

## **Research Component in Legal Education in Russia: Issues of Organization and Assessment**

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**Abstract.** The article is dedicated to the organizational issues that have arisen in the Russian law education in connection with the transition to a two-tier system of “Bachelor – Master” and the increased role of the research component in the preparation of Masters in Law. The forms of research work of law students and the principles of the organization's core model compatibility of research and learning process. Special attention is paid to the novelties of law education related to the formal estimation of research students.

**JEL Classification:** I23, K39

**Key words:** law degree, bachelor's degree program, master's degree program, research work of the student

### **I. Introduction**

*University science: concept and organization of realization.*

Current state and importance of university science in our country should be defined prior to analyzing research component in education. University science provides an opportunity to train and involve personnel both for university and academic and specialized science. Higher educational institution is the main “supplier” of young and promising scientists.

We would state the most important aspects, which compose the value of university science.

Economic aspect of university science is represented with following:

- firstly, it is a prerequisite of scientific and technological advance, modern high-tech industries and advanced technologies development;
- secondly, it is a basis of qualified personnel development for all sectors of economy;
- thirdly, it represents one of the promising directions of business activity (trade in patents and licenses etc.) .

Social aspect of the science appears in social activity facilitation and promoting demand for high educated social strata (the intellectuals, first of all, who are in the most vulnerable position in the society at the moment). Moreover, it makes immediate effect on the state of common cultural and educational level of society.

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Political aspect of the science could be interpreted as following: rise of society's educational and cultural level is an important guarantee of democracy and further political progress in the country.

All abovementioned aspects (political, social and economic), as well as military dimension of scientific research and development carried out in the system of education, allow positioning university science as an important factor of ensuring national security.

## **II. General aspects of university science**

It is well-grounded that university science is a complex and collective concept. First of all we should state its organizational and institutional heterogeneity, since one part of research projects is being carried out within the framework of universities' specialized departments, such as scientific (research) centres, laboratories, etc., when the other research and development projects are being developed by, so called, academic scientists, i.e. lecturers, working out researches according to departmental (faculty's, university's) R&D programs or within the temporary research groups on the basis of labor contracts. It is also important that university science is represented not only by academic and research staff, but students as well.

### ***1. Classification of university science's aspects basing on the character of research results.***

Depending on the character of results scientific researches can be divided to following groups:

- fundamental;
- applied;
- development.

*Fundamental* research is understood as investigation which doesn't undermine foreseeable application of results having abstract nature. It is investigating into qualitative features (cognition) and anticipating problems, phenomena and methods. It is almost impossible to conclude on the scientific and technological results of fundamental researches, that is why they pursue non-commercial goals. Research outputs are purposed for further use within the applied studies barely. Therefore budget allocations stay the main source of fundamental research's financing.

*Applied* research is a research aiming at both cognition and foreseeing of problems, phenomena and methods, and their transformation. Outputs of the studies are of quite concrete nature even they rarely practices since neither detailed description, no identification of usage conditions are developed. Generally they either restricted or patented since having commercial value, i.e. can be sold to customers. Extrabudgetary investments promotion is preferential in relation to applied studies support.

*Scientific development* includes projects purposed as on cognition, foreseeing and transformation of problems, phenomena and methods, so on their practical use as requirement. That is utilization of existing scientific knowledge and outputs of applied studies in the process of preproduction development within the projects. They are aimed at constructing, developing, generating and upgrading machinery and equipment, hardware, materials, systems and processes. Results of development projects represent detailed description and identification of conditions and outputs derived from the specific problem solution. They can be immediately used in practice. The

results represent commercial objectives and acts as an advertising and buying and selling objects. In relation to development projects it is also challenging to promote financing from non-budget sources.

## **2. Classification of scientific researches in regards to their purpose.**

When applying to *purpose* of scientific research in the system of education as classification criteria the following scientific researches and their results can be stated:

- A. Those, which aimed at scientific purposes;
- B. Those, pursuing social targets;
- C. And the ones, having economic purposes.

Researches with *scientific purposes* cover works of fundamental nature. A circle of tasks settled allows revealing new areas and results to be used in applied studies and development projects; a kind of potentiality is being created for pursuing sustained process of production improvement.

Studies pursuing *social goals* aim at satisfaction of ethic, moral, physical and other needs of workforce. Investigations purpose on ensuring better working conditions and security, improving organization of work, developing medical equipment, elaborating instruments and equipment for using in science and cultural processes, etc., i.e. the results of the work, eventually, would ensure satisfaction and joy of creative work for humans.

