

Ensuring human Rights and the Development of Legal Awareness of Juvenile Offenders in Closed Institutions

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ABSTRACT

The relevance of the investigated problem is caused by the need to study the negative effects of the of juvenile offenders placement in places of social exclusion, violations of their social and legal development and effective methods of formation of socio-legal competence of students of closed type institutions. In this regard, this article aims to identify the causes of distortion of legal concepts, guidelines and settings of this category of children and methods for correcting the components of their legal consciousness. The leading approach to research of this problem is the method of projects allowing to consider this problem in a complex way as a purposeful and organized process of application of a person focused and active techniques of legal training and education for effective implementation of legal educational activity in establishments for minor offenders by a teacher. In this article the reasons of emergence of a distortion of components of legal consciousness of pupils in establishments of closed type are opened, the qualitative personal characteristics of pupils and socio-pedagogical prerequisites allowing to create the threshold level of social and legal competence of minors in the conditions of isolation from society are revealed, ways of increase of efficiency of right educational activity in establishments of closed type by means of technology of design training are presented. Materials of the article are of practical value for teachers, psychologists and other experts working with minor offenders.

KEYWORDS

Minor offenders, legal education, instruction in law, project technology, custodial institutions

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Introduction

Relevance of Research

In modern conditions of the education development the special importance is gained by openness of the process of legal training and education of children and teenagers, its interaction with social and legal environment. The communication with the social environment is aimed at active use of the

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potential for the expansion of legal educational space for the purpose of enrichment of social and legal experience of minors and prevention of a negative impact on their social environment factors. The competence paradigm of education aims at the use of pedagogical activity of personality-oriented and activity practices, among which the method of projects is leading. The developers of the problems method (Dewey, 1938; Kilpatrick, 1921) at one time have offered essentially new basis of creation of work with children assuming the expedient activity of the child in the social environment conformed with his personal interest in a certain knowledge and focused on enrichment of his individual experience.

The widespread practice of legal training in educational and fostering institutions with orientation to reproductive assimilation of legal information by minors doesn't create full-fledged conditions for the solution of the main objective of the sense of justice formation. In the conditions of dynamic change of the Russian legislation the use of outdated legal instructions leads to deformation of components of the logical-normative sphere of legal awareness by teenagers. Besides, legal knowledge is necessary to minors not in itself but as a behavior basis in various social and legal situations. Socially-legal activity of minors as the property of lawful behavior defining right corresponding behavior shows aiming at legal behavior, in respect of right and law, and the last in turn have to express objective expectations of the developing personality (Pevtsova, 2013; Pevtsova, 2014; Pevtsova, 2015a; Pevtsova, 2015b; Pevtsova, 2015c; Pevtsova, 2015d; Pevtsova, 2016).

As minors with insufficiently developed or deformed legal consciousness come to establishments of closed type (Biziev, 2002), it is necessary to talk about correctional legal education and training. The sense of justice correction of minor offenders assumes the analysis of the condition of individual legal consciousness of a child, properties and qualities of the personality allowing to create the threshold level of his social and legal competence (Leshchenko, 2014; Leshchenko, 2016). The comparison of legal awareness of juvenile offenders and those not belonging to this category shows that the total amount of knowledge of law precepts necessary for right corresponding behavior is approximately identical at both categories of minors. The difference lies in various sources of receiving legal knowledge and in the attitude towards it (Sapogov, 2010; Sapogov, 2015b). Owing to age the legal nihilism quite often is result of a subjective perception of minors of legal reality as, without having completeness of perception of the legal phenomena and processes and becoming participants of socially-legal relations, they adeptly confirm insolvency of ideologically-objective value of law (Sapogov, 2015a; Sapogov, 2016).

