

Renewing University-Based Curriculum in Line with Societal Needs: a Case of Legal Education in Russia

Oleg A. Yastrebov^a

^aPeoples' Friendship University of Russia, Moscow, RUSSIA

ABSTRACT

The paper tries to reveal how the modern university education could respond to changes that take place in contemporary society development. The research has tried to follow the task of bridging the Academy and Society needs. Special emphasis is laid to the legal education as graduates of respective institutions are supposed to contribute to the global rule of law, human rights provision, equal access to public goods. The article explores the international state of affairs with regard to administrative law status, specifies latest developments in the Russian national legislation. Due to the fact that the Code of Administrative Court Procedure came into force in Russia the paper argues for legal education curriculum renewal and some disciplines replacement, provides legal, conceptual and theoretical grounds for the above change. The methodology included literature analysis, empirical study of educational standards requirements and further went on to draft recommendations about the changes in the degree course contents and specifics with regard to the latest developments in national legislation.

KEYWORDS

Administrative law, administrative procedure,
university based legal education, curriculum renewal,
law and society

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Introduction

Experts, politicians, researchers agree that Administrative Law aims to lay grounds and support government bodies, agencies and procedures with regard to increasing social welfare, fostering individuals' fair treatment, and enhancing the democratic nature of decision making process (Bignami, 2011; Christopher & Edley, 1990). Administrative law traditionally "has focused on securing the rule of law, protecting liberty and respecting private rights" (Stewart 2003).

Therefore scholars across the world underline the growing role of the administrative procedure in the state governance (McNollgast, 1999; Faber et

CORRESPONDENCE Oleg A. Yastrebov ✉ rudnoleg@gmail.com

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al., 2016; Epstein, 2015). Experts specify that administrative law gains its new stronger status due to that fact that the modern state acts as “a promoter, as a facilitator, as a risk regulator, and as the helmsman of economy and society” (Cassese, 2012). Moreover, contemporary society is facing the emergence of global administrative law (Barr & Miller, 2006; Cassese, 2009; Kingsbury, Krisch & Stewart, 2005; Ursul, 2001).

The development of multicultural internationally oriented economies and societies and their integration into global markets and industries along with most specified domestic socio-economic needs and policies boosts the necessity to update domestic administrative law and administrative process in line with societal needs. This, in turn, requires training of specialists that could respond to current challenges and provide adequate solutions. Thus, university-based legal education deserves particular attention (Macduff, 2005).

This article standing point goes in line with the scholars who specifies that, among other issues a growing importance role of administrative law in university-based legal education has become a fact of matter (Head, 2007).

The picture above refers to the Russian legal and educational landscape, as well.

The present research aims to analyse the Russian university-based legal education with regard to the current societal needs and domestic legislation development mainstream. The analysis focuses on domestic challenges and solutions though they are drafted with relevance to international trends and experience. The field of administrative law and procedure is taken as an example due to the most recent changes in the domain.

The basic arguments run as follows. Current developments in administrative law and legislation on national and international levels should be taken into account when developing the legal education curriculum and designing the administrative law subjects contents. The research tries to analyse the impact of the new domestic legislation in force on the university curriculum change and development.

Literature Review

Understanding university-based legal education stumbling blocks and needs, developing adequate strategies for further progress in line with national legislation requirements is hardly possible without changes in the understanding and vision of social relations, which are regulated by rules of administrative law. In this respect, an important provision has been set forward by A.B. Zelentsov (2011) regarding the preservation of the Russian legal identity when it comes to reforming the legal education system, mapping radically new strategies for conducting educational administrative reforms. The above statement certainly correlates with the philosophical approach to education as being essential in the context of global problems of institutional tools for preserving and changing mentality features (Gershunsky, 1997). Philosophy grounds in the context of the issue under study urge for renewing the legal education system due to the fact that the fundamentally new educational practices emerge (including the sphere of administrative law). They could contribute to political, economic and cultural changes that, in turn will make it possible to neutralise the most dangerous contradictions of the modern world order system (Botkin, Elmandrja & Malitza, 1979).



