

## Contemporary problems of the higher legal education reform in Russia in terms of the provisions of the Bologna Declaration

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### ABSTRACT

The article presents a complex analysis of problems of implementation of the Bologna Declaration in the territory of Russia. The authors analyze legal, organizational, political, philosophical and other aspects impeding the full-scale transition of Russia to European educational standards, offer constructive suggestions regarding overcoming these obstacles. Particular attention is paid to the problem of Russia ignoring European educational values, without which introduction of bachelor's and master's degree programs is no more than a technical and organizational solution. Implementation of our suggestions will improve the quality of teaching in the master's degree programs of law universities in Russia, increase the academic mobility of students, as well as methods of organizing of work of legal clinics at universities. Suggestions made by the authors regarding problems of education reform and ways of overcoming them are relevant for other countries existing in the Post-Soviet area.

**Keywords:** Bologna Process; legal clinics; higher education; bachelor's degree programs; master's degree programs; academic mobility

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### INTRODUCTION

In the XXI century the European education system has acquired new trends, the background for which was created still in the late XX century. It is about implementation of the provisions of the Bologna Declaration 1999 in the national educational area creating the background for further development of university education, including legal sciences.

There are various expert estimates of the modern world education market, they vary from 50-60 billion dollars (according to the WTO) to 30 billion dollars (according to the OECD). The number of foreign students studying outside their home countries more accurately reflects the scale of this market. By 2025, according to UNESCO, the number of foreign students in the world will have increased from current 2 million to 5-7 million, two thirds of which will include people from Asia, especially from India and China (Global Education Digest 2004).

In terms of global trends of growth in demand for education, in Russia this dynamics has a controversial nature. It manifests itself in the fact that the issue of legal education is excessively politicized by the leaders of the country who do not understand the full nature of humanistic essence of legal education. According to multiple speeches of Russian senior politicians it is necessary to artificially reduce the number of lawyers graduating from universities and to reduce the law faculties to a minimum. It is usually reasoned with the fact that the country needs workers, engineers and builders, who supposedly are not enough, but we have too many lawyers, they are badly educated and many of them are not employed (Fursenko suggested reducing the number of law universities, 2010). These statements are debatable.

1) the number of lawyers per capita in Russia is still less than in some European countries and the USA. According to N.I. Pobezhimova, about 50% of American and 40% of English graduates are lawyers, in the leading states there is one lawyer among 10 people working in various fields of activity (Pobezhimova N.I., 2003). Meanwhile, Russian officials do not provide the society with estimates of the "required" number of lawyers;

2) many lawyers obtain education at the state but at their own expense, they do not always seek to hold a legal responsible position in the public service sector or in a private company. Many of them do it for their own development. As for bad or good universities, such claims are groundless in the absence of criteria for evaluating universities (objective rating of all Russian universities);

3) Russia does not need workers and engineers, because more and more plants go into bankruptcy and liquidation in recent years. The country lives almost in terms of trade in raw materials;

4) Russia has serious problems with training of physicians, teachers, engineers, agronomists and other qualified specialists. Overemphasizing of legal education problems is not correct.

We should note that the leading Russian legal scholars occasionally rebuff such nonconstructive statements, pointing out that, instead of prosecution of lawyers, the state authorities, based on the principle of economic interest, must, first of all, take distinct steps to increase the prestige of the professions of engineer, designer, constructor, foreman, agronomist, livestock expert. It can be achieved by means of an increased educational allowance, guaranteed employment after graduation, housing solutions for young specialists, etc (Kamyshansky V.P., 2008).

From our point of view, the problem is not in the fact that Russia has a lot of "bad" lawyers, but in the fact that, firstly, an authoritarian state does not need people with legal education at all, because they only hinder the ruling bureaucracy from living peacefully with their claims to the European Court of Human Rights and other institutions.

Secondly, Russia really has a lot of universities, which award diplomas but do not give knowledge. This is because on the one hand, the Ministry of Education and Science of the Russian Federation carries out inefficient supervision of public and private universities, with the result that many inefficient universities are still working. On the other hand, Russia has almost no means of social mobility ("social lifts") which are available in the EU and the USA, i.e. the possibility of highly qualified graduates to make a personal career. In these circumstances the students often do not have the right motivation to learn seriously. It is also entails the development of corruption in the education system (Stavilo S.P., 2008).

Having such discussions and problems Russia joined the Bologna Process in 2003 and began to implement its main provisions. Since the early days of the reform the law students, staff and graduates faced with the following problems.

