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### **Abstract**

The article is devoted to substantiating the methodological basis for changing approaches to the staff provision of specialists-lawyers in the digital economy. Some aspects of the problems in the field of training and retraining of legal personnel in the digital age are investigated. The models of interaction between the teacher and the student in the digital educational environment, as well as the methodological foundations of retraining of legal personnel, are analyzed. One of the possible directions of development of the system of retraining lawyers in the digital age is distance learning. The active introduction of distance learning technology in the educational process has actualized the problem of professional and pedagogical competence of teachers, conducting educational activities in the remote mode. The thesis that the new digital format of the professional legal environment should be formed exclusively on the balance of fundamental knowledge and practical skills is considered. The use of an integrated system of retraining of legal personnel for the development of practical skills of legal personnel in the IT field is based on the interdisciplinary approach.

### **Keywords**

Legal education – Digital technologies – Legal community – Concept of retraining of legal personnel  
Distance learning



**Para Citar este Artículo:**

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## Introduction

The penetration of digital technology in the industry, which has traditionally been considered offline, is one of the key drivers of the transition to a knowledge-based economy.

In December 2018, the Russian Federation approved the passport of the national program "Digital Economy of the Russian Federation", which includes six federal projects: "Normative Regulation of the Digital Environment", "Information Infrastructure", "Personnel for the Digital Economy", "Information Security", "Digital Technologies" and "Digital Public Administration".

The main goal of the area of regulation is the formation of a new regulatory environment that provides a favorable legal regime for the emergence and development of modern technologies, as well as for the implementation of economic activities related to their use in the digital economy.

The above-mentioned will require not only separate changes in regulatory legal acts, but above all, systemic amendments to the basic Russian industry codes – the Civil Code, the Arbitration Procedure Code, the Civil Procedure Code, and the Labor Code. The legal community is already searching for acceptable legal tools for regulating the digital economy. Possible approaches to the legal regulation of the digital environment are reflected in the provisions of the Draft Federal Law No. 424632-7 "On Amendments to Parts One, Two and Four of the Civil Code of the Russian Federation" (on digital rights), introduced by the deputies Volodin and Krasheninnikov. It proposed to consolidate several basic provisions in the Civil Code that would enable to regulate the market for new objects of economic relations ("digital rights", "tokens", "cryptocurrency", etc.), provide legal conditions for the conducting and executing transactions in the digital environment ("smart contracts", "self-executing" transactions, etc.) and provide protection to citizens and legal entities in making such transactions.

In March 2019, the State Duma of Russia adopted the amendments in the final reading to the Civil Code of the Russian Federation related to the introduction of the concept of digital rights. The adopted amendments will enter into force in the autumn and fill the legislative norms with new content and meaning. The adopted law refers the digital right to the objects of rights. In the updated version of the Civil Code of the Russian Federation, smart contracts as a way to fulfill obligations under the contract will be legally registered. Revolutionary changes to the law have not yet occurred, but, perhaps, other promised draft laws in this area will really change something. Thus, judging by the provisions of the Passport of the federal project "Normative Regulation of the Digital Environment" of the national program "Digital Economy of the Russian Federation" in the near future, the work will be continued on the adoption of new legal instruments that can create a system of legal regulation of the digital economy based on a flexible approach in each area, as well as the introduction of civil circulation based on digital technologies. Thus, the opinion of the Government Representative expressed at the St. Petersburg International Legal Forum that "now lawyers need to be prepared for such realities as protecting interests in the digital economy, unmanned vehicles, blockchain and cryptocurrency technologies" is the closest perspective.

Lawmaking is inextricably linked with education, in particular in matters relating to the training of modern, highly qualified lawyers for the digital economy. Undoubtedly, legal education should be based on fundamental legal knowledge and only subsequently on certain skills and abilities. The new digital format of the professional legal environment should be formed exclusively on the balance of fundamental knowledge and practical skills. The emergence of new phenomena of the digital economy: big data, machine-readable law, neurotechnology and artificial intelligence; distributed registry systems (blockchain); quantum technologies; new manufacturing technologies; industrial Internet; components of robotics and sensorics; wireless technology; virtual and augmented reality technologies, Legal Tech and others require lawyers to have new competencies, skills and abilities. Active automation of legal activities, the formation of new professions for Legal Tech, the appearance of bot lawyers and contract constructors, have led to the emergence of new training courses in the educational services market. The Development Foundation of the Skolkovo Innovation Center serves as a venue for annual forums and conferences that address current issues of the use of digital technologies in law and offer innovative IT solutions. It is important to note that the Skolkovo Center of Competencies for normative regulation of the digital economy has been created, which is the developer of legal acts for the digital economy.