The idea of the feasibility of rethinking the content and structure of the modern administrative law expressed was expressed by various authors who study law and administrative procedure. Thus, M. Head (2007) stresses the importance of placing theoretical issues and discussion on administrative law nature, scope, and functions within functional contexts, with focus on those “substantial changes that have occurred over the past three decades, arguably in response to underlying political, economic and social shifts”.

Y.N. Starilov & A.V. Martynov (2012) aptly argue that in the aspect of global governance modernization entirely new outlook on administrative law and administrative legislation come to the scene. L. Haotsay (2010) writes about “updating of views on administrative law”, a “more rational value orientations of administrative law”, greater emphasis on improving administrative law and administrative process implementation mechanism.

The above-mentioned standpoints lead to the necessary of rethinking the teaching standards, the sequence of disciplines and subject contents regarding the administrative law module.

Research Methodology

The methodology included relevant literature review to shape the research grounds, empirical analysis of the Russian federal standards of legal education, the study of current domestic legislation landscape and latest developments with respect to administrative law field.

The importance and relevance of empirical analysis in the field of administrative law has been specified in a number of research works (Coglianese, 2002).

Moreover, the research methodology took into account the idea of development stages of administrative law (called “generations” by J. Barnes (2016)), to reveal the respective differences in the way administrative law is taught at university.

The materials covered the educational standards for legal education in Russia (bachelor and master degrees), the distribution of administrative law module subjects in the curriculum structure, the work load of disciplines thereof, the domestic legislation on administrative issues that is in force and is expected to come into force.

The latter seemed to be critical as the importance of relying on current legislation in force when renewing curriculum has been specified by practitioners who engage in delivering content on administrative law and procedure (Seamon, 2012; Seidenfeld, 2000).

Results and Discussion

Regarding the university-based legal education Russia lays particular emphasis not only on making the relevant academic disciplines more content comprehensive but also on their optimal sequence of training or rather on structuring cognitive elements of the training system on the whole.

On the other hand, the ongoing changes in substantive and procedural administrative law require their adequate representation both in the contents of compulsory administrative law disciplines and in contents of the optional disciplines. The present research focuses primarily on issues related to the

solution of the above task, which stipulates a recourse to the current federal standards of the Russian higher education.

Russian university-based education is regulated by the Federal state educational standards. The standards for legal education with qualification (degree) "Bachelor" were approved by the Order of the Ministry of Education and Science of the Russian Federation (Order of the Ministry of Education and Science of the Russian Federation N 464, 2010a).

In the above standard administrative law is one of the twenty professional disciplines that form the core disciplines module. This module includes the theory of state and law; history of domestic state and law; history of state and law of foreign countries; administrative law; constitutional law; civil law; civil litigation; arbitration process; labor law; criminal law; criminal process; environmental law; land law; financial law; tax law; business law; international law; private international law; criminology; social security law.

However, the requirements for the content of administrative law subject are not specified even at a minimum level.

Meanwhile, the Code of Administrative Court Procedure of the Russian Federation (2015) has taken effect from 15 September, 2015. The Code is likely to strongly affect the comprehensive content of all disciplines of administrative law module. Its adoption is of great significance in regard to functional and content aspects and this should not be underestimated. This event indicates an increase in human rights functions of administrative law and inevitably requires re-structuring of the Administrative Law course within the legal education curriculum.

In addition, the adoption of the above Code (2015) makes us raise the issue of introducing amendments to the curriculum of Bachelor's course: it is necessary to seek the replacement of discipline "arbitration procedure" with the discipline "administrative procedure". As for the Constitution of the Russian Federation, we should dwell upon civil proceedings (the process) and the administrative proceedings in arbitration courts, rather than upon the arbitration process. Thus, the inclusion of the subject "administrative procedure" in the curriculum and educational standards is constitutionally grounded. The two components (administrative and procedure and court procedure) provide for the logical integrity of the administrative process that serves the material administrative law in such a way as civil procedure operates for civil law, criminal procedure for criminal law.

