education, Science, Youth and Sport of Ukraine fails to establish clear and transparent criteria to determine government order for the speciality "Legal Science". Instead, there are significant disproportions in distribution of budget-funded student vacancies among schools of law regardless of the HEI ranking, its territorial location, level of teaching staff qualification, specialization, etc. Even the lead universities demonstrate significant disproportions, which do not allow to objectively determine the ranking of the law school and the quality of education services.

For illustration see Table 7, which provides the data published on HEI web-pages regarding the applicants recommended for admission under the government order in 2011 and the data from the information system "Konkurs" ["Competition"] (selection of education institutions was based on the criteria identified in Section III.3).¹⁶

Table 7. Applicants Recommended for Admission under Government Order in 2011

Higher Education Institution	Government order, full-time education	Government order, extramural and evening education	Total
National University Odesa Law Academy¹⁷	1,140	41	1,181
Institute of Prosecution and Investigation			220
Faculty for Training Investigators of Internal Affairs Bodies			160
Faculty of Civil and Economic Justice			170
Faculty of Judicial and Administrative Law			90
Faculty of Advocacy			70
Faculty of Social Law			100
Faculty of International Legal Relations and Legal Journalism			80
<i>International Law</i>	60		
<i>Legal Journalism</i>	20		
Faculty of Legal Political Science and Sociology			28
<i>Political Science</i>	13		
<i>Sociology</i>	15		
Faculty of Correspondence and Evening Training			41
National University Odesa Law Academy, Separated Divisions¹⁸			150
National University Yaroslav Mudryi Law Academy	740	465	1,205
Faculty of Training Personnel for the Ministry of the Interior of Ukraine			350
Faculty of Training Personnel for the Ministry of Justice			240

¹⁶ See: <http://vstup.info>

¹⁷ See: <http://vstup.info/2011/i2011i227b.html>

¹⁸ See: <http://vstup.info/2011/i2011i227b.html>

and Court Administration of Ukraine			
Faculty of Training Personnel for the State Penitentiary Service of Ukraine			125
Institute of Training Personnel for the Prosecutor's Office Bodies			300
Faculty of Economy and Law			90
Faculty of Training Personnel for the Pension Fund of Ukraine			100
Taras Shevchenko National University of Kyiv¹⁹	175	20	195
Faculty of Law	125	20	145
Institute of International Relations	50		50
National University of Kyiv-Mohyla Academy²⁰	15		15
Ivan Franko National University of Lviv	85	5	90
Faculty of Law	75	5	80
Faculty of International Relations (speciality "International Law")	10		10
Donetsk National University²¹	47	10	57
Oles Honchar Dnipropetrovsk National University²²	25	5	30
V.N. Karazin Kharkiv National University²³	24	3	27
I.I. Mechnykov Odesa National University²⁴	30	5	35
Taurida National V.I. Vernadsky University²⁵	30		30
National Academy of Advocacy Ukraine²⁶			0
Kyiv University of Law of NAS of Ukraine²⁷			0

Table 8 provides data on government order in higher educational institutions specializing in law enforcement by specialities "Law", "Legal Science", and "Law Enforcement".

¹⁹ See: <http://www.univ.kiev.ua/ua/abit/nakaz2011/>

²⁰ See: <http://www.ukma.kiev.ua/ua/vstup/welcome/>

²¹ See: http://www.donnu.edu.ua/index.php?option=com_content&task=view&id=852&Itemid=497

²² <http://www.dnu.dp.ua/view/derzhzam1>

²³ <http://www.univer.kharkov.ua/docs/vstup/obsyag2011-1.png>

²⁴ http://www.onu.edu.ua/uk/abitur/abitur_raiting_2011/zarahd_2011

²⁵ www.tnu.crimea.ua/komis/plan.html

²⁶ <http://vstup.info/2011/i2011i241b.html>

²⁷ <http://vstup.info/2011/i2011i83b.html>

Table 8. Data on Government Order at Higher Education Institutions Specializing in Law Enforcement

Higher Education Institution	Government order, Full-Time Education	Government order, extramural and evening education	Total
Kharkiv National University of Internal Affairs	0	500	500
Faculty of Extramural and Distance Education for the Staff of Internal Affairs Agencies, speciality "Legal Science"		165	165
Faculty of Extramural and Distance Education for the Staff of Internal Affairs Agencies, speciality "Law Enforcement"		210	210
Faculty: Government Order. Experimental program "Cadet-Serviceman-Cadet", speciality "Law Enforcement"		125	125
Odesa State University of Internal Affairs²⁸	175	100	275
Faculty for Training of Criminal Police Officers (cadets who did their military service), speciality "Law Enforcement"	50		50
Faculty for Training of Criminal Police Officers (cadets who did not have their military service), speciality "Law Enforcement"	25		25
Faculty for Training of Transport Police Officers (cadets who did not have their military service), speciality "Law Enforcement"	50		50
Faculty for Training of Civil Security Officers (cadets who did not have their military service), speciality "Law Enforcement"	50		50
Faculty of Extramural and Distance Education for the Staff of Internal Affairs Agencies, speciality "Legal Science"		100	100
E.O. Didorenko Luhansk State University of Internal Affairs			100
Faculty of Criminal Police			50
Faculty of Economic and Civil Security			50
Donetsk Law Institute of E.O. Didorenko Luhansk State University of Internal Affairs	150	125	275
National University of State Tax Service of Ukraine			515
Faculty of Law, speciality "Law"	195	80	275
Faculty for Training, Advanced Training and Professional Development of Tax Police Officers, speciality "Legal"			240

²⁸ <http://vstup.info/2011/i2011i418b.html>

Science"

Ukrainian Academy of Customs	60
B. Khmelnytsky National Academy of the State Border Guard Service of Ukraine	49
Odesa National Maritime Academy	8
National Academy of Internal Affairs (Kyiv)²⁹	0
Lviv State University of Internal Affairs	0

Below are the findings prompted by the analysis of the indicators shown above, statutory framework of educational activity, and current educational practices.

Upon reinstating its independence, Ukraine did not reform its legal education system to match changes in the political, legal, and socio-economic priorities either formally or content-wise. On the contrary, the system became "overburdened" due to liberalized social and economic relations; organizational and legal versatility of ownership forms; commercialization; lack of clear criteria, requirements, and standards for the lawyer's profession; social demand for the profession; and inadequate government regulation of education in general and legal education in particular.

Law as a profession and as a consolidated and holistic knowledge domain that should be studied at higher education institutions to train highly qualified specialists is, in fact, on the brink of elimination. Ukraine has rejected a historically established and globally acknowledged practice of receiving legal education at classical universities. Only a few educational institution in Ukraine are capable of training the so-called "versatile" lawyers, who can potentially fulfill themselves in jurisprudence, advocacy, prosecution, notariat, legal counseling, etc. upon completion of their studies at one of the (law) faculties. Instead, most higher education institutions and their faculties (institutes, departments) are narrowly specialized. Accordingly, the past decade has depreciated the concept of the "university" and wrought irreparable harm to the status of university in its classical understanding.

The concepts of "law as a field of knowledge (that is speciality)" and "law as an area of expertise (profession)" have become mingled. In other words, law today exists not as a profession (area of expertise), but has rather turned to a field of knowledge, area of training that comprises two specialities: "Legal Science" and "Law Enforcement". Establishment of the latter speciality, especially the fact that it is acquired at the Master's level against the background of HEI expansion in the internal affairs system has not only deformed the network of law schools and the number and qualification of lawyers, causing difficulties in employing graduates, but

²⁹ <http://vstup.info/2011/i2011i271b.html>

also adversely affected development of the legal science, specifically in the sphere of administrative law. At the same time "International Law" as a speciality is observably spinning off "Legal Science". Consequently, International Relations students do not acquire adequate knowledge in general theoretical and sectoral legal disciplines, and are ignorant in the national legal system.³⁰

Commercialization of education and an opportunity of getting profits (super profits) from provision of education services in the law area resulted in mass-scale establishment of law faculties (departments, institutes) at the higher education institutions that are not classical universities and do not specialize in law. Faculties of law are operated, for example, by the Institute for the Distribution of Land and Information Technologies of the National Aviation University, Admiral Makarov National University of Shipbuilding, etc. It should be mentioned that the licensed capacity for admitting students to law majors at classical universities and higher education institutions specializing in law accounts for only 40%, whereas 60% of student vacancies go to higher education institutions specializing in law enforcement and other professions. This, beyond doubt, breeds doubt as to compliance of these faculties with accreditation conditions, and even more so due to the fact that the government provides financial support to such law faculties: for example, National Aviation University has 25 budget-funded student vacancies for law majors, National University of Life and Environmental Sciences of Ukraine has 24, National Transport University – 15; Kyiv Hetman Konashevych-Sahaidachny State Water Transport Academy and Kyiv State Water Transport Academy – 5 each. The research allows a conclusion that students of such educational institutions cannot complete with those of classical universities and higher education institutions specializing in law, all the more so when it comes to research paper contests, court debates, efficiency of legal clinics, etc.

Expansion of law enforcement-specializing HEIs and the government order for such areas as "Investigation and Prosecution", "Training of Investigators", "Personnel Training for the Ministry of Internal Affairs of Ukraine", "Personnel Training for the State Penitentiary Service of Ukraine", "Training, Advanced Training and Professional Development of Tax Police Officers", etc. provoke thoughts on government priorities in the sphere of social, economic, political and specifically legal development of the Ukrainian state. The data shown in Table 3 evidence that the licensed capacity of the law-enforcement HEI students is almost twice the number of the law students at classical universities (37% versus 19%). Furthermore, government funding of law-enforcement HEIs is dozens of times higher than the government funding allotted to classical

³⁰ Resolution 787 of the Cabinet of Ministers of Ukraine of Aug. 27, 2010 "On Approval of the List of Academic Specialities Offered by Higher Educational Institutions for Specialist's and Master's Degrees"

HEIs: the named law enforcement-specializing educational institutions alone account for 1,800 budget-funded student vacancies, whereas law faculties of the above universities get only 479 government ordered student vacancies (including "International Law"). Summing up the scope of the government order allotted to the law enforcement faculties operated by the National University "Odesa National Law Academy" and the National University "Yaroslav Mudryi Law Academy", it will transpire that the number of students whose tuition is funded by the government exceeds 1,155 (potential investigators and staff of prosecutor offices, militia, and tax authorities who started their education in 2011).

Of concern is ideology of independent Ukraine's future lawyers whose outlook is shaped in an environment which is not marked by academic freedoms of a university and who for 5 years had to wear a uniform and follow the rules of internal procedure both in everyday life and in studies. Also, the teaching staff of the law-enforcement oriented educational institutions is usually limited to certified militia officers. Therefore, it would be logical to pose a question on employment of future graduates and prospects of further reforms in the legal sphere.

Absence of a government education standard to an extent is stipulated by lack of a holistic and comprehensive vision of the content, aim, objectives and organizational-and-legal forms of the training process in the law sphere, as well as by challenges in determining the list of specialties and specializations.

Selection of Higher Education Institutions

In determining the list of higher education institutions whose syllabi were to become the subject of research, the following criteria were taken into account:

the criterion of **prestige** of a law school: the research had to cover all the leading higher legal education institutions and faculties with appropriate academic traditions and accomplishments. (This purpose was served by resorting to the Ranking of Ukraine's Higher Education Institutions "Compass-2010");

regional criterion: the analysis had to include experience of higher legal education institutions and faculties from all parts of Ukraine (central, eastern, western, and southern);

quantitative criterion: the research took into account the higher legal education institutions and faculties that graduate the largest number of law students;

information availability criterion: the research could make use of the information from higher legal education institutions and faculties that is publicly available on relevant web-pages or that was voluntarily provided by authorized representatives of these institutions or faculties.

Therefore, the following higher education institutions were selected for the research according to the applicable criteria:

- Taras Shevchenko National University of Kyiv (Shevchenko KNU);
- National University of Kyiv-Mohyla Academy (NaUKMA);
- Ivan Franko National University of Lviv (Franko LNU);
- Yaroslav Mudryi National Law Academy of Ukraine (Mudryi NLAU);
- Odesa National Law Academy;
- Donetsk National University (DNU);
- Oles Honchar Dnipropetrovsk National University;
- V.N. Karazin Kharkiv National University;
- I.I. Mechnykov Odesa National University;
- National Academy of Internal Affairs;
- Kharkiv National University of Internal Affairs;
- Dnipropetrovsk State University of Internal Affairs;
- Lviv State University of Internal Affairs;
- Odesa State University of Internal Affairs;
- National Academy of Prosecution of Ukraine;
- Taurida National V.I. Vernadsky University (Vernadsky TNU);
- National Academy of Advocacy of Ukraine.

The information on some higher education institutions turned out to be completely or partially unavailable. For example, higher education institutions of the internal affairs system agreed to provide only their list of disciplines for purposes of the research.

Thus, the research collected and used curricula and syllabi of the disciplines taught at the higher education institutions listed in Table 9.

Table 9. List of Higher Education Institutions Whose Curricula and Syllabi Were Used for Research

Higher Education Institution	Licensed capacity of Bachelors, persons	Licensed capacity of Specialists and Masters, persons	Position in the ranking of legal specialties "Compass 2010"
Yaroslav Mudryi National Law Academy	5,200	5,100	1
Taras Shevchenko National University of Kyiv	1,055	1,020	2
National University of Kyiv-Mohyla Academy	75	105	3
Ivan Franko National University of Lviv	1,000	900	5
Donetsk National University	600	500	7

Classification of Academic Discipline Cycles

The information on the list of academic disciplines and scope of their teaching was obtained from the curricula for the Bachelor in Legal Science (Law) in the six higher education institutions that participated in the research.

Table 10 shows the teaching structure and scope for law disciplines in higher education institutions and its correlation with the scope provided for in the draft Industry Standard of Higher Education of Ukraine for the Bachelor in Legal Science (Law) developed in 2004 for studying disciplines of the professional and practical training cycle.

Table 10. Draft Industry Standard of Higher Education of Ukraine for the Bachelor in Legal Science (Law) of 2004 and Reflection of Its Requirements in Higher Education Institutions' Curricula

	Draft Industry Standard	Hours	Course Name	DNU	NaUKMA	Shevchenko KNU	Vernadsky TNU	Franko LNU	Mudryi NLAU	Average (without Franko LNU)
	Professional and Practical Training Cycle			Hrs.	Hrs.	Hrs.	Hrs.	Class hrs.	Hrs.	Hrs.
1.	Legal Deontology	54	Legal Deontology	27	27				52	31
2.	Theory of State and Law	189	Theory of State and Law	162	10			123	292	146
			Theory of State				144			144
			General Theory of State			130				130
			General Theory of Law		216	122				169
			Theory of Law				144			144
			Theory of State and Law: TOTAL	162	226	252	288	123	292	212
3.	History of State and Law of Ukraine	189	History of State and Law of Ukraine	189	189			90	216	175
			History of Law of Ukraine			157	288			223
			History of State and Law of Ukraine: TOTAL	189	189	157	288	90	216	188
4.	History of State and Law of Foreign Countries	189	History of State and Law of Foreign Countries	162	162	220	216	90	182	175
5.	Organization of Judicial and Law Enforcement Bodies	81	Judicial and Law Enforcement Bodies of Ukraine	81	54		126	51	70	73
			Judiciary of Ukraine			97				97
			Organization of Judicial and Law Enforcement Bodies: TOTAL	81	54	97	126	51	70	76
6.	Constitutional Law of Ukraine	135	Constitutional Law and Procedure of Ukraine				216			216
			Constitutional Law of	135	145	157		153	224	143

	Draft Industry Standard	Hours	Course Name	DNU	NaUKMA	Shevchenko KNU	Vernadsky TNU	Franko LNU	Mudryi NLAU	Average (without Franko LNU)
			Ukraine							
			Law of Constitutional Procedure			92				92
			Constitutional Law of Ukraine: TOTAL	135	145	249	216	153	224	166
7.	State (Constitutional) Law of Foreign Countries	108	Constitutional Law of Foreign Countries		81	97		54		89
			State Law of Foreign Countries	108			108		130	100
			State (Constitutional) Law of Foreign Countries: TOTAL	108	81	97	108	54	130	97
8.	Administrative Law	135	Administrative Law	135	108	189	126	90	192	139
9.	Financial Law	108	Financial Law	81	135	158	126	90	96	99
10.	Fundamentals of Roman Private Law	54	Fundamentals of Roman Private Law				126		50	88
			Fundamentals of Roman Law	81	108					95
			Fundamentals of Roman Private Law: TOTAL	81	108		126		50	91
11.	Civil Law	432	Civil Law	378	513	598	540	297	426	429
12.	Family Law	54	Family Law	81	54	58	108	51	54	64
13.	Criminal Law	432	Criminal Law	432	486	574	540	297	482	450
14.	Labor Law	162	Labor Law	189	216	241	216	122	180	186
15.	Economic Law	162	Economic Law	135		252	144	72	176	148
16.	Environmental Law	108	Environmental Law	108	81	151	90	68	120	97
17.	Land Law	54	Land Law	108	81	153	108	72		95
18.	Agrarian Law	81	Agrarian Law	108	108	144	90	48		99
19.	Criminal Procedure	216	Criminal Procedure	243	216	252	216	140	256	225

	Draft Industry Standard	Hours	Course Name	DNU	NaUKMA	Shevchenko KNU	Vernadsky TNU	Franko LNU	Mudryi NLAU	Average (without Franko LNU)
20.	Civil Procedure	216	Civil Procedure	189	189	221	216	136	196	187
21.	International Private Law	81	International Private Law		135	216	90	54		131
22.	Criminalistics	189	Criminalistics	189	135	227	216	120	250	188
23.	International Law	135	International Law	81					82	72
			International Economic Law		108					108
			International Criminal Law		81					81
			International Human Rights Protection Law		108					108
			International Public Law		108	97	198	68		134
			International Financial Law		54					54
			International Protection of Gender and Children's Rights		81					81
			International Law: TOTAL	81	540	97	198	68	82	161
24.	Fundamentals of the European Union Law	54	Fundamentals of the EU Law					32		36
	TOTAL	3618	TOTAL	4,239	5,332	5,552	5,742	2,857	4,790	6,527.8

Legend and Peculiarities:

Hrs. – total hours per course according to the course schedule. Includes class hours, self-directed learning hours, exams, and written papers.

Class hrs. – include only class hours (Franko LNU) due to lack of data.



- the discipline is not taught as part of the Bachelor's program.

The disciplines mentioned in the draft Industry Standard of Higher Education make the foundation of the current education process in Ukrainian higher legal schools. At the same time, higher education institutions offer their students other disciplines which are optional and depend on the specialization of the higher education institution (see Table 11).

Table 11. List of Optional Disciplines Taught at Higher Education Institutions

Course Name	DNU	NaUKMA	Shevchenko KNU	Vernadsky TNU	Franko LNU	Mudryi NLAU	Average (without Franko LNU)
Criminology	81	108	76	90	34		70
Law of Economic Procedure	135	108	92	92			95
Prosecutor's Office of Ukraine	81	54	25	25	48		52
History of State and Law Theories	81	108	100	144	72	82	86
Penal Law			31	31	34		41
Social Security Law	108		58	72	54		75
Housing Law		81	0				50
Notary Law		108	61	61			71
Tax Law		135		108		70	87
Advocacy in Ukraine			31	108			73
Administrative Procedure		54		72			54
Bank Law				72			54
State Construction and Local Self-Governance				72		100	69
Customs Law				72			63
Municipal Law of Ukraine		81			48		70
Forensic Accounting						52	67
Forensic Medicine and Psychiatry		81	54		64	86	83
Enforcement of Obligations	54	108					81
Education Legislation			64	64			64

Course Name	DNU	NaUKMA	Shevchenko KNU	Vernadsky TNU	Franko LNU	Mudryi NLAU	Average (without Franko LNU)
Fundamentals of Roman Civil Law					51		54
Comparative Legal Science				72		50	61
Intellectual Property Right	108			108			108
Philosophy of Law	108			108			108
Current Issues of Theory of State and Law				90			90
Stock Exchange Law				72			72
Introduction to American Law		81					81
Introduction to Private Law			92				92
Economic Law of Foreign Countries	108						108
Economic Procedure				108			108
Sources of International Law		81					81
Contractual Law				72			72
European Human Rights Law		81					81
Consumer Rights Protection		54					54
Criminal Defense		81					81
Common Law			61				61
Investment Law		81					81
History of Byzantine Law			30				30
History of International Law		108					108
History of Legal Thought at Kyiv University			32				32
Communal Law	108						108
Competition Law		81					81
Control Mechanisms as Means of Implementing International Human Rights Standards		54					54

Course Name	DNU	NaUKMA	Shevchenko KNU	Vernadsky TNU	Franko LNU	Mudryi NLAU	Average (without Franko LNU)
Corporate Law		81					81
Logic		81					81
Medical Law		81					81
Fundamentals of Accounting and Forensic Accounting Examination					54		
Fundamentals of Entrepreneurial Law		216					216
Peculiarities of Crime Qualification in Economic Activity		135					135
Pension Coverage						98	98
Human Rights and Biomedicine		81					81
Human Rights and Their Protection		108					108
Environmental Safety Law			65				65
World Trade Organization Law		81					81
Legal Regulation of Accounting and Analysis of Economic Activity	108						108
Legal Regulation of Bill Circulation			0				0
Legal Regulation of Government Procurements (work and services)		74					74
Legal Regulation of Stock Market			0				0
Legal Research and Analysis		108					108
Legal and Political Aspects of Combating International Terrorism		108					108
Problems of Theory of Law	81						81
Transport Law	54						54
Legal Terminology		54					54

The next stage identified cycles of academic disciplines using the curricula obtained. The project experts classified disciplines by cycles solely for purposes of this research. The objective of such classification was, first and foremost, to separate disciplines of professional

(legal) and general humanitarian training. Thus, all the disciplines taught at the six higher education institutions that participated in the research were divided into 10 cycles (see Table 12):

- social and humanities cycle;
- legal history and theory cycle;
- constitutional law cycle;
- administrative law cycle;
- civil law cycle;
- criminal law cycle;
- international law cycle;
- applied legal disciplines cycle;
- specialized disciplines cycle;
- cycle of disciplines not inherent to higher education.

Table 12. Cycles of Academic Disciplines

Social and humanitarian cycle	Disciplines not inherent to higher education	Administrative law cycle	Civil law cycle	Criminal law cycle	International law cycle	Constitutional law cycle	Legal history and theory cycle	Applied legal disciplines	Specialized disciplines
Foreign language	Life safety and civil protection	Administrative law of Ukraine	Bank law	Criminal protection	Intro to American law	Advocacy in Ukraine	General theory of law	Information retrieval legal systems	Agrarian law of Ukraine
History of Ukraine	Fundamentals of life in emergency situations	Administrative procedure	Economic law of foreign countries	Criminalistics	Sources of international law	State construction and local self-governance	Philosophy of law	Latin	Stock exchange law
Accounting and audit	Fundamentals of labor safety	Environmental law	Economic law of Ukraine	Criminal law of Ukraine (general part + special part)	European human rights law	State law of foreign countries	Theory of state and law (or separate courses)	Rhetoric	Housing law
Business Ukrainian (Professional Ukrainian)	Physical education	Environmental law of Ukraine	Law of economic procedure	Penal law of Ukraine	Control mechanisms as means of implementing international human rights standards	Constitutional law of foreign countries	Roman private law	Fundamentals of rhetoric	Education legislation
Economic theory		Customs law	Contractual law	Law of criminal procedure of Ukraine	International economic law	Constitutional law and procedure of Ukraine	Problems of theory of law	Legal research and analysis	Consumer rights protection

Ukraine's Economy of today	Tax law	Enforcement of obligations	Criminology	International criminal law	Constitutional law of Ukraine	Comparative Legal Science	Rhetoric for lawyers	Investment law
Economic theory	Financial law	Land law of Ukraine	Peculiarities of crime qualification in economic activity	International law	Law of Constitutional procedure of Ukraine	Fundamentals of Roman law	Legal deontology and professional ethics (or separate courses)	Communal law
Ethics and aesthetics		Corporate law		International human rights protection law	Municipal law of Ukraine	History of theories on state and law	Legal terminology	Competition law
Computer science		Notary law		International private law	Organization of operation of judicial and law enforcement bodies of Ukraine	History of legal and political theories		Medical law
Information technologies in legal activity		Notariat of Ukraine		International public law	Human rights and their protection	History of legal thought at Kyiv University		Fundamentals of accounting and forensic accounting examination
History of state on Ukraine's lands		Intellectual property law		International financial law	Judicial and law enforcement bodies of Ukraine	History of law of Ukraine		Fundamentals of entrepreneurship law
History of Ukraine		Family law of Ukraine		International gender and children's' rights protection	Jurisprudence of Ukraine	History of international law		Pension coverage
Cultural studies		Inheritance law		Fundamentals of EU law		History of Ukrainian state and law		Human rights and biomedicine
Logic		Labor law of Ukraine		World Trade Organization law		History of state and law of foreign countries		Environmental safety law
Logic (legal logic)		Civil law of Ukraine		Legal and political aspects of combating international terrorism		History of Byzantine law		Social security law
Fundamentals of economic		Law of civil procedure of				Common law		Social

theory		Ukraine						protection law
Fundamentals of computer sciences						General theory of state		Legal statistics
Fundamentals of research						Intro to private law		Legal regulation of accounting and analysis of economic activity
Fundamentals of psychology and pedagogy						Current issues of theory of state and law		Legal regulation of bill circulation
Political Science								Legal regulation of government procurement (work and services)
Psychology								Legal regulation of stock market
Religion studies								Prosecutor supervision in Ukraine
Sociology								Proceedings in labor cases
Ukrainian and foreign culture								Forensic accounting
Philosophy								Forensic medicine and psychiatry (or separate courses)
								Transport law

Assessment of Syllabi

For purposes of this research the syllabi of disciplines of the following cycles have been analyzed:

- constitutional law;
- administrative law;
- civil law;
- criminal law;

- international law;
- specialized disciplines.

To analyze discipline syllabi by cycles, project experts developed a corresponding database, which was populated with information on thematic and hourly content of each syllabus. The experts assessed the content of each academic discipline's syllabus with regard to the following components:

- constitutional law;
- administrative law;
- civil law;
- criminal law;
- international law;
- non-legal.

Franko LNU provided information on the teaching scope of disciplines in class hours, whereas all other higher education institutions provided information on the total scope of a course in hours. In order to adjust hourly indicators of all higher education institutions, there was calculated an average hourly load for all the HEIs, which was divided by the number of class hours at Franko LNU. The coefficient thus obtained (1.8) was multiplied by the number of class hours at Franko LNU to get an assessment of full hourly load for each discipline.

Assessment of Legal Science

The objective of legal science assessment under this research was to trace:

- the structure of Dissertation Defense Boards;
- the dynamics of defended dissertations for the Ph.D. and D.Sc. degrees;
- the structure of dissertations by specialities;
- the main trends in determining the subject of dissertations.

The research made use of the following sources:

- catalogue of dissertations and synopses of dissertations posted on the electronic portal of the Vernadsky National Library of Ukraine;³¹
- a list of research and higher education institutions with Dissertation Defense Boards, indicating specialities under which dissertations are defended there (as of March 1, 2010);
- the list of specialities under which Ph.D. and D.Sc. dissertations are defended and research degrees and academic titles are awarded;³²

³¹ <http://www.nbu.gov.ua/db/dis.html>

³² Approved by High Certification Commission Decree 377 of June 23, 2005, as amended.

- the procedure for awarding research degrees and academic titles of senior staff scientist.³³

Assessment of International Experience

To research the regulatory experience and the state of legal education and science, the following countries were selected:

- Germany;
- France;
- United Kingdom;
- Poland.