Adjusting a contradiction in the ratio to isolation and social openness of establishments of closed type, the design technology assumes creation of conditions for a wide range of social tests of students in a rather closed social and legal space. Such organizational model of legal education and training allows to include students in activities for development and implementation of the practice-oriented projects aimed at specifically notable result and directly infringing on interests of the project participants. At methodically ensuring activities of pupils for preparation of the practice focused projects preliminary study of structure and an external assessment of the project, timely correction of joint and individual efforts of teachers and students, forecasting of receiving

results and possible ways of their application in life are required (Kropaneva, 2010).

Materials and Methods

Research Methods

The main approach to research of this problem is the method of projects allowing to consider this problem in a complex as an object-oriented and organized process of application by the teacher of the person-focused, activity techniques of law training and education for the effective implementation by him of law educational activity in establishments for minor offenders. In the course of research the following methods of research have been used: systematization and generalization of facts and concepts of law training and education, method of expert evaluations, the qualitative and quantitative analysis of components of legal consciousness of minor offenders and conditions of its formation, promotion of hypotheses, development of models and technologies of law training and education, design of results of law educational work with minor offenders in the conditions of isolation from society, studying and synthesis of experience of the organization of legal education in establishments of the closed type.

Results

Results of Influence of Social Isolation on Minor Offenders

In conditions of isolation from the society the vector of the law educational work is often focused on the formation of externally law obedient student which destructive behavior can be shown in critical situations, of what periodic publications in mass media about revolts in educational colonies and special professional schools of the closed type confirm. It is obvious that in the conditions of isolation from the society also a certain disproportion of impact of an adult on a child complicates the situation. The emergence of disruptiveness in the behavior of students in establishments of the closed type is also possible as a result of inadequacy of intervention of a tutor, the deeper and longer the exposure of an educator the more enhanced adaptive reaction of a teenager, emergence of steady reaction stereotypes in him. In teaching practicum of establishments in which similar events take place, in our opinion, there is not enough attention given to studying of entity aspects of socialization of students expressed in the combination of their behavior of adaptation and isolation, the periods of age development in which social immunity of students to negative influences decreases or is lost, is not calculated.

The manifestation of defects in social and legal development of a minor in the conditions of an establishment of closed type leads to such kind of deformations of legal consciousness as deficient sense of justice of students. As reasons of social and legal deficiency of students of establishments of closed type serve the concrete circumstances characteristic of the organization of educational process of these establishments, and also sensory (serious impoverishment of the developing environment in these establishments due to sharp decrease in them in brightness and variety of impressions), social (limitations of communication with surrounding people) and emotional (an insufficient emotional saturation of relationship with personnel) deprivations.



The social deprivation belongs to negative social and environmental factors and irrespective of age distorts formation of the personality and can act as the independent reason in genesis of illegal behavior.

Social and Legal Development of Students in Establishments of Closed Type

Researches of the last years in the field of psychology and physiology of teenagers demonstrate that since 10-year age teenagers have intensive changes of brain activity influencing emotions and volition, provoking spontaneous and rash actions, as well as risky acts leading to asocial behavior. Thus, during the teenage period there are most difficult processes in the brain of a child, with which a minor isn't always capable to cope and to explain why he undertakes these or those actions. Knowing such specifics of development of a teenager, the tutor of the establishment isolating minor offenders from society needs to select the forms and methods of law educational work suitable in concrete circumstances (Medvedev, 2015).

During a stay in conditions of isolation from society the natural adolescence process of formation of their views, living positions, typical behavior motives doesn't stop. And on what kind of understanding of the law and the attitude to it in this period of formation of a person is produced, the subsequent behavior of a pupil in the legal field largely depends (Sapogov, 2015c). A special importance in these conditions is gained by technology of pedagogical monitoring as process of scientifically based, continuous diagnostic and predictive tracking of the state and development of process of formation of the vital social and legal competencies of students, both negative, and positive tendencies in legal education, positive influence on students and overcoming of negative impacts. In the conditions of an establishment of closed type the conceptual model (Gan, 2002) with the following structure can be taken as a basis of development of technology of pedagogical monitoring of process of legal training and education: purpose, tasks, principles, functions, stages of monitoring activity which can be presented in functional aspect as an initial stage (adjusting, predictive), diagnostic stages (initially diagnostic, intermediate diagnostic, finally diagnostic), a stage of a primary substantial and correctional activity.