In an interview for the journal "Zakon", the chairman of the Skolkovo Foundation Igor Drozdov, discussing the development of new technologies, the digital economy and the role of lawyers in these conditions, notes that "modern lawyers should study the technology of artificial intelligence a little deeper, learn about the capabilities of neural networks to learning"<sup>1</sup>.

The modern tasks of the higher education system, which today are adapted to the demands of the digital economy, update the issues of renewing educational programs to the requirements of the digital economy of the country and regions. Preparing personnel for the digital economy is highlighted as one of the basic federal projects for the development of the digital economy. The existing realities of the use of digital technologies and the creation of a comprehensive legislative regulation of relations, arising in connection with the development of the digital economy, lead to the need to change approaches to staffing, and, accordingly, to the need to create a methodological basis for the development of competencies of lawyers in the digital economy, as well as public servants and other people involved in the process of preparation, adoption and application of regulatory legal acts in the field of digital economy and jurisprudence (programs of training, vocational retraining, and others).

## Methods

The analysis of the publications shows that today there is no comprehensive scientific study on the training and retraining of legal personnel in the conditions of the development of digital technologies. In modern conditions, it is required to consider models of interaction between a teacher and a student in a digital educational environment, as well as methodological foundations of retraining legal personnel.

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<sup>1</sup> Zakon.ru. Yuristov nuzhno podtolknut k tomu, chtoby oni ovladevali sovremennymi tekhnologiyami: Intervyu Igorya Drozdova. 2018. Available at: [https://zakon.ru/discussion/2018/03/05/yuristov\\_nuzhno\\_podtolknut\\_k\\_tomu\\_chtoby\\_oni\\_ovladevali\\_sovremennym\\_tehnologiyami\\_\\_intervyu\\_igorya\\_d](https://zakon.ru/discussion/2018/03/05/yuristov_nuzhno_podtolknut_k_tomu_chtoby_oni_ovladevali_sovremennym_tehnologiyami__intervyu_igorya_d)

The above-mentioned confirms the objective need for the development and implementation of an integrated system of retraining of legal personnel as part of the process of transformation of law in the conditions of the development of digital technologies using modern pedagogical, information, virtual and remote technologies. The methodological basis for the development and implementation of an integrated system of retraining of legal personnel in the digital era is a set of research methods: theoretical methods – analysis and study of legal acts that determine the introduction and development of digital technologies; theoretical analysis and synthesis, analysis of the state of e-learning of legal personnel in Russia and the world, methods of logical inference; general scientific methods – modeling the system of retraining legal personnel, designing an educational web-platform, analysis, synthesis, generalization, systematization, classification; empirical methods – observation, questionnaire methods, pedagogical diagnostics, monographic studies, methods of statistical processing and qualitative analysis of the results of scientific research.

## Results

The formation of new "digital" competencies for lawyers is an extremely important and urgent issue for the development of jurisprudence in the conditions of the modern digital economy. Achieving results is possible by solving the following important tasks:

1. To methodologically substantiate the concept of retraining of legal personnel as a set of provisions and ideas that form the basis for the establishment of a system of lawyers' retraining, taking into account the formation of new professional competencies; to identify trends, patterns, principles, methods and forms in the formation of the process of retraining of lawyers in the conditions of the development of digital technologies.

2. To prepare a scientific and educational methodological basis for the formation of new professional competencies in the conditions of the development of digital technologies for the training and retraining of legal personnel in accordance with the program "Digital Jurisprudence".

3. To design an educational web platform, which includes: virtual training devices and simulators; special training programs; a set of distance learning courses; an on-line counseling system; an access to electronic libraries and a catalog of professional databases for organizing an effective process of implementing retraining programs for legal personnel in the field of digital jurisprudence.

4. To develop and test the use of an integrated system of retraining legal personnel for the development of practical skills of legal personnel in the field of IT based on an interdisciplinary approach.

In turn, the application of the integrated approach will create an optimal model for the use of digital technologies in the process of retraining legal personnel<sup>2</sup>. The adoption of a systemic-structural approach will ensure the analysis and design of this system, taking into account the interconnection of goals and objectives, content, means, methods and forms of organizing the process of professional retraining.