Firstly, the academic staff still does not always understand the difference between master's degree programs and specialist's programs and forms (and lectures) master disciplines in the old way. Secondly, students who completed a bachelor degree can not find jobs with their specialization, because there is no list of positions which bachelors and masters can hold. As Confucius once wrote, "it is not easy to meet a person who, having devoted three years of life to education, would not dream of a senior position". However, in the mass consciousness of the employers masters are the same previous graduated specialists (five years of study) and bachelors are people with incomplete higher education. Some state authorities even issue official clarifications that only masters can be employed for public service. For example, the system of general and arbitration courts has actually established restrictions preventing bachelors from holding judicial positions. The Higher Qualification Board of Judges of the Russian Federation even issued special clarifications, in which it stated that the bachelor's degree in law is only the first stage of higher legal education which does not grant a right to be appointed as a judge (Yashchuk T.F., 2011).

On the contrary, in most foreign countries involved in fulfillment of the requirements and procedures of the Bologna Process, the vast majority of bachelors even after three years of studies begin to work and, if they decide to get a master's degree, they do it after gaining life experience. Positive data about successful mass employment of bachelors come from England, Ireland, Norway, Sweden, Latvia, Lithuania and Turkey (Trends IV, 2005).

Let us try to find out what achievements and difficulties occurred in Russia during the period of reforms and in which way this experience can be used by the countries in the Post-Soviet area in reforming their own education systems.

## **1. Main advantages and values of the Bologna Process**

### **1.1. European values and educational goals and objectives**

The Bologna Process is gradual approximation and harmonization of the higher education systems of the European states to create the unified European Higher Education Area. This process officially commenced on June 19, 1999, when the Bologna Declaration was signed. The Bologna Process currently has 47 participating countries, including Russia (since 2003). Its main goal is to "promote mobility by overcoming obstacles for effective free movement". As a result of implementation of the provisions of the Bologna Declaration levels of higher education in the countries participating in this agreement became similar to the fullest extent and the academic degrees granted after completion of education much more transparent and easily comparable.

Among other goals of the Bologna Process we can point out expanding access to higher education, further

improving the quality and attractiveness of European higher education, expanding mobility of students and staff, as well as ensuring successful employment of graduates due to the fact that all academic degrees and other qualifications should be focused on the labor market (Wikipedia, 2014).

In order to analyze all the aspects of the Bologna Declaration, problems of its implementation in the EU states and Russia, it is necessary to write a thick book. Therefore we will try to pay attention to the most important, in our view, problems impeding implementation of its provisions.

In Russia, the majority of subjects of educational relations (students, staff, administrations of universities, the Ministry of Education and Science), understands the country's accession to the Bologna Process as an organizational and technical procedure. Meanwhile, the very Russia's accession to the Bologna Process was accompanied neither with discussion by the Ministry of Education and Science of the Russian Federation and the education community, nor with detailed information about the goals and objectives of this procedure. As a result, it is not surprising that according to opinion polls 47.3 % staff and 39 % students perceive Russia's transition to bachelor's and master's degree programs negatively (Popov D.P., 2011). Moreover, even the initiators of Russia's accession to the Bologna Process have just a rough idea of the system of humanitarian values on which the Bologna Process is based.

We believe that the main goal of the Bologna Declaration is creation of the unified European Higher Education Area based on the international recognition of the competitiveness of universities, mobility of students and staff, expanding employment possibilities for students. Higher education has broader aims of social, cultural and human development as well. The European Higher Education Area is the result of general values and the common social and cultural heritage (Furthering the Bologna Process, 2001).

Contrary to the stereotype popular in the educational environment of Russia, the Bologna Process is not aimed at reducing the diversity of national systems of higher education or the abandonment of the national education policy. Johanna Witte emphasizes that from the very beginning implementation of the Bologna Process implied searching for a balance between such goals, as approximation of education systems of the European countries and preservation of their diversity; standardization and autonomy, compatibility and competition. As a result, the diversity of the national education systems was preserved (Witte J., 2007).

Interaction between national education systems consists in the fact that the models that were found in certain national conditions may be used in other national systems. One of the factors promoting the convergence of the national education systems is the existence of a universal, uniform policy and, consequently, spread of common goals in the European policy (Ahola S. and Mesikammen, J., 2013).

The purpose of a European dimension to quality assurance is to promote mutual trust and improve transparency while respecting the diversity of national contexts and subject areas. The primary responsibility for quality assurance in higher education lies with each institution itself and this provides the basis for real accountability of the academic system within the national quality framework (Standards and Guidelines for Quality Assurance, 2005).