A result of a pedagogical defect during the correctional process of components of sense of justice of the minor offender can be the non-achievement of the predicted compensation of available defects, and in order to reach any changes in overcoming of an abnormal development of sense of justice, a return to initial target positions in application of measures of special right educational influence will be required. The amount of legal knowledge according to age characteristics, needs for new knowledge and the study of social and legal information, skills to adequately assess their own and others' actions in terms of the rule of law and operating legal information by proper legal behavior, qualities of self-control, self-esteem, social and legal performance and skills in compliance with the prohibitions and duties can be referred to criteria indicators of formation of a basic level of components of the right consciousness and legal good breeding of students of establishments of closed type by results of correctional legal training and education according to intensity of corrective and educational influence taking into account intensity of corrective and educational influence.

The federal state educational standard of the main general education within the subject "Social science" provides formation of the bases of sense of justice by the trained students for correlation of their own behavior and acts of other people with the moral values and standards of behavior established by the legislation of the Russian Federation, the conviction of the need to protect law and order by legal way and means, abilities to realize the main social roles within their capacity.

The designated by state benchmark for the minimum level of formation of legal consciousness of a minor at the time of his receipt of secondary education is described in the federal educational standard of general education in the "Portrait of a School Graduate" (a set of personal characteristics of a graduate) and the requirements of the subject results of development of the basic course Law": the formation of concept ideas of the state, its functions, mechanism and forms, of the Constitution of the Russian Federation as the fundamental law of the state, the bases of legal thinking, of different types of legal proceedings, rules of application of the right, resolution of conflicts in the legal ways, knowledge of fundamentals of administrative, civil, labor, criminal law, abilities to apply legal knowledge to estimation of concrete law precepts from the point of view of their compliance to the legislation of the Russian Federation, skills of independent search of legal information, abilities to use results in concrete life situations; the possession of knowledge of the right concept, sources and rules of law, legality, legal relationship, of offenses and legal responsibility, of bases of a legal status of the personality in the Russian Federation; understanding of legal activity; acquaintance with specifics of the main legal professions.

Structure and subject of the method of social legal projects

The practical orientation of legal training and education as an important aspect of realization of competence-based approach within the existing federal educational standards of the general education assumes activities of a teacher not only for insight of students at establishments of closed type into knowledge of information of legal contents, but also for the formation of skills of their effective use. We are talking, including the formation of the identity of the teacher (the manager and the methodologist) not so much capable to teach but how to create conditions for creative self-determination, self-development, self-knowledge and self-government of minors within their legal training and education. Legal training of minors necessarily assumes the formation of a positive relation to legal instructions and internal voluntary readiness of the personality for their observance that in fact is an educational task and is reached mainly by education methods. In this regard it is possible to speak about a prevalence of legal education over legal training. However you shouldn't

belittle value of the law training creating a basis for formation of such important components of legal consciousness as legal feelings, attitude, beliefs and values. For practice of activity of establishments of closed type the organic compound of legal training and legal education in a uniform process of legal education with the leading role of legal education is deemed optimal. For that matter great opportunities are opened by design activity of students of establishments of the closed type which is organized by a teacher and assumes independent performance by teenagers of a complex of actions with a certain autonomy granted to them at the decision-making and responsibility for the



choice and result of activities for creation and subsequent implementation of a social and legal project.