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<sup>2</sup> A. M. Drozdova; E. A. Tereshchenko; E. A. Ivanchenko; C. A. Dolgoplov and T. V. Vorotilina, "Conciencia legal personal en la sociedad moderna de la información", *Dilemas Contemporaneos-Educacion Política Y Valores*, num 7(2019).

The competency-based approach is designed to assess the retraining process on the basis of several types of competency, as well as to prepare a scientific and educational-methodological basis for the formation of new professional competencies in the context of the development of digital technologies in relevant professional legal activities and the interdisciplinary approach, within which the concept of competence is considered in a variety of legal specialties. It is assumed that professional competencies can be achieved by performing the following tasks:

- methodological substantiation of the concept of retraining legal personnel as a set of provisions and ideas that form the basis for the establishment of a system of retraining lawyers;
- preparing a scientific and educational methodological basis for organizing the process of retraining legal personnel;
- designing an educational web platform for organizing an effective process of implementing retraining programs for legal personnel in the field of digital jurisprudence;
- development and testing of a comprehensive system of retraining of legal personnel for the development of practical skills of legal personnel in the field of IT based on the interdisciplinary approach.

It is proposed to distinguish the following components: a substantial component, including general professional and special knowledge, and an operational (procedural, applied) component, including ownership of the technology of activity, i.e. abilities and skills of a modern specialist in the legal industry. The authors highlight the main criteria and indicators of the formation of professional competence of a specialist in the legal activity: cognitive, activity, communicative, organizational, and positional. It is planned to develop the structural components of a model for an integrated system of retraining of legal personnel as part of the process of transforming the law in the context of the development of digital technologies, namely: motivational-value, intellectual-cognitive, effective-practical and emotional-volitional; they, in the authors' opinion, can be the basis of the professional competence of a modern "digital" lawyer.

## Discussion

One of the possible directions of development of the system of lawyers' retraining in the digital age is distance learning. Distance learning is seen as an independent form of learning, in which the interaction between the teacher and the student takes place remotely. Moreover, the student is separated from the teacher both in space and sometimes in time, but he or she has the opportunity at any time to initiate a dialogue with the teacher using digital communication tools.

At the stage of deciding on the introduction of distance learning, the higher education institution should decide on a model of distance learning. Perhaps it will be the simplest case model, in which the developed case studies are sent to students by e-mail. This model does not require significant financial investments from a higher education institution. However, when using the case model of distance learning, the feedback of the teacher and the student will be minimized. The student, having received the task, will

independently work with it. The network model is more expensive when the teacher and student communicate on an ongoing basis through a specially created platform – a distance learning system. Moreover, the higher education institution is required to have a certain material and technical base, that is, special equipment that can meet the needs of distance learning. In this regard, it is evident that in some cases the introduction of a distance learning system will depend on the possibility of additional funding<sup>3</sup>.

Undoubtedly, distance learning has a number of advantages. Thus, it allows to gain knowledge and learn new competencies at a convenient time for the student, without interruption from work, subject to the availability of a computer and access to the Internet. At the same time, the teacher has the opportunity to use the whole variety of pedagogical technologies used in "traditional" training, for example, problem-based learning technology, which is extremely important in legal education<sup>4</sup>. Despite the obvious "advantages" of distance learning, no unambiguous assessment has been formed among teachers in respect of this pedagogical technology. Some authors note that the Russian education system is not yet "ready" for the active introduction of distance learning due to the lack of the required number of properly developed electronic training courses<sup>5</sup>. Foreign authors also ambiguously evaluate the potential of distance learning. Thus, Professor Patrick McGee from the University of East London notes that the process of spreading the so-called massive open online courses is now gaining momentum. However, online learning is not able to give the student practical experience, this is exactly the main disadvantage of distance learning. Professor Patrick McGee feels certain that the practical component, for example, internships should be preserved in the educational process<sup>6</sup>.

The authors support the above-mentioned arguments, but it is believed that for the retraining of personnel in the field of jurisprudence, they partially lose their relevance. It concerns people who have a certain basic level of legal education and who, for subjective or objective reasons, need to improve their qualification. Among the subjective reasons, the most common is a temporary break in work (military service, work in a different profile, maternity leave, childcare, etc.). An objective reason is the need to acquire new skills as a result of the development of information technologies, an avalanche-like increase in information that requires its perception, processing, transmission, as a result of which information systems are created and implemented that allow optimizing management processes both in the business sphere and in various areas of the public management. The widespread penetration of digital technology in all spheres of society has engulfed jurisprudence. Companies are increasingly beginning to introduce elements of digitalization into their work, the state is doing this even more actively: the Unified State Register of Real Estate, the Unified State Register of Legal Entities, multifunctional centers and the possibility of interacting with them through the telecommunication network Internet; "E-government"; the ability to bid and participate in auctions to meet the state and municipal needs, etc.