As it was mentioned in the Convention of European Higher Education Institutions (Salamanca, Spain, 29-30<sup>th</sup> March 2001), freedom of universities should help them to adjust rapidly to "environmental changes" and to the requirements of local, national and international partners. Universities have to be able to enter into new partnerships, including with commercial partners, and they need to be able to act quickly. This calls for new leadership, flexibility and independence to plan strategically.

Besides freedom universities are also willing to accept the necessary responsibility for use hereof. Institutions of higher education should prepare their students so that they can be in demand in the labour market in their future professional career (preparation for job search and managing one's career). In conjunction with their public and private partners, they should establish career centres for such purposes. Mobility of students and staff promotes the ability to cope with a new cultural and learning environment and to understand other cultures.

More diversity of curricula will further competition needed to attract students from overseas. Competitiveness and co-operation are not mutually exclusive. Competitiveness means academic quality and cannot be reduced to a commercial concept only. Higher education institutions are important actors in civic society. It is the governments' responsibility to guarantee that all citizens have equal access to higher education, regardless of their social background. This means providing students with adequate funding in the form of study grants and the higher education institutions with enough funding to exercise their public tasks. Accessibility and diversity have traditionally been the cornerstones of European education (Convention of European Higher Education Institutions, 2001).

The very process of transition to the new Bologna standards was not simple and easy in any country of the world. The countries of Eastern Europe, having lived under the communist regime for many years before, experienced difficulties similar to Russian ones. As Romanian colleagues noted, before the reforms the university system in Romania focused on the fact that the student should memorize and reproduce the information, but it did not insist

enough on gaining knowledge or stimulating creativity. A student was perceived by the educational system as a collectivist, and therefore insufficient attention was paid to individual education.

Moreover, in terms of education only national standards and achievements were used, even though knowledge is a global matter. Finally, the education system was excessively centralized and inured to corruption. However, reforming of such a system is inter-linked with other necessary reforms (economic, administrative reform, etc.). Only comprehensive approach to reforming may provide success of the education reform (Horobet, A. and Chiritoiu, B., 1999).

Unfortunately, the education reform being introduced in Russia is not only associated with other necessary reforms (in the economy, policy, social area, etc.), but also is not based on European values.

We should note that attempts to implement external, organizational and technical aspects of the Bologna Process do not give positive results in Russia. The education market existing in Europe implies the emergence of competition, which requires the universities to make effective management decisions, to create conditions for the most efficient creative self-actualization of the staff and students. In Russia there is no competition between universities. Any state university knows that regardless of the quality of its education, students living in this region will always come to the budget (free) places. There is no objective rating of Russian universities either.

As Nicolae Dură noted, establishing the hierarchy of the universities should mainly consider the criterion of the Research Quality in the Higher Education Institutions, not the number of students and professors, geo-political importance of the specific city or country, political or economical reach, etc. (Dură, N., 2011). Some of available Russian ratings, unfortunately, still have much subjectivism.

The international ratings mention, perhaps, only Moscow State University. Some other universities are at the end of the list. Attempts to increase funding for individual institutions selected according to the opaque criteria to provide their entry in the international ratings gave no effect. We are strongly convinced that funding one or more universities it is impossible to enhance the quality of education throughout the country the education system of which is going through a systemic crisis.

Hence, it follows that formation of the unified European Higher Education Area is an irreplaceable factor for social growth and a necessary component of consolidation and development of European citizens, providing students with the necessary competence sufficient to meet the challenges of the new millennium. Only realization of the European identity, understanding of the community of values and belonging to a common social and cultural space is one of the main conditions for successful introduction of the Bologna ideas.

### **1.2. The Bologna Process and investments in the human capital**

The main significance of the Bologna Process consists in the fact that it promotes investments in the human capital. It is not understood by the authorities in Russia, which initiated the accession to the Bologna Declaration. Meanwhile, all European Union countries pay great attention to investments in human resource development. Ireland is one of the best examples of the positive effect of investments in human resources development. Thirty years ago Ireland was dependent on aid from rich countries. Today, its GDP per capita is the second highest in the EU (after Luxembourg). The key to their success is planned development, introduction and management of investments in the human capital. The National Development Plan of Ireland highlights the crucial role of the human capital development for economic growth and development. Investments in the human capital were declared the priority in 2007-2013 and were approximately estimated at 25 800 million euro.