Besides, the research studies aimed at economic purposes involves works pursuing goals on creation and improvement of working tools, materials, technologies, consumer goods and services, exploring and mining operations. They facilitate increase in work efficiency, saving cost of production, saving investments in capital assets, and rational use of resources and raw materials, etc. Thereby they can boost productive efficiency.

## **3. Classification of researches basing on the manner of their realization.**

After *realization manner* research studies in the system of education can be divided into following:

- A. special-purpose (target);
- B. license;
- C. market.

*Target researches.* In this case particular customer finances such and such development or study on his own, and regardless quality of implemented work, became possessor of the work and results.

*License researches.* Market economy conditions make vending of license the most appropriate way for disposing scientific and technical production. It is conducted through equipment and machinery supply, new venture constructing or modernization of existing ones, human resources development, etc.

*Market researches.* Outputs of scientific process can be disposed directly on the market in a common way. Results of scientific and research work become attractive for sale when they are

successful on the market. And realization of them is carried out on terms of joint participation and profit distribution after they were transformed into the industrial production.

#### **4. Classification of researches in regards to the source of financing.**

After *source of financing* scientific researches in the system of education can be classified into the following four groups:

- A. centralized (public finances);
- B. non-centralized (finances of enterprises, firms and non-commercial organizations);
- C. own (means, earned by universities);
- D. obtained (funds of credit institutions, foreign capital, grants from international organizations and funds).

#### **5. Classification of scientific works basing on customer of researches.**

Depending on the *customer* of the research studies in the system of education they separate researches by following:

- A. interstate (international);
- B. governmental;
- C. sectoral (applied-research);
- D. initiative.

*International* researches aim as a rule at solving issues of international importance. They involve several participant states. It is typical financing those researches development through attracting foreign capital.

*Governmental* researches are the most sophisticated and important works, developed under the public bodies' order and request. As a rule they are funded through the state budget allocation, though other sources of financing are also permitted except secrecy order is fixed for restricting access to the scientific researches.

*Sectoral* researches are represented with custom-made works, developed under the order of particular enterprises or the whole branch of economy. They are targeted at solving individual and particular scientific and technological tasks, as well as at rendering scientific and technical support to enterprises and industry as a whole. This type of research projects is being funded both through budget allocations and non-budget sources.

Certain scientific and technical researches can be implemented after the own initiative of the research institutions. The *initiative* researches aim at solving tasks on local level. They should be implemented basing on the principle of self-financing, however, when matching public priorities in the sphere of science and education it is possible to obtain budget allocations for initiative projects realization.

#### **6. Classification of researches for the reasons of works completed.**

By types of works completed research projects in the system of education can be divided into following groups:

- A. scientific knowledge (new theoretical knowledge);

B. outputs materialized in objects and processes (new models of machinery, materials, new technologies);

C. functional services, not possessed features of material values (for example, studies on rational use of production capacities, consultations; analytical, expert works and so forth).

### **7. Classification of researches in regards to their executors.**

Upon criteria of research products' developer they are differentiated by following groups:

A. Research product as an output of scientific organization's activity. It is the most prevailing form, since scientific organizations concentrate material and financial resources, scientific and human capital essential for solving huge scientific and technological issues;

B. Research product resulted from the work of *temporary group of scientists* joined for pursuing scientific goals. In certain cases market economy conditions suppose solving urgent tasks on local level. This can be performed through temporary teaming-up of technical and human capital into the working unit, that is criteria of its high efficiency;

C. Scientific and research product as a result of *certain individuals' activity*. Certain participants of research process can generate ideas within the projects implemented by scientific organizations or temporary research teams. Ideas then can be further developed as independent studies bringing results of work of individual.

### **8. Impediments to progress of the science.**

Speaking about the current state of university science they can formulate its following weaknesses:

- Level of scientific specialization is not appropriate causing multitopicality and parallelism of researches conducted;
- Weak organization of interaction at inter-university and interdepartmental (inter-laboratorial) levels within the process of identical and similar (allied) scientific agenda development;
- Lack of smoothly running mechanism of specialization and cooperation within the process of huge (labor-, capital-, and science intensive) scientific projects development;
- Actual liquidation of university science planning system;
- Inadequate and inefficient financing of university science.

## **III. Reproduction of university science**

### **1. Legal basis of students research capacity building.**

Ability to carry out research studies efficiently is one of the professional competencies required from Master in Law program graduate (Master)<sup>2</sup>. As for the Bachelor in Law program

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<sup>2</sup> The Order of Ministry of Education and Science of RF of December 14, 2010, No. 1763 ["On adoption and enactment of Federal state educational standard of higher professional education on

there is no task on building students' research capacity established by appropriate federal state educational standard<sup>3</sup>.

