DEVELOPING LEGAL COMPETENCE OF SECURITY AND DEFENSE SECTOR OFFICERS IN THE MASTER’S PROGRAM

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INTRODUCTION

The legal competence of security and defense sector officers is the result of theoretical and practical training to perform their official duties in senior positions. As an integrative personal property, it covers the personal characteristics necessary for the high-quality performance of professional activity in accordance with legal norms, knowledge of legal principles and legislative acts concerning the protection of the state border, administrative and legal aspects of professional activity, professional and legal skills necessary for the performance of tasks of protecting the state border in accordance with legislative acts and the requirements of departmental regulatory documents. The depth of knowledge of certain legal norms, skills in applying the legal norms are the factors that largely characterize the professionalism of the border guard officer as a whole and are necessary for the proper performance of the law enforcement function assigned to the State Border Guard Service of Ukraine.

The requirements for a border guard officer are outlined in the regulatory legal acts regulating the activity of the border guard agency. In particular, the law of Ukraine "On the State Border Guard Service" defines legality, respect and recognition of human and civil rights and freedoms, and openness to democratic civil control among the main principles of its activities. (ON THE STATE BORDER GUARD SERVICE, 2003). The development strategy of the State border guard service for the period up to 2020 defines the need to implement European norms and standards in the activities of the border guard agency, create conditions for ensuring human rights and freedoms, and prioritize the principles of the rule of law, legality, competence and professionalism (DECISION OF THE NATIONAL SECURITY AND DEFENSE COUNCIL OF UKRAINE ON THE MILITARY DOCTRINE, 2015).

The issue of legal competence was first studied in theories of social management, social philosophy and political science. M. Weber (2018), D. Mead (2000) identified the essential characteristics of socialization, revealed the place of a person in society and in the legal continuum. The philosophical and legal direction is represented by the works of K. Apel (1999), Z. Bauman and L. Donskis (2017), who studied legal competence in connection with the socio-cultural and civilizational challenges of our time. The problems of organizing legal training and forming the legal competence of representatives of the border agency are the subject of attention of A. Didenko and I. Porkhun (2014), V. Raiko (2009), Balendr (2018, 2019), Soroka (2019) etc. Researchers identify the legal competence of a specialist with a high degree of mastering the system of legal knowledge in professional activity, formed legal skills and
practical skills of their application necessary for the legal solution of border protection problems. At the same time, the issues of developing the legal competence of specialists during their Master’s degree studies, taking into account new challenges of border security in the professional training system, and providing legal support for the activities of state border protection bodies remain unresolved.

**RESEARCH PROBLEM**

The state border guard service of Ukraine was reorganized into a law enforcement agency in 2003. By that time, the function of border protection was performed by Border Troops. The reorganization was necessary to abandon the Soviet traditions of border protection and create a border protection system on the borders of an already democratic Ukraine, focused on European experience and European principles of open borders (BALENDR et al., 2018, 2021).

Thus, the law enforcement function of the border guard agency was strengthened. The development concept of the state border guard service of Ukraine until 2015 stipulated that the border guard agency should be a modern European-type border service, a special-purpose law enforcement agency, with its activities based on the basic standards of the European Union in the field of border management (THE LAW OF UKRAINE ON THE CONCEPT OF DEVELOPMENT OF THE SBGSU, 2006).

According to paragraph 6 of Article 18 of the law “On national security of Ukraine”, the State Border Guard Service is a special-purpose law enforcement agency that implements state policy in the field of security of the state border of Ukraine and protection of its sovereign rights in the exclusive (maritime) economic zone (THE LAW OF UKRAINE ON THE NATIONAL SECURITY, 2018). The development strategy of the state border guard service for the period up to 2020, adopted on November 23, 2015, also defines the need to implement European norms and standards in the activities of the border agency. Among the important tasks of the border guard agency’s development, the need to ensure human rights and freedoms and develop cross-border cooperation is pointed out. Consequently, the professional activity of law enforcement agencies is of a law enforcement nature, which is defined in legislative acts and regulatory documents. Today, the activities of the state border guard service are guided by the models of the European-type border service - a law enforcement agency whose activities should be based on unconditional respect for the law. This is what determines the importance of proper legal training of future border guard officers and the formation of their professional legal competence. Given this, the purpose of the article is to describe the ways of developing the legal competence of border guard officers during their Master’s degree studies.