The experts assessed each country's experience based on a questionnaire which had the questions shown below.

Questionnaire to Study Experience of Selected European Countries in Regulating Legal Education and Access to the Legal Profession

1. Regulation of university education:
 - 1.1. Is there framework legislation?
 - 1.2. What is covered by the notion "university"?
 - 1.3. Who determines the university admission procedure?
2. Regulation of the legal education standard and accreditation:
 - 2.1. Are standards of higher legal education and requirements for accreditation spelled out in laws or regulations?
 - 2.2. Do professional associations of lawyers affect the accreditation process?
 - 2.3. What role is played by universities in development of curricula?
3. The number of accredited law faculties (law schools).
4. The annual number of admitted and graduated persons.
5. Prerequisites for access to legal education:
 - 5.1. After which education (general secondary, special (humanitarian) secondary, higher) can a person be admitted to a law school? What is the average age of the admitted?
 - 5.2. Is there a system of exams or competitive selection?
 - 5.3. Is access to legal education and other types of higher education the same?
6. What is the duration of the general professional training and under which degree

³³ Approved by the Cabinet of Ministers of Ukraine Resolution 423 of March 7, 2007, as amended by the Cabinet of Ministers of Ukraine Resolution 1197 of November 11, 2009.

(Bachelor's, Master's) is it offered?

7. What is the Master's status: qualification level, specialization level, research degree?
8. What is covered by the notion "legal profession"?
9. What are the prerequisites for getting access to the legal profession: university diploma, qualifying examination, professional internship?
10. What are the prerequisites for being awarded a university diploma: successful passing of exams on subjects, state graduation exams, internship, graduation project?
11. In the case of qualifying exams:
 - 11.1. Who administers them: government, universities, professional associations?
 - 11.2. What are the types of questions and how are they formed?
 - 11.3. Who makes reviews and assessments?
12. In the case of professional internship:
 - 12.1. Who administers it: government, universities, professional associations?
 - 12.2. How is success of internship assessed?
13. What is included in the notion "research degree"? What are the research degrees in law?
14. What are the prerequisites for a research degree in law?
15. What are the requirements for a research paper? Who imposes them?
16. How many persons are awarded legal research degrees annually?

IV. Legal Profession, Access to It, and Its Impact on Legal Education

Relation between Legal Education and Legal Profession: European Context

Despite absence of a higher legal education "benchmark" and versatility of lawyer training systems in Europe, higher law schools in different European countries have common features brought about by a number of factors. The main common feature is a practice-oriented academic process and a clearly determined professional orientation of legal education. Such approach is stipulated by the market of legal services and access to the legal profession. It is the legal profession market that has the biggest impact on development of curricula.

To understand mechanisms of such influence, it is necessary, first of all, to look at the traditional European understanding of the "lawyer" profession as "a person qualified and authorized according to the national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters". The definition was suggested in the Recommendation of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer (see Attachment 5). Also, the Committee of Ministers recommends that governments of the Council of Europe member-states be governed in their activities by the following principles of ensuring freedom of exercise of the lawyer's profession:

1. "All necessary measures should be taken to respect, protect and promote the freedom of exercise of the profession of lawyer without discrimination and without improper interference from the authorities or the public, in particular in the light of the relevant provisions of the European Convention on Human Rights.
2. Decisions concerning the authorization to practice as a lawyer or to accede to this profession, should be taken by an independent body. Such decisions, whether or not they are taken by an independent body, should be subject to a review by an independent and impartial judicial authority.
3. Lawyers should enjoy freedom of belief, expression, movement, association and assembly and, in particular, should have the right to take part in public discussions on matters concerning the law and the administration of justice and suggest legislative reforms.
4. Lawyers should not suffer or be threatened with any sanctions or pressure when acting in accordance with their professional standards.

5. Lawyers should have access to their clients, including in particular to persons deprived of their liberty, to enable them to counsel in private and to represent their clients according to established professional standards.
6. All necessary measures should be taken to ensure the respect of the confidentiality of the lawyer-client relationship. Exceptions to this principle should be allowed only if compatible with the Rule of Law.
7. Lawyers should not be refused access to a court before which they are qualified to appear and should have access to all relevant files when defending the rights and interests of their clients in accordance with their professional standards.
8. All lawyers acting in the same case should be accorded equal respect by the court".³⁴

In view of the principles of the lawyer's profession, the Committee of Ministers emphasizes the following main principles of legal education:

1. "Legal education, entry into and continued exercise of the legal profession should not be denied in particular by reason of sex or sexual preference, race, color, religion, political or other opinion, ethnic or social origin, membership of a national minority, property, birth or physical disability.
2. All necessary measures should be taken in order to ensure a high standard of legal training and morality as a prerequisite for entry into the profession and to provide for the continuing education of lawyers.
3. Legal education, including programmes of continuing education, should seek to strengthen legal skills, increase awareness of ethical and human rights issues, and train lawyers to respect, protect and promote the rights and interests of their clients and support the proper administration of justice".³⁵

The above concepts and principles aim at better understanding and promotion of the legal profession as free, self-regulated, based on high ethical standards, morality and awareness of human rights; profession aimed at respect, protection and promotion of the rights and interests of clients, and support of the proper administration of justice.

It should be noted that understanding of the legal profession and legal education set forth in the Recommendation of the Committee of Ministers of the Council of Europe is in fact a summary of European countries' best practices in the sphere. Further, the governments of the Council of Europe member states, when forming a government policy, must use the Committee

³⁴ Ibid.

³⁵ Ibid.

of Ministers' recommendations as "soft law". Thus, in 2000 the government of Ukraine, by supporting Recommendation R(2000)21 of the Committee of Ministers of the Council of Europe on freedom of exercise of the profession of lawyer, undertook an obligation to use the principles set forth in the Recommendation when developing legislation and forming state standards.

Relation between Legal Education and Legal Profession: Ukrainian Context

Current Ukraine's understanding of the legal profession is predominantly interpreted in textbooks on legal deontology. Specifically, the following approaches are typical:

"Legal activity is a type of social activity which is pursued by lawyers through legal means abiding by legal forms in the legislatively prescribed cases with the aim of resolving various legal problems. There are two main types of legal activity: criminal and civil".³⁶

"Today Ukraine, as never before, is witnessing specialization of the legal profession. A far from exhaustive list of legal profession categories by affiliation with organizational structures includes a judge, a prosecutor and prosecutor's office investigators, an advocate and employees of legal attorney's offices, a lawyer in the law enforcement agencies (Ministry of Internal Affairs, Security Service of Ukraine, etc.), a legal counsel, an employee of law firms, a lawyer in the management system, a research lawyer and an expert, etc. With all the differences between a notary's job and that of a prosecutor's office investigator, and between the latter's pursuit and that of a social security officers' work, all of them are lawyers of the same community safeguarding law and order, protecting and defending the citizens' rights and freedoms.

Legal services are used in the following agencies:

1. legal agencies: prosecutor's office, judicial system, Ministry of Internal Affairs, Security Service of Ukraine, Ministry of Justice;
2. central representative authorities and local self-governance agencies;
3. central and regional (local) executive agencies, state administrations, various government services;
4. commercial organizations;
5. associations (panels) of liberal professionals (advocates) and specialized law firms;
6. institutions providing support in the sphere of information and human resources (research and educational institutions, legal press, data pools) etc."³⁷

The requirements for the legal profession are formulated accordingly:

³⁶ Bryzgalov I.V. Legal Deontology: A Brief Course of Lectures. – Kyiv: Interregional Academy of Personnel Management, 2003. – 3rd edition, reprint – 48 p., p. 18.

³⁷ Bandurka O.M., Skakun O.F. Legal Deontology: A Textbook – Kharkiv: National University of Internal Affairs publishers, 2002. – 336 p.

"A lawyer is a specialist who puts his/her knowledge to practical use, i.e. is skilled in producing legal documents and performing all actions and operations using the required means during resolution of a legal case that belongs to his/her field of professional expertise".³⁸

"General features of the legal profession:

- a lawyer serves the civil society and the state: his/her activity is, first and foremost, of social and state nature;
- a lawyer, as a rule, deals with social anomalies, "diseases" in the society;
- a lawyer has a formal status of an official: holding a position, s/he often pledges an oath of allegiance to his/her professional duty;
- a lawyer's work does not immediately create material or spiritual values: s/he is vested with certain powers of government that have an administrative component (but are not necessarily solely administrative). For example, the job of a prosecutor, judge, investigator, etc. envisions their having special powers of government, as well as the right and the obligation of exercising their powers in the name of the law;
- a lawyer acts independently: his/her work is not completely concurrent with the activities of an agency or institution employing him/her;
- a lawyer is urged to act creatively: s/he is in continuous search for the truth and does not have standard solutions, since s/he resolves specific cases for specific individuals and circumstances;
- a lawyer is a votary of law: in his/her activity s/he is always bound by law".³⁹

Ultimately, such an approach to understanding of the legal profession stipulates requirements to legal education:

"As a rule, [a "Legal Science" graduate's] job description is outlined by three aspects.

General requirements: a graduate must balance a broad fundamental scientific and practical qualification, know his area of expertise to perfection, be able to quickly learn new avenues of the law enforcement activity, continuously acquire new knowledge, assess historical and contemporary processes in the economy of a state, have dialectic thinking, professionally and competently resolve tasks on public order protection, have command of the written and oral state language, have a developed feeling of professional dignity and social responsibility, and have a need for continuous self-education and professional development.

A graduate must know the laws, legal and specialization disciplines, principles and functions of the professional legal activity, its methodology and techniques, his/her powers,

³⁸ Bryzgalov I.V. Legal Deontology: A Brief Course of Lectures. – Kyiv: Interregional Academy of Personnel Management, 2003. – 3rd edition, reprint – 48 p., p. 22.

³⁹ Bandurka O.M., Skakun O.F. Legal Deontology: A Textbook – Kharkiv: National University of Internal Affairs publishers, 2002. – 336 p.

have command of the state language and of the national language of the region and know its national traditions.

A graduate must be able to put his/her legal knowledge to practice, make decisions and ensure their implementation, organize his/her activity, continue self-education to enhance his/her qualification, be able to use service weapon, computers, motor vehicles and typewriting".⁴⁰

The author of this approach traces its historical causes by making reference to the following documents:

- an approach to certification of judicial officers developed in the 1920s by the People's Commissariat for Justice of the Ukrainian Soviet Socialist Republic which determined the characteristics that applicants for judicial positions had to meet;
- "A Model of a Specialist – School Leaver", proposed by the Kyiv Higher School of the Ministry of Internal Affairs in 1981;
- "A Lawyer's Job Description" under speciality 1801 "Legal Science" approved by the Ministry of Higher Education of USSR in 1982;
- job description of a "Legal Science" graduate of the Kharkiv Law Institute (now Yaroslav Mudryi National Law Academy) of 1989;
- a specialist's job description approved by the University of Internal Affairs of the Ministry of Internal Affairs of Ukraine (Kharkiv) in 1994-1997.⁴¹

Thus, the legal profession is interpreted not as liberal and self-regulating, but rather as a component of various organizational forms: prosecutor's office, investigation, advocacy, judiciary, etc. Given that, legal professions are interpreted to include both legal professions proper (advocate, judge) and law enforcement ones (investigator, operating executive, etc.). Further, the legal profession is clearly stated to focus less on human rights protection, than on "social anomalies", the need "to exercise powers of government in the name of the law", and resolve "specific cases" and "legal issues". After all, this approach suggests a "criminal" dominant component in the legal profession.

The above interpretation of the legal profession and requirements for it can be viewed as unjustified taking into account the following:

- requirements set forth in the Constitution of Ukraine;
- Ukraine's international obligations, namely the requirements provided in the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the legal instruments of the Council of Europe that Ukraine

⁴⁰ Ibid.

⁴¹ Bandurka O.M., Skakun O.F. Legal Deontology: A Textbook – Kharkiv: National University of Internal Affairs publishers, 2002. – 336 p.

must govern itself by;

- national legislation targeted at harmonization of the Ukrainian practices with the European standards;
- national experience of judicial and legal practices.

The structure of the national judicial practice by jurisdictions can serve as a criterion for understanding the degree to which training of lawyers in any of specializations is justified. Table 13 provides official statistics of hearing cases in trial courts by jurisdictions.⁴² The data shown in the table demonstrates that as of 2008 criminal jurisdiction proceedings in trial courts account for only 6% of all cases. The data, apparently, disprove appropriateness of interpreting the lawyer's profession in the light of relations with "social anomalies".

Table 13. Number of Court Decisions by Categories of Cases

Cases reviewed in trial courts	2002	2003	2004	2005	2006	2007	2008	2008
Total	4,903,734	5,885,691	6,381,475	6,352,842	7,411,138	8,633,006	9,884,954	100%
Criminal	607,101	610,680	518,464	604,539	529,565	579,732	576,732	6%
Civil	1,457,321	1,607,927	1,896,866	1,652,521	1,500,324	1,699,528	1,916,368	19%
Administrative TOTAL	2,662,538	3,421,930	3,656,192	3,770,773	5,157,041	6,072,023	7,094,515	68%
administrative jurisdiction	-	-	-	21,292*	229,248	196,500	406,256	4%
on administrative offences (cases on violations of Traffic Regulations)	2,197,929	2,854,850	3,016,014	3,035,663	4,085,029	4,900,000	5,577,796	56%
on administrative offences (net of the cases on violations of Traffic Regulations)	464,609	567,080	640,178	713,818	842,764	975,523	1,110,463	11%
Economic	227,210	218,164	276,956	295,491	218,415	279,962	295,832	3%

As stated before, the concept of "a lawyer" in the European tradition is interpreted not through organizational affiliation, but through functional vocation, which consists in respect for, protection and assertion of the rights and interests of persons, and through support of

⁴² Court statistics of the Ukrainian Judiciary.

independent administering of justice.

And this is exactly the interpretation of the legal profession that can be induced from the provisions of the Constitution of Ukraine. Firstly, Art. 3 para 2 provides that "Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. To assert and ensure human rights and freedoms is the main duty of the State", and Art. 8 para 1 states that "In Ukraine, the principle of the rule of law is recognized and effective". Secondly, according to Art. 55 para 1 and 2, "Human and citizens' rights and freedoms are protected by the court. Everyone is guaranteed the right to challenge in court the decisions, actions or omission of bodies of state power, bodies of local self-government, officials and officers". Finally, Art. 59 has it that "Everyone has the right to legal assistance. Everyone is free to choose the defender of his or her rights. In Ukraine, the advocacy acts to ensure the right to a defense against accusation and to provide legal assistance in deciding cases in courts and other state bodies".

The above constitutional guarantees clearly focus the judiciary and the advocacy activities on human rights protection to assert and ensure human rights and freedoms through the rule of law as the main duty of the state. This is the approach that gradually starts to be implemented in Ukraine. In view of this, interpretations of the legal profession as provided in national law textbooks fail to meet the expectations for the profession formulated in the Constitution and legislation of Ukraine. Below is an example demonstrating this discrepancy.

Textbook on legal deontology	Concept of judiciary development	Law of Ukraine "On the Judiciary and the Status of Judges"
"A judge must not only correctly, according to legislation, review and decide in the criminal or civil case, but also to the maximum extent use the court litigation practice to prevent criminal manifestations and other offenses against the law. The	"The objective of further development of justice is true assertion of the rule of law in the society and ensuring everyone's right to a fair trial in an independent and unbiased court. The essence of the rule of law is that human rights and fundamental freedoms are the values that shape the content	"In administering justice on the basis of the rule of law, a court shall ensure everyone's right to a fair trial and respect for other rights and freedoms guaranteed by the Constitution and laws of Ukraine, as well as by international agreements

judge implements the ideas inherent in the legislation. At the same time, s/he performs an educational function". ⁴³	of and guide the state's activity". ⁴⁴	made obligatory by the Parliament of Ukraine". ⁴⁵
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Apparently, the legal profession is not limited to judge's or advocate's profession only, as a number of professionals in the judiciary are in need of legal training, namely judicial assistants, court registrars, and court secretaries. Also, legal education is required for functions of norms design in the legislative, executive, and local self-governance systems.

At the same time, special attention should be paid to inclusion of law-enforcing professions (namely investigator, interrogator, operating executive or even penal officer) among the "legal" ones. Indeed, representatives of these professions are "officials" with "powers of government" who deal with "social anomalies". At the same time, the functional nature of these professions is not that of human rights protection or law making; on the contrary, the result of these professional activities is to compel and restrict personal rights and freedoms within the limits of and in the manner prescribed by the law to ensure observance of law and order. Thus, acquiring these professions requires special training which can include the legal component (namely criminal law), however has to concentrate on special knowledge and skills necessary to maintain law and order and prevent criminal acts. Law enforcement officers, beyond doubt, must have knowledge of the legal procedure of intervention in the rights of persons and their apprehension, however to perform their functions they do not need knowledge of the theory of law or civil procedure. Instead, future law enforcers need knowledge and skills for carrying out investigative and operational activities, which, in their turn, do not significantly impact the judge's or the advocate's profession.

This approach to understanding law-enforcing professions agrees with the European standards, as enshrined, inter alia, in the European Code of Police Ethics and recommended by the Committee of Ministers of the Council of Europe for application by the governments of the Council of Europe member states.⁴⁶ The code provides that the main purposes of the police in a democratic society governed by the rule of law are:

- to maintain public tranquility and law and order in society;
- to protect and respect the individual's fundamental rights and freedoms as enshrined, in particular, in the European Convention on Human Rights ;

⁴³ Bryzgalov I.V. Legal Deontology: A Brief Course of Lectures. – Kyiv: Interregional Academy of Personnel Management, 2003. – 3rd edition, reprint – 48 p., p. 36.

⁴⁴ The Concept for Improvement of the Judiciary to Ensure Fair Trial in Ukraine in Line with European Standards approved by Presidential Decree 361/2006 of May 10, 2006.

⁴⁵ Law of Ukraine "On the Judiciary and the Status of Judges".

⁴⁶ Recommendation Rec(2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics

- to prevent and combat crime;
- to detect crime;
- to provide assistance and service functions to the public.

Apparently, the current understanding of the legal profession is caused by historical factors, in particular by the Soviet system of justice, in which the criminal component was the dominant one. However, adoption of the new Constitution of Ukraine in 1996, accession to international agreements, first and foremost, to the Statute of the Council of Europe and to the Convention for the Protection of Human Rights and Fundamental Freedoms, improvement of national legislation and its harmonization with the European standards offer a lot of leads for understanding of democratic doctrines, principles, and institutes, and specifically for the legal profession institute.

Access to the Legal Profession in Ukraine

Today a special access to the profession is granted to judges, advocates, and notaries.

Special requirements for judges are set forth in the Constitution of Ukraine, which in Art. 127 para 3 stipulates that "a citizen of Ukraine, not younger than the age of twenty-five, who has a higher legal education and has work experience in the sphere of law for no less than three years, has resided in Ukraine for no less than ten years and has command of the state language, may be recommended for the office of judge by the Qualification Commission of Judges". The Law of Ukraine "On the Judiciary and the Status of Judges" Art. 64 para 4 specifies the Constitutional requirements, namely providing that "for the purposes of this Article, it shall be deemed as follows:

1. higher legal education shall mean higher legal education with a Specialist's or Master's degree received in Ukraine, as well as higher legal education with a relevant degree received in foreign countries and recognized in Ukraine as prescribed by the legislation;
2. length of service in the legal profession shall mean a person's record of service in the profession after receiving higher legal education with at least a Specialist's degree".⁴⁷

Further, the Law of Ukraine "On the Judiciary and the Status of Judges" imposes additional requirements for the theoretical knowledge and the level of professional training of a judicial candidate (Art. 69) and for taking a qualifying examination (Art. 70).

The Law of Ukraine "On Advocacy" Art. 2 para 2 stipulates that "any person, who has higher legal education certified by a diploma of Ukraine or a diploma of another state in conformity with international treaties of Ukraine, work experience in the sphere of law of at least

⁴⁷ Law of Ukraine "On the Judiciary and the Status of Judges".

two years, a command of the state language, who has passed qualifying examinations, has received a certificate entitling him/her to engage in advocacy in Ukraine and has taken the Oath of an Advocate of Ukraine, can be an advocate".⁴⁸

And finally, the Law of Ukraine "On Notariat" Art. 3 para 1 provides that "Any citizen of Ukraine, who has higher legal education, a command of the state language, work experience in the sphere of law of at least three years, who has had a one-year internship with a state notary office or with a private notary, has passed a qualifying examination, and has received a certificate entitling him/her to engage in notarial activities can be a notary".⁴⁹

This information can help identify several levels related to the problems of getting access to the legal profession in Ukraine.

Firstly, no criteria have been established for granting access to legal professions other than a judge, an advocate and a notary, e.g. on age, command of the state language, work experience, mandatory internship, or qualifying exam. It implies that a higher legal education certificate offers sufficient ground for getting access to these professions. The Law of Ukraine "On Higher Education" states that "a person is considered to have higher education if s/he has completed his/her training at a higher education institution, has successfully passed state certification based on higher education standards, and has received a corresponding standard government-approved document on completion of higher education". At the same time, "state certification of persons graduated from higher education institutions of all forms of ownership shall be administered by a State Examination Commission", and "provisions on the State Examination Commission shall be approved by an authorized central executive agency in the sphere of education and science".⁵⁰ In this sense the Ukrainian experience is unique, since the European practice envisages mandatory internship and a qualifying exam not only to get access to individual legal professions, but also to get the status of "a lawyer" per se. Even if state certification is viewed as a qualifying exam, the European practice provides for active participation of the professional lawyers' community or the Ministry of Justice in shaping requirements to such an examination.

The next question is: what, in fact, should be considered higher legal education in Ukraine. According to the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the List of Specialities in Which Higher Education Institutions Offer Training for Specialist's and Master's Degrees"⁵¹, "Law" is treated as a branch of knowledge (Code 0304), whereas both degrees – Specialist's and Master's – provide for different names of specialities under different

⁴⁸ Law of Ukraine "On Advocacy".

⁴⁹ Law of Ukraine "On Notariat".

⁵⁰ Law of Ukraine "On Higher Education" Art. 7 para 4.

⁵¹ Resolution 787 of the Cabinet of Ministers of Ukraine of Aug. 27, 2010 "On Approval of the List of Specialities in Which Higher Educational Institutions Offer Training for Specialist's and Master's Degrees"

codes: "Legal Science" and "Law Enforcement".⁵² It should be noted that the list of specialities also includes, for example, "Legal Order Management" (Master's degree) – 8.18010002, "Safeguarding and Security" (Master's degree) – 8.180100264, and a separate area (branch of knowledge) "Civil Security", which offers training in a number of specialities for the Master's and the Specialist's degrees: "Civil Protection" (7.18010026 / 8.18010026) and "Civil Protection Management" (7.17020102 / 8.17020102), which in their subject-matter duplicate "Law Enforcement". On the other hand, "International Law" as a speciality is included in the branch of knowledge "International Relations" for both qualification degrees (under different codes).⁵³

Thus, the effective legislation treats law as a branch of knowledge or area, rather than an area of expertise or profession. Moreover, such "breakdown" of law as a branch of knowledge doubtlessly confuses understanding of the lawyer's profession and at the same time makes it impossible to shape a uniform standard of legal education, since it prohibits compiling even an approximate list of disciplines in the branch of knowledge "Law" (the adequate minimum scope of a lawyer's knowledge) if the subject matter of the legal profession remains unclear, and hence the purpose and objectives of the academic process in the legal domain.

Today the criteria of identifying specialities in law are unclear, just as distinction of law as a branch of knowledge or area, and as a speciality (area of expertise, profession, etc.), which runs counter the Law of Ukraine "On Higher Education" Art. 1, providing that professional training is acquisition of qualification in a corresponding training area or speciality.

Nevertheless, the issue of specialization is an extremely important one. Under current Ukraine's practice, development of a curriculum takes into account the following:

- the area in which higher education institutions train specialists for corresponding qualification degrees;
- the content of the speciality;
- specialization.⁵⁴

Apparently, until the concept of the legal education model has been developed, no transformations or reforms will have any sense or positive effect. The main questions requiring an answer are:

⁵² Master's degree – academic speciality "Legal Science", Speciality Code 8.03040101.

Master's degree – academic speciality "Law Enforcement", Speciality Code 8.03040201.

Specialist's degree – academic speciality "Legal Science", Speciality Code 7.03040101.

Specialist's degree – academic speciality "Law Enforcement", Speciality Code 7.03040201.

⁵³ Specialist's degree – 7.03020201; Master's qualification degree – 8.03020201.

⁵⁴ According to the Law of Ukraine "On Higher Education", specialization is "acquisition by a person of abilities to perform certain tasks and obligations that have peculiarities within the speciality", whereas the list of specializations by specialities is a component of the Standard of Higher Education for Higher Education Institutions.

- Which education and qualification level (degree) should a legal expert, that is a lawyer, correspond to?
- What scope of knowledge and practical skills does a lawyer have to acquire?
- Which educational institutions are capable of providing for the academic process in the sphere of law?
- What shall be the content of the curriculum?
- At what stage should a lawyer's specialization begin:
 - At the very beginning of training?
 - After having been awarded a Bachelor's degree?
 - After having been awarded a Specialist's degree?
 - After having been awarded a Master's degree while studying at specialized institutes: National School of Judges, Academy of Prosecution, School Advocates and Legal Counsels?
- What should be the teaching staff qualification at each stage of the academic process?

Without answers to these and other questions it will be impossible to determine the content of the reforms in the sphere of legal education, the sequence of their implementation, and the time frames.

Another problem that arose with introduction of the Master's degree and that immediately concerns access to the profession and specialization is the duration of education. Through lack of a state standard, Ukraine has developed a practice when HEIs independently determine the duration of study in the Master's program. It can be one academic year after receiving a Bachelor's degree, one academic year after receiving a Specialist's degree, or a year and a half after receiving a Specialist's degree. Thus, it may take from one to two years to get a Master's certificate in law after having been awarded a Bachelor's degree.

Special attention should be paid to the difference between a Specialist's and a Master's degrees. There is no clear and unambiguous separation into these degrees, just as there is no convincing justification of the speciality passport or positions in the practical work of a lawyer having a corresponding degree. Further, there is no difference between these degrees **in access to** the legal profession (this, inter alia, is confirmed by requirements to applicants for a

judicial position set forth in the Law of Ukraine "On the Judiciary and the Status of Judges"⁵⁵) and the legal science.

Other notable criteria for access to the legal profession determined in the legislation are as follows. The criterion of "work experience in the sphere of law" requires an interpretation of the legal profession. Today, for example, it is common to select judges from among former internal affairs officers, which, considering the nature of these two professions described above, may adversely affect the quality of legal proceedings. This example evidences a need for a clear definition of the notion "legal profession", since even the fact of being affiliated with it can become a criterion of professional advance.

Such criterion of access to the legal profession as "command of the state language" is not subject to any kind of verification. As a consequence, the bulk of legal documents in Ukraine is produced with errors and full of Russianisms; extremely critical is the situation with the quality of court decisions.⁵⁶ According to the Law of Ukraine "On Access to Judicial Decisions", decisions of Ukraine's courts of all instances and specializations shall be published in the Unified State Register of Judicial Decisions "to ensure openness of common law courts, predictability of judicial decisions, and promotion of uniform application of legislation".⁵⁷ However, today's low quality of judicial decisions cannot facilitate their predictability and uniform application of legislation, and evidences that judges have a low general level of command of the state language. Considering this regrettable fact, it seems appropriate to introduce a mandatory examination of applicants seeking access to the legal profession on command of the state language and to provide for academic disciplines within the framework of legal education to help future lawyers acquire skills of legal writing and terminology.