Let's specify the following potential opportunities of technology of design for the right educational activity in an establishment of closed type: conditions for indecision overcoming are created for a pupil participating in the development and implementation of the social and legal project, while agreeing to prepare the project the pupil already makes the choice, and further, achieving the objectives of the project, is trained, while choosing a sphere of efforts' application, to bear a personal responsibility for consequences of actions; a collective work on the project forms the important social skills extremely necessary for involvement of students in right educational process at an establishment; a student taking part in various kinds of activity has additional opportunities to check his (her) social and professional preferences; the result of works on the project is creation of a real (not always material) product having practical value for a student which is shown in qualitatively new social and legal skills and experience, besides, the mechanism becomes available to understanding for a student, thanks to which the activity conceived, thought over and carried out bears the expected fruits; ideas for creation and implementation of social and legal projects can be offered not only by personnel of an establishment, but also by students, their lawful representatives, social partners, professional experts in the field of social design; the project work can combine efforts of all subjects of right educational activity at an establishment during which new contacts with social partners can be approached, social and legal space of the establishment qualitatively changed. From the substantial and methodical point of view the project is a model of the offered social and legal changes in a type of the verbal description of the alleged actions necessary for their implementation and accompanying it indicators and calculations.

Students of an establishment of the closed type can become participants of such social and legal projects as: practice-focused or applied (the result of work on the project can be used in activity of the establishment or beyond its limits), informative (assume carrying out the analysis and synthesis of information on any social and legal object, phenomenon, event), role and game projects (it is necessary for a participation to assume the certain social role caused by contents of the project, to define behavior in a game situation), the projects including in their contents a set of search, creative devices. As effective activity objects for functioning of establishments of the closed type in the course of social and legal design act: social phenomena ("society negatives": drug addiction, alcoholism, foul language, tobacco smoking, vagrancy, offenses); social relations (relationship among adults and minors in certain spheres of social activity, for example, labor, housing, family activity etc.); social institutes (institutions and authorities, educational and medical organizations, establishments of social service, etc.); social space (appearance and arrangement of vacation and leisure spots, public territories). The development of the social and legal project begins with obtaining of the information on social object and the formulation of a problem that subsequently predetermines the stage-by-stage plan of practical steps (actions) for achievement of goals and tasks of the transformation of a social object. For the organization of the direct work on the project the project matrix consisting of twelve structural elements (Prutchenkov, 2002) can be used which basis is the scheme for development of social projects: head and participants of the project (educator, pupils data); name and type of the project;

thematic and problem field; purpose, tasks; description of activity; description of the result received by the implementation of the project; subject domains of knowledge which maintenance is included in the project; material and technical resources necessary for implementation of the project; stage-by-stage plan of work (schedule of performance of work) with the indication of participants duties on the project; form of the presentation of work results; criteria for evaluation of quality of the project implementation; the analysis of personal changes results at participants of the project. By organization of the design activity at an establishment of closed type it is necessary to consider a number of basic requirements. First, activities for the project are limited to the purposes, tasks, a temporary interval, results, etc. that allows to control and estimate activity of pupils as following the results of work, also step by step, and to introduce necessary amendments during realization of actions according to the plan (schedule). Secondly, the general plan of the project has to be clear to participating performers, and his separate parts have to correspond and prove to be logically by each other, answer to goals and be provided with appropriate resources. Third, the main idea of the project has to follow from the problem on which solution all activities for the project are focused. Fourth, a participating pupil of the project has to be informed on means and opportunities of a solution not only during his realization, but also in the long term in other conditions of his activity.

Regardless of the type and subject content of the social and legal project the main requirements to the design activity organization are: a practical orientation and the project importance for pupils, their readiness to this kind of activity and interest in the considered problem, creative statement of purposes and tasks and practical feasibility of the project carried out by a pupil. The system feature of implementation of social and legal projects in the conditions of isolation from society is the possibility of inclusion of each student in the activity, feasible for him, together with the teacher, stimulating manifestation of his social and legal activity including the use of resources of social partners (boards of trustees, representatives of power structures, educational and public organizations, etc.). Designating the importance of use of resources of social partners in the course of organization of legal education in establishments of closed type, it is necessary to pay tribute to pedagogical heritage of S.T. Shatsky (1958) which statements about futility of efforts of teachers engaged in education of the child out of communication with his real or potential social environment are confirmed by modern teachers.