**RESEARCH METHODS**

To study the ways of forming the legal competence of officers of law enforcement bodies during their Master’s degree studies, the literature on the problem was worked out, the scientific apparatus of research was clarified, and scientific and methodological positions were determined. In particular, based on the analysis of scientific sources, the essence, content and structure of the legal competence of border guard officers are clarified, criteria, indicators and levels of its development are worked out, and based on the results of studying scientific and pedagogical literature, educational and professional programs, job descriptions, its components and ways of development are determined. It was important to organize an experimental test of the model and pedagogical conditions for the development of legal competence in border guard officers during their Master’s degree studies.

The formative stage of the pedagogical experiment lasted from September 2018 to May 2019 on the basis of the National Academy of the state border guard service of Ukraine (Khmelnytskyi) with officers who were trained at the Master’s level in the specialties “State border security”, “Military administration (by types of armed forces)”, “Automobile transport”. A total of 86 officers were involved in the formative stage of the experiment. Various methods were used to study the state of development of the components of the legal competence of officers. In particular, the survey and written survey helped to find out the development of the personal component, in particular the motivation to study legal issues of state border security, the legal value orientations of officers, the ability to take responsibility, and the willingness to
work on improving their level of legal competence. In turn, the interview and written survey were necessary to find out the level of development of the cognitive component of legal competence, that is, knowledge of basic concepts of legal aspects of ensuring the national security of Ukraine in the border sphere. The oral and written survey helped to find out how officers understand the legal basis of administrative and operational search activities of state border protection bodies, the specifics of criminal procedure activities, and how they are able to interpret the main provisions of national and international law on state border protection. Professionally-oriented tasks allowed us to determine the development of the activity component, first of all, the ability of officers to solve complex specialized tasks and practical problems of security of the state border section, to apply normative legal acts, legal norms in specific areas of professional activity, as well as the ability to make informed legal decisions in accordance with current legislation, work with information sources on legal issues.

Using these methods, the necessary measurements of the development of legal competence of officers were carried out. It was found out that although officers understand its importance and role for the successful implementation of the tasks of professional border protection activities, they are not sufficiently aware of the latest challenges of border security, and they cannot always properly apply the provisions of national and international legislation on specific law enforcement situations at the state border. It is urgent to form a holistic vision of the importance of law and a high level of legal competence for the effective implementation of tasks related to the protection of the state border. It was also found out that the content and operational component of the educational process at the Master’s level has an appropriate resource for the development of legal competence, but does not always provide an optimal level of its development.

**RESEARCH RESULTS**

The development of legal competence of border guard officers should be considered as a scientifically based system for organizing and stimulating the educational and intellectual activities of border guard officers, purposeful, systematic pedagogical influence in order to expand their information and legal space, qualitative changes in all components of legal competence. Important methodological approaches to the organization of work on the development of legal competence of officers should be *competence-based*, according to the requirements of which it is necessary to determine the necessary learning outcomes and organize the educational process. Subject to the requirements of the system approach it is necessary to logically build the process of developing the legal competence of border guard officers. Value of the activity approach is due to the fact that the development of legal competence of management officers occurs in the conditions of educational activity, when activity is the basis, means and condition for effective involvement of officers in active knowledge. According to the requirements of the person-oriented approach, it is necessary to take into account the importance of proper cooperation between all participants in the pedagogical process, maintaining the cognitive activity of officers, taking into account their personal needs, and promoting personal development. Among the principles of organization of work on the development of legal competence of an officer, the principles of objectivity, scientific nature, priority of independent training, connection with practice, use of officers’ service experience, openness, contextuality, continuity, facilitation, communicative partnership and cooperation are important.

In addition to general theoretical approaches and principles, the best practices of scientists in this area are also taken into account to determine the pedagogical conditions for the development of legal competence of officers. It was found out that the researchers firstly point to the content component of professional training plays an important role. In particular, A. Hetman, A. Danylyan, A. Dzeban emphasize that knowledge about the essence, nature and interaction of legal phenomena, mechanisms of legal regulation, and the legal field of the state is important for a lawyer (HETMAN et al., 2012). It is important to note that the actual law enforcement nature of the professional activity of a border guard officer requires a deep knowledge of the main provisions of European and international legislation on the movement of people and other issues related to the border sphere.
For the development of legal competence of officers, it is also important to take into account the nature of presenting and obtaining legal information in modern conditions. Among the forms of legal information, there are legal practice, legal advice, direct reading of laws and legal literature, informal interpersonal communication on legal topics, information in the mass media, and the Internet. Information by mass communication and via the Internet is updated taking into account the conditions of studying for a Master’s degree, they are one of the most acceptable and effective ways to replenish legal knowledge (BALENDR et al., 2019).