Role of Socio-Professional Environment and State in Regulation of Legal Education

Firstly, it should be stated that legal education is offered by state and private higher education institutions, with the former accounting for 88% of the licensed capacity of students (see Table 14).

⁵⁵ Law of Ukraine "On the Judiciary and the Status of Judges"

⁵⁶ The quality of court decisions was researched under a separate OSCE project. The findings of this research are used to administer training workshops for judges on improvement of court decision quality, and a corresponding manual is under construction.

⁵⁷ Law of Ukraine "On Access to Judicial Decisions"

Table 14. Licensed Capacity to Train Lawyers according to the HEI Ownership Form

HEI form of ownership	Total licensed capacity (persons)	Bachelor (Law, Legal Science)	Specialist (Law, Legal Science)	Master (Law, Legal Science)	Specialist / Master (Law Enforcement)
State	65 474	32 994	20 781	10 209	1 490
Non-State	8 780	5 125	2 740	795	120
Total	74 254	38 119	23 521	11 004	1 610

The Law of Ukraine "On Education" guarantees self-governance and autonomy to higher education institutions regardless of their form of ownership. Self-governance provides for the following rights:

- independent planning of work, solution of issues related to educational, research, methodological, economic, financial and operating activities;
- participation in the formation of pupil, student and trainee admission plans with account for the state contract (order) and agreements of enterprises, institutions, organizations and individuals;
- determination of the contents of education provided by an educational institution in excess of the scope determined by the state;
- employment of teaching, research, engineering, and other staff, as well as experts from other countries, including under contracts;
- independent utilization of all appropriations, approval of the structure and staffing table within the limits of the established payroll;
- exercising of public control over the organization of catering, health care and labor safety in educational institutions".⁵⁸

A higher educational institution may be provided with autonomy pursuant to the level of its accreditation, and such autonomy shall allow for the following rights:

- determine the content of education;
- determine student, post-graduate and doctorate admission plans with account for the

⁵⁸ Law of Ukraine "On Education" Art. 17

state contract (order) and agreements of enterprises, institutions, organizations and individuals;

- determine and award research degrees of Accreditation Level IV higher education institution;
- other power delegated to a higher education institution pursuant to its status by the government authorities governing education".⁵⁹

At the same time, the Law of Ukraine "On Higher Education" provides that "The Cabinet of Ministers of Ukraine through the system of executive bodies:

- shall implement the state policy in the sphere of higher education;
- shall organize development and implementation of relevant national and other programs;
- within the limits of its authority shall issue statutory instruments on higher education;
- shall exercise control over compliance with the legislation on higher education".⁶⁰

"Management in the sphere of higher education within the scope of their jurisdiction shall be exercised by:

- a designated central executive agency in the sphere of science and education;
- other central executive authorities that have higher education institutions subordinated to them;
- High Certification Commission of Ukraine;
- government authorities of the Autonomous Republic of Crimea;
- local self-governance agencies;
- owners of higher education institutions;
- public self-governance agencies». ⁶¹

In this case, a "designated central executive agency in the sphere of science and education" (currently it is the Ministry of Education, Science, Youth and Sport):

- shall take part in the formation of the state policy in the sphere of higher education, science, and personnel professional training;
- shall develop higher education development programs and higher education standards;
- shall determine the norms of material, technical, and financial support to higher education institutions;
- shall provide academic and methodological guidance and control over compliance

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

with the standards of higher education, and carry out state inspections;

- ...
- shall perform licensing and accreditation of higher education institutions regardless of their form of ownership and subordination and issue them licenses and certificates;
- shall authenticate documents on higher education and research degrees;
- shall form and place the government order for training of specialists with higher education;
- shall facilitate employment of higher education graduates;
- shall approve requirements for admission to higher education institutions;
- shall approve statutes of higher education institutions and private higher education institutions subordinated to them;
- shall concur statutes of state higher education institutions subordinated to other central executive agencies, higher education institutions in the ownership of the Autonomous Republic of Crimea, and community higher education institutions;
- shall organize elections, approve and dismiss heads of higher education institutions subordinated to it;
- shall concur nominations of heads of communal and private higher education institutions;
- shall administer certification of teaching and research staff with regard to awarding them qualification categories, pedagogical and research degree;
- in conjunction with other central executive agencies that have higher education institutions in their subordination, government authorities of the Autonomous Republic of Crimea, local executive agencies and local self-governance agencies that have communal higher education institutions in their subordination shall provide for implementation of the state policy in the sphere of higher education and exercise control over implementation of the state policy in the sphere of higher education, compliance with the regulatory and legislative instruments on higher education in all higher education institutions regardless of their ownership and subordination forms".⁶²

"Other central executive agencies that have higher education institutions in their subordination in conjunction with a designated central executive agency in the sphere of education and science:

- shall take part in implementation of the state policy in the sphere of higher education, science, and personnel professional training;

⁶² Law of Ukraine "On Higher Education" Art. 18 para 1

- shall take part in licensing and accreditation of higher education institutions;
- shall facilitate employment of the graduates of higher education institutions subordinated to them;
- shall exercise functions of control over compliance with the requirements for the quality of higher education;
- shall administer elections, approve and dismiss administrative managers of higher education institutions;
- shall concur, subject to agreement with the designated central executive agency in the sphere of education and science, statutes of higher education institutions subordinated to them".⁶³

Pursuant to the Law of Ukraine "On Higher Education" Ukraine shall have several levels of standards for higher education:

"State Standard of Higher Education shall comprise:

- a list of qualifications pursuant to relevant educational and qualification levels;
- a list of areas and specialties under which specialists are trained at higher education institutions for relevant educational and qualification levels;
- requirements for educational levels of higher education;
- requirements for educational and qualification levels of higher education".⁶⁴

"Industry Standards of Higher Education shall comprise:

- educational and qualification descriptions of higher education institution graduates;
- educational and professional training programs;
- means of diagnosing the quality of higher education".⁶⁵

Higher Education Institutions' standards of higher education shall comprise:

- "a list of specializations by specialties;
- variant parts of educational and qualification descriptions of higher education institution graduates;
- variant parts of educational and professional training programs;
- variant parts of the means of diagnosing the quality of higher education;
- curricula;
- syllabi of academic disciplines".⁶⁶

The procedure for development of higher education standards, making amendments to them, and exercising control over their fulfillment shall be determined by the Cabinet of

⁶³ Law of Ukraine "On Higher Education" Art. 18 para 2.

⁶⁴ Law of Ukraine "On Higher Education" Art. 11 para 2.

⁶⁵ Law of Ukraine "On Higher Education" Art. 11 para 3.

⁶⁶ Law of Ukraine "On Higher Education" Art. 11 para 4.

Ministers of Ukraine. Although the Law of Ukraine "On Higher Education" was adopted back in 2002, the procedure for development of higher education standards has not been established, the state standard of higher education is not available, just as the industry standard of higher legal education. The draft Industry Standard of Higher Legal Education, provided in Table 8, was developed in 2004.

The information contained in the quoted law, as well as the analysis of the actual situation with regulation of higher education, including legal, allow for the following conclusions:

1. Ukraine's legislation, while declaring autonomy of higher education institutions and their self-governance, makes the real autonomy and self-governance impossible due to an extensive scope of regulatory powers vested with the Ministry of Science, Education, Youth and Sport.
2. The Ministry of Science, Education, Youth and Sport, having all the powers to develop higher education standards, including one for legal education, has failed to properly regulate this avenue. Such omission may testify to inability of any central executive agency to independently provide for development of higher education standards and exercise control over their implementation.
3. Given the connection between the legal profession and the legal education, in the European area it is common for the socio-professional community of lawyers to have a bearing on development of legal education standards and accreditation of law schools, while on the part of the state this influence may partly be wielded by the Ministry of Justice. (For more details see Section IX which focuses on international experience). Ukraine enjoys a number of NGOs of different legal professions: judges, advocates, notaries, prosecutors, etc., but neither of them, nor the Ministry of Justice exert influence on development of legal education standards or accreditation of law schools.

V. Assessment of the Syllabus Content by Cycles

Overview

Tables 15 and 16 provide information on the absolute and relative structure of the curricula on training of lawyers at higher education institutions for the Bachelor's educational and qualification degree.

Table 15. Hours Allotted to Lawyer Training at Higher Education Institutions for the Bachelor's Degree

Cycles	NaUKMA	Shevchenko KNU	Vernadsky TNU	Franko LNU ⁶⁷	Mudryi NLAU	DNU	Average
Social and Humanities cycle	1,755	1,297	415	1,653	1,342	1,296	1,293
Disciplines not inherent to higher education.	297	252	252	480	670	540	415
Cycles of Legal Disciplines	7,033	5,630	6,260	5,034	4,470	4,752	5,530
Administrative law cycle	513	498	594	451	478	324	476
Civil law cycle	1,458	1,676	1,845	1,365	1,032	1,485	1,477
Criminal law cycle	1,161	1,160	1,093	1,138	988	945	1,081
International law cycle	1,161	313	288	280	82	81	368
Constitutional law cycle	469	474	630	557	524	324	496
Legal history and theory cycle	901	944	1,332	775	872	864	948
Applied legal disciplines	378	97	97	66	198	162	166
Specialized disciplines	992	468	381	402	296	567	518
TOTAL	9,085	7,179	6,927	7,167	6,482	6,588	7,238

⁶⁷ The number of academic hours for Franko LNU was determined using the formula: 1.8 times the number of class hours.

Table 16. Relative Structure of Curricula for Lawyer Training at Higher Education Institutions for the Bachelor's Degree

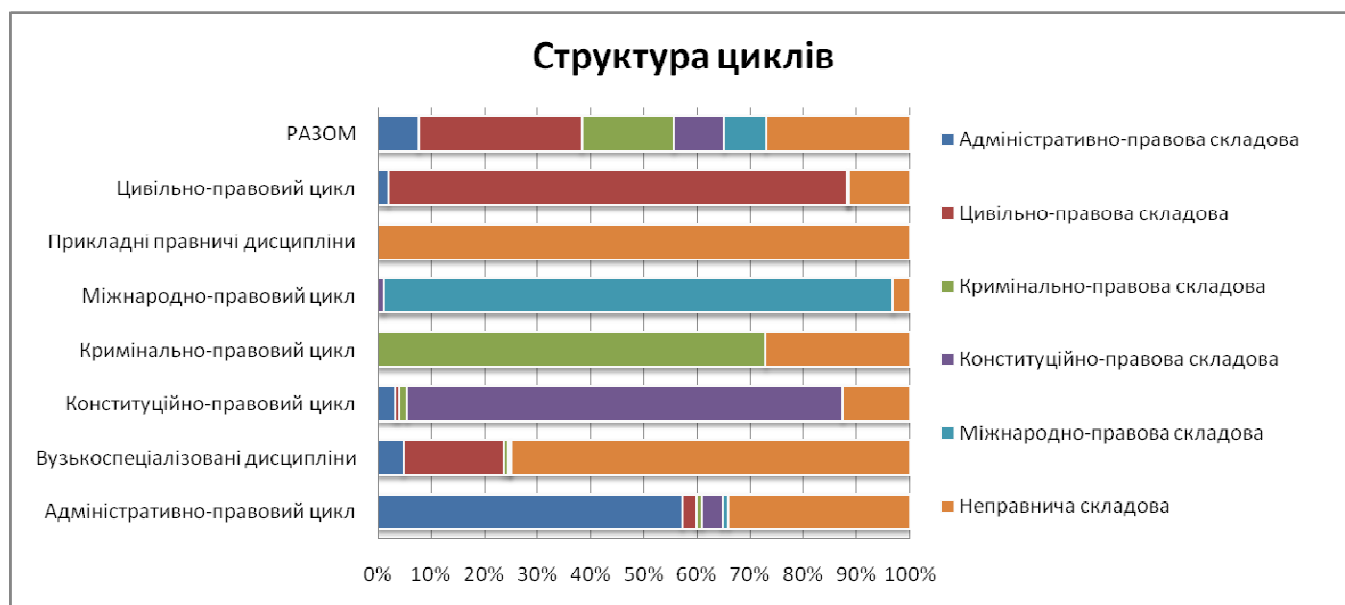
Cycles	NaUKMA	Shevchenko KNU	Vernadsky TNU	Franko LNU ⁶⁸	Mudryi NLAU	DNU	Average
Social and Humanities cycle	19%	18%	6%	23%	21%	20%	18%
Disciplines not inherent to higher education.	3%	4%	4%	7%	10%	8%	6%
Cycles of Legal Disciplines	77%	78%	90%	70%	69%	72%	76%
Administrative law cycle	6%	7%	9%	6%	7%	5%	7%
Civil law cycle	16%	23%	27%	19%	16%	23%	21%
Criminal law cycle	13%	16%	16%	16%	15%	14%	15%
International law cycle	13%	4%	4%	4%	1%	1%	5%
Constitutional law cycle	5%	7%	9%	8%	8%	5%	7%
Legal history and theory cycle	10%	13%	19%	11%	13%	13%	13%
Applied legal disciplines	4%	1%	1%	1%	3%	2%	2%
Specialized disciplines	11%	7%	6%	6%	5%	9%	7%
TOTAL	9,085	7,179	6,927	7,167	6,482	6,588	7,238

The research had an objective to trace mutual relations between the legal discipline cycles and coordination between the disciplines within the cycles.

It will be observed from Tables 15 and 16 that non-legal disciplines account 10% to 31% of the time allotted to lawyer training. Also, the tables show the disciplines not inherent to higher education in a separate line.

Diagram 1 shows the share of academic hours within each cycle allotted to topics which should more appropriately belong to other cycles of legal disciplines.

⁶⁸ The number of academic hours for Franko LNU was determined using the formula: 1.8 times the number of class hours.

Diagram 1. Structure of Legal Discipline Cycles by Shares of Other Cycles

Structure of Cycles	
TOTAL	Administrative law component
Civil law cycle	Civil law component
Applied legal disciplines	Criminal law component
International law cycle	Constitutional law component
Criminal law cycle	International law component
Constitutional law cycle	Non-legal component
Specialized disciplines	
Administrative law cycle	

The diagram also demonstrates that a significant share of academic hours within each cycle (on the average above 25%) falls within the topics that belong to branches of knowledge other than law. For example, study of the functions of the state authority or local self-governance agencies belongs to the science of public administration (state administration), and not legal science.

A lawyer should doubtlessly have a number of skills that are not derivatives of legal knowledge, as well as knowledge of adjacent branches, however the time allotted to acquiring such skills and knowledge must be stipulated by certain requirements and criteria.

These and other issues will be considered during analysis of individual cycles.

Social and Humanities Cycle and Cycle of Disciplines Not Inherent to Higher Education

A relative structure of the curricula provided in Diagram 2 shows that social and humanities disciplines and disciplines not inherent to legal education account for 30% of the total amount of hours allotted to education of a Bachelor in Law.

Diagram 2. Structure of Legal Discipline Cycles at Higher Education Institutions

Structure of Academic Disciplines	
Average	Social and humanities cycle
Donetsk National University	Disciplines not inherent to higher education
Yaroslav Mudryi Kharkiv National Law Academy	Administrative law cycle
Franko National University of Lviv	Civil law cycle
Vernadsky Taurida National University	Criminal law cycle
Taras Shevchenko National University of Kyiv	International law cycle
National University of Kyiv-Mohyla Academy	Constitutional law cycle
	Legal history and theory cycle

The Social and Humanities Cycle includes the following disciplines:

- Foreign language;
- History of Ukraine;
- Accounting and Audit;
- Business Ukrainian (Professional Ukrainian);
- Economic theory;
- Economy of Ukraine in the Contemporary Context;
- Ethics and Aesthetics (jointly or as separate courses);
- Computer Sciences;
- Information Technologies in Legal Activity;
- History of State on Ukraine's Lands;
- History of Ukraine;
- Culturology;
- Logic;
- Fundamentals of Economic Theory;
- Fundamentals of Computer Sciences;

- Fundamentals of Research;
- Fundamentals of Psychology and Pedagogics;
- Political Science;
- Psychology;
- Religion Studies;
- Sociology;
- Ukrainian and Foreign Culture;
- Philosophy.

The legal profession, beyond any doubt, requires fundamental training in humanities. On the other hand, considering significant differences in the scopes of social and humanities cycle disciplines at different higher education institutions, it would be appropriate to formulate criteria of a lawyer's general humanitarian education and determine requirements for the list and content of the social and humanities cycle disciplines. For example, advisability of studying computer science fundamentals is questionable, since being a computer user is a common skill and not a professional one, whereas computer programming is not part of qualification requirements for a lawyer.

Higher schools continue offering disciplines inherited from the Soviet system of higher education that are in their nature not inherent to higher education in humanities. These disciplines, which account for 3% to 10% of the time allotted to educate a Bachelor in Law, specifically include:

- Life Safety and Civil Defense;
- Fundamentals of Life Safety in Emergency Situations;
- Fundamentals of Labor Safety;
- Physical Education.

In view of the nature of the knowledge and skills whose acquisition cannot in any way affect specialists' qualification description in various branches of humanitarian knowledge, except for narrowly specialized, these disciplines can be described as "alien" to higher education. Nevertheless, academic success in these disciplines affects the graduate's grade point average. Further, requirements for passing qualifying standards of Physical Education seem discriminatory, as it cannot be expected that all students will have equal level of physical training. After all, equal access to higher education is also granted to disabled persons, who upon having been admitted to a higher education institution, have to take classes of physical education in separate groups, which is a discriminatory practice.

Legal History and Theory Cycle

The objective of the legal history and theory cycle is for students to acquire knowledge on the main legal doctrines and principles, their sources, historical development conditions and effect on modern legal systems.

This cycle of disciplines accounts for 10% to 19% of academic time at Ukraine's higher education institutions. The cycle includes the following disciplines:

- General Theory of Law;
- Philosophy of Law;
- Theory of State and Law (jointly or as separate courses);
- Roman Private Law;
- Problems of Theory of Law;
- Comparative Legal Science;
- Fundamentals of Roman Law;
- History of State and Law Theories;
- History of Legal and Political Theories;
- History of Legal Thought at Kyiv University;
- History of Law of Ukraine;
- History of International Law;
- History of State and Law of Ukraine;
- History of State and Law of Foreign Countries;
- History of Byzantine Law;
- Common Law;
- General Theory of State;
- Introduction to Private Law;
- Current Issues of Theory of State and Law.

First of all, attention should be paid to the number and internal coordination of the cycle disciplines. Each of the higher education institutions, whose curricula were analyzed, offers at least five (some nine) disciplines from the above list as part of the Bachelor's degree. Such number of disciplines inevitably results in overlapping topics which are not always coordinated with each other.

For example, one higher education institution offers such disciplines: Theory of State, Theory of Law, Current Issues of Theory of State and Law, Philosophy of Law, Comparative Legal Science, History of State and Law of Foreign Countries, History of Law of Ukraine, History of State and Law Theories. The names of these disciplines alone evidence potential overlapping and contradictions in approaches to their teaching. Specifically, overlapping topics

in the syllabi of Theory of Law and Philosophy of Law inevitably overlap. Approaches to teaching these disciplines should be revised to possibly combine them into one course.

Notably, the bulk of higher education institutions still offer Theory of State and Law. On the other hand, during a research-to-practice conference "Rule of Law in Ukraine's Legal Education" held in October 2008 (for more details see Attachment 1), National University of Kyiv-Mohyla Academy suggested a discipline called General Theory of Law, justifying their position as follows:

"As demonstrated by former "socialist-bloc" Central European countries, whose legal science was significantly affected by the Marxism-Leninism ideology and Soviet law science, upon collapse of the socialist system the ideology of inseparable unity of state and law was discarded in favor of quick transition to general theoretical jurisprudence in accordance with the European traditions. None of the Western European countries or West on the whole has ever had a basic general theoretical discipline that would comprehensively combine theory of state and law. Combining state and law into one subject is not common for the Western European History of Law science and the corresponding academic discipline either.

Prominence given to political science topics in national theory and history sciences and corresponding academic disciplines not only causes their overloading with the materials that properly belong to other sciences (political science, general history, sociology, etc.), overlapping, diffusion of boundaries between them, neglecting the topics prioritized in Western European theoretical legal disciplines (such as the letter and the spirit in law enforcement, legal language, court and law making, etc.), but also fails to shape the students' outlook, who entrench their perception of the law as a product of activity of the state".

In view of this, the Conference Recommendations called upon higher education institutions to support a change in the name of the course and the syllabus of theory of law .

Obviously, the higher legal school is rather inert in implementing changes to the content of such a fundamental discipline as Theory of Law, however the discipline is essential not only for acquiring the legal history and theory cycle, but also for further study of the disciplines that belong to the constitutional law, administrative law, criminal law, and other cycles. It is Theory of Law that helps future lawyers improve their understanding of the main legal doctrines and principles that are described in more detail in other disciplines and is the foundation of future legal practice.

On the other hand, all the disciplines related to study of history or theory of the state that the Ukrainian legal school inherited from the Soviet era are considered by European education within politological, rather than legal disciplines.

Thus, in order to improve education of lawyers in compliance with modern requirements

for the legal profession, it is necessary to revise the content of the discipline Theory of State and Law. Besides, changes to this syllabus should be combined with changes to the syllabus of the discipline Constitutional Law. Eventually, based on the changes in approaches to teaching theory of law it would be appropriate to revise syllabi of other disciplines of the legal history and theory cycle.

Constitutional Law Cycle

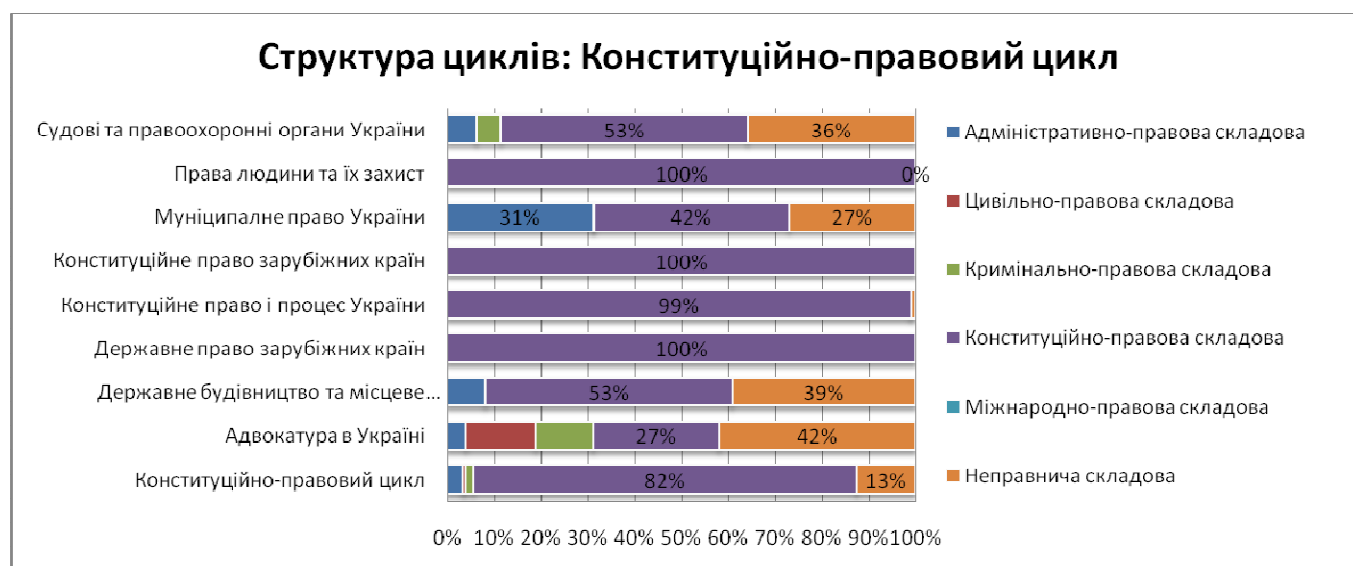
Disciplines of the constitutional law cycle aim at offering students knowledge on the principles and institutes of the constitutional law, namely principles of functioning of the state and human rights protection institutes.

The constitutional law cycle, which accounts for about 5% to 9% of the academic process, includes the following disciplines:

- Advocacy in Ukraine;
- State Construction and Local Self-Governance in Ukraine;
- State Law of Foreign Countries;
- Constitutional Law of Foreign Countries;
- Constitutional Law and Procedure of Ukraine;
- Constitutional Law of Ukraine;
- Law of Constitutional Procedure of Ukraine;
- Municipal Law of Ukraine;
- Organization of Judicial and Law Enforcement Bodies of Ukraine;
- Human Rights and Their Protection;
- Judicial and Law Enforcement Bodies of Ukraine;
- Judiciary of Ukraine.

Table 17. Hours Allotted to the Constitutional Law Cycle

Cycles (hourly load)	Administrative law component	Civil law component	Criminal law component	Constitutional law component	International law component	Non-legal component
Constitutional law cycle	19	6	9	375	0	90
Advocacy in Ukraine	1	4	3	6	0	9
State Construction and Local Self-Governance in Ukraine	2	0	0	14	0	12
State Law of Foreign Countries	0	0	0	58	0	0
Constitutional Law of Foreign Countries	0	0	0	46	0	0
Constitutional Law and Procedure of Ukraine	0	0	0	205	0	4
Municipal Law of Ukraine	8	0	0	10	0	10
Human Rights and Their Protection	0	0	0	18	0	0
Judicial and Law Enforcement Bodies of Ukraine	5	0	4	44	0	34

Diagram 3. Relative Structure of the Constitutional Law Cycle by Shares of Other Cycles

Structure of Cycles: Constitutional Law Cycle	
Judicial and Law Enforcement Bodies of Ukraine	Administrative Law Component
Human Rights and Their Protection	Civil Law Component
Municipal Law of Ukraine	Criminal Law Component
Constitutional Law of Foreign Countries	Constitutional Law Component
Constitutional Law and Procedure of Ukraine	International Law Component
State Law of Foreign Countries	Non-Legal Component

State Construction and Local Self-Governance Advocacy in Ukraine Constitutional Law Cycle	
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The data shown in Table 17 and Diagram 3 evidences that syllabi of some disciplines of the constitutional law cycle contain a substantial non-legal component. Specifically, in the syllabi for Municipal Law of Ukraine, State Construction and Local Self-Governance in Ukraine, Judicial and Law Enforcement Bodies of Ukraine a number of topics cover organization and work of public administration (government administration) institutes through retelling of statutory instruments, rather than through review of the constitutional law institutes in the light of their nature and tasks. The legal component is lacking, e.g., in the following topics:

Topic	Academic Discipline
Head of local state administration and his/her deputies, their powers and work organization. Work organization of the local state administration board. Forms and methods of work of local state administrations.	State Construction and Local Self-Governance in Ukraine
Departments, directorates and other bodies of local state administration, its apparatus and work organization	State Construction and Local Self-Governance in Ukraine
Specialized prosecutor's offices: types and competence. Requirements for applicants for prosecuting and investigative positions, appointment and dismissal procedure	Judicial and Law Enforcement Bodies of Ukraine
Pre-trial investigation bodies: concept, system, objectives, competence. Structure of the investigative apparatus. Requirements for nominees to investigative positions	Judicial and Law Enforcement Bodies of Ukraine
State policy in the sphere of local self-governance. Main areas of state policy in the sphere of local self-governance. Functional tasks and procedure of establishing a Coordination Council on the issues of local self-governance. Main activity areas of the Coordination Council on the issues of local self-governance. Government control over the work of local self-governance bodies and officials	Municipal Law of Ukraine
Directorate as a designated body of the executive apparatus of district (raion) and province (oblast) council. Status of the Directorate. Head of the Directorate. Consultative bodies of the Directorate. Composition of the Directorate and approval of the Provisions thereon. Standard powers of the Directorate. Rights of the Directorate	Municipal Law of Ukraine
Powers of local self-governance bodies in the sphere of housing and communal economy, household and trade services, public catering,	Municipal Law of Ukraine

transport, and communication	
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First of all, it should be mentioned that "law enforcement bodies" by their nature do not belong to human rights protection institutes, therefore the need to study their powers within the constitutional law cycle together with the institute of the court is dubious. Then, the concept of "state construction" is not a legal one, therefore it is incorrect to use it as a name of a legal discipline. Finally, it is unacceptable to use the name Law of Constitutional Procedure of Ukraine with reference to the discipline that describes the essence and procedure of constitutional review of government authorities' acts, since the constitutional procedure predominantly implies the constitution formation process.