Investments in the human capital manifest themselves most vividly in education. According to the Brazilian Statistical Office, in 1998 the difference between the monthly salary of a university graduate and employee without a diploma was 814 % (Ćirić, M. and Đurđić, S., 2009). According to data from the Statistical Office of the Republic of Serbia, the difference between the salary of the most educated employees and unskilled workers in September 2008 amounted to 256, 83%. Moreover, it is noted that an increase in salary according to the level of education is accompanied with fall in unemployment. It is clear that more and more people consider education as investments which in the future allow to claim for higher incomes and a higher quality of life. Education not only has positive effects on people, there is also strong evidence that the human capital and education are potentially important driving forces for long-term growth (Ćirić, M. and Đurđić, S., 2009).

Similar beliefs are common in the rest of the world as well. For example, Egypt officially believes that education is the vehicle for economic development, the natural way for improving one's position, income, and class in the society (Helal S., 2011).

Lack of government investments in the human capital in Russia leads to a rise in unemployment, a drop of culture and morality, which is reflected in the increase in crime, homophobia and nationalism. At the same time it

would be still possible to explain the annual reduction of spending on education, science and culture with absence of budget funds. Meanwhile, analysis of federal laws on the budget for any fiscal year shows that trillions of rubles are spent for the Olympics in the subtropics, football championships, arms race, financing of special services fighting against the democratic opposition, etc.

Hence, it follows that that in the coming years Russia will probably overcome some organizational and technical issues of the transition to the Bologna standards, the curricula will be improved, various instructions will be written. However, there is reason to hope that the Russian education will be based on the principles of internal autonomy of higher education institutions, freedom of research and teaching. It seems that the Russian higher legal education will be competitive and of a high quality only when the country's leadership will change its priorities.

## **2. Problems of the higher legal education reform in Russia**

### **2.1. Organizational problems of the higher education reform**

In Russia introduction of the two-stage bachelor's (four years) and master's (two years) degree system instead of the Soviet system of specialists of five years gave rise to a number of objective and subjective problems. The objective problems include the abovementioned problem of impossibility for bachelors, lawyers by profession, to be employed, as well as the gradual elimination of such a traditional educational form (since the Soviet times) as a special secondary (professional) education, which is in fact a bachelor degree now.

The problem of the possibility of admission to a master's degree course, for example, in law, of representatives of other sciences – technical, natural, economic, etc, is still unsolved. This creates a number of additional problems for the staff, which has to, instead of a dialogue with professionals, constantly refer to the basics of legal theory to explain the elementary things to students. The university has to admit these students on a contractual basis, as otherwise a professor does not have 900 hours of annual educational load necessary for one basic rate (for the same reason they can not be expelled). This situation can be settled with the use of experience of a number of the leading European universities (in particular, Sorbonne), where all bachelors are admitted to master's degree courses, and then some of them unable to master the curriculum are gradually expelled. In this case, a lecturer concludes an individual contract, payment under which is not related to the number of students.

We should also point out the problem of entrance examinations of bachelor's degree programs, which are held in the form of the Unified State Examination (USE) in Russia. High school graduates take such an examination, the results (points) received at this examination are the basis for admission to higher education institutions. Senselessness of this system was indirectly acknowledged by its authors themselves from the Ministry of Education and Science of the Russian Federation, as they allowed a number of Moscow universities to which they have special liking to organize entrance examinations. Defectiveness of this system is in the fact that it is much more difficult to control several hundred thousand schools with respect to corruption than a few hundred state universities.

As a result we sometimes observe the situation when a school-leaver from the Caucasus comes to a Moscow or regional university with the maximum USE score, but hardly speaks Russian.

Meanwhile, to fight against corruption in high school (exactly the way the USE authors explained their reform) it would be enough to install a web camera (remaining after the presidential elections) in the classrooms where the entrance exams are held, providing any representative of the civil society with the opportunity to monitor their progress, followed by the possibility of appealing the results of such examinations in court. Teachers holding leading positions in the rating and involved in the advisory institution under the governor could serve as arbiters in assessing the quality of answers at the entrance examination.

Another problem being little discussed so far consists in the fact that in the era of globalization traditional ideas of job borders and, consequently, about educational competencies have shifted. Thousands of new jobs beyond the "lawyer", "economist", "political scientist", etc. will appear in the near future. This fact was little taken into account while developing Russian educational master's degree programs in law.