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<sup>3</sup> E. I. Denisova, "Ispolzovanie v uchebnom protsesse ofitsialnogo saitа pravookhranitel'nogo organa", Vestnik Omskogo universiteta. Seriya "Pravo", num 2 Vol: 27 (2011).

<sup>4</sup> E. G. Petrosyan, "Elektronnyi mnogoyazychnyi slovar kak vspomogatel'noe sredstvo podgotovki yuristov k uchastiyu v polikulturnoi professionalnoi kommunikatsii", Vestnik Moskovskogo gosudarstvennogo lingvisticheskogo universiteta, num 26 Vol: 605 (2010).

<sup>5</sup> M. M. Baidayev, Intensifikatsiya professionalnoi podgotovki sotrudnikov territorialnykh organov MVD Rossii na osnove sovremennykh informatsionnykh tekhnologii. Ph.D. Thesis. Moscow. 2015.

<sup>6</sup> A. V. Ektov, "Formirovanie professionalnoi kompetentnosti bakalavrov yuridicheskoi spetsialnosti v usloviyakh distantsionnogo obucheniya", Pedagogicheskoe obrazovanie v Rossii, num 3 (2016).

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In the register of federal information systems<sup>7</sup>, intended for use while exercising state functions with which a lawyer is forced to work, there are more than four hundred of them. Undoubtedly, the lawyer, due to his or her profile, does not work with all existing systems, but he or she cannot but come across some of them. Thus, for example, through the portal of state services of the Russian Federation in accordance with the Federal Law dated July 27, 2010 No. 210-FZ "On the Organization of the Provision of State and Municipal Services", the access to information on state and municipal services, state functions of control and supervision, on the services of state and municipal institutions, on the services of organizations involved in the provision of state and municipal services, as well as the provision of state and municipal services in an electronic form, is ensured. Nowadays, almost all legally significant actions can be conducted through the Unified Portal of Public Services or through the Internet service of the Federal Tax Service of Russia. A huge layer of lawyers' work is devoted to working with yet another information system – the UIS – the unified information system in the field of procurement, created and operating under the Federal Law "On the Contract System in the Field of Procurement of Goods, Works, and Services to Provide for State and Municipal Needs". A lawyer who does not know how to work with these and other information systems ceases to meet modern professional requirements. Further training, retraining of such a lawyer involves, first of all, studying the legal framework for working with information systems, as well as gaining practical work skills, which is quite possible during training using distance technologies.

Assistance in retraining a lawyer, raising his or her qualification can be provided by publicly available information and legal systems such as Consultant +, and Garant. Using the functionality available in them such as the "contract constructor" can serve as a "simulator" for students in the preparation of certain types of civil law contracts. Surely, it is difficult to agree with the opinion that now it costs nothing to draw up a civil law contract, for this it is not required to be a lawyer, but in the process of distance learning such "constructors" can provide the necessary assistance.

The implementation of the distance learning model requires special skills and qualities from the participants in this process, both from the teacher and from the student. The active introduction of distance learning technology in the educational process has actualized the problem of professional and pedagogical competence of teachers who conduct educational activities in remote mode.

Nowadays, there is a scientifically based system of requirements for a teacher who conducts educational activities both in the framework of personnel training and in the field of retraining. The teacher should have a set of competencies and professionally significant qualities. The key competencies of a teacher usually include the following: value-semantic, general cultural, educational-cognitive, informational, communicative, social-labor, and personal improvement<sup>8</sup>.

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<sup>7</sup> D. V. Agashev and K. V. Grankin, "Problemy ispolzovaniya v Rossii opyta razvitiya vysshego yuridicheskogo obrazovaniya v gosudarstvakh Evropeiskogo Soyuza (na primere Cheshskoi respubliky)", Vestnik Tomskogo gosudarstvennogo universiteta. Pravo, Vol: 11 num 1 (2014).

<sup>8</sup> A.V. Druzhinina, Innovatsionnye obrazovatelnye tekhnologii, primenyaemye v protsesse obucheniya bakalavrov-yuristov v NOU VPO "Mezhdunarodnyi innovatsionnyi universitet", Gumanizatsiya obrazovaniya, num 1 (2015).