Additionally, researchers point out the importance of using information resources of global computer networks. Today, information technologies have a significant impact on the formation of legal awareness and legal competence of specialists. In the conditions of insufficient amount of necessary legal literature to meet the interest in legal knowledge, legal information, and the need for legal literature, it is modern information technologies that become an important source of legal knowledge (AKULSHIN, 2015). In general, the analysis of scientific literature has shown that in order to develop the legal competence of security and defense sector officers during their Master’s degree studies, it is important to introduce the following pedagogical conditions: enriching the content of training with actual problems of legal support of the activity of state border protection bodies and the latest threats and challenges to border security; modeling and solving practical problem-based situations of professional activity for officers to learn the skills to make legally based management decisions on state border protection; the use of online services, digital databases and online tools for officers to master the skills of obtaining up-to-date legal information; pedagogical support of self-educational activity of officers to study the legal aspects of border protection (SOROKA et al., 2019).

According to these positions, for training officers of experimental groups the necessary educational and material support was developed, primarily materials for a special course, professionally directed tasks, materials for classroom and independent work. A special course “Actual problems of legal support for the activities of state border protection bodies and the latest threats and challenges to border security” was conducted. The purpose of the course was to provide students with theoretical and practical knowledge on the legal support of the activities of the state border protection bodies, the latest threats and challenges to border security. Students’ learning at the special course was carried out in compliance with the principles of science, consistency, integrity, etc. It was planned to study such topics as “Theoretical and methodological foundations of legal support for the activities of State Border Protection bodies”, «Legal support in the border security system», «Conceptual foundations of legal support for the company’s activities State Border Protection agencies», «Information threats to the border security of Ukraine», «Legal support for countering globalization challenges to the border security of Ukraine» and others. The potential of group lessons was mainly used, as they allow to combine different types of activities, types of educational work, use the personal potential of officers, work out various types of professionally directed tasks.

According to the second pedagogical condition, teachers offered officers problematic tasks for making managerial decisions during the organization of daily activities in the area of responsibility of the border service departments, determining the staff and means of the border service departments, taking special measures to search for offenders, protecting the state border in emergency conditions, localizing crisis situations, etc. On the basis of problem approach, teachers modeled practical situations of professional activity of the border guard. In particular, the officers performed a task that provided for determining the order of their actions based on the initial situation in relation to offenders, taking into account the available forces and means, modeling the actions of offenders. Officers had to justify their decisions based on the requirements of regulatory documents, determine what the risks of a possible situation might be, and limit time and resources. Variants of the method of analyzing specific situations also included solution of specific problems (analysis method), incident analysis (incident method), conflict analysis (conflict method), etc. These methods helped to develop officers' skills of analysis and professional and legal thinking, evaluating alternative options in conditions of uncertainty. Taking into account the third pedagogical condition the teachers focused their attention based on the ability of officers to work with information resources - documents in information systems. The officers worked with information sites, portals and an internet services, thematic sites, that contained materials from various branches of law (an
electronic course of lectures, a website for testing, evaluating knowledge, etc. Alongside with the cultural and educational sites, teachers invited officers to get acquainted with virtual libraries, collections of essays and other scientific papers, electronic publications and websites of traditional newspapers, virtual magazines and newspapers.

To practice their skills in working with search engines, officers prepared reports on such topics as “Criminalistics in the activities of State Border Protection Agencies”, “Changes in legislation on border issues”, “International law on border issues”, etc. To do this, officers had to perform a search on the proposed topic, process and systematize the collected material, analyze the websites of individual resources, transform and summarize the search results in the form of a presentation, describe the results of the research performed, and discuss the results obtained in a group. In turn, the “Web quest” technology helped motivate officers to search for information, update knowledge gained from other information sources, and perform such types of individual work as presentation and participation in a chat. In general, the potential of modern technologies and their integration with classical methods was widely used in the educational process. With the help of internet resources, officers better assimilated information about legislation and legal norms, studied legal literature, and established informal interpersonal communication on legal topics.