For the increase of the efficiency of correctional legal education and training in establishments of closed type, in our opinion, the technology of the contextual training used in the sphere of professional education (Verbitsky, 2010) based on a technique of creation and permission of problem situations is applicable. Following ideas of contextual training by means of the thought-over system of didactic forms, methods and means of design technology, the student of an establishment of closed type under the guiding principle of the teacher can model the subject and social content of the future life after termination of the term of imprisonment in an establishment and acquire the necessary knowledge imposed on an outline of this activity from the social and legal sphere.

The following factors may have a significant negative effect on the efficiency of the proposed project-based learning technologies in closed-type institutions:



absence of the trained staff owning skills of development of social and legal projects, low motivation of teachers to use the project method, absence of motivation of students to participation in development of social and legal projects, insufficient skills of students to be engaged in socially oriented activity and to define the purposes and expected results, an unreasonably high level of social closeness of the educational process. When using a method of projects it is necessary to avoid typical mistakes: superficial research of the chosen problem which isn't personally significant for students, reevaluation by tutors and students of their forces and opportunities, available sources of financial and material support, the declaration of the "good" idea of the project without detailed study of the problem and without receiving a concrete result. The application of a method of projects will demand a comprehensive individual support and a continuous monitoring of the vital competence of each student from personnel of establishment of closed type at all stages of work on the developed projects implementation. Besides, proceeding from the contents and the type of projects tutors of an establishment need to think over subsystems of providing and support of their preparation and realization: informational, financial, material and technical, regulatory and legal support.

Discussions

Problems of the legal training and education of minors in the conditions of an educational institution were investigated in details by N.I. Eliasberg (2001). The behavior disorder by pupils in establishments of closed type and pedagogical ensuring of legal resocialization and rehabilitation work with them are revealed in scientific works of T.M. Bitsiyev (2002), O.V. Leshchenko (2014), O.B. Panova (2013), A.F. Parashchenko (2005). Researches of A.A. Verbitsky (2010), E.M. Kropaneva (2010), A.S. Prutchenkov (2002) are devoted to the use of design technology and problem training.

However, the analysis of scientific works devoted to the problem of the legal education and training of minor offenders in the conditions of isolation from society by means of the design technology is precious little and it has an only debatable character.

Conclusion

It is found out that in the conditions of isolation from society as a result of the combination of social and other types of deprivation, disproportionate impact on the part of educators (teachers), personal development natural to the teenage age, a deficient legal consciousness in minor offenders can be formed and an asocial behavior shown. Allowing a contradiction in the ratio to isolation and social openness of an establishment of closed type, the technology of design assumes creation of conditions for a wide range of social tests of pupils in a rather closed social and legal space. Pedagogical conditions of improvement of training in the right and legal education in modern operating conditions of establishments of closed type are as follows: coordination of efforts of subjects of legal education as a uniform process of training and education, their legal literacy, accounting of specific features and needs of pupils, use of right and educational resources of social partners. As result of the design activity of pupils of establishments of the closed type acts a new growth in his social and legal shape that is directly connected with the purpose of the correction (re-education) of a minor offender's achievement.

Materials of the article can be useful to experts and heads of teaching and educational establishments of closed type, educational colonies at the organization of legal education and professional development and retraining of personnel on the practical level; for the educational organizations which are carrying out training in the main educational programs raising the questions of pedagogical law.

Taking into account the received results of this research it is possible to allocate a number of scientific problems and perspective directions demanding further consideration: deepening and extension of some provisions stated in the article related to the development of the mechanism of implementation of pedagogical monitoring of formation of vital social and legal competencies of pupils of closed type establishments, to the study of coping behavior of pupils in closed type institutions in various difficult situations in the aspect of determining a corrective influence on a juvenile offender what is necessary for the development in the course of resocialization of concrete coping strategies for solving problem situations by pupils, to the formation of the productive coping behavior realized by pupils, the development of technology and criteria of efficiency of correctional legal education and training in closed type establishments.

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