A typical problem of the constitutional law cycle is overlapping of topics in different disciplines. For instance, the syllabi of State Construction and Local Self-Governance in Ukraine and of Law of Constitutional Procedure of Ukraine do not have any topic not covered in the syllabus of the discipline Constitutional Law of Ukraine. The issue could be solved by increasing the number of academic hours of the discipline Constitutional Law.

The main problem of the constitutional law cycle seems to be the syllabus of the discipline Constitutional Law of Ukraine, which is taught at all higher education institutions based on understanding of the constitution as a positive act of the state. Consequently, the structure of the academic discipline is a clause-by-clause recitation and explanation of individual provisions of the Constitution of Ukraine. However, the European legal school studies the principles of constitutionalism and the main constitutional law institutes through domination of human rights, which fact is, *inter alia*, confirmed by the contents of textbooks on the constitutional law, whose translations are provided in Attachment 6.

The constitutional law should be viewed not as a branch of law taught at a higher school, but rather as the core of legal education. All legal disciplines which concern any particular branch of law should focus on detailed study of mechanisms to implement and protect individual human rights, powers and limitations imposed on the government institutes in the context of implementation and protection of these rights, as well as liability for their violation. Disciplines of the history and theory cycle, first and foremost theory of law, should establish a theoretical background for further study of the constitutional law.

Moreover, teaching the discipline Constitutional Law through the prism of constitutional principles and institutes will help students get a much deeper understanding of foreign countries' constitutional law. Thus, the discipline Constitutional Law of Foreign Countries can either be appended to the general discipline Constitutional Law, or its teaching can be patterned on the same approach as the discipline Constitutional Law of Ukraine.

Administrative Law Cycle

The objective of the administrative law cycle is to offer students knowledge on the administrative law principles and institutes, specifically on the principles of relations between the state and the individual, on the organization principles and powers of public administration agencies with regard to regulatory activity and provision of administrative services, on the institutes of control over the work of public administration, as well as on the skills of individual rights protection in administrative proceedings and administrative procedure.

The Administrative Law Cycle accounts for about 5% to 9% of the academic process and includes the following disciplines:

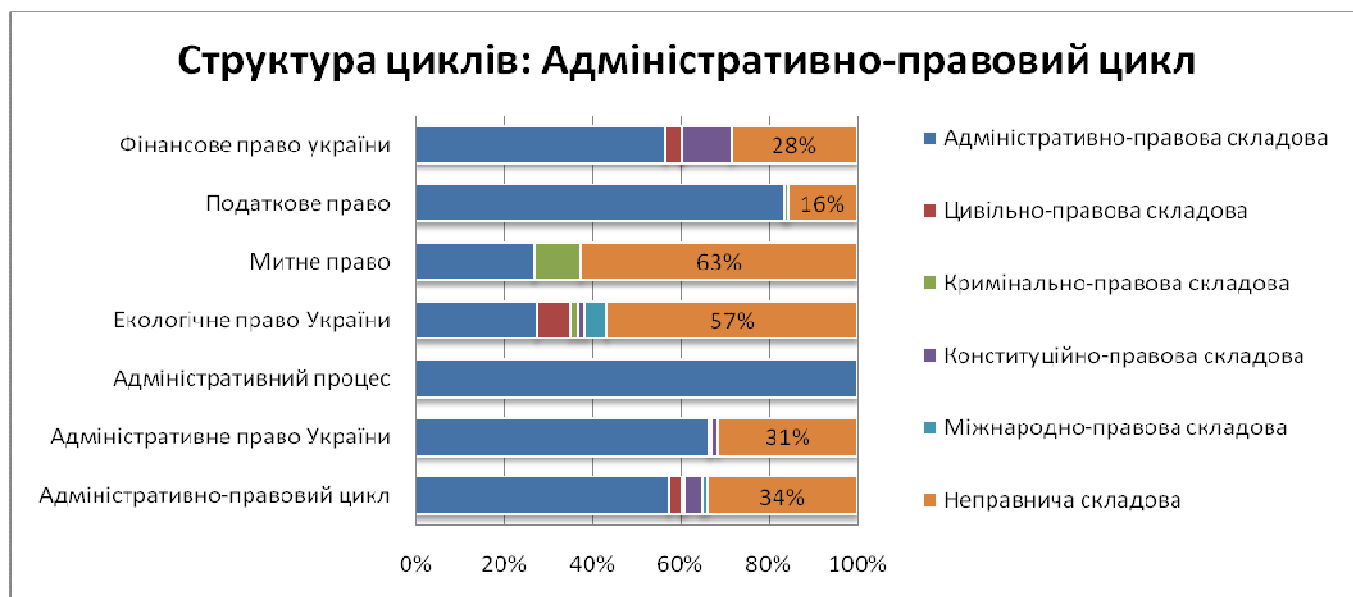
- Administrative Law of Ukraine;
- Administrative Procedure;
- Environmental Law [of Ukraine];
- Environmental Law of Ukraine;
- Customs Law;
- Tax Law;
- Financial Law.

Teaching of the administrative law cycle disciplines is marked by several issues.

First of all, as evident from Table 18 and Diagram 4, the administrative law cycle disciplines include a significant share of the non-legal component – over 30% on the average.

Table 18. Hours Allotted to the Administrative Law Cycle

Cycles (%)	Administrative law component	Civil law component	Criminal law component	Constitutional law component	International law component	Non-legal component
Administrative Law Cycle	278	13	5	17	6	157
Administrative Law of Ukraine	105	0	1	2	0	44
Administrative Procedure	21	0	0	0	0	0
Environmental Law of Ukraine	31	9	2	2	6	63
Customs Law	3	0	1	0	0	8
Tax Law	44	0	0	0	0	8
Financial Law of Ukraine	72	4	0	15	0	36

Diagram 4. Relative Structure of the Administrative Law Cycle by Shares of Other Cycles

Structure of Cycles: Administrative Law Cycle	
Financial Law of Ukraine	Administrative Law Component
Tax Law	Civil Law Component
Customs Law	Criminal Law Component
Environmental Law of Ukraine	Constitutional Law Component
Administrative Procedure	International Law Component
Administrative Law of Ukraine	Non-Legal Component
Administrative Law Cycle	

Such a large share is explained by the fact that similar to the constitutional law cycle a lot of topics within the administrative law cycle disciplines are dedicated to studying organization and work of public administration agencies. The administrative law, doubtlessly, does concern the work of public administration agencies, but their activities under the administrative law should be studied through the prism of the public administration organization principles, the effect on the individual through regulatory activity or provision of services, while the internal organization of government authorities, their structure and functions concern more public administration (state administration) itself rather than law. The topics that do not have a legal component in them include:

Topic	Academic Discipline
State administration in the sphere of defense	Administrative Law
Legal order and peculiarities of funding individual branches of the national economy	Financial Law
Economic and legal mechanism of environmental management and environment protection	Environmental Law
Legal regulation of additional elements of the tax mechanism	Tax Law

Legal status of the customs guards	Customs Law
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The syllabus of the basic course Administrative Law of Ukraine offered by educational institution merits a special attention, because it has not changed in any appreciable manner since the Soviet period. The general part of the discipline Administrative Law focuses on the structures and powers of the executive agencies, public office career and administrative liability of individuals for committed offenses, while very little attention is paid to implementation of the rights of individuals and legal entities in their relations with the public administration agencies, first of all administrative procedures. As a result, law students are not adequately informed about the essence of the administrative law as treated in the classical European doctrine.

Analysis of the Administrative Law syllabus evidences that despite significant progress in development of a new administrative law doctrine, the content of the discipline was not updated as would be expected. New categories of the administrative law which already have theoretical grounds (researched to various extent) and established in the legislation to a certain degree are not reflected in the syllabi used to teach administrative law at Ukraine's higher education institutions.

In the analyzed syllabi the administrative law is predominantly taught as the ministerial law, punitive law, while ignoring the non-ministerial, public service component of the administrative law. Most syllabi do not mention such a fundamental category for the administrative law as "public administration" and do not offer topics on discretionary powers of public administration agencies, delimitation of administrative and political positions in government agencies, delictability of legal entities, provision of administrative services, etc.

It is unclear why law schools in Ukraine ignore the institute of administrative justice. Even though procedural legislation (Code of Administrative Proceedings of Ukraine) was adopted back in 2005 and currently administrative proceedings are carried out by thousands of judges, whose work is supported by their assistants and court registrars, only two higher education institutions with a licensed capacity of 255 Specialists and Masters teach Administrative Procedure.

Apart from that, internal coordination of the administrative law cycle disciplines remains a problem and is very visibly traced in two higher education institutions where the syllabus for Administrative Law was updated with a new quality. While the discipline Administrative Law is taught to help students acquire the principles and institutes of the administrative law in their European understanding, other disciplines of the administrative law cycle are still based on the Soviet legal system.

Eventually, the administrative law cycle fails to develop students' skills required to protect

individual's rights in administrative proceedings and administrative procedure. Such a situation is primarily caused by the fact that absence of topics on administrative proceedings, administrative procedures, administrative services and control over public administration activities in the syllabus makes it impossible to develop the skills required for practical implementation of these institutes. Another reason is faulty methodology used to teach legal disciplines in Ukraine's law schools, which will be covered below.

Criminal Law Cycle

The objective of studying the disciplines of the criminal law cycle is for students to acquire knowledge on the principles and institutes of the criminal law, specifically on the principles of personal inviolability, fair legal proceedings, presumption of innocence, institutes of protection from prosecution and public prosecution, as well as to develop skills of protecting an individual's rights in the criminal procedure.

The criminal law cycle accounts for 13% to 16% of the academic process: The cycle includes the following disciplines:

- Criminal Law of Ukraine;
- Law of Criminal Procedure of Ukraine;
- Criminalistics;
- Criminology;
- Criminal Defense;
- Penal Law of Ukraine;
- Peculiarities of Crime Qualification in Economic Activity.

The main problem in teaching criminal law cycle disciplines is caused by retention in the Ukrainian law school of the Soviet teaching methodology, which boils down to clause-by-clause recitation of the national legislation. Considering that Ukraine continues to use the Code of Criminal Procedure adopted in 1961 with all the institutes inherent to that time and the Soviet Law "On Prosecution", law school graduates continue to be carriers of the Soviet criminal-law doctrine. Obviously, students have to understand and be able to use the national legislation, but a shift in teaching methodology from recitation of legislation to interpreting of principles and institutes, specifically those enshrined in Ukraine's international obligations, will allow to show students classical European understanding of these principles and institutes and the main drawbacks of their application on the national level.

The same issues with legislation and teaching methodology prevent students from acquiring the skills needed to protect an individual's rights in a criminal procedure.

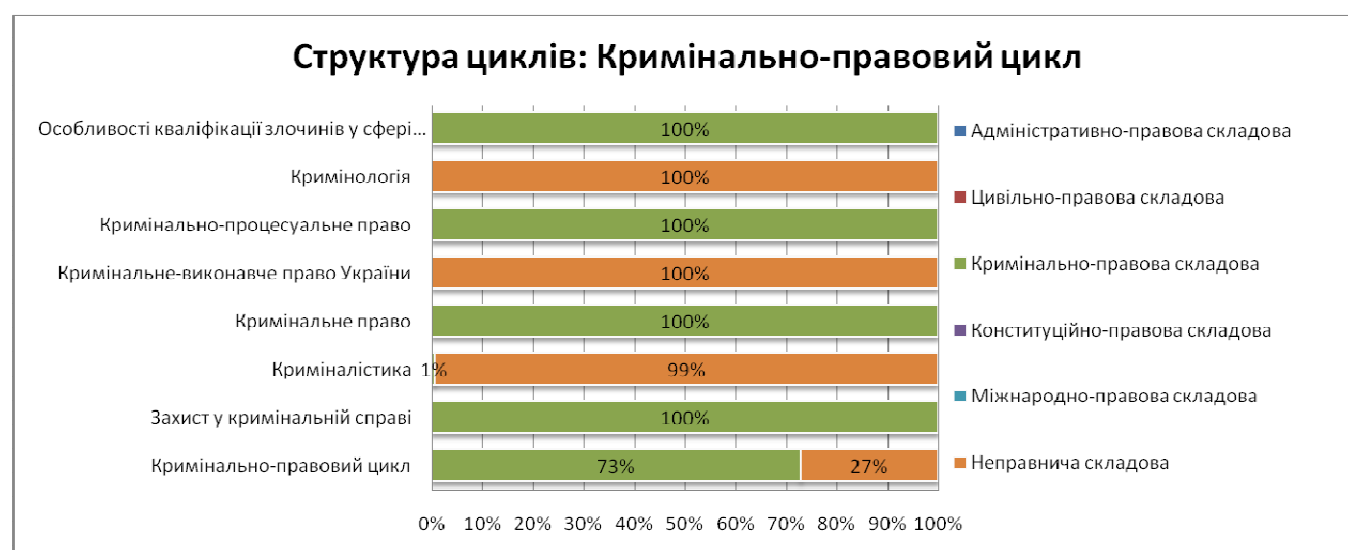
Also, as demonstrated by Table 19 and Diagram 5, the structure of the criminal law cycle

has three disciplines that do not contain a legal component: Criminalistics, Criminology, and Penal Law.

Table 19. Hours Allotted to the Criminal Law Cycle

Cycles (hourly load)	Administrative law component	Civil law component	Criminal law component	Constitutional law component	International law component	Non-legal component
Criminal Law Cycle	0	0	560	0	0	520
Criminal Defense	0	0	14	0	0	0
Criminalistics	0	0	1	0	0	205
Criminal Law	0	0	509	0	0	0
Penal Law of Ukraine	0	0	240	0	0	0
Law of Criminal Procedure	0	0	0	0	0	21
Criminology	0	0	0	0	0	69
Peculiarities of Crime Qualification in Economic Activity	0	0	23	0	0	0

Diagram 5. Relative Structure of the Criminal Law Cycle by Shares of Other Cycles



Structure of Cycles: Criminal Law Cycle	
Peculiarities of Crime Qualification in Economic Activity	Administrative Law Component
Criminology	Civil Law Component
Law of Criminal Procedure	Criminal Law Component

Penal Law of Ukraine Criminal Law Criminalistics Criminal Defense Criminal Law Cycle	Constitutional Law Component International Law Component Non-Legal Component
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Criminology, being the science on the nature of crime and methods of its prevention is, doubtlessly, meaningful for future advocates and judges who will specialize in criminal cases. Considering this, Criminology as a discipline is included in curricula of higher education institutions in Europe, however it is taught predominantly as an optional subject for students majoring in the criminal law.

Unlike criminology, criminalistics is a science on pretrial investigation of crimes and has no relation to the legal science whatsoever. Criminalistics is studied by persons who get special training as investigators, and analysis of the European experience shows that investigators do not belong to the legal profession, as their task is only gathering evidence for prosecution. In Ukraine, given the effective 1961 Code of Criminal Procedure, pretrial investigation in its essence supplants judicial inquiry, and investigators are granted a substantial scope of powers in the criminal process. It is the validity of the Soviet criminal procedure legislation that determines training of investigators at legal faculties in Ukraine. Therefore, elimination of Criminalistics as a discipline from the curricula of Ukraine's schools of law depends on changes to the criminal procedure legislation.

After all, it seems inappropriate for schools of law to offer Penal Law as a discipline, whose content is basically recitation of the penal legislation, with most topics related to execution of punishments in various institutions and establishment. The knowledge acquired during study of this discipline can in the future be used only by officials employed at penal institutions and establishments, and not by lawyers.

Civil Law Cycle

The Civil Law Cycle disciplines aim at offering students knowledge on the principles and institutes of civil law, namely on the principles of relations between private individuals, on the institutes of property, contract, obligations, restitution, as well as at developing skills required to protect an individual's rights in the civil procedure.

The Civil Law Cycle accounts for about 16% to 27% of the academic process and includes the following disciplines:

- Civil Law of Ukraine;
- Law of Civil Procedure of Ukraine;
- Bank Law;
- Economic Law of Foreign Countries;

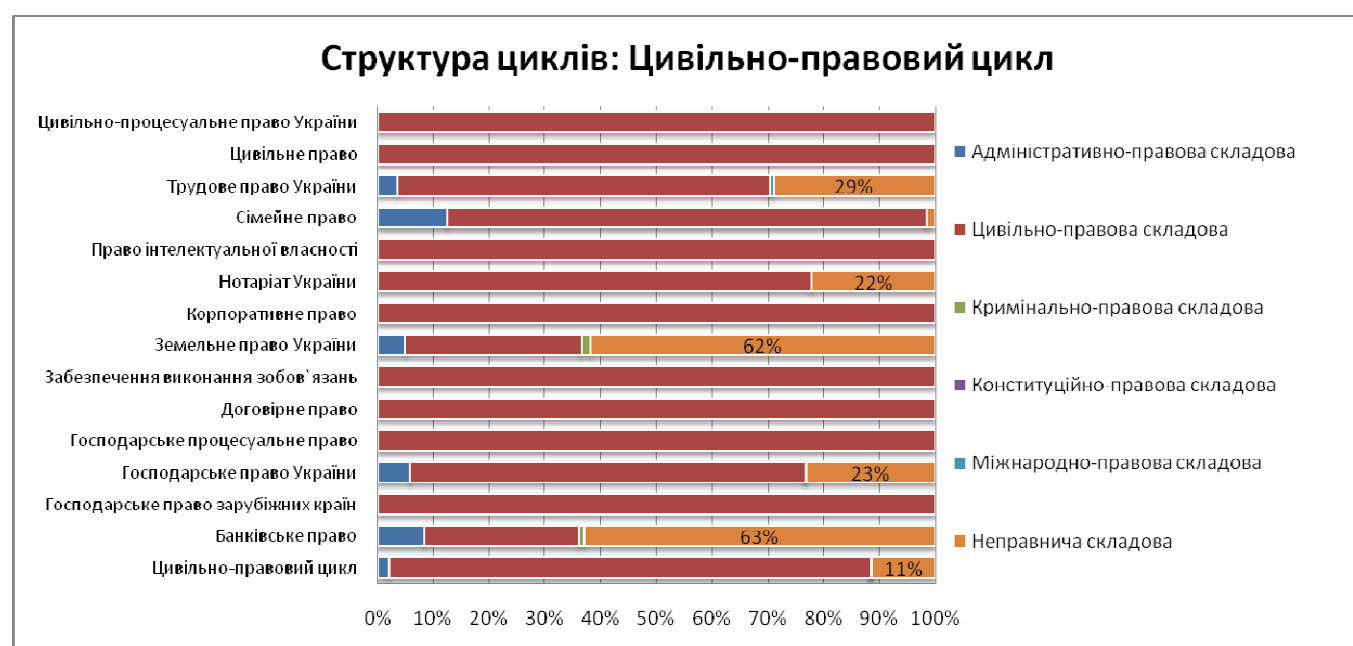
- Administrative Law of Ukraine;
- Law of Economic Procedure;
- Contractual Law;
- Enforcement of Obligations;
- Land Law of Ukraine;
- Investment Law;
- Competition Law;
- Corporate Law;
- Notary Law;
- Notariat of Ukraine;
- Intellectual Property Right;
- Family Law;
- Inheritance Law;
- Labor Law of Ukraine.

Table 20. Hours Allotted to the Civil Law Cycle

Cycles (hourly load)	Administrative law component	Civil law component	Criminal law component	Constitutional law component	International law component	Non-legal component
Civil Law Cycle	169	7,114	10	0	9	945
Bank Law	6	20	1	0	0	45
Economic Law of Foreign Countries	0	108	0	0	0	0
Administrative Law of Ukraine	45	551	1	0	0	181
Law of Economic Procedure	0	535	0	0	0	0
Contractual Law	0	72	0	0	0	0
Enforcement of Obligations	0	162	0	0	0	0
Land Law of Ukraine	26	165	8	0	0	323
Investment Law	3	51	0	0	0	27
Competition Law	0	81	0	0	0	0
Corporate Law	0	81	0	0	0	0

Notariat of Ukraine	0	179	0	0	0	51
Intellectual Property Right	0	216	0	0	0	0
Family Law	50	349	0	0	0	7
Labor Law of Ukraine	41	777	0	0	9	338
Civil Law	0	2,752	0	0	0	0
Law of Civil Procedure of Ukraine	0	1,147	0	0	0	0

Diagram 6. Relative Structure of the Civil Law Cycle by Shares of Other Cycles



Structure of Cycles: Civil Law Cycle	
Law of Civil Procedure of Ukraine	Administrative Law Component
Civil Law	Civil Law Component
Labor Law of Ukraine	Criminal Law Component
Family Law	Constitutional Law Component
Intellectual Property Law	International Law Component
Notariat of Ukraine	Non-Legal Component
Corporate Law	
Enforcement of Obligations	
Contractual Law	
Law of Economic Procedure	
Economic Law of Ukraine	
Economic Law of Foreign Countries	
Bank Law	
Civil Law Cycle	

The scope, structure and content of the civil law cycle seem to be better justified and coordinated compared to other cycles. This is facilitated by development of private law relations between individuals and by readiness of the private sector to apply the rules of interaction that would guarantee equality and protection of rights, which, in its turn, brought about substantial updating of the national legislation that regulates the civil law sphere, and eventually academic discipline syllabi.

At the same time, faults of the national legislation affect internal coordination of the civil law cycle disciplines. An example could be overlapping topics in the disciplines Law of Civil Procedure and Law of Economic Procedure.

Also, a number of civil law cycle disciplines are characterized by a significant share of the non-legal component. For some academic disciplines (for example, Economic Law or Notariat) this share is primarily made up of the topics related to organization and work of public administration agencies, while for others (Bank Law and Labor Law) the share is composed of the topics that dwell on non-legal relations, such as:

Topic	Academic Discipline
Working Hours	Labor Law
Rest Hours	Labor Law
Labor Discipline	Labor Law
Credit Activities of Banks	Bank Law
Cash Management Operations of Banks	Bank Law

International Law Cycle

The objective of the International Law Cycle disciplines is for students to gain knowledge on the international law doctrines, principles, and institutes, specifically on the principles of interaction between states, adjudication of disputes between public entities and/or private individuals that belong to different jurisdictions, and functioning of international organizations, and to develop skills required to protect an individual's rights in international judicial institutions.

The International Law Cycle in most higher legal schools of Ukraine accounts for about 1% to 4% of the academic time, including only the following disciplines:

- International Law;

or

- International Private Law;
- International Public Law;

Some educational institutions separately offer the following disciplines:

- European Human Rights Law;
- Fundamentals of the EU Law.

Only one higher education institution, apart from traditional disciplines International Public Law and International Private Law, offers a number of other disciplines, which account

for up to 13% of the academic time and include:

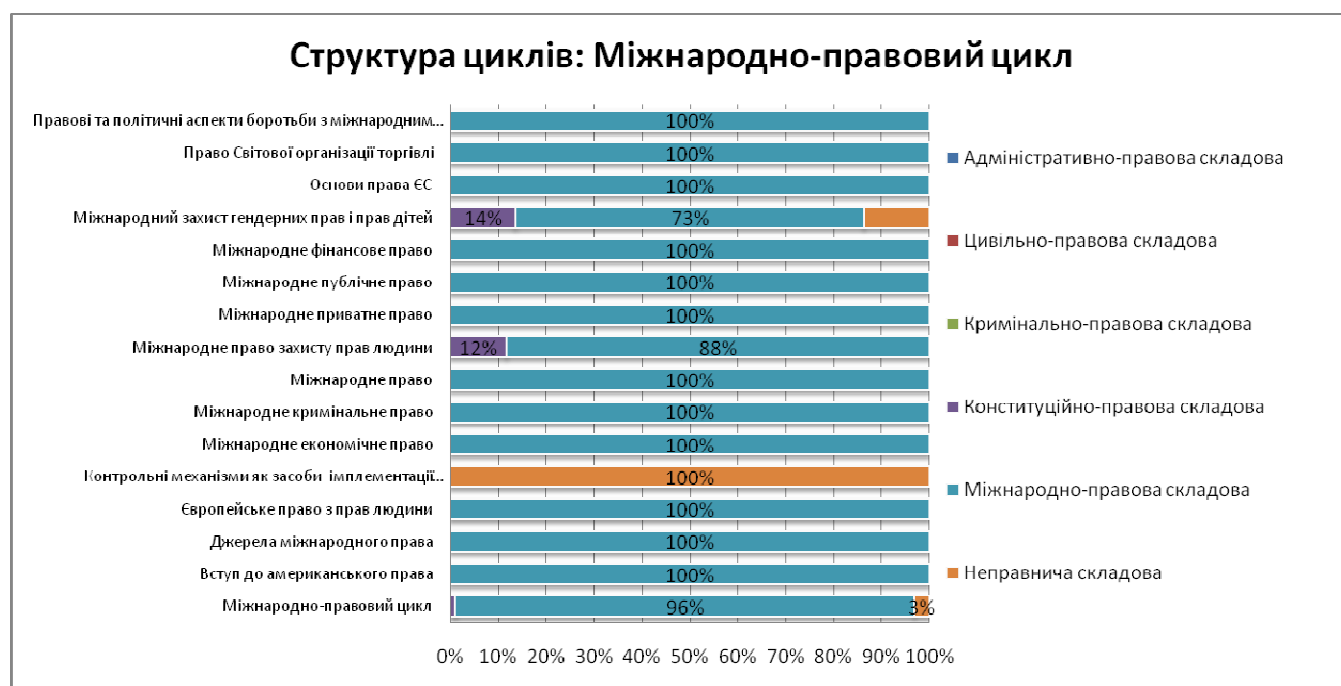
- Introduction to American Law;
- Sources of International Law;
- Control Mechanisms as Means of Implementing International Human Rights Standards;
- International Economic Law;
- International Criminal Law;
- International Human Rights Protection Law;
- International Financial Law;
- International Protection of Gender and Children's Rights;
- World Trade Organization Law;
- Legal and Political Aspects of Combating International Terrorism.

Table 21. Hours Allotted to the International Law Cycle

Cycles (hourly load)	Administrative law component	Civil law component	Criminal law component	Constitutional law component	International law component	Non-legal component
International Law Cycle	0	0	0	4	345	18
Introduction to American Law	0	0	0	0	14	0
Sources of International Law	0	0	0	0	14	0
European Human Rights Law	0	0	0	0	14	0
Control Mechanisms as Means of Implementing International Human Rights Standards	0	0	0	0	0	9
International Economic Law	0	0	0	0	18	0
International Criminal Law	0	0	0	0	14	0
International Law	0	0	0	0	27	0
International Human Rights Protection Law	0	0	0	2	16	0
International Private Law	0	0	0	0	90	0
International Public Law	0	0	0	0	88	0
International Financial Law	0	0	0	0	9	0

International Protection of Gender and Children's Rights	0	0	0	2	10	2
Fundamentals of the EU Law	0	0	0	0	10	0
World Trade Organization Law	0	0	0	0	14	0
Legal and Political Aspects of Combating International Terrorism	0	0	0	0	18	0

Diagram 7. Relative Structure of the International Law Cycle by Shares of Other Cycles



Structure of Cycles: International Law Cycle	
Legal and Political Aspects of Combating International Terrorism	Administrative Law Component
World Trade Organization Law	Civil Law Component
Fundamentals of the EU Law	Criminal Law Component
International Protection of Gender and Children's Rights	Constitutional Law Component
International Financial Law	International Law Component
International Public Law	Non-Legal Component
International Private Law	
International Human Rights Protection Law	
International Law	
International Criminal Law	
International Economic Law	
Control Mechanisms as Means of Implementing International Human Rights Standards	
European Human Rights Law	
Sources of International Law	
Introduction to American Law	
International Law Cycle	

Applied Legal Disciplines Cycle

The objective of the Applied Legal Disciplines Cycle is for students to gain knowledge on the principles of professional ethics and to develop skills required for their professional activities in various domains, specifically the skills of communication with clients, legal research, analysis,

preparation of legal documents, and public statement of their opinions.