In order to develop the legal competence of officers, it was also organized pedagogical support of their self-educational activities in the study of legal aspects of border protection. For this purpose, training and methodological support was developed to support the self-educational activities of officers, which contained methodological informational training materials and methodological training materials. It was taken into account that for the formation of self-educational skills, first of all, various types of independent work are important, in particular, the choice of literature, the preparation of abstracts, the abstraction of what has been read, and the preparation of reports. To increase the motivation of border guard officers for self-educational activities, teachers, taking into account their professional and cognitive interests, offered them a variety of professionally directed tasks that provided for the work of officers with scientific sources. Teachers paid attention to their ability to justify their opinions, distinguish between dubious and convincing evidence or judgments. In some cases, teachers asked officers to briefly reveal the main idea of the book in writing, refer to or explain the content of the book during a conversation. Teachers attached great importance to the ability of officers to draw up a text plan, that is, to structure, to make a critical analysis of the opinions expressed.

Performing such tasks, officers improved their ability to model and solve problem situations – to determine the essential, causes and consequences, the subject of reasoning, classify, and prove their reasoning. Officers practiced the skills of recognizing various types of information, its critical understanding, determining practical significance, separating basic information from secondary information, planning and organizing work with information. Performing such tasks led officers to gain experience in self-organization and self-management, primarily achieving educational and self-educational goals, generalizing and systematizing knowledge. In addition to the importance for professional activity, increasing the cognitive activity of officers, such work helped to develop their analytical skills and creative thinking. In general, for the development of self-education abilities, improving the level of professional and legal knowledge during experimental work, the main attention was focused on mastering officers’ methods of obtaining knowledge and skills of rapid orientation in databases, possession of the means of organizing self-education activities. The main means of self-education of officers was independent study of legal literature, normative legal acts, as well as research activities. Systematic independent cognitive activity contributed to the expansion of officers’ knowledge about the legal aspects of border protection, development of their cognitive interest in legal issues of a professional nature.

CONCLUSIONS
After conducting experimental work, the expediency and effectiveness of introducing pedagogical conditions for the development of legal competence of officers was determined. At this time, the same research methods were used as at the beginning of the experiment. In particular, regarding the development of the personal component of legal competence, it was
found that among the officers of the experimental groups, there were 12.12% more those who emphasized its importance and importance for their professional activities. They were also able to answer more thoroughly the question that an officer needs to work on improving the level of legal competence, pointed out the importance of getting acquainted with the latest changes in legislation, current issues of legal security of the state border. According to the results of a written survey on the development of legal values among officers of experimental groups there were identified 9.74% more of those who were able to reveal the civilization significance of law at the optimal level, explain the need for an orderly cohabitation of people, the importance of laws, and the need to comply with the laws of the state. According to the results of officers' performance of professionally directed tasks, it was revealed that 47.72% of officers in experimental groups were able to perform these tasks at an optimal level. They managed to reveal the essence of the concept of "legal support more thoroughly for the activities of state border protection bodies", assess and analyze the professional situation from the point of view of normative legal acts, characterize legal phenomena and situations, and predict possible legal consequences of certain actions. In the control groups were found 28.57% of the participants.

Regarding the development of the theoretical component of legal competence, based on the results of interviews, testing, and a written survey, it was found out that the officers of the experimental groups are more thoroughly familiar with the essence of such concepts as "National and border security", "National interests and national security", "National border security system", "Key global threats to border security". They were able to explain such concepts as "protection of the state border of Ukraine as a component of the national border security system", "hybrid warfare" as the latest form of asymmetric threats to the territorial integrity of the state" at an optimal level (43.18%). Among Control group officers were only 38.05% of officers. Officers of the experimental groups were able to explain the essence of the legal basis of administrative and operational search activities mainly at the optimal (45.45 %) and average (50.0 %) levels. They identified the relationship of phenomena, argued opinions and gave examples, were able to explain the main categories of legislation on administrative liability for violation of the state border, the norms of administrative procedure legislation in the activities of the Head of the state border protection body, the principles of proceedings in cases of administrative offenses of border legislation. Among the officers of the control groups, there were 35.71% and 38.09% of them, respectively. A similar situation was also confirmed by a test survey on the legal basis of administrative and operational search activities of the state border protection body.