It is done only in some universities. Thus, in Plekhanov Russian Academy of Economics (economic higher education institution) train lawyers with good knowledge of economy (financial and legal specialization); the International Independent University of Environmental and Political Sciences provide environmental legal specialization; the Russian Academy of Justice – informational and legal specialization. Their graduates are in great demand. It is necessary to open new specialties, both stipulated by the Ministry of Education ("Applied Informatics in Law") and those that will be in demand in the future, for example, "Law and the Media" (Grib, V.V. and Kutuzov, V.I., 2008).

### **2.2. Why does not the principle of academic mobility work?**

The problem of academic mobility and freedom is poorly developed in the Russian legal science, although the Bologna Declaration in relation to the higher education widely uses this principle. In the prerevolutionary Brockhaus and Efron Encyclopedic Dictionary, "academic freedom" is understood as the right of universities "represented by professors to the self-administration, determination of teaching programs and internal procedures of higher education, the choice of professors and rectors independently without interference of the outside administrative authority". The doctrine of academic freedom is traditionally studied by the philosophy of law and established in the legislation of many states, as well as the Constitution of the European Union (Volosnikova L.M., 2006).

In 2006 the Committee on Culture, Science and Education of the Council of the European Parliament unanimously adopted Document No. 10943, in which, inter alia, it was provided that the academic freedom in scientific research and training should guarantee the freedom of expression and action, freedom of information distribution and freedom of unlimited possibilities for the dissemination of knowledge and truth (Council of Europe, 2006).

One of the central problems in the implementation of the principle of the academic mobility is its financing. In foreign countries, various models of academic mobility financing are being formed.

One of the most common models is national and interstate programs to support the academic mobility. The former are governed by the domestic laws, the latter are subject to the requirements of the relevant international treaties and agreements.

Among these programs "Erasmus Mundus" holds a specific place, it is an academic mobility program funded by the European Union "covering" almost all countries of the world. Its main objective is to strengthen the cooperation and international links in the field of higher education by supporting high-quality European programs. The program is designed to give a distinct European focus to the higher education. The program is implemented in three areas (modules): joint master's and doctoral programs that provide scholarship support; partnership of universities; enhancing the attractiveness of European higher education. The financing of the academic mobility not covered by special programs can be performed by means of so-called "education vouchers", which are understood as cash certificates issued by the state to students (or their parents) to pay for their studying (Kozyrin A.N., 2011)

Actually Russia almost does not take part in such programs aimed at academic mobility financing, and it is the main economic obstacle for Russian students to study in European universities.

The second reason is of the organizational nature. The fact is that the Ministry of Education and Science of the Russian Federation poorly exercises the functions of educational programs coordination. The problem can be illustrated with the following practical example. So, in the city of Volgograd three universities implement master's programs in civil law.

With regard to the above mentioned at the first educational institution (Volgograd State University, hereinafter referred to as VoISU) the Master's degree program in the civil law mainly focuses on the study of private international law (disciplines "The corporate law in the global context", "Legal basis of EU economic and social regulation", "Formation of a global legal system in the modern world economic conditions" etc.) (Official website of Volgograd State University, 2014).

At the second educational institution (Volgograd Institute of Business, hereinafter referred to as VIB) the author practice-oriented master's degree program on property law (disciplines "Property legal structure", "Legal regulation of real estate activities", etc.) (Official website of Volgograd Institute of Business, 2014).

At the third educational institution (Volgograd branch of the Russian Academy of National Economy and Public Administration, hereinafter referred to as VB RANEaPA) the master's degree program almost includes the same disciplines as the bachelor's degree program, but they are studied in-depth. For example, they are special courses "Actual problems of civil rights protection", "Property rights and other proprietary rights", etc. in the framework of the general part of the civil law, or "Marriage and family relations with a foreigner", which is a fragment of the basic bachelor's degree course on the "Family Law" (Official website of Volgograd branch of the Russian Academy of National Economy and Public Administration, 2014). Simply stated there is no author's concept of the master's degree program on the civil law in VB RANEaPA.

As a result, even within a single city a student cannot implement the principle of academic mobility simply because the curriculum are not coordinated, and therefore, after studying for a semester at another university and returning back the student does not receive a successive view of civil science. His perception of civil law will be like a mosaic. However, it appears that the unified concept of knowledge and skills that a student should receive shall be within the narrow specialization of the master's degree program in civil law.