The applied legal disciplines cycle accounts for 1% to 4% of the academic time: The cycle includes the following disciplines:

- Legal Data Retrieval Systems;
- Latin;
- Rhetoric;
- Fundamentals of Rhetoric;
- Legal Research and Analysis;
- Rhetoric for Lawyers;
- Legal Deontology and Professional Ethics (jointly or as separate courses);
- Legal Terminology.

Table 22. Hours Allotted to the Applied Legal Disciplines Cycle

Cycles (hourly load)	Administrative law component	Civil law component	Criminal law component	Constitutional law component	International law component	Non-legal component
Applied Legal Disciplines	0	0	0	0	0	968
Lawyer's Ethics	0	0	0	0	0	64
Legal Data Retrieval Systems	0	0	0	0	0	54
Latin	0	0	0	0	0	337
Rhetoric	0	0	0	0	0	56
Fundamentals of Rhetoric	0	0	0	0	0	108
Legal Research and Analysis	0	0	0	0	0	108
Rhetoric for Lawyers	0	0	0	0	0	81
Legal Deontology	0	0	0	0	0	79
Legal Deontology and Professional Ethics	0	0	0	0	0	27
Legal Terminology	0	0	0	0	0	54

The Ukrainian legal school has been shaping its theoretical knowledge on the nature of the legal profession and its ethical values using the Soviet approach, reflected, in particular, in modern Ukrainian textbooks on legal deontology.

"Legal deontology is a philosophical and legal science on the lawyer's cognition of the

essence of the internal imperative of the duty, which establishes prerequisites for shaping individual norms of his/her professional behavior and motives for their selection with the aim of shaping moral certainty, establishing the objective truth, and making a fair legal decision".⁶⁹

"The objective of a course in legal deontology is: for students to gain basic knowledge on the legal foundations of the state and social life, to develop solicitous attitude to the interests of society, state, and individual, to identify axiological benchmarks for moral assessment of a professional lawyer's activities, to learn about the system and methodology of education and the requirements imposed on representatives of the legal sphere".⁷⁰

"Legal deontology is a system of general knowledge on the legal science and practice, on the requirements for personal and professional qualities of a lawyer, and on the system of shaping these qualities".⁷¹

"Legal deontology (in a broad sense) is a science that analyzes not only moral, but also psychological, political, professional, ethical, and aesthetical requirements that govern a specialist's attitude towards his/her work object – a client and towards his/her colleagues, and ensure on the whole the optimum and guaranteed behavior of individuals in their state of mutual dependence".⁷²

Upon getting acquainted with the understanding of a "client" as the "work object" and "the essence of the internal imperative of the duty", it becomes immediately doubtful that law students will become carriers of values of the legal profession in its traditional European understanding presented, inter alia, in Recommendation R(2000)21 of the Committee of Ministers of the Council of Europe on freedom of exercise of the profession of lawyer (see Attachment 5). Therefore, the content of Legal Ethics (Legal Deontology) as a discipline requires a new updated quality.

Applied legal disciplines primarily focus on development of certain skills by students. While knowledge can be acquired by listening to lectures, skills can be developed only by completing practical tasks. Thus, it makes sense to change the methodology of teaching such academic subjects as Legal Ethics (Legal Deontology), Latin, Rhetoric, and Rhetoric for Lawyers, specifically by discarding lectures.

Specialized Disciplines Cycle

Specialized disciplines account for 5% to 11% of the academic process. They include:

- Agrarian Law of Ukraine;

⁶⁹ Slyvka S. Legal Deontology. Textbook. 2nd edition, revised and enlarged. – Kyiv: Attica publishers, 2003. – 320 p.

⁷⁰ Tsyra H.O. Legal Deontology: Textbook for Distance Learning/ Ed. N.I. Klymenko. – Kyiv: University "Ukraine", 2005. – 210 p.

⁷¹ A Course of Lectures, p. 3

⁷² Bandurka O.M., Skakun O.F. Legal Deontology: A Textbook – Kharkiv: National University of Internal Affairs publishers, 2002. – 336 p.

- Stock Exchange Law;
- Housing Law;
- Education Legislation;
- Consumer Rights Protection;
- Communal Law;
- Medical Law;
- Fundamentals of Accounting and Forensic Accounting Examination;
- Fundamentals of Entrepreneurial Law;
- Pension Coverage;
- Human Rights and Biomedicine;
- Environmental Safety Law;
- Social Security Law;
- Social Protection Law;
- Legal Statistics;
- Legal Regulation of Accounting and Analysis of Economic Activity;
- Legal Regulation of Bill Circulation;
- Legal Regulation of Government Procurements (of work and services);
- Legal Regulation of Stock Market;
- Prosecutorial Supervision in Ukraine;
- Consideration of Labor Cases;
- Forensic Accounting;
- Forensic Medicine and Psychiatry (jointly or as separate courses);
- Transport Law.

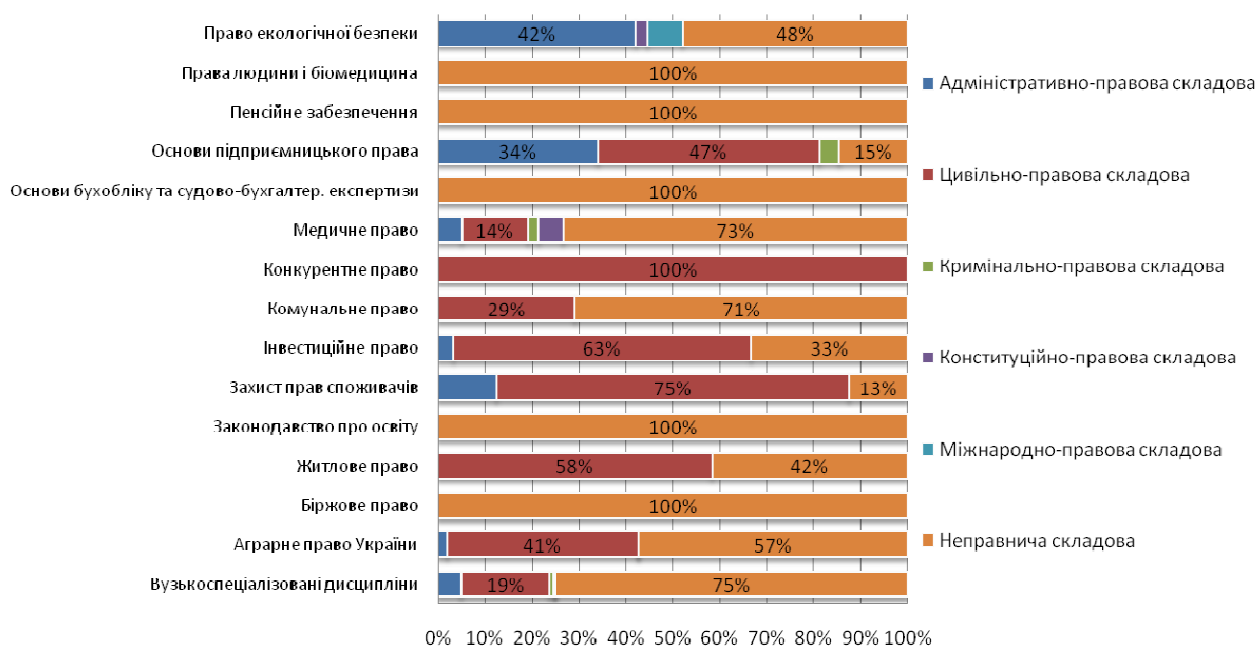
Table 23. Hours Allotted to the Specialized Disciplines Cycle

Cycles (hourly load)	Administrative law component	Civil law component	Criminal law component	Constitutional law component	International law component	Non-legal component
Specialized disciplines	145	549	27	8	5	2,191
Agrarian Law of Ukraine	9	183	0	0	0	259

Stock Exchange Law	0	0	0	0	0	72
Housing Law	0	47	0	0	0	34
Education Legislation	0	0	0	0	0	128
Consumer Rights Protection	7	41	0	0	0	7
Communal Law	0	32	0	0	0	77
Medical Law	4	11	2	4	0	59
Fundamentals of Accounting and Forensic Accounting Examination	0	0	0	0	0	54
Fundamentals of Entrepreneurial Law	74	102	9	0	0	32
Pension Coverage	0	0	0	0	0	98
Human Rights and Biomedicine	0	0	0	0	0	81
Environmental Safety Law	27	0	0	2	5	31
Social Security Law	1	1	0	0	0	291
Legal Statistics	0	0	0	0	0	176
Legal Regulation of Accounting and Analysis of Economic Activity	0	0	0	0	0	108
Forensic Accounting	0	0	0	0	0	52
Forensic Medicine and Psychiatry	0	0	0	0	0	285
Transport Law	0	0	0	0	0	54

Diagram 8. Relative Structure of the Specialized Disciplines Cycle by Shares of Other Cycles

Структура циклів: Вузькоспеціалізовані дисципліни



Structure of Cycles: Specialized Disciplines Cycle

Environmental Safety Law	Administrative Law Component
Human Rights and Biomedicine	Civil Law Component
Pension Coverage	Criminal Law Component
Fundamentals of Entrepreneurial Law	Constitutional Law Component
Fundamentals of Accounting and Forensic Accounting	International Law Component
Examination	Non-Legal Component
Medical Law	
Competition Law	
Communal Law	
Investment Law	
Consumer Rights Protection	
Education Legislation	
Housing Law	
Stock Exchange Law	
Agrarian Law of Ukraine	
Specialized Disciplines	

The specialized disciplines cycle includes academic subjects, the study of which is not related to acquisition of knowledge on legal doctrines, principles, or institutes. Such disciplines stem in individual narrowly specialized statutory instruments (or parts thereof), hence the definition of a law area as a specialized discipline:

Topic	Academic Discipline
Subject of the agrarian law as an aggregate of production and economic relations in the society arising during establishment and operation of agricultural and farm enterprises. Participants of production and entrepreneurial relations in collective and cooperative agricultural enterprises, joint stock agricultural enterprises, and state agricultural enterprises. Internal relations in a farm enterprise as a subject of the agrarian law	Agrarian Law
General description of the stock exchange law concept. Subject of the stock	Stock Exchange Law

exchange law. Method of the stock exchange law. System of the stock exchange law. Sources of the stock exchange law. Stock exchange legislation and local regulatory stock exchange instruments	
Social security right as a system of legal norms established by the state, which regulates pension and other relations concerned with security of elderly citizens and vocational disablement, state assistance to families with children, establishment of legal facts, and resolution of disputes	Social Security Law
Housing law as a branch of legislation, science and academic discipline	Housing Law

The disciplines of this cycle have a significant share of the non-legal component related to description of non-legal mechanisms or relations. For example:

Topic	Academic Discipline
Stock exchange futures and spot transactions. Types of stock exchange futures transactions: firm and call transactions. Documents, confirming security transactions. Trading procedure and formalization of an exchange transaction at the stock exchange. Carrying out an exchange transaction at the stock exchange.	Stock Exchange Law
Main stages of exercising the right to labor pension	Social Security Law
Providing citizens with living quarters in the state and communal housing stock	Housing Law

As evidenced by Table 23 and Diagram 8, some specialized disciplines do not have the legal component, despite the term "law" or "legal" in the discipline title.

Further, apart from a significant share of the administrative law or civil law component in the specialized disciplines, their syllabi are uncoordinated with the fundamental disciplines of the administrative law and civil law cycles.

And finally, some specialized disciplines do not relate to the law per se, namely: Education Legislation, Fundamentals of Accounting and Forensic Accounting Examination, Pension Coverage, Prosecutorial Supervision in Ukraine, Consideration of Labor Cases, Forensic Accounting, and Forensic Medicine and Psychiatry.

In view of the subject areas of the specialized disciplines, it would make sense to reconsider the need of devoting so much academic time to their study as part of the mandatory training for the Bachelor's degree.

VI. Legal Science

"Scientific activity is an intellectual creative activity aimed at acquisition and utilization of new knowledge. Its main forms are fundamental and applied research".⁷³

Research and technical research activities are essential components of the education process at Accreditation Level III and IV higher education institutions, therefore the quality and level of research, as a rule, are determined by the status of an HEI, its specialization, human resources, and efficiency in selection of students, post graduate and doctorate researchers.

Government Regulation and Legal Framework of Research Activity

Research activity in Ukraine is governed by the Laws of Ukraine "On Education", "On Higher Education", "On Research and Engineering Activities", and "On Research and Engineering Expert Review". At the same time, this sphere of relations is regulated by the Ministry of Education, Science, Youth and Sport of Ukraine, which pursuant to the functions imposed on it:⁷⁴

- "shall develop and provide for implementation of the state policy in the sphere of research, teaching, and engineering activities in the higher education system;
- shall provide for development of the research potential in the higher education system;
- shall determine the prospects and priority avenues for development of research and teaching activities in the higher education system;
- shall provide for integration of the national science in the higher education system with the world system making sure the national interests are maintained and protected;
- shall provide for organizational unity in the activities of the Ministry's structural divisions charged with the issues of research and teaching activities in the higher education system by means of developing a unified plan of their operation and monitoring its implementation;
- shall provide for preparation of forecasts and development strategy of research and teaching activities of higher education institutions in the mid- and long-term period;
- shall develop and implement state targeted research and engineering programs and review other programs in the higher education systems submitted to the Ministry;
- shall develop proposals on formation and implementation of the state research and engineering policy in the sphere of fundamental research in the higher education

⁷³ Law of Ukraine "On Research and Engineering Activities" of Dec. 13, 1991

⁷⁴ Provision on the Ministry of Education, Science, Youth and Sport of Ukraine, approved by Decree 410/2011 of the President of Ukraine of April 8, 2011

system;

- shall coordinate, facilitate and provide for research, teaching, and engineering activities of the Accreditation Level III and IV higher education institutions subordinated to the Ministry".

Pursuant to the Provision, the Ministry of Education, Science, Youth and Sport shall:

- "provide for unity of requirements for the scientific qualification level of candidates for research degrees and academic titles, conduct expert review of dissertations for research degrees and certification files for conferral of the senior staff scientist title, and provide for review of appeals against decisions of Dissertation Defense Boards and Senates of higher education institutions and research institutions;
- establish a network of dissertation defense boards and expert councils, approve decisions of dissertation defense boards on conferral of research degrees and decisions of (research, research-and-engineering, and engineering) senates on conferral of the senior staff scientist title, and overturn these decisions in the case of failure to comply with the state requirements during certification of research and teaching staff of senior qualification;
- coordinate the activities of executive agencies and manage the work on conferral of research degrees of Ph.D. and D.Sc., conferral of academic titles of senior staff scientist, associate professor and professor of research (research-and-engineering) institutions and higher education institutions in the sphere of certification of research and teaching staff of senior qualification;
- confer academic titles of senior staff scientist, associate professor, and professor, issue relevant certificates, and approve a list of documents required to revoke (reinstate) academic titles of professor and associate professor;
- duly review proposals on conferring the status of 'national' and 'research' upon Accreditation Level IV higher education institutions and the status of 'national science center' upon research (technical research) institutions upon submittal from the agencies to which such institutions and entities belong;
- duly submit to the Cabinet of Ministers of Ukraine proposals on establishment and reorganization of state research institutions completely or partially funded from the state budget and duly submit proposals on inclusion of research facilities on the list of those that constitute national heritage;
- provide logistical and methodological support to state certification of research institutions;
- provide for development of the national research and technical information system

and the system of research and technical expert review of national, international, and regional draft programs;

- develop an annual proposal regarding the government order for research and technical products based on the list of most important developments aimed at creating new technologies and products.

Also, the Minister of Education, Science, Youth and Sport shall guide and coordinate the activities of the State Intellectual Property Service of Ukraine, State Service of Youth and Sport of Ukraine, State Agency for Science, Innovations and Informatization of Ukraine, and State Inspection of Educational Institutions of Ukraine.⁷⁵

Specifically, the State Agency for Science, Innovations and Informatization of Ukraine is a central executive agency, which under the Provision "shall be established to implement the state policy in the sphere of research, technical, and innovative activities, informatization, development and utilization of national electronic information resources, and setting up conditions for development of the information-oriented society".⁷⁶ Specifically, the State Agency for Science, Innovations and Informatization of Ukraine shall:

- "administer predictive and analytical research into trends of scientific, technological, and innovative development, and development of the information-oriented society and informatization spheres;
- prepare and submit to the Minister proposals on:
 - determining priority development areas of science, technology, and innovative activity;
 - inclusion of research facilities on the list of those that constitute national heritage;
 - establishment and reorganization of state research institutions;
 - conferring the status of 'national science center' upon research (research and engineering) institutions and Accreditation Level IV higher educational institutions upon submittal from the agencies to which such institutions and entities belong;
 - draft state targeted research, technical, and innovative programs and determination of the state budget scope for their funding;
- conduct annual analysis to determine effectiveness of implementation of research, technical, and innovative activities, technology transfer, efficiency of utilization of state financial, material, technical, and human resources;

⁷⁵Provision on the Ministry of Education, Science, Youth and Sport of Ukraine, approved by Decree 410/2011 of the President of Ukraine of April 8, 2011

⁷⁶Provision on the State Agency for Science, Innovations, and Informatization of Ukraine, approved by Decree 437 of the President of Ukraine of April 8, 2011

- take part in annual analysis of the implementation status of research and technical programs and in preparation of proposals to the Cabinet of Ministers of Ukraine on continued implementation of the programs or their suspension;
- organize and conduct a competitions of research and technical projects aimed at implementation of tasks set forth in state targeted research and technical programs, research parts of other state targeted programs by priority areas of science and technology development, whose state customer is the State Agency for Science, Innovations and Informatization of Ukraine; a professional expert review of these projects; a competitive bidding procedure to identify project contractors; and provide for entering into contracts to implement the projects and monitor their implementation.

Research and Teaching Staff

The issue of training research and teaching staff is regulated in the Law of Ukraine "On Higher Education" Part IX. Under Art. 58 "the main forms of training research and teaching staff of senior qualification are post-graduate and doctorate programs".

The procedure for admission, rights and obligations of post-graduate and doctorate researchers, procedure for taking qualifying exams for admission to postgraduate and doctorate study, or peculiarities of the research degree seeker's status are determined in the Provision "On Training of Teaching and Research Staff"⁷⁷, which specifically states that:

"Ph.D. and D.Sc. programs shall be offered by Accreditation Level III and IV higher educational institutions, research institutions and their separated divisions.

Post-graduate and doctorate programs shall be offered at the expense of:

- funds of the State Budget of Ukraine pursuant to the government order for employment in the public sector of economy. Draft annual and long-term plans of admission to post-graduate and doctorate programs under government order shall be developed by higher education and research institutions, approved under legislation of Ukraine, and forwarded to higher education and research institutions by ministries and other agencies that operate higher education and research institutions, by national sectoral academies of sciences, and by Presidium of the National Academy of Sciences.
- funds of legal entities and individuals (on contractual basis) for employment in the public and non-public sectors of economy. The number of post-graduate and doctorate researchers who study outside the government order is determined by the head of the higher education or research institution with account for availability of

⁷⁷ Provision "On Training of Teaching and Research Staff", approved by Resolution 309 of the Cabinet of Ministers of Ukraine of March 1, 1999.

qualified research supervision and consultation.

In the case of foreigners and stateless persons pursuant to:

- Ukraine's international agreements;
- national programs;
- agreements entered into by higher education and research institutions with legal entities and individuals.

Admission to post-graduate or doctorate programs shall be competition-based. Upon completion of admission to post-graduate and doctorate programs, heads of higher education and research institutions shall, within a five-day period, submit to ministries or other agencies that operate higher education and research institutions and to national sectoral academies of sciences a status report on the admission plan of post-graduate and doctorate researchers at the expense of the government order.

Subjects of dissertations and a post-graduate or doctorate researcher's individual activity plan, upon consideration by the department, section, or laboratory, shall be approved by the higher education or research institution senate not later than three months from the date of his/her admission to the post-graduate or doctorate program.

A post-graduate or doctorate researcher who successfully defended his/her dissertation prior to completion of his/her post-graduate or doctorate program period shall be deemed to have completed his/her individual activity plan and dismissed from the post-graduate or doctorate program starting with the day of dissertation defense.

Higher education and research institution senates shall review, at least once a year, the issues of training research and teaching staff, review the composition of research supervisors and consultants, and dismiss from research supervision or consultancy persons who fail to ensure timely and high-quality training of post-graduate or doctorate researchers.

Doctorate Program

A doctorate program is offered to persons who have a Ph.D. degree, research accomplishments and published papers on the selected research area, and who can carry out high-quality fundamental, prediscovery and applied research.

A department or unit, within one month of receiving the documents, shall hear research presentations of doctorate applicants, review detailed dissertation activity plans, and by secret or open ballot determine whether each individual can be admitted to doctorate studies. The higher education or research institution senate, within one month, shall review the corresponding conclusions on the applicant and make decision on his/her admission to doctorate studies. Senate decisions shall be approved and issued as an executive order by the

head of the higher education institution. The duration of the doctorate studies on a regular basis shall not exceed three years.

The number of doctorate researchers assigned to one research consultant shall be determined, subject to his/her agreement, by the head of the higher education or research institutions and shall not exceed 3 persons at any one time, including the doctorate researchers who pursue the program outside the government order.

Post-Graduate Program

A post-graduate program shall be offered on a competitive basis to persons with higher education and a Specialist's or Master's degree.

The duration of the off-job post-graduate studies on a regular basis shall not exceed three years, whereas of the on-job studies – four years.

At the time of each post-graduate student's admission, head of the higher education or research institution will issue an executive order assigning him/her a research supervisor – usually a D.Sc. or by senate decision, as an exception, a Ph.D. A post-graduate student's research supervisor provides scientific guidance of the dissertation activities, controls fulfillment of the individual activity planned approved by him, and is personally responsible for the quality of the post-graduate student's dissertation.

The number of post-graduate students assigned to a research supervisor, who is a D.Sc., shall not exceed 5 persons at any one time (inclusive of doctorate researchers), and to a research supervisor, who is a Ph.D. – 3 persons, inclusive of post-graduate and doctorate researchers, who pursue the program outside the government order.

Research Degree Seeker

Another approach to obtaining a research degree of Ph.D. is independent completion of a dissertation. Those working on their dissertations outside the post graduate studies are called research degree seekers. Research degree seekers can include persons with higher education and a Specialist's or Master's degree.

Foreigners and stateless persons can be research degree seekers pursuant to:

- Ukraine's international agreements;
- national programs;
- agreements entered into by higher education and research institutions with legal entities and individuals.

Research degree seekers are assigned to higher education and research institutions

which offer post-graduate studies in relevant specialities in order to develop and defend a Ph.D. dissertation and to take up advanced theoretical study of special disciplines, study a foreign language and philosophy, and take Ph.D. exams for the duration of up to 5 years".⁷⁸

Our research demonstrates that although relations in the sphere of selection of applicants for Ph.D. and D.Sc. programs are thoroughly regulated and the requirements specified in the legislation are met during admission and studies, the content of these institutes is characterized by numerous drawbacks. Namely, the following issues are of concern:

- practicability of Ph.D. studies;
- co-existence of the budget-funded and contractual forms of Ph.D. studies;
- academic component of Ph.D. studies (the research showed that Ph.D. studies are predominantly taken by Masters);
- legal status of a doctorate researcher;
- excessive bureaucratization of the Ph.D. and D.Sc. programs, which does not improve the quality of research;
- low level of material and financial support provided to young researchers and doctorate researchers.

Also, analysis of professional publications revealed a number of issues discussed below.

First of all, the share of references to foreign publications (except Russian) is extremely low, which in its turn evidences that post-graduate students, research degree seekers, and doctorate researchers have a low level of foreign language command. The question, therefore, is: why upon passing a foreign language admission and Ph.D. exam, post-graduate students do not translate research papers, thus failing to use achievements of the world science?

Secondly, the knowledge and skills of academic writing are obviously lacking. Some research papers prompt a conclusion that their authors cannot clearly formulate their research objective, its findings, make references, etc.

Further, it is evident that scientific problems are supplanted with practical issues of current importance, which deprives the research of fundamental scientific content and character. The subjects of dissertations and the problems tackled by young authors sometimes are non-scientific, and therefore cannot contain scientific conclusions, or, in legislative parlance, "provide a scientifically meaningful result".⁷⁹

Finally, research lacks comprehensiveness. Often scientific problems are viewed exclusively in the context of the legal sphere and affiliation with a certain specialization, while

⁷⁸ Ibid.

⁷⁹ "A scientifically meaningful result is new knowledge received during fundamental or applied research and recorded on carriers of scientific information in the form of a report, a research paper, research presentation, research statement on the R&D work, a monograph, scientific discovery, etc."

scientific discussions are limited to search for arguments in favor of a position that an institute (legal relation) belongs to this or that sphere. Consequently, this adversely affects comprehensiveness of research. For example, civil law researchers are not familiar with the research carried out by financial law experts, while criminal law researchers – with research achievements in the sphere of administrative law, etc. Intersectoral confrontation does not facilitate content-intensive research into legal institutes and their holistic and comprehensive analysis. This may be the reason and at the same time the consequence of the drawbacks in the organization and structure of the curriculum for the students of law faculties.

Conferral of Research Degrees in Ukraine

Ukraine has research degrees of Ph.D. [literally "Candidate of Science"] and D.Sc. [literally "Doctor of Science"].

These research degrees, like the academic title of a senior staff scientist, are conferred pursuant to the Procedure on Conferral of Research Degrees and the Academic Title of Senior Staff Scientist⁸⁰. Other countries, except the former USSR countries, do not have such research degrees, which puts in question recognition of a Candidate's or a Doctor's diploma in the world.

Below is a list of specialities used to defend dissertations for research degrees of Ph.D. and D.Sc. and confer research degrees and academic titles approved by a Decree of the High Certification Commission of Ukraine⁸¹.

12	LEGAL SCIENCES	
12.00.01	Theory and History of State and Law; History of Political and Law Theories	Law
12.00.02	Constitutional Law; Municipal Law	Law
12.00.03	Civil Law and Civil Procedure; Family Law; International Private Law	Law
12.00.04	Economic Law, Law of Economic Procedure	Law
12.00.05	Labor Law; Social Security Law	Law
12.00.06	Land Law; Agrarian Law; Environmental Law; Natural Resources	Law

⁸⁰ Procedure for Conferral of Research Degrees and Conferral of the Academic Title of Senior Staff Scientist, approved by Resolution 423 of the Cabinet of Ministers of Ukraine of March 7, 2007

⁸¹ Decree 377 of the High Certification Commission of Ukraine of June 23, 2005.