However, national research universities vested with a right to form their own educational standards, may include research component into the Bachelor program's standard. So, according to the educational standard of the National Research University "Higher School of Economics" scientific and research activity is attributed to those types of professional activity, which is required to be possessed by Bachelor program's graduate. In compliance with the mentioned local act Bachelor is to be able to settle the following tasks when conducting research activity: participate to research studies; process legal, social, economic and other empiric information using modern information technologies; writing publications, articles and reviews on law issues.

## ***2. Integration of research with education.***

Necessity to promote high research skills during the educational process is obvious in order to form required research competences of law students in compliance with the new standards. Scientific and research work of students should become an integral part of educational process.

Improvement of law education substance in several directions is necessary to achieve the goal.

Firstly, scientific and research component should be effectively introduced into the educational process. Various forms of educational activity allowing students obtain research skills should be provided with the annual working plans. So, for example, universities having preliminary courses for applicants provide unique opportunity to form research competence of future students prior to their entering higher educational institution<sup>4</sup>.

Scientific and research component built-in the educational process means that the whole range of learning courses included into a cycle of common disciplines of certain specialization (modern law issues, comparative law) and into a cycle of program disciplines (for example, historical and law range of issues) are widely considering methods of law science.

Scientific and research panel (SRP) represents itself a unique educational place, on which students have an opportunity to accumulate initially required knowledge minimum for research activity organization. Within the framework of SRP student gets acquainted with basic "receipts of research cuisine", those are scientific information search and systematization methods, covering numerous and various sources in electronic or paper forms; basics of scientific bibliographical work; culture of quoting; annotation and abstracting techniques.

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training direction 030900 Jurisprudence ("Master" qualification (degree)] (Russ.), Bulletin of normative acts of federal executive bodies, 2011, No. 14.

<sup>3</sup> The Order of Ministry of Education and Science of RF of May 4, 2010, No. 464 ["On adoption and enactment of Federal state educational standard of higher professional education on training direction 030900 Jurisprudence ("Bachelor" qualification (degree)] (Russ.), Bulletin of normative acts of federal executive bodies, 2010, No. 26.

<sup>4</sup> Examples of the "early takeoff": research work with applicants practiced by authors at the National Research University "Higher School of Economics". MA preparation courses (budget financed) attenders are to write yearly essay, development of which becomes initial stage of future Master dissertation project for most of applicants.

“Editors’ clubs” can be created within the SRP system. They organize lessons exposing standards and the main rules of research outputs execution (firstly, in relation to the Master dissertations); typography technique for preparation of the scientific work for publication in a proper form; specifics of the scientific style of writing, and etc.

Among the directions of SRP’s activity, stipulated by the federal state educational standard, are justification of the selected topic; discussion of the project and intermediate results of research study (yearly essays, Master’s dissertation).

Concluding lessons of SRP may be also devoted to “playing in defense”, i.e. to imitation of dissertation public defense. Students cope with methods and techniques of public reporting on conducted researches, making presentations, basics of scientific expertise and acting as an opponent in the course of these lessons. They may also simulate a model of Master’s dissertation public defense, get an expression of specifics of scientific discussions, etc.

Diverse forms of students’ scientific and research work may be easily integrated into any learning course, anticipated in syllabus. Involving students into the academic and research work can be performed during lectures through reports preparation, organization of discussions on the top issues of modern theory and practice of law. In addition to that elective courses and optional classes provide greater opportunities for introducing students’ research works into the substance of educational process than other educational disciplines.

Essay writing, abstracts and other written works development in the disciplines included into the student’s individual curriculum, also improve his research skills, and for the possible extent support solving the main objective of learning that is preparation and successful public defense of degree work or Master's dissertation.

### ***3. Supplementing models of research in education.***

Besides the model of scientific and research work built-in directly into the educational process, there are other models to be implemented. Scientific and research work supplementing educational process is among them. Primary forms of the scientific work, which are research competitions, contests, scientific conferences and workshops, promote “overrunning frames of training program; personalization of education program; arranging conditions for ensuring continuous education within MA course or post-graduate study”<sup>5</sup>.

Practice of research process organization at the law faculties of the Russian higher educational institutions allows marking out a range of organizational forms of students’ scientific work supplementing educational process: annual scientific and research works competitions; reports delivered by young scientists at various scientific conferences, organized both by university and other educational and research organizations; students’ participation to research projects in a form of scientific and learning groups and “professor-students” educational teams, etc.