In other words, out of these three components of the master's program in a particular city in three universities

only disciplines of the general scientific cycle ("Philosophy of Law", "Comparative Law", etc.) are the same for all areas of the master's degree programs in law. The inconsistency of the professional cycle (including elective courses) makes it meaningless to transfer masters from one university to another, even for one semester.

Hypothetically, the deans of the three universities of the same city can negotiate, conclude a contract, ordering at least the professional cycle of the master's degree program in civil law. However, if a master's degree student from any Volgograd university decides to study for a semester in another city in Russia or in a foreign university in terms of academic mobility, the problem becomes intractable even theoretically. For example, if we go to the website of the Sofia University (Bulgaria) (Sofia University «St. Kliment Ohridski». Official website, 2014), we will find no master's programs in civil law there. The existing master's degree programs ("justice", "public administration", "international law and international relations") do not match the majority of Russian master's degree programs in law in principle, because they are created not on the principle of legislation branches, but according to other criteria.

What could be the way out of this situation? It seems that under the principle of academic freedom there is no need to impose the description of specific disciplines upon universities within the national frameworks as well as in the international ones especially. Such self-restriction is only possible on a voluntary basis as a result of contractual contacts between universities. However, national education regulatory authorities are permitted to perform coordination functions, which means the creation of an information portal on the site of such an authority, which would accumulate all information about master's degree programs of all universities and specialties including legal ones. If you look at the advantages of such a system within the above example, it will allow the deans and the professors - the heads of master's degree programs to get information on similar concepts of graduate students training in other regions. In turn, this information will facilitate the entry of universities, for example, Volgograd, Khabarovsk and Magadan in contractual relations, development of online education (this will be discussed below), development of academic mobility (offset tuition fees), etc.

To enter into a similar agreement between Russian and European universities in Russia it is necessary to go back from the principle to form master's degree programs for graduate students on the branch basis (civil law, criminal law, constitutional law, etc.).

Another way to coordinate the activities of the national ministry of education is a breakdown of the major specialty into smaller subgroups. For example, regarding the already mentioned civil law, we should distinguish "Civil Law. Property Law", "Civil Law. Tort Law", "Civil Law. Family Law", "Civil Law. Real Estate Law", "Civil Law. Copyright", etc. In this case, one particular university will have not only one master's degree program but two or more (depending on the number of leading professors). And then a graduate student from Magadan having arrived under the principle of academic mobility for one semester in Volgograd will be able to get the successive knowledge, for example, according to the same master's degree program "Civil Law. Property Law". Thereby the specialization of master's degree programs will deepen, while all conditions will be created in order a student could choose programs of interest and professors within at least one country.

There are noteworthy examples of Russian universities' activities (for example, Moscow State Institute of International Relations - MGIMO) to establish relations with European universities, their partners. Such strategies include the issuance of double diplomas. There is some information regarding the cooperation of Russian-French graduate schools, joint graduate school of MGIMO and Free University of Berlin, joint graduate school with the Italian University of Trieste, joint Russian-Norwegian graduate school. Two-year period of study in a joint graduate school is divided between universities into equal parts, where a student studies at MGIMO for one year, and later at a partner institution for another year, or vice versa. Russian students abroad are often taught in English (even in Germany and Italy). Universities agree to record the training at a partner university for the issuance of a diploma. Quality education is provided by the mutual balanced analysis of curricula and careful selection of the partner-universities. According to the Bologna canons the education at foreign universities under such programs is free, and even a student, who studies on a contract basis in Russia shall not pay for his education at a partner institution, as he already paid his tuition fees to the university which he entered. Solving these problems begins to take shape in the reasonable cooperation on the basis of the student exchange between partner-universities (Gladkov G.I., 2006).

It seems that under the coordination function of the Ministry of Education and Science of the Russian Federation, this experience could be generalized and presented in the form of guidelines to other universities.

The problems of master's degree programs comparability are discussed in European science. For example, in relation to Serbia it was noted that it is necessary to develop academic programs that are compatible with those carried out in universities in other countries of Europe. Also psychological problems during the transition to Bologna standards are similar in Russia and Serbia, as the human nature is the same everywhere. Maja Ćirić and Sanja Đurđić mentioned that in Serbia every time when you need to make changes in an organization (including educational one), there is people's resistance. One of the reasons is psychological. People find it hard to abandon the established habits

and routine behaviors. Fear of change is triggered by personal insecurities and fear of losing their position and privileges obtained in an organization (Ćirić, M. and Đurđić, S., 2009).