Significant changes were found among officers of experimental groups and in the development of the practical component of legal competence. Based on the results of performing professionally-oriented tasks, officers of the experimental groups were able to complete this task at the optimal (40.91 %) and average (45.45 %) levels. They managed to describe their actions in relation to a criminal offense in a versatile way in accordance with regulatory legal acts, as well as draw up a message (Information Map) about a criminal offense. Among the officers of the control groups, these data were 26.19% and 30.95%, respectively. Similar results were obtained for officers to perform a professionally oriented task of making informed legal decisions in accordance with the current legislation. As it turned out, according to the initial data, 38.63% of officers of the experimental groups and only 28.57% of officers of the control groups were able to draw up an interrogation plan and a detention protocol without factual and legal errors. Most of the control group officers required serious preliminary training and study of regulations to complete this task. In general, according to the results of the pedagogical experiment, it was found out that the officers of the experimental groups have a predominantly optimal (47.73 %) and average (45.45%) levels of legal competence. In the control groups these data were 33.33% and 38.10%, respectively. In these groups the number of officers who have an initial level of development of legal competence, in comparison with experimental groups, much more and is 28.57 % (21.75% more than in experimental data). The obtained results showed that for the development of legal competence of officers, the following methodological recommendations are important:

1) compliance with the requirements of competence, system, activity and personality-oriented approaches, as well as the priority of independent training, connection with
practice, use of service experience of officers, the principle of openness, contextuality, continuity, facilitation of communicative partnership and cooperation;

2) Organization of a special course "actual problems of legal support for the activities of State Border Protection bodies and the latest threats and challenges to border security" for covering of actual problems of legal support of activities State Border Protection agencies, the latest threats and challenges to border security;

3) deepening officers' knowledge of the strategy and legislation of the European Union on the activities of the border and coast guard;

4) modeling practical situations of professional activity on the basis of problems to develop the ability to make legally justified management decisions on the organization of state border protection; 5) use of various methods for analyzing specific situations, in particular solving specific problems (method of analysis), incident analysis (method of incidents), conflict analysis (method of conflicts), etc.;

5) the use of information and search programs that allow officers to practice the skills of searching for the necessary legal information;

6) using the potential of various genres of virtual communication, in particular e-mail, blog, chat, forum, social networks;

7) working out the skills of working with search engines to find legal information;

8) using the "web quest" technology to motivate officers to search for information, updating knowledge obtained from other information sources;

9) creating conditions for independent work of officers with regulations and sources;

10) formation of self-educational skills and skills of officers during various types of independent work (selection of literature, preparation of abstracts, rendering of what has been read, preparation of reports), etc.

Prospects for further research encompass studying the conditions for creating an educational (legal) environment in an educational institution that would contribute to the development of legal attitude and formation of professional and legal values; ensuring readiness of teachers to develop legal competence of border guard officers, etc.

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Abstract

Researchers consider the development of legal competence as a scientifically based system of organizing and stimulating the educational and intellectual activities of officers, purposeful, systematic pedagogical influence in order to expand their information and legal space. To develop the legal competence of security and defense sector officers the content of their professional training includes consideration of current problems of legal support for the activities of State Border Protection bodies and the latest threats and challenges to border security. It is proposed to model practical situations based on the professionally oriented problems for officers to learn the skills to make legally justified management decisions on the protection of the state border; to use online services, digital databases and online tools for officers to master the skills of obtaining up-to-date legal information; to provide pedagogical support for self-educational activities of officers to study the legal aspects of border protection.

Resumen

Reseñas considera el desarrollo de competencia jurídica como un sistema científico basado en la organización y estímulo de las actividades educacionales e intelectuales de los oficiales, influencia pedagógica propuesta y sistemática, a fin de ampliar sus información y espacio jurídico. Para desarrollar la competencia legal de los oficiales del settor de seguridad e defensa, el contenido de su formación profesional incluye consideración de los problemas atuais de apoio jurídico às atividades dos órgãos de Proteção de Fronteiras do Estado y as más recentes ameaças e desafíos à segurança nas fronteiras. Propõe-se modelar situações práticas como base nos problemas profissionalmente orientados para que los oficiales adquieran las habilidades para tomar decíssões de gestão legalmente justificadas sobre a proteção da fronteira estadual; utilizar serviços online, bancos de dados digitais e ferramentas online para que os oficiais dominem las habilidades de obtención de informações legais actualizadas; para dar suporte pedagógico às atividades autoeducativas dos oficiais para estudar os aspectos legais da proteção das fronteiras.

Palavras-chave: Competência jurídica. Desenvolvimento. Oficiais da guarda de fronteira. Proteção de fronteiras. Condições pedagógicas.

Keywords: Legal competence. Development. Border guard officers. Border protection. Pedagogical conditions.

Palabras-clave: Competencia jurídica. Desarrollo. Oficiales de la guardia de fronteras. Protección de fronteras. Condiciones pedagógicas.