	Law	
12.00.07	Administrative Law and Procedure; Financial Law; Information Law	Law
12.00.08	Criminal Law and Criminology; Penal Law	Law
12.00.09	Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities	Law
12.00.10	Judiciary; Prosecution and Advocacy	Law
12.00.11	International Law	Law
12.00.12	Philosophy of Law	Law, Philosophy

"D.Sc. and Ph.D. research degrees based on the results of public defense of dissertations shall be conferred by Dissertation Defense Boards", however the final approval of research degrees is within the competence of the Ministry of Education, Science, Youth and Sport".⁸²

"The Ministry of Education, Science, Youth and Sport shall perform expert review of dissertations and applicants' certification files, and issue D.Sc. and Ph.D. diplomas based on the decisions by Dissertation Defense Boards and the Certification Conclusion by the Presidium of the Ministry of Education, Science, Youth and Sport".⁸³

"A Dissertation Defense Board shall be liable for adequacy of its decisions and ensure a high level of standards during defense of dissertations".⁸⁴

"A dissertation for a research degree is a qualifying research paper, completed by the applicant in person in the form of a manuscript prepared according to prescribed requirements or a published monograph. A dissertation prepared for defense shall contain applicant-proposed scientifically substantiated or experimental results, and research provisions, and be characterized by unity of content, and testify to the applicant's personal contribution to science.

A D.Sc. dissertation shall be a qualifying research paper with the scope of the main text for social sciences and humanities 15-17 author's sheets formatted according to the state standard.

A Ph.D. dissertation shall be a qualifying research paper with the scope of the main text for social sciences and humanities 6.5-9 author's sheets formatted according to the state

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

standard.

The organization where the dissertation was completed or to which the research degree seeker was assigned shall conduct a preliminary expert review of the dissertation and conclude on its scientific and practical value. The conclusion shall be provided to the applicant not later than two months after submittal of the Ph.D. dissertation and not later than three months after submittal of the D.Sc. dissertation for expert review. The head of the organization shall be personally liable for the quality, objectiveness and timeliness of the conclusion.

In order for the public to get acquainted with the applicant's work, one copy of the dissertation and two copies of the synopsis shall be provided at least one month prior to defense to the library of the higher education or research institutions, where the Dissertation Defense Board admitted the dissertation for defense.

Upon the applicant's insistence the Dissertation Defense Board shall conduct dissertation defense with two negative opinions, however if two of them were from official reviewers, defense of the dissertation shall not be conducted, and the Board shall take a decision on its suspension.

Public defense of the dissertation shall be conducted during a Dissertation Defense Board meeting which is considered valid if the quorum included at least two thirds of its members and at least four D.Sc. of each of the D.Sc. dissertation specialities, and at least three D.Sc. on the Ph.D. dissertation speciality.

A Dissertation Defense Board's decision on conferral of a research degree shall be deemed positive if voted favorably by at least three quarters of the Board members present in the meeting.

Defense of the dissertation shall be in the form of a scientific discussion necessarily involving all Dissertation Defense Board members present in the meeting – Doctors of Science in each of specialities under which the dissertation was completed".⁸⁵

Despite a rather complicated and lengthy process of preparing a dissertation and the established procedure for defense of dissertations for research degrees, it is difficult to ensure high research standards of dissertations. The problem is caused by drawbacks in organization and other circumstances:

- commercialization of education and science that happened against the background of unreformed Soviet system;
- extremely high demand for higher education in the sphere of law;
- creation of demand in the market of education services in the sphere of law due to setting up of law faculties, etc., which determines a need for corresponding human

⁸⁵ Ibid.

resources – research and teaching staff with Ph.D. or D.Sc. degrees.

All of these factors also contribute to unceasing increase in the number of dissertations, which fact is reflected in Diagrams 9 and 10 and Tables 24 and 25.

Table 24. Number of Defended Ph.D. in Law Dissertations by Specialities

Year	12.00.13	Administrative Law and Procedure; Financial Law; Information Law	Economic Law, Law of Economic Procedure	Land Law; Agrarian Law; Environmental Law; Natural Resources Law	Constitutional Law; Municipal Law	Criminal Law and Criminology; Penal Law	Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities	International Law	Judiciary; Prosecution and Advocacy	Theory and History of State and Law; History of Political and Law Theories	Labor Law; Social Security Law	Philosophy of Law	Civil Law and Civil Procedure; Family Law; International Private Law	Data Unavailable	Total
1991										1					1
1992				1	1		1			1	1				5
1993			2	4	11	6	5		4	2	3		1	1	39
1994				1	6	5	4		3	7			5		31
1995		5	1	2	11	8	4	7		9	3		11		61
1996		15	3	5	2	12	6	8	2	10	3		9		75
1997		11	5	5	10	14	13	5	1	10	3	1	17		95
1998		14	2	4	10	15	12	9	4	16	6	2	21		115
1999		21	14	9	13	22	16	14	3	14	10	2	19		157
2000		33	11	4	13	21	13	13	1	27	5		29		170
2001	6	32	10	8	15	22	17	9	2	30	10	1	27		189
2002	3	48	5	11	19	36	25	18	3	38	10	7	32		255
2003		62	11	9	15	39	28	22	8	45	16	6	53		314
2004		78	18	8	28	40	43	14	4	48	18	5	50		354
2005		70	14	18	22	52	38	21	4	46	17	10	54		366

2006		59	17	13	19	38	49	7	8	42	10	2	70		334
2007		89	16	12	23	53	49	9	7	43	21	8	61		391
2008		95	9	21	23	36	49	22	4	38	21	7	50		375
2009		115	16	15	22	53	48	20	8	61	32	6	63		459
2010							1								1
Kyiv								1							1
Total	9	747	154	150	263	472	421	199	66	488	189	57	572	1	3,788

Diagram 9. History of Defended Ph.D. in Law Dissertations

History of Defended Ph.D. in Law Dissertations



Table 25. Number of Defended D.Sc. in Law Dissertations by Specialities

Year	Administrative Law and Procedure; Financial Law; Information Law	Economic Law, Law of Economic Procedure	Economic Law, Law of Economic Procedure; Land Law; Agrarian Law; Environmental Law; Natural Resources Law	Land Law; Agrarian Law; Environmental Law; Natural Resources Law	Land Law; Agrarian Law; Environmental Law; Natural Resources Law; Theory and History of State and Law; History of Political and Law Theories	Constitutional Law; Municipal Law	Criminal Law and Criminology; Penal Law	Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities	International Law	Judiciary; Prosecution and Advocacy	Theory and History of State and Law; History of Political and Law Theories	Theory and History of State and Law; History of Political and Law Theories; Constitutional Law; Municipal Law	Labor Law; Social Security Law	Philosophy of Law	Civil Law and Civil Procedure; Family Law; International Private Law	Total
1991				1												1
1992						4	4									8
1993								2		1					1	4
1994							2	1			1		1		1	6

1995				1			1				1					3
1996	4	2		1		2	3	6				1			2	21
1997	1								2		2					5
1998	3			2			1				3			1		10
1999	1					1	2	2			2	1			1	10
2000	1				1		2	1	1	1	1			1	2	11
2001			1				3	1		1	2		2		1	11
2002	6						3		1	2	3		1	2		18
2003	4	1				1	2	3	3	1	3			1	2	21
2004	12	1		1		1	3	1			3			1	3	26
2005	7						2	2	2		3		2		1	19
2006	7	3		1			3	2	2		6			1	5	30
2007	8	3		2		1	5	3			3		2	1	5	33
2008	3	2				2	1	2			9			1	2	22
2009	10	3				5		4	1	2	6		1	1	2	35
Total	67	15	1	9	1	17	37	30	12	8	48	2	9	10	28	294

Diagram 10. History of Defended D.Sc. in Law Dissertations

History of Defended D.Sc. in Law Dissertations



Also, the problems faced by legal higher education institutions affect the structure of

dissertation subjects, as shown by the data provided in Diagrams 11 and 12.

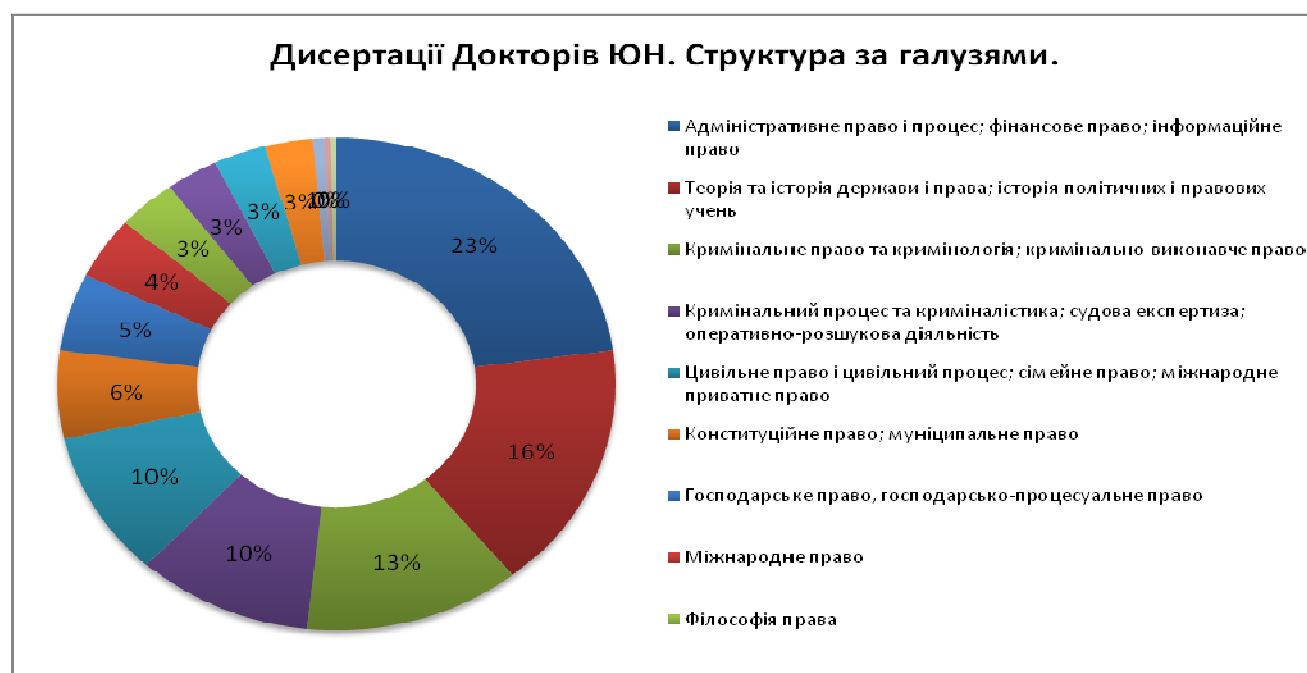
Diagram 11. Structure of Ph.D. in Law Dissertations



Ph.D. in Law Dissertations. Structure by Branches

Administrative Law and Procedure; Financial Law; Information Law
 Civil Law and Procedure; Family Law; International Private Law
 Theory and History of State and Law; History of Political and Law Theories
 Criminal Law and Criminology; Penal Law
 Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities
 Constitutional Law; Municipal Law
 International Law
 Labor Law; Social Security Law
 Economy Law; Law of Economic Procedure
 Land Law; Agrarian Law; Environmental Law; Natural Resources Law
 Judiciary; Prosecution and Advocacy
 Philosophy of Law
 12.00.13

Diagram 12. Structure of D.Sc. in Law Dissertations



D.Sc. in Law Dissertations. Structure by Branches

Administrative Law and Procedure; Financial Law; Information Law
 Theory and History of State and Law; History of Political and Law Theories
 Criminal Law and Criminology; Penal Law
 Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities
 Civil Law and Procedure; Family Law; International Private Law
 Constitutional Law; Municipal Law
 Economy Law; Law of Economic Procedure
 International Law
 Philosophy of Law

It will be observed from Tables 26 and 27 that the National Academy of Internal Affairs of Ukraine alone accounts for 20% of Ph.D. in Law dissertations, half of which were prepared in the sphere of Administrative and Criminal Law. As a total, the system of legal higher education institutions accounts for 35% and 34% of defended dissertations for the research degrees of Ph.D. and D.Sc. in Law respectively.

Table 26. Number of Ph.D. in Law Dissertations Defended at Educational and Research Institutions

HEI	Administrative Law and Procedure; Financial Law; Information Law	Civil Law and Civil Procedure; Family Law; International Private Law	Theory and History of State and Law; History of Political and Law Theories	Criminal Law and Criminology; Penal Law	Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities	Constitutional Law; Municipal Law	International Law	Labor Law; Social Security Law	Economic Law, Law of Economic Procedure	Land Law; Agrarian Law; Environmental Law; Natural Resources Law	Judiciary; Prosecution and Advocacy	Philosophy of Law	12.00.13	Civil Law and Civil Procedure; Family Law; International Private Law	Data Unavailable	Total
National Academy of Internal Affairs of Ukraine ⁸⁶	174	60	116	148	149	44	4	21		2		27				745
Yaroslav Mudryi National Law Academy of Ukraine ⁸⁷	56	89	52	58	72	47	33	30	22	44	31	9			1	544
Taras Shevchenko National University of Kyiv	33	109	45	44	43	34	47	9	33	26	7	1				431
Koretsky Institute of State and Law	33	74	54	28	3	47	47	9	1	28	3	3				330
Odesa National Law Academy	48	83	40	33	14	18	7	16	11	11	11	3	9			304
Kharkiv National University of Internal Affairs	77	46	42	29	29	7	3	32		1						266
Ivan Franko National University of Lviv	2	29	54	11	20	6	12	13		10	1	1				159
National University of State Tax Service of Ukraine ⁸⁸	96			2	6		1									105
Legislation Institute of the Verkhovna Rada of Ukraine	25	2	9			19	13	1								69
I.I. Mechnykov Odesa State University	24	11	12	13		5	1		2	1						69
Zaporizhya Law Institute of the Ministry of Internal Affairs of Ukraine	14	1	6	11	18			1								51

⁸⁶ Including the National University of Internal Affairs of Ukraine, Kyiv National University of Internal Affairs, Academy of Internal Affairs of Ukraine, Ukrainian Academy of Internal Affairs, Academy of the Directorate of the Ministry of Internal Affairs, Kyiv Institute of Internal Affairs, Kyiv Law Institute of the Ministry of Internal Affairs of Ukraine, Law Academy of the Ministry of Internal Affairs of Ukraine, Kyiv Institute of Internal Affairs of the National Academy of Internal Affairs of Ukraine, National Law Institute of the Ministry of Internal Affairs of Ukraine.

⁸⁷ Including the Ukrainian Law Academy and Ukrainian State Law Academy.

⁸⁸ Including the National University of State Tax Service of Ukraine

National Academy of Sciences of Ukraine; Institute of Economic and Legal Research	1							47								48
Dnipropetrovsk State University of Internal Affairs	16		1	18	2	2										39
Lviv State University of Internal Affairs	12		3	13							10					38
Academy of Advocacy of Ukraine				8	18						6					32
Vadym Hetman Kyiv National Economic University	23	1				4			3							31
Taras Shevchenko National University of Kyiv, Institute of International Relations		10	2				16				1					29
Donetsk Law Institute of Luhansk State University of Internal Affairs	10		1	6	10	1			1							29
Research Institute of Private Law and Entrepreneurship of the Academy of Law Sciences of Ukraine		25							2							27
Vasyl Stefanyk Precarpathian National University		9	1	1	6			1		8						26
Yuriy Fedkovych Chernivtsi National University	11	3	3	4		1		2			1					25
Donetsk Institute of Internal Affairs of Donetsk National University	5		3	4	5	1			5							23
Volodymyr Dahl East Ukrainian National University								23								23
National Academy of Sciences of Ukraine	4		6			1	4		4	2	1					22
Kharkiv Skovoroda National Pedagogical University			1	2				16								19
E.O. Didorenko Luhansk State University of Internal Affairs	2			3	10	1			2		1					19
National University of Life and Environmental Sciences of Ukraine	11									7						18
National Agrarian University of Ukraine	13									5						18

Dragomanov National Pedagogical University		2	5	4		2		3								16
National Academy of Sciences of Ukraine			2	1		2	5	1	3	1						15
Zaporizhya National University	4	3	2	3	1	1										14
Luhansk Academy of Internal Affairs of the Ministry of Internal Affairs Commemorated to the 10 th Anniversary of Independence of Ukraine	2	1		6	3							1				13
Taurida National V.I. Vernadsky University	1		6	1				3		1						12
Uzhgorod National University	2		5			4			1							12
Donetsk National University									12							12
Academy of Law Sciences of Ukraine		2	4	3	2											11
Kyiv University of Law of NAS of Ukraine		2	3	1				3	1							10
State Research Institute of the Ministry of Internal Affairs of Ukraine	9			1												10
Academy of Sciences of Ukraine			1			3		2	1		2					9
Classical Private University	6			1	2											9
National University of Ostroh Academy	3	2				2					1					8
Odesa State University of Internal Affairs	4	1	1	2												8
National Academy of Public Administration, the President of Ukraine	4		1			3										8
Academy of Labor and Social Relations of the Federation of Trade Unions of Ukraine		1	2	1	1			1	1							7
National Academy of Prosecution of Ukraine				2	4						1					7
National Academy of Security Service of Ukraine	2			2		2										6
Humanitarian University "Zaporizhya Institute of Public and Municipal	1	1		3	1											6

Administration"																
National Transport University	5															5
Cabinet of Ministers of Ukraine	2									2						4
Ukrainian Academy of Foreign Trade		1					2									3
Volyn National University of Lesya Ukrainka		1					1			1						3
Odesa National Maritime University				2			1									3
Open International University of Human Development "Ukraine"	2															2
Kyiv International University	2															2
Mariupol State Humanitarian University						2										2
Interregional Academy of Personnel Management			1						1							2
National Defense Academy of Ukraine	1					1										2
Khmelnysky Institute of Regional Management and Law						1		1								2
Khmelnysky National Academy of the State Border Guard Service of Ukraine	1					1										2
National Aviation University, Institute of Air and Space Law	1					1										2
National University of Kyiv-Mohyla Academy		2														2
Ukrainian Academy of Customs	1															1
Transcarpathian State University	1															1
Kyiv Research Institute of Forensic Examination						1										1
Kyiv Hetman Konashevych-Sahaidachny State Water Transport Academy					1											1
Kirovohrad Volodymyr Vynnychenko State		1														1

Pedagogical University																
Kirovohrad Law Institute of Kharkiv National University of Internal Affairs	1															1
Lviv Regional Institute of Public Administration of the National Academy of Public Administration, the President of Ukraine			1													1
Ministry of Education and Science of Ukraine								1								1
National Academy of Sciences of Ukraine; Center for Humanitarian Education											1					1
Research Center for Law Information Technologies of the Academy of Law Sciences of Ukraine	1															1
National Technical University of Ukraine "Kyiv Polytechnic Institute"				1												1
National Academy of Sciences of Ukraine; Kuras Institute of Political and Ethnonational Research						1										1
Research Institute for State Construction and Local Self-Governance of the Academy of Law Sciences of Ukraine			1													1
Research Institute for State Construction and Local Self-Governance of the Academy of Law Sciences of Ukraine; Lviv Laboratory for Human and Civil Rights			1													1
Cherkasy Institute of Management								1								1
Uzhgorod State Institute of Information Sciences, Economics and Law			1													1
Ukrainian State University of Finances and International Trade							1									1
Law Institute	1															1

Total	746	571	488	472	421	263	199	189	153	150	66	57	9	1	1	3,788
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Table 27. Number of D.Sc. in Law Dissertations Defended at Educational and Research Institutions

HEI	Administrative Law and Procedure; Financial Law; Information Law	Theory and History of State and Law; History of Political and Law Theories	Criminal Law and Criminology; Penal Law	Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities	Civil Law and Civil Procedure; Family Law; International Private Law	Constitutional Law; Municipal Law	Economic Law, Law of Economic Procedure	International Law	Philosophy of Law	Land Law; Agrarian Law; Environmental Law; Natural Resources Law	Labor Law; Social Security Law	Judiciary; Prosecution and Advocacy	Theory and History of State and Law; History of Political and Law Theories; Constitutional Law; Municipal Law	Economic Law, Law of Economic Procedure; Land Law; Agrarian Law; Environmental Law; Natural Resources Law	Land Law; Agrarian Law; Environmental Law; Natural Resources Law; Theory and History of State and Law; History of Political and Law Theories	Total
National Academy of Internal Affairs of Ukraine ⁸⁹	23	5	16	11	2	1			4							62
Yaroslav Mudryi National Law Academy of Ukraine ⁹⁰	5	7	7	5	4	4	3	2	2	4	3	4				50
Taras Shevchenko National University of Kyiv	2	5	2	5	10	1	4	4		2			1		1	37
Koretsky Institute of State and Law of the National Academy of Science of Ukraine	4	6	2		5		1	3		1	1	1				24
Odesa National Law Academy	3	8	1	1	2			1			1	2				19
Kharkiv National University of Internal Affairs	11	2	1	2							2					18
Legislation Institute of the Verkhovna Rada of Ukraine	4	3				4										11
I.I. Mechnykov Odesa State University	3	1		1		2	1						1			9
Ivan Franko National University of Lviv	1	3	1		1			1			1					8

⁸⁹ Including the National University of Internal Affairs of Ukraine, Kyiv National University of Internal Affairs, Academy of Internal Affairs of Ukraine, Ukrainian Academy of Internal Affairs, Academy of the Directorate of the Ministry of Internal Affairs, Kyiv Institute of Internal Affairs, Kyiv Law Institute of the Ministry of Internal Affairs of Ukraine, Law Academy of the Ministry of Internal Affairs of Ukraine, Kyiv Institute of Internal Affairs of the National Academy of Internal Affairs of Ukraine, National Law Institute of the Ministry of Internal Affairs of Ukraine.

⁹⁰ Including the Ukrainian Law Academy and Ukrainian State Law Academy.

Lviv State University of Internal Affairs		1	1					3								5
Yuriy Fedkovych Chernivtsi National University	2	1				1		1								5
National Academy of Sciences of Ukraine			1			1	1		1		1					5
Dnipropetrovsk State University of Internal Affairs			1	3												4
Academy of Law Sciences of Ukraine					2											2
E.O. Didorenko Luhansk State University of Internal Affairs		1	1													2
National Academy of Sciences of Ukraine; Institute of Economic and Legal Research							4									4
National Agrarian University of Ukraine	1					1				1						3
National University of Ostroh Academy		1				1										2
National University of State Tax Service of Ukraine ⁹¹	4															4
Vasyl Stefanyk Precarpathian National University				1	1											2
Volodymyr Dahl East Ukrainian National University							1				1					2
Academy of Advocacy of Ukraine			1													1
Ukrainian Academy of Customs	1															1
State Research Institute of the Ministry of Internal Affairs of Ukraine	1															1
Dnipropetrovsk State University; Simferopol State University				1												1
Donetsk National University														1		1
Donetsk Institute of Internal Affairs of Donetsk National University							1									1

⁹¹ Including the National University of State Tax Service of Ukraine

Donetsk Law Institute of Luhansk State University of Internal Affairs		1														1
Cabinet of Ministers of Ukraine						1										1
Carpathian Law Institute of the Ministry of Internal Affairs of Ukraine			1													1
Kyiv International University	1															1
Taras Shevchenko National University of Kyiv, Institute of International Relations					1											1
National Academy of Public Administration, the President of Ukraine		1														1
National Academy of Security Service of Ukraine			1													1
Research Institute of Financial Law of the National Academy of Tax Service of Ukraine and the Academy of Law Sciences of Ukraine	1															1
not indicated		2														2
Total	67	48	37	30	28	17	15	12	10	9	9	8	2	1	1	294

Dissertation Defense Boards and Dissertation Defense Procedure

Today in Ukraine one can observe how a Decree of the President of Ukraine has made significant changes to the of research degree conferring system, procedure and functioning of dissertation defense boards, and has substantially amended the legal status of the High Certification Commission of Ukraine, whose all functions and powers have been transferred to the Ministry of Education, Science, Youth and Sport.⁹² Even though provisions of the Law of Ukraine "On Higher Education" remain valid, the said changes have already been implemented.

The status of dissertation defense boards and the procedure of their establishment and operation were identified in the corresponding Provision on the High Certification Commission of Ukraine.⁹³

Under legislation, a dissertation defense board is entitled to:

⁹²Provision on the High Certification Commission of Ukraine approved by Decree 216/99 of the President of Ukraine of Feb. 25, 1999 ceases to be effective on Oct. 1, 2011 pursuant to Decree 920/2011 of the President of Ukraine of Sept. 16, 2011 "On Invalidation of Some Decrees of the President of Ukraine".

⁹³Provision on Dissertation Defense Boards approved by Decree 429 of the High Certification Commission of Ukraine of Aug. 29, 2000

- "accept dissertations for preliminary review if supported by cover documents according to the list determined by the Ministry of Education, Science, Youth and Sport;
- accept dissertations for defense;
- appoint official reviewers for dissertation defense from among competent researchers in the speciality under which the dissertation was submitted;
- forward to the High Certification Commission a notice on acceptance of the dissertation for defense and appointment of official reviewers, which fact is announced in the official publication of the Ministry of Education, Science, Youth and Sport.

Upon completion of the dissertation defense, a dissertation defense board shall have a secret ballot on conferral of the research degree and shall submit to the High Certification Commission of Ukraine within one month of the defense a top copy of the dissertation with two copies of its record card and the research degree seeker's certification file, and an electronic copy – to the Ukrainian Institute for Scientific, Technical and Economic Information.

A research degree seeker's certification file shall be prepared according to the requirements established by the High Certification Commission and stored by the Dissertation Defense Board for ten years. Reviews of the dissertation and the synopsis, the shorthand record (transcribed and authenticated soundtrack) of the meeting, and the voting protocol shall remain with the Dissertation Defense Board. Where appropriate, the said materials may be submitted at the location of re-defense.

A dissertation voted down based on the defense results may be submitted for re-defense upon revision not sooner than in one year. The High Certification Commission's approval is not required for re-defense. In the case of re-defense, the official reviewers shall be completely replaced.

Control over the research quality of dissertations, their scientific and practical value, operation of dissertation defense boards, compliance with the unified requirements for research degree seekers, and expert review of dissertations shall be done by the High Certification Commission with support of expert councils".

The essence of expert councils' operation are determined in the Provision On Expert Councils of the High Certification Commission of Ukraine.⁹⁴

"Expert councils are liable for the quality and objectivity of their draft certification conclusions on the dissertation's compliance with the requirements and the applicant's

⁹⁴Provision On Expert Councils of the High Certification Commission of Ukraine approved by Decree 170 of the High Certification Commission of Ukraine dated March 23, 2010

qualification compliance with the Ph.D. or D.Sc. degree. Should there be established low quality of the expert review of the dissertation, insufficient argumentation of the Dissertation Defense Board conclusion, or failure to meet the requirements of the statutory instruments on conferral of the D.Sc. and Ph.D. degrees, the High Certification Commission shall prepare a draft certification conclusion on revocation of the Board decision to confer the research degree and submit it for consideration of the High Certification Commission's Presidium. Revocation by the High Certification Commission's Presidium of a Dissertation Defense Board's decision on a dissertation shall entail corresponding measures up to suspension of the Board's operation for the duration determined by the High Certification Commission.

The applicant shall be granted access to the certification conclusion only after it has been approved by the High Certification Commission, a copy of which shall be provided by the Commission within one month upon the applicant's request.

The period during which the High Certification Commission can review the D.Sc. applicant's dissertation and certification file shall not exceed six months, and Ph.D. applicant's – four months.

The Dissertation Defense Board's decision on conferral of D.Sc. or Ph.D. degrees shall become effective as of the day when the Presidium of the High Certification Commission decides on issuance of a relevant diploma".