Meanwhile, it will be difficult to implement the idea of the academic mobility in most universities in Russia (especially in the provinces) not due to economic or psychological reasons but to organizational ones. Russian Professor's load is 900 hours per year. If under the principle of the academic mobility 10 of 20 graduate students leave to study abroad, the number of hours per year will definitely decrease. Consequently, the university administration will transfer this professor to 0.9 basic rate or less, and that will lead to the reduction in his salary. The result is that Russian professors are the most uninterested people in implementing the strategy of the Bologna Declaration regarding the growth of the academic mobility of students. The way out of this situation is to conclude contracts between universities and academic hours offset, but in Russia this strategy is implemented only on the initiative of individual institutions.

Another difficulty lies in the fact that most university professors in Russia are not proficient in foreign languages, and therefore can neither participate in lecturing in European universities nor organize lectures in English at their university.

### 3. Raising the practical orientation of higher education

One of the key conditions for the implementation of the Bologna Declaration is a close relationship of legal education and practice. As they say in China, if there is only the rule of law, but there are no qualified legal professionals, the rule of law is a castle in the air (Ling, 2006).

The task to consolidate practical skills of students in Russia is solved in two ways: organization of students' practice in state and local governments, commercial companies and public associations, as well as through the establishment of legal clinics. Further we will be interested in the latter field of concern of universities.

In Russia legal clinics are established almost at all law departments, although of course their performance is different. Clinics are an integral part of the educational process.

Education in a clinic brings the ability to work in a team, develops social skills and cooperation on an equal footing, and a student has the opportunity to fulfill himself as a creative person and acquire the additional knowledge base in the law enforcement practice, the experience of communication with legal practitioners, share his ideas, suggestions. This environment helps to be engaged in research activities on issues of concern.

Thus, the legal clinic is an indispensable tool for educational influence. It promotes the development of professional identity and leadership skills of students. Clinical education greatly promotes the formation of the student government, development of active citizenship of young people and improves the morality of the future generation (Chikildina, 2009).

There is an interesting experience regarding the arrangement of activities of the Center for Legal Counseling and Education at Volgograd Institute of Business. It is divided into two units: Legal Clinic and Volunteer Organization. In the most general form the responsibilities between them are distributed on the following basis: legal advising to low-income citizens (Clinic) and graduate students' activities (e.g., lectures in schools) aimed at the legal education (Volunteer Organization). Only in the period of 2009-2013 the Clinic provided free legal assistance to 1500 citizens, won 12 cases in court, the decision on which entered into force. If we talk about the content of the consultations, their structure in 2013 is as follows: 59 of 119 consultations were of a civil nature, 12 - labor law, 12 - social security right, etc. In addition, lecturers and students of Volgograd Institute of Business annually participate in the Days of free legal advice, during such days 240 people were consulted as of the beginning of 2014.

Recently, the authors of this article performed a survey of managers and staff of 31 private, state and municipal enterprises and institutions. Business managers were asked to review the knowledge and skills of students and graduates (legal profession) of the city of Volgograd, who come to them for work. Responses were as follows:

- Practically zero, it is necessary to retrain - 2;
- Rather weak, lack of knowledge and skills - 6;
- Average, basic knowledge is available - 8;
- Good, he can work in the specialty - 12;
- Great, he is able to perform any task - 3.

According to the results of the survey they also found that in general, respondents require that lawyers have such qualities and skills as trainability, ability to search for and interpret information, knowledge of information



technology, communication skills, including language skills, adaptability, flexibility, tolerance and the ability to self-presentation. And only after that list they have mentioned the basic knowledge of Russian legislation and the ability to apply it in practice, the ability to prepare legal documents, knowledge of legal ethics, etc. The results of the survey have also shown that one of the major professional competences is the ability of lawyers to resolve conflict situation, not bringing a case to court. In addition, a number of respondents also have noted the following requirements for lawyers: the ability to take responsibility for their own advice, ability to convincingly defend his point of view, to speak well, to express thoughts clearly, and to transfer their knowledge to managers and employees of the organization; capability to provide the security of a leader's decisions, to give warning of problems. Incidentally, the last skills are not stipulated in the Russian state standards.

Thus, the analysis of the content of qualification and competency requirements of a lawyer imposed by particular employers evidences their apparent discrepancy. Clinical legal education in some way contributes to bridging the gap between them. One of the problems of higher legal education is that it is not adequately ensures an adequate level of practical skills training, and after the introduction of a rating system for full-time students it will be difficult to combine learning and practice. Therefore, when compiling the training program of the clinical education course it is necessary to consider the complex of skills that should be the basis. The analysis of skills gives rise to changes in courses and curricula (adjustments may be made to implemented courses regarding skills being formed within its frames, addition of new sections to courses, and occasionally the introduction of new disciplines).