It should be mentioned that the discipline "administrative procedure" is taught at present in a number of Russian universities, such as the Russian State University of Oil and Gas named after I.M. Gubkin, the Volgograd State University, the North-Caucasian branch of the Russian State University of justice, Omsk Law Academy, Kemerovo State University.

The inclusion of the discipline "administrative procedure" in the educational standards is justified not only from the legal angle, but also through the conceptual and theoretical aspects. The state of law by its nature involves "approbation" of administrative law through the administration of justice. This law as a well-functioning industry can not exist without the administrative proceedings, which determine justice, value, validity and administrative law efficiency.



Based on the above we propose that the Russian federal standard of higher education in the field of 030900 Jurisprudence (qualification (degree) "Bachelor"), be supplemented by inclusion of the following subjects in the core disciplines module: *administrative law, administrative procedure*.

We believe that the course "administrative law" as a compulsory component should include the institute of administrative justice with an emphasis on its material (subject) and organizational aspects. The material aspect should focus on revealing problematic issues related to administrative disputes being treated as a matter of administrative justice. In this respect it is worth mentioning that the category of administrative and legal dispute was specified in the Code acquires the status of a category, equivalent in its importance to the status of administrative offences category.

Regarding the organizational aspect the course of administrative law should put a strong focus on highlighting the organizational structure of administrative justice in its judicial and especially in the quasi-judicial (in the Code terminology - pre-trial) form. The Institute of Administrative Justice in these aspects can and should obtain the specification in special courses, such as "Pre-trial resolution of the administrative and legal disputes" or "administrative-contentious jurisdiction." It should be mentioned that the RUDN University has already gained some experience in this regard, since the subject "Administrative justice" has been delivered at law Institute for the fourth year students since 1996.

Special attention should be drawn to the fact that with the Code adoption a new approach is required to the master's programs in the system of legal education, the second level being regulated by the Federal state standard of higher education in the field of 030900 "Jurisprudence" (qualification (degree) "master"), approved by the Order of the Ministry of education and science of 14 December 2010 N 1763 (2010b).

The master's programme core professional module should clearly specify specialized courses such as "Current problems of administrative law" and "Current problems of administrative procedure law" rather than the unite relevant issues in a single discipline "Current problems of administrative and financial law", the above being typical of many universities, including, the RUDN University, as well.

The list of subjects within the optional module of the course depends on the master programme specialization. Nonetheless, the problems associated with the administration of justice and administrative proceedings, should be highlighted and covered through courses with regards to their specifics. For example, the special subject "Public and legal economic disputes and procedure of resolving them in the administrative justice system" is delivered within the framework of the variable part of Master's program "Public economic law" at in the RUDN University.

The issues set out in the article and related to the innovations within administrative and legal module in the context of the Code of Administrative Court Procedure adoption comprise only a small proportion of the pressing problems, which require special approach. However, we believe that the issues here marked are of crucial importance and require first and foremost solution.

Conclusion

The paper tried to study the ways to shape the university education curriculum in line with societal needs. Regarding the legal education latest developments in domestic legislation and international trends should be taken into account while designing the degree programme curriculum.

In the present article the administrative law and procedure domain was used as an example as the Code of Administrative Court Procedure has been adopted and according to the author's experience in teaching on administrative law issues, the new legislation provisions should be reflected in the instruction process. The reflection thereof implies change both in the list of subjects (their specification) and the contents of disciplines. The recommendations put forward stand on the task to lay grounds for students' active engagement and learning, to bridge the gap between Academy, Society and Industry. The approach set out in the article allows teachers to familiarise students with latest developments in a particular field of law and teach through research methods.

The proposed approach reveals the essence of practical application of administrative law. Students have an opportunity to engage in law and administrative procedure practice.'

The ongoing renewal of legal education curriculum in line with new legislation in force prevents the degree course from drifting off into vague theory and leads students to use theoretical concepts in a concrete up-to-date.

Further analysis is necessary to assess students', teachers' and employers' attitudes to the proposed changes in the curriculum.

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes on contributors

Oleg A. Yastrebov, Doctor of Laws, Doctor of Economics, Professor, Director of Law Institute of Peoples' Friendship University of Russia, Moscow, Russia.

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