Evidently, the essential specificity of distance learning, which was discussed earlier, requires a teacher to have special qualities that are different from those that a teacher who conducts his or her activities in the framework of "traditional" education should have. In this regard, in pedagogical science, attempts are being made to single out the so-called "perfect key qualifications" of a distance learning teacher<sup>9</sup>. The authors believe that such a qualification as virtual interpersonal skills, which refers to the ability of a teacher to freely, calmly and confidently conduct an educational and scientific dialogue with students using information and communication technologies and the Internet, is of particular importance for a distance educator. In this case, the teacher should not have psychological discomfort caused by virtual interaction with the student, he or she should be able to create the effect of his or her presence and perceive the personality of the virtual interlocutor as real, with psychological and emotional features.

As far as the student is concerned, in the authors' opinion, the main requirements for him or her is a high level of self-organization and motivation in acquiring new knowledge, abilities and skills. As it is understood, a flexible schedule, i.e. learning at any convenient time has both huge advantages and disadvantages for the student.

In the course of specialists' retraining through the use of distance educational technologies, due attention should be paid to the formation of students' skills to ensure the safe use of both received and transmitted information. All the data that the user enters in information systems, as well as on the sites of "public services", can become easy prey for attackers. The loss of personal data, the disclosure of commercial information is possible due to the illiterate behavior of a lawyer, threatening to cause huge financial losses<sup>10</sup>. The risk of losing a part or entire copyright distance courses without the authors receiving fees should not be forgotten. In this regard, the retraining of legal personnel should include the study of the basic principles of IT technologies, including the study of special safety rules for using not only information networks, but also devices through which distance learning and subsequent work of a lawyer are conducted (personal computers, tablets, smartphones, etc.). As practice shows, they may also be subject to unauthorized attacks. In order to prevent them, the user must follow the simple rules for the safe use of remote computer services; use security mechanisms built into modern operating systems (password protection, fingerprint identification, etc.). The user must not modify the operating system of a phone (jailbreak); must use software products that provide anti-virus protection and receive regular updates of anti-virus databases. It is equally important when using devices not to follow links to unfamiliar resources: fraudsters can infect a computer or a smartphone with a virus and steal data. When paying state fees and making other payments on the website of public services and others, it is necessary to check the correctness of the details of operations in SMS from the bank with a confirming password on the operation's confirmation page of a mobile application. It is necessary to know the number from which the bank sends messages and monitor its correctness upon the receipt of each SMS. One should not inform anyone, even bank employees, of their confirming passwords, PIN and CVV codes from bank cards (including when a person who introduced

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<sup>9</sup> W. Warren and H. Binford, "Envisioning a Twenty-First Century Legal Education", Washington University Journal of Law & Policy, num 43 (2014). Available at: [https://openscholarship.wustl.edu/law\\_journal\\_law\\_policy/vol43/iss1/](https://openscholarship.wustl.edu/law_journal_law_policy/vol43/iss1/)

<sup>10</sup> E. Sagalaeva; S. Ivakhnenko and O. Landina, "Análisis de la legislación rusa que regula las relaciones sobre la participación de familiares en la educación de los niños que quedan sin cuidado parental: problemas de la práctica policial", Dilemas Contemporáneos-Educación Política Y Valores. Num 7 (2019).



himself or herself as a bank employee says that it is necessary to cancel an allegedly unauthorized transaction), connect other people's phones to SMS banking, perform any operations with the card and accounts at the request of those who contacted by phone, or provide them with the personal data. Unfortunately, such knowledge was not given earlier during the training of lawyers, and this gap can now be filled only in the process of retraining.

## Conclusion

The authors consider it necessary to develop a comprehensive system of retraining of legal personnel "Digital Jurisprudence" using modern pedagogical, information, virtual and distance technologies, which reflects the innovativeness and the situational character of the approaches. The innovative approach is the basis for understanding the transformation of legal personnel's retraining in the era of the rapid development of digital technologies and involves the use of modern pedagogical technologies and information and technical means when introducing the retraining system, projected within the framework of the study<sup>11</sup>. The developed comprehensive retraining system should meet the needs of the modern market of legal services using the situational approach to the research, i.e. willingness to change the traditional forms of the professional level of legal support and regulation.

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<sup>11</sup> A. Kiselev; T. Svetlichnaya; N. Petrov; L. Botasheva; K. Dolgoplov and E. Apolsky, "Information function of civil budget", International Journal of Law and Management, Vol: 60 num 3 (2018): 798-803.

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