While compiling the course of clinical education it is required to focus not only on the prescribed standard qualifications for a professional training of lawyers, but also on competence required by employers. This approach to the determination of the content of clinical education is certainly time-consuming, requires a lot of preparatory work for the study of the legal services market. However, without it the feasibility of the existence of the clinic and focus of its work can be doubtful. It should be noted that the value of the analysis of skills required lies in the fact that in the course of this activity there was a real interaction of a university (represented by a legal clinics) with the social partners (interviewers have noted the interest and willingness of all respondents to cooperate), which contributes to further development of a social dialogue, motivates employers to interact with a university, as they get the opportunity to influence the quality of education.

#### **4. Use of network technologies in implementing programs of higher legal education within the frames of master's degree programs**

The task to continue the higher legal education in Russia (including all of the above difficulties) is possible only through cooperation and interaction between higher education institutions participating in training of masters of laws. Federal Law "On Education" dated December 29, 2012 No.273-FZ provides the possibility to implement educational programs by an educational organization as independently and through network forms. Today the Ministry of Education and Science of the Russian Federation has not developed a Procedure for the organization and implementation of educational activities under higher education program, assuming the network form, yet, but the absence of such a bylaw does not prevent universities to establish this interaction, guided by the general permissions of the federal law.

The network form of educational programs provide students the opportunity to master an educational program using the resources of several organizations engaged in educational activities, including foreign ones, as well as, if necessary, to use the resources of other organizations. Along with educational institutions any scientific and medical organizations, institutions of culture, physical culture and sports and other ones possessing the resources necessary to carry out teaching, training and work practices, and other learning activities provided for the educational program may be engaged in the implementation of educational programs using the network form.

Using the network form of education programs should be based on a contractual obligations between the universities, which will specify the type and level of jointly implemented educational program; procedure for implementing of the academic mobility of students, their admission rules, the distribution of responsibilities between the organizations; documents issued on the results of studying (e.g., issuing "double diploma" by both cooperating organizations); financial issues (offset payment at training of students at a partner institution), etc.

This will allow to expand students' access to modern educational technologies and learning tools, in-depth study of particular disciplines and courses, more efficient allocation of material, technical and teaching resources. So, besides the mutual invitation of leading professors to partner-universities and the academic mobility of students, the implementation of the concept of the network learning will allow universities to save funds for the creation of digital libraries, more efficient use of human resources in grant applications.

## CONCLUSION

Currently, in most European countries the process of modernization of national education systems is going on, although some of them (e.g., Belarus) are off to do it. It seems that the discussion of the positive and negative experience in Russia regarding the transition to the Bologna standards can help build models of higher legal education reforming and develop appropriate guidelines for the former Soviet republics.

Despite these serious difficulties, Russia has managed to achieve a lot in the way of implementation of the Bologna Declaration. Many organizational issues related to the transition from the Soviet five-year model of legal education (specialist's programs) to the two-stage system (bachelor's and master's degrees) are solved; the author's concept of master's degree programs in law are introduced in many Russian universities, some Moscow universities established contacts with partner-universities in a number of European countries. Russian universities have done a lot regarding the development of practical training of graduate students. In this sense, the experience of Volgograd Institute of Business is very significant, it does not narrow down the practical training of lawyers to the clarification of technologies how to apply rules of law and advise (which is certainly very important), but it also implements the volunteer programs, consisting in education activities of graduate students in schools.

However, the major trend of the recent years in Russia, including the Ministry of Education and Science of the Russian Federation, is that the political leadership of the country does not understand the value of the Bologna Process, which appears in a constant reduction of investment in the human capital.

The full implementation of the Bologna Declaration in Russia requires a complex of economic, political, social and other reforms as a result of which the democratization of public life, observance of human rights and freedoms will be achieved.

In the field of education, it might appear as the increase of freedom and responsibility of higher education institutions, reduction of the corruption and petty control of universities by the Ministry of Education and Science, reduction of the educational process bureaucratization, implementation of the freedom of expression and creativity by professors and students. Higher education can not be as an island - its reform can only be successful due to increasing of the cultural awareness of citizens and public authorities. Increasing the education quality and creating the system of "social lifts" will make it possible to give a strong response to the objective challenges of the XXI century.

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