Currently Ukraine has 24 and 69 Dissertation Defense Boards for the research degrees of Ph.D. and D.Sc. in Law respectively. Their structure is provided in Tables 28 and 29.

Table 28. Number of Dissertation Defense Boards for Defense of Ph.D. in Law Dissertations at Educational and Research Institutions

Category	01 Theory and History of State and Law; History of Political and Law Theories	02 Constitutional Law; Municipal Law	03 Civil Law and Civil Procedure; Family Law; International Private Law	04 Economic Law, Law of Economic Procedure	05 Labor Law; Social Security Law	06 Land Law; Agrarian Law; Environmental Law; Natural Resources Law	07 Administrative Law and Procedure; Financial Law; Information Law	08 Criminal Law and Criminology; Penal Law	09 Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities	10 Judiciary; Prosecution and Advocacy	11 International Law	12 Philosophy of Law
Law-specializing HEIs	3	3	2	2	2	1	4	3	3	3	3	2
Law enforcement-specializing HEIs	3	2	2			1	2	2	2	1		2
Profession-oriented HEIs (except for legal)	1	1	0	2		1	1					
Classical university	1		1		1		1				1	
Research institution	1	1	1		1	1	2	2			1	
Total	9	7	6	4	4	4	10	7	5	4	5	4

Table 29. Number of Dissertation Defense Boards for Defense of D.Sc. in Law Dissertations at Educational and Research Institutions

Category	01 Theory and History of State and Law; History of Political and Law Theories	02 Constitutional Law; Municipal Law	03 Civil Law and Civil Procedure; Family Law; International Private Law	04 Economic Law, Law of Economic Procedure	05 Labor Law; Social Security Law	06 Land Law; Agrarian Law; Environmental Law; Natural Resources Law	07 Administrative Law and Procedure; Financial Law; Information Law	08 Criminal Law and Criminology; Penal Law	09 Criminal Procedure and Criminalistics; Forensic Examination; Operational and Investigative Activities	10 Judiciary; Prosecution and Advocacy	11 International Law	12 Philosophy of Law
Law-specializing HEIs												
Law enforcement-specializing HEIs	2	1	1		1		3	3	4	1		
Profession-oriented HEIs (except for legal)	1		1			1	1	1				

Classical university					1							
Research institution			1	1								
Total	3	1	3	1	2	1	4	4	4	1		

Academic Titles

"Academic titles include:

- senior staff scientist;
- associate professor;
- professor.

Availability of a relevant research degree or academic title is a qualification requirement for holding a staff scientist's position".⁹⁵

Such a close connection and interdependence of the research degree, academic title and position on the one hand, and high level of centralization of decision making on conferral of research degrees and academic titles on the other hand have created in Ukraine a certain environment in the research-and-educational community.

Under the effective legislation, academic titles of professor and associate professor are ultimately approved by the Ministry of Education, Science, Youth and Sport, where review of certification files of research and teaching staff is done by a Certification Panel headed by the Minister. Apparently, this is another element of the Soviet heritage in organization of educational and research activities, which necessarily requires state control and censorship. In fact, researchers are conferred academic titles by individual departments, where the issue is a matter of discussion and voting of the department, faculty (sector), or senate. It is, therefore, surprising that the academic title of an HEI professor or associate professor should be ultimately approved by the Ministry of Education, Science, Youth and Sport.

Thus, the academic title of professor or associate professor is approved "based on the decision made by the Senate of Accreditation Level III-IV educational institution or Accreditation Level III-IV post-graduate institution, or research institution through secret ballot. A Senate meeting shall be deemed valid if attended by at least two thirds of its members, and a decision shall be deemed passed if voted by at least three quarters of the members present in the meeting. The Ministry of Education, Science, Youth and Sport may take up to six months to review the certification files. Under special circumstances, which require more time for expert review of a certification file, the review period may be extended to one year".

A prerequisite for conferral of an academic title is compliance with the requirements set forth in the Procedure for Conferral of the Academic Title of Professor and Associate

⁹⁵Law of Ukraine "On Research and Engineering Activities" No. 1977-XII of Dec. 13, 1991

Professor,⁹⁶ namely with regard to teaching and research track record, publications, number of students, etc.

Analysis of the said statutory instruments allows a conclusion that making a decision on conferral of academic titles is overly centralized.

⁹⁶Procedure for Conferral of the Academic Title of Professor and Associate Professor approved by the Cabinet of Ministers of Ukraine Resolution 1149 of Dec. 27, 2008

VII. Organization of the Academic Process and Methodology of Teaching Legal Disciplines

Organization of the Academic Process

The academic process is organized according to the Law of Ukraine "On Higher Education in Ukraine"⁹⁷, Provision on Organization of the Academic Process at Higher Education Institutions of Ukraine⁹⁸, approved by the Ministry of Education of Ukraine Decree 161 of June 2, 1993, relevant state standards, and other bylaws.

Analysis of regulatory and legislative instruments shows that **the organization of the academic process in the legal school does not have significant peculiarities**, and this directly affects the quality of the academic process, the teachers' qualification level, and the graduates' professional level. Legislative regulation of education is of general (universal) nature, and in absence of a state standard legal education is not different from other humanitarian specialties or engineering sciences for that matter. On the contrary, legal education is very often inferior when it comes to norms of teachers' time accounting, number of students per staff member, types of classes and their accounting, types and accounting of written papers, students' internship and its efficiency, procedure for lawyer's state certification, etc.

According to the Law "On Higher Education" Art. 6, organization of the academic process is based on a multi-level higher education system: The higher education structure generally includes:

1) Levels of Education:

- incomplete higher education;
- basic higher education;
- complete higher education;

2) Educational and Qualification Levels (Degrees):

- Junior Specialist;
- Bachelor;
- Specialist and Master.

Lawyers in Ukraine are trained for the Bachelor's, Specialist's, and Master's degrees. The Law of Ukraine "On Higher Education" defines these levels as follows:

"Bachelor is a higher-education degree of a person who, based on complete secondary education, acquired basic higher education, fundamental and special skills and knowledge on the general object of his/her work (activity) sufficient for performing tasks and duties (work) of a

⁹⁷ Law of Ukraine "On Higher Education in Ukraine" No. 2984 of Jan. 17, 2002

⁹⁸ Provision on Organization of the Academic Process at Higher Education Institutions of Ukraine approved by the Ministry of Education of Ukraine Decree 161 of June 2, 1993

certain professional level required for initial positions in a certain type of economic activity.

"Specialist is a higher-education degree of a person who, based on the Bachelor's educational-and-qualification level, acquired complete higher education, special skills and knowledge sufficient for performing tasks and duties (work) of a certain professional level required for initial positions in a certain type of economic activity.

"Master is a higher-education degree of a person who, based on the Bachelor's educational-and-qualification level, acquired complete higher education, special skills and knowledge for performing innovative professional tasks and duties (work) of a certain professional level required for initial positions in a certain type of economic activity.⁹⁹

The data provided in Table 30 demonstrates that the licensed capacity for training Bachelors equals the total licensed capacity for training Specialists and Masters. It implies that virtually 100% of Bachelors proceed with their education. It is worthwhile determining the causes of the phenomenon:

- whether the education acquired as part of the Bachelor's degree fails to produce knowledge, skills, and faculties enabling him/her to perform the tasks and duties (work) of a certain professional level;
- whether there are formal obstacles for access to the legal profession based on the Bachelor's degree;
- whether higher education institutions are interested in increasing the licensed capacity for training Specialists and Masters.

⁹⁹ Law of Ukraine "On Higher Education"

Table 30. Absolute Structure of the Constitutional Law Cycle by Shares of Other Cycles

Educational and Qualification Level (Degree)	Full Time Education			Extramural Education			Total
	Law	Legal Science	Law Enforcement	Law	Legal Science	Law Enforcement	
Bachelor	4,402	15,077	0	4,360	14,785	0	38,624
Specialist	1,170	9,448	505	980	11,923	555	24,581
Master	670	6,147	320	650	3,537	230	11,554
Total	6,242	30,672	825	5,990	30,245	785	74,759

There is no clear and unambiguous separation into these degrees, just as there is no convincing justification of the speciality passport or positions in the practical work of a lawyer having a corresponding degree.

Unfortunately, the effective legislation testifies to lack of a conceptual vision of education development (including legal one), and hence the government's hesitance in implementing reforms. It is a common example of law makers' conformism by which the obsolete Soviet system with its degrees (Junior Specialist and Specialist) is combined with the world practices (that prefer Bachelor's and Master's degrees). This state of things breeds methodological problems in legal education.

Ukraine has a standard government-approved diploma for the specialities "Legal Science", "Law Enforcement", and "International Law". This Report has already dwelled on appropriateness of subdividing Law as a branch of knowledge into specialities, however other issues have also been identified: the conditions of awarding diplomas differ from institution to institution authorized to confer them (regardless of their form of ownership, subordination, specialization, etc.). Specifically, the following differences have been identified:

Access to the Master's degree: in a number of educational institutions the prerequisite for studying under a Master's curricula is a Bachelor's degree, in others – a Specialist's degree.

The duration of getting a Master's degree varies from one to two years.

The list of legal specializations for the Specialist's and Master's degrees.

Government certification: despite a standard government-approved diploma, the list of state graduation exams, their content and criteria of assessing graduate's competence is up to a higher education institution. At the same time, legislation does not provide for experts'

participation – judges, advocates, prosecutors, representatives of professional NGOs, etc. – in the government certification.

Similarly, the legislation fails to determine a list of professions that require a Master's degree. As stated in Section III.1, a degree (Master's or Specialist's) does not affect access to professional research or practical activities.

Higher education institutions offer the following forms of education:

- full time;
- evening;
- extramural (distance);
- external.

In the current situation, there are major doubts about appropriateness of getting education (especially legal) in the evening form, since, as stated above, the surplus of lawyers in Ukraine is 400%, whereas only one in twelve law faculty graduates finds a job in his/her field of expertise.¹⁰⁰

It is necessary to revise the content and organization of the extramural form of education. Also, Ukraine has so-called divisions and faculties of post-graduate training, which are actively functional institutes of professional development and advanced training designed to provide legal education to individuals with higher non-legal education. It would make sense to discuss the need for and the efficiency of both of these forms, as well as potential avenues for their improvement.

The content of education includes the mandatory (determined by a relevant *State Education Standard*) and optional (determined by a *higher education institution*) scopes. The mandatory academic disciplines are prescribed by the State Education Standard and must be followed by an educational institution in their names and scopes, however today Ukraine does not have a state education standard for the branch of knowledge "Law" for any of specialities.

The main regulatory document that governs organization of the academic process in a specific education area or qualification training is a curriculum. Curricula determine the schedule of the academic process, the list, sequence and timing of academic disciplines, the forms of classes and their timing, as well as the forms of final assessment.

A **curriculum** is a higher education institution's regulatory document which is based on the educational-and-professional program and the structural-and-logical scheme of training and determines the list and scope of mandatory and optional academic disciplines, their sequence, specific forms of classes and their scope, academic schedule, and forms and means of ongoing and final assessment.

¹⁰⁰ See, e.g.: <http://www.dt.ua/3000/3300/64675/>

The curriculum is approved by the head of a higher educational institution.

To specify planning of the academic process, a **working curriculum** is developed for each academic year.

Professional non-governmental community has no say in development of the state standard and curricula whatsoever and does not take part in it. Furthermore, curricula, as illustrated in Section V of the Report are overburdened with academic disciplines which are not legal in their nature or have a significant share of the non-legal component.

Methodological Support of Disciplines

A higher education institution develops a working syllabus of a discipline, which is a higher education institution's regulatory document, for each academic discipline that is part of the educational and professional training program. The working syllabus is based on the discipline syllabus and curriculum.

The working syllabus of a discipline determines the specific content of the academic discipline, the sequence, organizational forms and scope of study, as well as the forms and means of ongoing and final assessment.

Structurally the working syllabus of a discipline consists of:

- course schedule;
- means of ongoing and final assessment;
- courseware.

In their studies students follow **an individual curriculum**. A student's individual curriculum is based on the working curriculum and includes all mandatory academic disciplines and some optional disciplines selected by the student, necessarily taking into account the structural and logical scheme of training. The individual curriculum is developed for each academic year and is duly approved by the higher education institution.

The courseware includes:

- state education standards;
- curricula;
- syllabi of all mandatory and optional academic disciplines;
- programs for cooperative education, industrial placement, and other types of internship;
- textbooks and study manuals;
- instructions and methodological materials for seminars and practicums;
- individual semester assignments in academic disciplines to be completed by students independently;

- submission assignments for seminars and practicums;
- submission assignments in academic disciplines to assess students' understanding of the training material;
- methodological materials for students on self-directed learning of professional literature and preparing semester and graduation projects (papers).

Other parameters of the academic process are determined by the teacher, department (subject or cycle commission), and higher education institution.

Academic discipline syllabi determine the scope of their information intensity, level of skills and knowledge, list of recommended textbooks and other methodological and didactic materials, training success criteria and means of assessing success of the training.

Types of Classes

The academic process in higher education institutions takes the following forms:

- **a lecture** (the main form of classes at a higher education institution designed to learn theoretical material);
- **a practicum** (a form of classes when a teacher arranges for a detailed review by students of specific theoretical provisions of an academic discipline and shapes skills and faculties of their practical application through a student's individual completion of duly set assignments);
- **a seminar** (a form of classes when a teacher arranges for a discussion of preliminarily determined topics on which students prepare talking points based on individually completed assignments (reports);
- an individual class;
- **a consultation.**

Using the terminology employed in the effective legislation, all legal disciplines are in fact taught in the form of lectures and practicums. However, the provision states that the main difference between a practicum and a seminar is that the former is offered to the number of students not exceeding **half of the class of students**. In other words, in essence a teacher gives a practicum, but in a full class of students, since the students not only thoroughly review theoretical provisions, but also develop skills and faculties by their practical application to individual assignments (e.g., by solving problems, preparing procedural and other documents, etc.).

"Individual assignments in specific disciplines (reports, calculation or graphical assignments, term projects, graduation projects or papers, etc.) are issued to students within the time periods specified by the higher education institution. Individual assignments are completed by a student independently in consultation with the teacher".

"Self-directed learning of students (academic time allotted to self-directed learning of a student is governed by the working curriculum and should take at least 1/3, but not exceed 2/3 of a student's total academic time allotted to studying a specific discipline).

Classes in a higher education institutions last for two academic hours with breaks between them and are held according to the schedule. The duration of an academic hour is usually 45 minutes. Two academic hours make up a double class.

An academic day is a constituent part of a student's academic time and has a duration of not more than 9 academic hours; an academic week – not exceeding 54 academic hours (18 credits)".

Under the Provision on Organization of the Academic Process, "a credit shall be three academic hours of classes and self-directed learning per academic week during a semester. The time allotted for final assessment shall not be included in a credit".

"An academic semester is a constituent part of a student's academic time that ends in a final semester assessment. The duration of a semester shall be determined by the curriculum".

The Ukrainian system of education is undergoing transformations (which, apparently, cannot be referred to as a structural reform) and adaptation to the so-called Bologna process, however the system of legal education has not completely transferred to the credit-modular system and has not elaborated a mechanism of division into mandatory and optional academic disciplines. Instead, faculties offer training by areas of specialization and are governed in this by available capabilities and research-and-methodological potential of departments, rather than demand of or interest from students. In fact, students are devoid of the right to select disciplines, and sometimes to select specialization. In addition, at the level of intuitive planning, the system of time accounting in academic hours coexists with the credit-modular system. Currently, a legislatively unregulated academic process based on the credit-modular system, historical experience and traditions of such learning in Ukraine are obstacles for transparency, efficiency, and high quality of the academic process.

Practical Training (Industrial Placement, Cooperative Education and Teaching Internship)

According to the Provision,¹⁰¹ "students' internship is an integral part of specialist training at higher education institutions and is offered at duly equipped higher education institutions' facilities and at modern enterprises and organizations of various branches of economy, education, health care, culture, trade, and public administration".

The research demonstrated that requirements set forth in the regulatory documents for

¹⁰¹ Provision on Internship for Students of Higher Education Institutions of Ukraine approved by the Ministry of Education of Ukraine Decree 93 of April 8, 1993

internship of HEI students (specifically of legal specialities) completely fail to meet the dictates of time. There is an insurmountable gap between the government requirement for students of legal education institutions to have cooperative education and industrial placement and the actual capability to provide students with vacancies for such internship in judicial and law enforcement agencies, notary's offices, government services and local self-governance agencies. This is not feasible either in terms of the licensed capacities of educational institutions specializing in "Law" and "Law Enforcement", or in terms of the number of educational institutions subordinated to various agencies that filled the bulk of internship vacancies with their own students. Further, this is impossible due to the number of targeted areas of judicial, prosecutorial, social security and other agencies. Therefore, in the current circumstances it is impossible to establish transparent mechanisms for cooperation between higher education institutions and the main internship agencies, so that students of law faculties be provided with internship possibilities (even within the scope of the government order and targeted areas), and even more importantly – it is impossible to meet the task of providing internship to everyone.

These circumstances led to a situation when internship has become a formality and when duties performed for the main internship agencies (even if students do get them) are usually related to record keeping, paperwork, courier's responsibilities, etc. At this stage of the academic process there is confusion of the specialities "Law" and "Administration". Internship resembles more a familiarization class and a tour to the place of internship rather than actual work for a student. Instead, the work at legal clinics or so-called practical law laboratories is usually done on a voluntary basis, and HEIs do not recognize it as internship. It should be mentioned, though, that a number of legal educational institutions, due to pro-activeness of their representatives and also incentive and support on the part of non-governmental (including international) organizations, have managed to organize operation of clinics on the due level, however this is rather an exception than the rule. Finally, the curriculum is not flexible enough to adapt it to internship.

Assessment

"The types of assessment includes on-going and final assessment.

On-going assessment is carried out during practicums and seminars to evaluate a student's readiness to perform specific work. The form of the on-going assessment during classes and the system of assessing the standard of knowledge are determined by a relevant department (subject or cycle commission).

Final assessment is carried out to evaluate the results of studies at a certain educational (qualification) level or at completed individual stages thereof.

Final assessment includes semester assessment and a student's state certification.

Semester assessment is carried out in the forms of a semester examination, a graded pass/fail test, or a pass/fail test in an academic discipline in the scope of the training material determined by the syllabus within the time period specified in the curriculum.

A semester examination is a form of final assessment of how well a student learned the theoretical and practical material on a specific academic discipline during a semester and is administered as a means of control.

A semester graded pass/fail test is a form of final assessment to evaluate how well a student learned the training material on a specific subject exclusively on the basis of completed individual assignments (calculations, graphical assignments, etc.). The semester graded pass/fail test is administered if no modular assessment and examination are provided and does not require mandatory students' attendance.

A semester pass/fail test is a form of final assessment to evaluate how well a student learned the training materials exclusively based on the results of certain assignments completed by him/her during practicums or seminars. The semester pass/fail test is administered if no modular assessment and examination are provided and does not require mandatory students' attendance.

Examinations are taken by students during examination sessions provided for in the curriculum".

According the Provision "On Organization of the Academic Process", "the results of examinations and graded pass/fail tests are assessed on a four-grade scale ("excellent", "good", "satisfactory", "unsatisfactory"), and pass/fail tests – on a two-grade scale ("pass" and "fail") and are entered in an examination record sheet, student's transcript of record, and student's academic card".

"Students who during one session received more than two unsatisfactory grades shall be expelled from the higher education institution.

"Students who during one session received not more than two unsatisfactory grades shall be allowed to eliminate academic arrear prior to the beginning of the ensuing semester. No more than two re-examinations in each discipline shall be allowed: one before the teacher, and the other one before a commission set up by the Dean of the Faculty (Head of the Sector).

Students who did not show up for the examination without a valid excuse shall be deemed to have received an unsatisfactory grade.

A student shall be subjected to state certification by a state examination (qualifying) commission upon completion of training at a certain educational (qualification) level or a stage thereof to determine actual compliance of the achieved educational (qualification) level with the educational (qualification) requirements.

Qualifications are conferred by a state examination commission. The state examination commission includes: Rector of the higher education institution or Vice Rector for Academic Work or Research, Dean of the Faculty or his/her deputy (Section Head or his/her deputy), department heads, professors, associate (assistant) professors of specialized departments (sections), lead specialists in the area, and research institute staff.

The state examination commission may engage professors and associate (assistant) professors of relevant departments if the commission does not include representatives of these departments (subject or cycle commissions). In this case they exercise the commissioners' rights.

Students graduating from a higher education institutions shall take their state graduation exams and defend their qualification (graduation) projects (papers) before state commissions.

State graduation exams shall be administered through question cards developed in full compliance with the syllabi using the methodology determined by the higher education institution. The results of graduation project (paper) defense and state graduation exams shall be graded as "excellent", "good", "satisfactory", and "unsatisfactory".

It will be observed from the above effective statutory instrument that the two systems for assessing students' knowledge existing today – a five-grade scale and the European 100-grade scale (ECTS) – are formally and actually mixed. Statutory regulation, which would unequivocally and clearly establish an assessment system, is missing, therefore the lack of clear, substantiated and transparent assessment and semester grading criteria, as well as the state certification, remain a burning issue.

Work Load

Under the Law "On Higher Education" Art. 49, "the maximum academic load of the research and teaching staff shall not exceed 900 hours a year. The types of classes included in the academic load of the teaching and research staff according to his/her position shall be determined by the higher education institution in the employee's individual plan".

Pursuant to the Provision on Organization of the Academic Process (Section 5), "teacher's working hours are determined by the scope of his academic, methodological, research, and organizational obligations in the current academic year as described in the individual working plan.

A teacher's working hours with a full scope of obligations shall not exceed 1548 hours per academic year, the average weekly load being 36 hours.

The academic load shall be determined in academic hours. In the cases of operational need in Accreditation Level 3 and 4 higher education institutions, a teacher may be engaged in conducting of classes in excess of the mandatory academic load determined in the individual

working plan within his/her working hours. The additional academic hours shall be established by the higher education institution and shall not exceed 0.25 of the minimum mandatory academic load".

The normative number of full-time students (cadets) per one research and teaching employee at Accreditation Level III and IV state-owned HEI shall be 13 law students.

To "improve the work organization of the research and teaching staff and ensure control over organization of the academic process at higher education institutions" the Ministry of Education and Science of Ukraine has established:

- the norms of time for planning and accounting of academic work of the HEI research and teaching staff;
- a list of the main types of methodological work of the HEI research and teaching staff;
- a list of the main types of research work of the HEI research and teaching staff;
- a list of the main types of organizational work of the HEI research and teaching staff.

For more detail on these norms see Attachment 8.

The content of the research and teaching staff load has special significance, since the content of this work, its scope and types, self-improvement and research opportunities, availability of instruments and conditions of labor, and appropriate remuneration for labor are among the system factors that determine how education, including legal, is organized. Naturally, this issue is closely related to the qualification requirements for teachers.

The current methodology used to calculate the teacher's working hours, the system of its accounting, and the definition of the work types have become obsolete, because they are based on the Soviet ideology of youth outreach and employment of the research and teaching staff. An example of this, as shown by excerpts from the quoted Provision on Organization of the Academic Process, is, inter alia, as follows:

In the cases of **operational need** in Accreditation Level 3 and 4 higher education institutions, a teacher may be engaged in conducting of classes **in excess of the mandatory academic load** determined in the individual working plan within his/her working hours. The additional academic hours shall be established by the higher education institution and shall not exceed **0.25** of the minimum mandatory academic load". Beyond doubt, this provision allows the HEI administration to manipulate the teachers' working hours".

"The work on the Ministry of Education and Science research-and-methodological commissions and commissions of other ministries; State Certification Commission, expert and professional councils; expert commissions, etc." It is not clear why the work at the named institutions belongs to the main types of organizational work to be carried out by research and teaching staff and is accounted within the working hours, being in fact free of charge.

"Performance of duties of the deputy dean of the faculty (deputy director of the institute), **pro bono** deputy head of the sector; ... participation in education of students, performance of the **academic group supervisor's (tutor's) duties**; ... guidance of students' research society and **task force**". This item provokes a number of questions and even indignation. It has to be explained why guidance of a research society is considered to be organizational, rather than research activity. It is equally difficult to understand what is meant in the Ministry of Education Decree by a "task force" at a higher education institution, especially when it comes to a legal faculty, and especially, bracketing together a "students' research society" and a "task force".

After all, the system under which the Ministry of Education sets norms of time and the main types of work for the research and teaching staff is obsolete. Further, it is obvious that the current load of 900 academic hours and 1548 annual hours is unreasonably high and prevents teachers from meeting high academic and research standards.

The research also identified a number of violations and certain manipulation on the part of HEI administration in the sphere of load planning and accounting. In some cases the annual academic load of a teacher is 80-90% made up of the teaching load, in which HEIs do not include the hours of consultations, exams, pass/fail tests, etc., which directly and adversely affects the quality of the teacher's academic work, making a novel approach to the teacher's work and thorough analysis of written papers impossible, and barring the teacher from taking up another (research or academic) work.

Thus, when implementing educational reforms, it is necessary to consider the issues:

- on the content, structure, and scope of the research and teaching staff load;
- on the problem of academic freedom of an HEI in determining annual load;
- on setting the minimum scope of the load which allows a teacher (professor, associate professor, assistant professor) to be on the staff of an HEI, and thus represent it at different stages, namely for certification purposes;
- on providing an adequate level of remuneration for the research and teaching staff;
- on establishing adequate working conditions, namely equipping the work stations (with personal computers, Internet, etc.);
- on revision of the professional development system for the research and teaching staff.

Textbooks

It is common knowledge that the quality of textbooks has an immediate effect on the standard of knowledge and content of students' self-directed education, effectiveness of their

studies, extent and depth of their knowledge, etc. Unfortunately, the Ukrainian legal science, the network of higher education institutions and the entire courseware-related efforts have not created a competitive environment on the market of textbooks and courseware. On the contrary, the government continues to actively regulate publication of study materials for HEIs, which is a typical feature of a post-totalitarian state with all negative consequences arising out of it. Inter alia, this brought about a very peculiar environment in the research community (e.g., conferral of the academic title partly depends on publication of a textbook under the ministerial label). Today the ministerial label has distorted the goal and objectives of textbook publication, and thus their content. Formal requirements stipulate content-related expectations for the textbook, which failed to become the main working material for the teacher and the student. Currently, there is not one law textbook that would cover theoretical and practical aspects with problem definition, court practice materials, tasks, excerpts from research publications, charts, tables, etc. Similarly, no practice has been established under which **a teacher's book** would be published simultaneously. As a rule, textbooks on law are a compilation of provisions from statutory instruments and a list of test questions, which usually do not extend beyond what is described in the paragraph and predominantly focus on memorizing rather than analysis.

Today, the Ministry of Education, Science, Youth and Sport of Ukraine in the statutory instruments determines the legal status of the study and research literature. This issue is covered, in particular, in Decree 588 of the Ministry of Education and Science of Ukraine of June 27, 2008 in the revision of January 10, 2009 "On Publication of Academic Literature for Higher School"¹⁰², which approves "Guidelines on the Structure, Content, and Scope of Textbooks and Manuals for Higher Education Institutions" and an "Interim Procedure for Assigning the Label of the Ministry of Education and Science of Ukraine to Academic Literature". According to this order, "textbooks and manuals are the main books for students' academic activities. ... They are approved by the Ministry of Education and Science as standard publications with the appropriate label. Assignment of the label implies that a textbook or a manual meets the applicable requirements, specifically, for the content of the discipline's syllabus, volume, and typography.

A textbook is an academic publication that contains a systematized rendering of the academic discipline, meets the discipline's syllabus and is officially approved as such type of publication.

A manual is an academic publication that in full or in part replaces or complements a textbook and is officially approved as such type of publication".