As a rule, diverse forms of scientific and research activity completing educational process facilitate development of students’ academic mobility.

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<sup>5</sup> See, e.g., Kukushkina V.V. *Organization of students’ scientific and research work (at MA courses)*. M., P. 13. (2012).

Besides, carrying out research projects simultaneous to educational process with involvement of students is also a way of research component organization. In this case they first of all mean collaboration of students, post-graduates and academic staff for implementing plan researches under the budget and economic contracts, grants obtained from various public (Russian Foundation of Fundamental Research, etc.) and private investors and sponsors. That also include involvement of students into realization of diverse innovative projects. The most advanced students are involved into work of scientific and research institutions, laboratories, as well as groups established in universities for working on a contract basis.

As the development progresses students' scientific and research work starts to institutionalize (for example, in the form of councils of young scientists and researchers), diversify (research work transfer to new forms of educational process realization, for example establishment of legal clinics). Adequate incentives and appropriate financial and material and technical support play an important role in this connection. Those are recording of students' scientific and research work at rating assessment of students and their teams, nomination of the most distinguished students for the public scientific stipends, personal university stipends, publication of students' works in university press, assigning the best students to scientific conferences and forums.

#### ***4. Students' research skills assessment.***

Constant control from the side of university's administration and future employers are being established for tracking the state of students' research work and its effectiveness. So, the following is established in the federal state educational standard of higher professional education in relation to the "Jurisprudence" direction (MA courses): "The wide discussions on results of research work allowing assess the level of knowledge, skills and professional competencies obtained by students should be permanently held at university with involvement of employers and leading researchers".

Formal assessment of students' research work as a part of educational process on the law faculties stays a one of the actual issues.

Students' investigation activity can be assessed as within the framework of separate training courses, so at evaluating results of research work as an independent educational cycle within the main educational program (SRP, research practice)<sup>6</sup>.

The former case assumes using opportunities provided with academic freedoms fixed legislatively, including freedom for university's academic staff to deliver subject using their own discretion and apply to own options of students' knowledge assessment. For example, they may mark the work at the final control stage, equal to the mark accumulated by students at the running control stages stipulated with curriculum (essays, abstracts, presentations, educational portfolio, etc.).

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<sup>6</sup> Assessment of students' research work, besides abovementioned cases, is also made at the final stage of state attestation, basing on public defense of Master dissertation or project. However, this item is stand apart from the subject of the article, meaning it the theme for independent research.



Thereby, professor may use accumulated during the current control mark, instead of traditional exams and final tests, when attesting students upon completing certain training courses (special courses and elective classes, mainly). This mark reflects in a certain extent research work of a student.

As for the student's research work being implemented within SRP and research practice it is harder to evaluate this. It used be done through assessing the researcher's portfolio.

Portfolio represents itself a kind of unique technology for accumulation and systematization of information, value of which, by our opinion, has not been yet properly estimated for modern educational process in Russia.

Recently appeared educational literature describes positive examples of portfolio introduction into educational process at all levels of the Russian system of education<sup>7</sup>.

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<sup>7</sup> *Modern educational technologies* / Edited by N.V. Bordovskaya, M (2010) at 155-177; Ivanov A.V. *Portfolio in elementary school*, M. (2012), 128.; Peyn S.J., Choshanov M. *Training portfolio – a new form of control and assessment of students' achievements*, School Director, (2000), No 1., etc.

#### **IV. Conclusion**

Thus organization of students' research activity becomes one of the top priority task for creating state-of-the-art competitive programs on "Jurisprudence" direction. Various forms of scientific and research activity, including scientific and research panels and scientific and research practice, are used for forming appropriate competencies of students.

Need to diversify forms of students' research activity and organizational methods assumes particular significance for settling modern up-to-date educational process.

Settling the task supposes compliance with basic organization principles of students' research work, which are the following:

- composite nature of scientific and research activity and integration of educational and research activity;
- combination of various forms of scientific and research activity conducted within syllabus with extracurricular independent work;
- promoting students' creative abilities;
- targeting innovative effect of students' research activity;
- promoting academic mobility of students;
- using academic freedoms related to organization of research work;
- effectiveness control implemented by representatives of academic society on one side and future employers from the other side;
- applying motivation and material incentives;
- etc.

Inclusion of scientific and research work into the common educational program as an independent educational cycle proposes search and introduction of new forms of students' work assessment into the teaching practice. Researcher's portfolio and scientific work (report) appraisal are among the forms of students assessment.