¹⁰² Decree 588 of the Ministry of Education and Science of Ukraine "On Publication of Academic Literature for Higher School" of June 27, 2008 in the revision of January 10, 2009.

The Guidelines also determine the structure of textbooks and manuals:¹⁰³

- contents (list of sections);
- introduction (or foreword);
- main text;
- questions and self-assessment tests;
- mandatory and additional problems and examples;
- reference data for solving the problems (tables, charts, etc.);
- index for navigating the book materials (subject and name indices).

"Official recognition of compliance of the academic and methodological literature with the requirements of the state standards of education, curricula and syllabi, and other regulatory documents guiding the content of education is effected through the procedure of assigning a relevant **label** by the Ministry of Education and Science of Ukraine.

The label of the Ministry of Education and Science of Ukraine is assigned to the following academic publications:

- textbooks – academic publications that reflect the content of the academic discipline in a systematized manner in accordance with the officially approved syllabus;
- manuals – academic publications that complement or partly replace the textbook in presentation of the academic material on a certain subject;
- academic visual aids – academic publications that contain illustrative and visual material that helps study and teach the discipline and understand its content.
- methodological manuals – academic publications on methods of teaching academic disciplines;
- anthologies – academic publications of pieces of fiction, history, research, art or other works or parts thereof that are studied as part of an academic discipline pursuant to the officially approved syllabus;
- dictionaries, encyclopedias and reference books – academic publications of the reference nature that contain an arranged list of data on a certain branch of knowledge or language units (words, word combinations, phrases, terms, concepts, etc.).

The Ministry of Education and Science of Ukraine has two types of labels:

"Approved by the Ministry of Education and Science of Ukraine" (only for textbooks. Assigned after expert review of the textbooks that were previously published as academic manuals and were favorably assessed by experts);

¹⁰³ Section 2 of the Guidelines provides a detailed description of the content of each of the named chapters and a formula for calculating the volume of the manual (attachment...).

"Recommended by the Ministry of Education and Science of Ukraine" (assigned to all other types of academic and methodological literature).

Decisions on assignment of the labels "Approved" and "Recommended" are taken by the Minister based on the findings of relevant commissions of the Research and Methodology Council of the Ministry of Education and Science of Ukraine.

The validity period of the Ministry of Education and Science of Ukraine label is 5 years of the date when the appropriate decision was made. If the academic book was not published during this period, the Ministry of Education and Science of Ukraine must confirm the previously assigned label. The volume of the academic publication shall be calculated using the applicable formula".¹⁰⁴

Written Papers

Written papers are an essential part of the academic process and a mandatory condition imposed on the student for studying the syllabus and on the teacher in terms of the teaching load. Students of HEI law faculties submit the following written papers:

- tests;
- reports;
- term projects;
- graduation projects for the Specialist's degree;
- graduation projects for the Master's degree;

The research identified a number of issues that can be observed in this sphere of the academic process.

Firstly, curricula usually do not provide for courses on preparation of written projects.¹⁰⁵ For the most part, students communicate with teachers on their written projects through individual consultations. Beyond doubt, individual consultations are of great importance, especially when it comes to the content-wise coverage of a topic or a problem, but one can

¹⁰⁴ $V_{t/am} = K_{t/am} * 0.14 (T_c + T_{sdl})$,

where $V_{t/am}$ is the volume of the textbook (academic manual) in author's sheets;

$K_{t/am}$ – is a coefficient of the publication type:

textbook / K_t / and academic manual / K_{am} /.

For a textbook $K_t=1$, and for a textbook

$0.5 < K_{am} < 1$. The value of K_{am} is determined by the share of the syllabus replaced or complemented by the academic manual.

For example, authors intend to prepare a manual, which, in their opinion, will replace about 50% of the existing textbook. In this case $K_{am}=0.5$. If the textbook is missing and the authors develop a manual accounting for 70% of the syllabus, $K_{am}=0.7$, etc.

0.14 /author's sheets/hour is a coefficient that accounts for effectiveness of studying 1 author's sheet of academic information by a student during one hour of independent work with literature, problem solving, samples, etc.

T_c is the number of hours in the curriculum allotted per discipline to classes;

T_{sdl} is the number of hours in the curriculum allotted to students' self-directed learning.

¹⁰⁵ The focus here is not on the skills of issuing procedural documents, which the students develop as they study the civil and criminal procedures, but on preparation of written papers on legal matters.

observe lack of students' knowledge in the sphere of academic writing, ability to structure the text according to legal logic (practice), develop a plan (content), provide justifications, arguments, etc. Therefore, individual consultations often have to focus on explanation of approaches used for preparing a written project, its overall goal, rules applied to the formats of references, bibliographical description, etc. Since HEI syllabi do not plan and organize training of students on preparation of written projects in law, students perceive the "ability to write" as a talent, rather than a skill which can be developed during training, and therefore do not learn to critically analyze legal texts (statutory instruments) or perform law-making activities. Unfortunately, overburdened HEI curricula prevent planning of such courses, especially for relatively small groups.

Secondly, the research and teaching staff load does not promote the quality of supervision of students' written projects. The number of students per one teacher is too large, and the number of hours allotted to a written project is insufficient. Also, such hours are considered as "non-class load", which often puts the teacher to inconveniences due to the structure of the teaching load.

Finally, preparation of written papers, especially supervision of this work, requires from HEIs high technical standards of libraries, book pool, equipment of classrooms and students' places of study. Unfortunately, today few higher education institutions in Ukraine (of various specializations) can offer such worthy work places to both students and teachers, and none of them meets the European standards.

Criteria of Assessing Quality of Education

The Law of Ukraine "On Higher Education" defines such notions as "quality of higher education" and "quality of educational activity", namely:

- "the quality of higher education is a sum total of personal qualifications of an individual having higher education which reflects his/her professional competence, axiological and social orientation, and enables the individual to meet both his/her personal spiritual and material needs, and the needs of the society;
- the quality of educational activities is a sum total of higher education system's characteristics and components which determines its ability to meet the applicable and expected needs of an individual and/or society".¹⁰⁶

Apart from this, Ukraine has several effective regulations and standards that govern higher education in the areas of certification, licensing, selection of HEI students and teachers, assessment of knowledge, etc., however the legislation does not determine in any way how

¹⁰⁶ Law of Ukraine "On Higher Education" Art. 1

compliance or non-compliance with these regulations and standards affects the quality of education services.

Unlike Ukraine, the European educational community is characterized by the education services assessment institute, generally described in Attachment 9. Mandatory components of such assessment include clearly measurable criteria and availability of an independent agency that would monitor their fulfillment. The results of education services quality assessment can be used for licensing and certification. Therefore, recognition of Ukraine's HEI diplomas must necessarily be based on formulated criteria and mechanisms for assessing the quality of education services.

VIII. Analysis of the Regulatory Experience and the State of Legal Education and Science in Selected European Countries

Overview

A significant difference in approaches to teaching law at Western European universities versus those applied at Ukraine's higher education institutions is a clear practical orientation of the academic process and a clearly determined professional orientation of legal education. This approach is prompted by the market of legal services (market needs) and requirements for access to the legal profession (the requirement to take a professional qualification exam). Thus, the legal profession market influences curricula shaping. Further, a legal education diploma is a prerequisite only for getting access to positions of a judge, prosecutor, advocate, and notary. Those intending to work in a different profession do not seek admittance to law faculties. A generalized comparative analysis of four European countries – Poland, Germany, France, and Great Britain – is provided below. A detailed analysis of each of these countries is provided in Attachments 8 through 11 respectively.

Regulation of University Education and Nature of the University

In the United Kingdom until 1990s all the issues related to higher education and science were within the jurisdiction of universities or self-governing organizations. Eventually, in 1992 the Parliament passed the Further and Higher Education Act and in 2004 – the Higher Education Act. The term "university" in Great Britain is applied to the educational institutions, whose status and powers are set forth in relevant legislation and bylaws. The requirements for admission to a university are solely within the jurisdiction of each individual educational institution.

Higher education institutions in France, while implementing their legislatively prescribed tasks, independently determine their educational and research policy within the framework of national regulations and in accordance with their contractual obligations. In France the main instruments governing the operation of universities are: the Education Code, the Intellectual Property Code, the Research Code, the Universities' Freedoms and Responsibilities Law, and the General Tax Code. The term "university" is applied only to the established list of educational institutions. The 2007 Law on the Autonomy of Universities provides that all France's universities shall become autonomous by 2012. According to the principle of autonomy, while implementing their legislatively prescribed tasks, higher education institutions can independently determine their own educational and research policy within the framework of national regulations and in compliance with their contractual obligations. For instance, each university has the right to independently develop their admission procedure, and the 2007 Law

on the Autonomy of Universities provides that all France's universities shall become autonomous by 2012. In France the term "university" is applied only to specifically determined higher education institutions. Under the principle of autonomy, the admission procedure is determined by the university itself and does not provide for mandatory separate admission exams.

Higher education in Germany is regulated on the level of Federation (framework law on higher education), federal lands (laws and regulations), and higher education institutions (statutes and provisions adopted in pursuance of education-related laws). Also, what is very important, a significant role for the system and procedure of higher legal education, access to legal education, and acquisition of the legal profession in Germany is played by the German Law on Judges, which spells out the concept of the so-called "unified" or "full" lawyer. In Germany the term "university" applies primarily to universities as "a community of those providing and receiving training". The procedure for access to education is determined legislatively in the Federal and federal land laws on higher school.

In Poland the university education is regulated by the Law "On Higher Education" of July 27, 2005. Under the legislation, the term "university" can be used in the name of the educational institution where individual structural divisions can confer doctorate degrees in at least 12 specializations. Under the above Law, higher education institutions (with the exception of medical universities) shall have the right to determine admission requirements and the number of student vacancies.

Regulation of the Legal Education Standard and Accreditation

Although Great Britain does not have state accreditation per se, the standards of higher legal education are quite tightly regulated. The General Meeting of Bar Association and Lawyer's Association is authorized to determine qualification requirements for access to the profession. On a permanent basis, legal education is regulated by the Bar Standards Board of the Bar Association and the regulatory body of the Lawyers' Association. These two bodies are jointly charged with "recognition" (accreditation) of the law faculties and/or schools that award degrees in law. A joint council for education of the Quality Assurance Agency for Higher Education monitors the quality of legal services and has a say in disqualifying universities from awarding diplomas. Curricula in Great Britain are developed entirely by corresponding law faculties and/or schools.

Likewise, in **Germany** there is no accreditation procedure. A decision to set up a university is made by the government of the corresponding federal land based on the requirements and pursuant to legislative norms on higher education. Germany's higher education institutions accredit individual syllabi to guarantee quality and efficiency of training in

each discipline. Accreditation is done by various non-governmental agencies, which, in their turn, must also be accredited by the German Accreditation Council. Professional associations of lawyers do not affect the accreditation process. Germany's higher education institutions develop curricula on their own. The reference point is relevant legislation of corresponding federal lands on higher education institutions and on legal education, established faculty practices, position of department heads at the faculty, and demand for a certain type of knowledge in a specific area of law.

In **Poland** the standards of higher education – a list of disciplines, their content summary, and the corresponding number of academic hours for each discipline – are spelled out in the acts of the Ministry of Science and Higher Education and are published in the Public Information Bulletin, however higher education institutions have the right to develop and approve their own curricula and syllabi taking into account the applicable standards of education. For all specialities, namely "Law", accreditation is done by the State Accreditation Commission, which has a section for academic areas in social sciences and law. In Poland professional associations of lawyers do not affect the accreditation process.

Prerequisites for Access to Legal Education and the Number of Graduates

In **Great Britain** admission to law faculties is granted on the basis of general secondary education. There are no admission exams. Each applicant is assessed individually and comprehensively using all the available information. Particularly, there are no substantial differences between faculties in the procedure of submitting documents for admission, their scope or evaluation. The cost of tuition at law faculties, however, is usually a lot higher compared to other faculties.

Every year about 13,000 persons are graduated from the country's law schools. Unfortunately, Great Britain does not keep record of the number of graduates.

In **France** the general prerequisite for access to higher legal education is completed secondary education. The area of training in a secondary school must correspond to the specialization at a higher education institution. Preliminary enrollment at the faculty is a mandatory requirement. Applicants are selected after reviewing their portfolios and with account for the decision of the teaching commission. In other words, there is competition of applicants' portfolios (diplomas and grades). The age of applicants for admission is usually 19-25 years.

In 2009 the number of applicants for admission to France's higher education institutions of all types was 1,251,700, with over 30 thousand students admitted to law faculties.

The general prerequisites for access to legal education in **Germany** are determined by the framework law "On Higher School", which specifies the legislation of federal lands. No exams or competition are administered; admission is granted based on the schooling results. In

the "old" federal lands of West Germany the duration of school education is 13 years, whereas the "new" federal lands of East Germany have retained the tradition of a 12-year school education, therefore it is virtually impossible to get admission to a university before the age of 18-19.

Germany does not have accurate statistics on the number of admitted and graduated students, however the available data shows that in 2007 10,696 persons successfully passed the first state law exam (thus having obtained the right to pursue some legal professions), and 8,352 persons – the second law exam (which grants them the right to hold any legal position).

In **Poland** admission to a law faculty may be granted to anybody who has completed his/her education in a lyceum, has a school certificate, and has passed a state exam (counterparts of Ukraine's secondary school certificate and independent testing respectively).

The average age of applicants for admission is 18 years. Law faculties administer a competition for their applicants: as a rule, it is based on the results of school exams. Out of the prescribed list of exams (history, social science, Polish language), a student has the right to select one with the best score.

As of November 30, 2009 the total number of students at law faculties in Poland was 59,432, with 46,755 of them being enrolled at public law schools, and the rest – 12,677 – at educational institutions of other forms of ownership. In 2009, 6,037 students were graduated from law faculties of the country's higher education institutions, with 3,827 of them enrolled as full-time students and 2,210 – as extramural students.

Concept and Scope of Professional Training

The scope of training in Great Britain is measured in credits rather than in years. The duration of training at law faculties based on secondary education is three or four years. The three-year training program covers 360 credits, and the four-year – 480. Study of legal disciplines must account for at least 240 credits regardless of the program duration.

The duration of general professional training in France is 5 years: 3 years for the licentiate level, one year for *Master 1* (special higher education) and another one year for *Master 2* (advanced higher education). Optionally, the graduate may get admission to the doctorate program or internship.

Under Germany's federal and federal-land legislation, the usual duration of university studies is 4-4.5 years. Legal education ends with taking the first state law exam, after passing which the student moves on to do the preparatory service. As a rule, preparatory service takes 2.5 years to complete and finishes with taking the second state law exam. If a student successfully passes both examinations, s/he becomes the so-called "full lawyer". Thus, it takes about 7 years to achieve the educational level of a "full lawyer".

In Poland the general professional training for the Master's qualification degree takes at least 10 semesters. The number of hours has to be at least 2,400, and the number of ECTS (*European Credit Transfer System*) credits – at least 300.

In Great Britain it is sufficient to have a Bachelor's degree to enter the profession. A Master's degree is the second cycle of higher education, and a Master's diploma is a prerequisite for admission to the doctorate program.

In France the equivalent of a Master's degree is *Master 2* diploma (advanced higher education), which shows that a student has completed a full cycle of disciplines in a certain specialization. Preparation of dissertations in legal specialities (doctorate program) for the Ph.D. degree is possible after completion of the Master 2 level and usually takes three years.

In Germany the dominant role is played by the concept of a "full" or "unified" lawyer with corresponding stages of education provided for in the Law "On Judges". At the same time, although federal legislation on the higher school provides for training for the Bachelor's and Master's degrees, such academic programs offer professional knowledge for working in a certain branch of the law and their completion does not allow to hold some positions granted only to "full lawyers".

In Poland Master is considered to be an educational and qualification level (a degree).

Concept of the Legal Profession and Prerequisites for Access Thereto

The standard of the legal profession in **Great Britain** is a barrister. Another common legal profession is a solicitor. Most solicitors have a private practice.

Other legal professions include:

- sheriff;
- judges;
- court bailiff;
- government Law Commission researcher;
- legal assistant;
- legal services expenditure estimator;
- cashier lawyer;
- secretary lawyer.

The most common legal professions in **France** are:

- advocates (independent and hired) – 58% of lawyers;
- notaries – 18%;
- judges, prosecutors and enforcement officers;
- ministerial officers, commissars, and court administrators – 9.1%;

- legal advisers, counsels, experts, solicitors – 3%.

Germany does not use the term "legal profession". Instead, the professional language has word combinations "full lawyer" or "unified lawyer". "Full lawyer" can pursue any "legal profession", except for teaching and heading a department at a university, which additionally requires a procedure of habilitation.

In **Poland** a person is considered to be a professional lawyer if s/he gained complete legal education (Master of Law), after which underwent professional training according to the selected specialization and passed a professional exam or was conferred the degree of a Doctor of Law. In other words, pursuing a Doctor of Law degree can replace post-graduate education and taking a qualification test.

In the case of meeting these conditions, a lawyer may apply for the following positions:

- judge;
- prosecutor;
- advocate;
- legal counsel;
- notary.

Considering an extensive range of legal professions in **Great Britain**, access to them can vary significantly. For example, the positions of a secretary lawyer, cashier lawyer, or legal expenditure estimator, bailiff or sheriff do not take a complete legal education, while legal assistants must have a lawyer's diploma. The procedure of entering the advocate's profession is a lot more complicated. Students intending to work in the profession must undergo several stages of professional training. Separate requirements are imposed on access to the judge's or prosecutor's profession: for example, only a qualified advocate or solicitor may apply for a judge.

In **France** the general prerequisite for entering the legal profession is passing qualification exams and professional internship. Further, a professional must have a diploma in the specialization which corresponds to the selected profession. If a lawyer would like to change his/her profession, s/he should undergo training under the new area of specialization and receive a corresponding diploma.

According to the concept of a "full lawyer", adopted in Germany, requirements for access to the legal profession are as follows:

- completed university studies and successful passing of the first state law exam;
- completion of the preparatory service;
- successful passing of the second state law exam.

Thus, in Germany a university diploma alone is not enough to get access to any legal

profession.

Poland has the following prerequisites for entering the legal profession:

- a Master of Law diploma;
- completed professional internship;
- passed qualifying exam.

In **Great Britain** professional internship is a mandatory requirement for getting access to all legal professions. Such internship is referred to as apprenticeship lasting for one year. Apprenticeships are mainly offered at law firms, which select students and are responsible for their training.

In **France** internship under the training area "Law" is mandatory for completion of the *Master 2* program. During studies at a university, the educational institution provides only logistical assistance in internship through reaching agreements with the companies or government agencies at whose expense the internship is provided. Upon completion of higher education, graduates may at their own expense take additional internships to develop practical skills and faculties and be admitted to a professional exam.

In **Germany** internship consists in the preparatory service – *Refendariat* – which begins after graduation from a university and successful passing of the first law exam. Under the legislation on education of lawyers, organization of the preparatory service is vested with the government. Upon completion of the practice, the intern is awarded corresponding certificates which show grades on the scale provided for by the land law on lawyers' education for assessing the exam results;

In Poland legislation provides for the internship plan, its location, procedure for appointing a supervisor, effectiveness assessment of practicums, performance of written assignments, etc. Further, the legislation stipulates expansion of the applicants authorities during **internship** and peculiarities of his/her labor relations.

Assessment of Professional Training Results

UK universities award diplomas after successful passing of subject exams sufficient to get the right amount of credits.

In **France** a diploma is awarded after completion of the curriculum, successful internship, and defense of a graduation project. Unlike Ukraine, no separate state graduation exams are provided for.

In **Germany** a certain level of university studies is considered completed if a student took part in the relevant academic events for at least 4 years, successfully passed on-going exams in the form of *clausulas* (invigilated written papers) and other means of on-going assessment,

and passed the first legal exam.

In order to get a Master's degree in **Poland**, it is necessary to pass state graduation exams and defend a graduation project.

In **Great Britain** qualifying exams for entering the advocate's profession are taken after the applicants' completion of the professional advocate training course, offered today by 11 lead schools of law in the country which assess the results of qualification skills and faculties. Solicitors have a similar legal practice course taken at law schools certified by the Bar Association regulator.

France does not have state qualifying exams, similar to the ones in Ukraine, however to begin professional activities it is necessary to take an external exam in the relevant professional association.

Germany does not administer qualifying exams, however there are some exceptions caused by peculiarities of the federal land laws on access to some legal professions – primarily the focus is on the so-called "notary advocates".

Poland's legislation provides a detailed procedure for administering exams (admission and qualifying), the procedure for setting up and composition of relevant commissions, the procedure for preparation examination assignments and questions and making them available to the public. The results of the qualifying exam are assessed by a designated examination board, comprising experts, whose reputation and qualification should ensure that the exam is administered in a fair manner.

Research

A research degree in **France** is confirmed by a diploma conferred after a public defense of a dissertation before a commission upon completion of the doctorate program (post-graduate students are called doctorate researchers). There is no research degree of a Doctor of Law. The commission decides to confer a research degree (Doctor of Philosophy) with specialization in a certain area of legal science: administrative law, criminal law, European law, etc.

In **Germany** academic degrees are obtained depending on the stage and results of studies and after passing corresponding exams. The status of an academician in Germany does not have the weight ascribed to it in the former Soviet Union. In terms of research and theoretical accomplishments in jurisprudence in Germany, the highest academic degree is that of a doctor, which is the most common and important research (academic) degree. The status and procedure of conferral, use and revocation of academic degrees is determined in several paragraphs in the land laws on the higher school.

The Law "On Research Degrees and Academic Titles, and Titles in Art" of March 14,

2003 establishes the following research degrees in **Poland**:

- doctor;
- doctor with habilitation in a certain branch of scientific knowledge.

Research degrees are conferred by the institutes authorized by the Central Commission for Degrees and Titles (Ukrainian equivalents of dissertation defense boards).

In **Great Britain** universities, there is a difference between *taught degrees* and *research degrees*. The names of these categories evidence different approaches to their conferral. Each faculty decides which degrees to award and in which specialities.

Research degrees include those conferred on the basis of a completed research:

- Master of Letters (M. Litt.);
- Doctor of Philosophy in Law (Ph. D. Law);

There is a separate degree of Legum Doctor (LL.D.), conferred on renowned researchers as “proof of distinction by some original contribution to the advancement of the science or study of law” or as an honorary title.

In **France** a prerequisite for obtaining a research degree in law is successful completion of a higher education institution, positive references from at least two persons who recommend to pursue a certain area of the doctorate program, completion of the doctorate program syllabus, preparation of a dissertation, publication of professional papers and participation in conferences.

In **Germany** a Doctor's degree may be conferred upon a person who completed university education, received at least a "good" grade for the first state legal exam, and successfully defended and published his/her dissertation.

In **Poland** a Doctor's degree may be conferred upon a person who:

- received a Master's degree in Law;
- passed the exams appointed by the Council (on the main discipline that corresponds the research area, on an additional discipline, and on a foreign language);
- submitted and defended his/her dissertation.

A Habilitation Doctor's degree with may be conferred upon a person who:

- has a Doctor's degree and significant research results;
- has successfully defended a research before a relevant board.

In most cases it takes up to 2 years to complete a dissertation.

In **Great Britain** research degrees of *M.Litt. in Law* and *Ph.D. in Law* belong to the so-called tertiary education cycle, therefore the first prerequisite for obtaining these degrees is learning the disciplines required for research, carrying out of the research, and teaching activities.

Admission to the *M.Litt.* and *Ph.D.* programs is granted on the basis of a Bachelor's degree in law or related science if the awarded diploma is a magna cum laudae one and was conferred by a lead university. Research programs are predominantly applied for by graduates with Master's degrees in law or related sciences.

Upon completion of their first year of study, candidates for the *M.Litt.* or *Ph.D.* degrees must prove their research capacity by providing the following:

- a personal research progress diary;
- a brief dissertation about 15,000 words;
- an executive summary on the subject of dissertation.

In **France** the requirements for a research project are based on traditions, with details specified by relevant departments where the paper is developed. The dissertation volume is about 120-160 pages, including the list of references. A dissertation should have research novelty and propose a new solution to a theoretically and practically meaningful problem.

In **Germany** a written paper in the form of a dissertation must contain novel research developments. The requirements for dissertations are not regulated in a very meaningful way. On the average it takes two to four years to prepare a dissertation.

A research paper in **Poland** must propose an original solution to a scientific problem and show general theoretical knowledge of the candidate in a certain area, as well as his/her ability to carry out research independently. The law does not set forth clear formalized quantitative requirements for doctorate research, therefore the Central Commission developed criteria for assessment of staff qualification, in which it provided explanation as to how the law should be interpreted.

In **Great Britain** the main prerequisite for getting a research degree in law is preparation of a research project. Degrees are conferred by the universities that independently establish requirements for research. These requirements, however, are rather similar and usually contain the following:

A candidate for the *M.Litt.* degree shall prepare a dissertation of 60,000 words, including notes and excluding references, and for the *Ph.D.* degree – up to 100,000 words;

- Dissertation are assessed by the research supervisor and other faculty staff;
- A candidate shall take an oral examination on the subject of his/her dissertation;
- After the examination, the experts who assessed the dissertation shall submit their reports to the Faculty Committee on Conferral of Degrees, whose members shall take decision on conferral of a degree.

In **France**, a degree in law is annually conferred on about 2,000 persons.

Germany confers about 1,000 research degrees in law a year. It should be mentioned,

though, that a number of "full lawyers" obtain their research degrees after completion of the university stage of their legal studies.

In 2009 **Poland** conferred 223 Ph.D. in Law degrees, 26 Habilitation Doctor's degrees, and 17 Law Professors. All-in-all, that year Poland awarded 219 professor titles.

IX. Conclusions

The research suggests the following main areas for enhancing legal education in Ukraine:

1. The current understanding of the legal profession is caused by historical factors, in particular by the Soviet system of justice, in which the criminal component was the dominant one. However, adoption of the new Constitution of Ukraine in 1996, accession to international agreements, first and foremost, to the Statute of the Council of Europe and to the Convention for the Protection of Human Rights and Fundamental Freedoms, improvement of national legislation and its harmonization with the European standards require an understanding of the legal profession that would match the one adopted in Europe.

2. A change in the approach to licensing of education services and accreditation of educational institutions, namely in the area "Law". The accreditation process must involve the civil professional community.

3. The civil professional community must take part in the state certification of law graduates regardless of their educational and qualification level and type.

4. Higher schools continue offering disciplines inherited from the Soviet system of higher education that are in their nature not inherent to higher education in humanities. To improve training of lawyers who would meet modern requirements for the legal profession, it is necessary to:

revise the content of the following disciplines:

- Theory of State and Law;
- Constitutional Law, which should be viewed not as a branch of law taught at a higher school, but rather as the core of legal education;
- Administrative Law;
- Criminal Law;
- Criminal Procedure.

Introduce the following disciplines in the curricula:

- Administrative Procedure;
- Human Rights;
- Methodology of Legal Research, Analysis, and Writing.

5. It is necessary to introduce new methods of teaching at law schools and to abandon clause-by-clause recitation of the national legislation.

6. It is necessary to increase the research quality of dissertations, namely by means of the following:

- Ensure autonomy of universities and de-centralization of regulation and control over the quality of dissertations.
- Change the requirements for the formation of the teaching staff at higher education institutions.

7. Statutory regulation, which would unequivocally and clearly establish an assessment system, is missing, therefore the lack of clear, substantiated and transparent assessment and semester grading criteria, as well as the state certification, remain a burning issue.

8. In order to improve the courseware, it is necessary to establish a competitive environment on the market of textbooks and training materials, namely by abandoning government regulation of courseware publication for higher education institutions.