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ҚОЖА АХМЕТ ЯСАУИ АТЫНДАҒЫ  
ХАЛЫҚАРАЛЫҚ ҚАЗАҚ-ТҮРІК УНИВЕРСИТЕТИ

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## STRUCTURE AND FUNCTIONS OF FORMING LEGAL COMPETENCE IN THE EDUCATIONAL PROCESS OF PROFESSIONAL TRAINING

This paper discusses aspects related to the formation of professional and legal competence in the process of scientific and educational process of training bachelors of engineering and technical profile. A modern professional should be not only qualified literate, but also socially competent, and also often legally literate, be able to coordinate, manage and obey himself, resolve conflicts and be able to make decisions within the existing legal framework, etc. For this, it is advisable for a future bachelor know legislative and other regulatory legal acts, be able to use them productively in practical professional work. Purpose of the study: to determine the essence and properties of the structural components of the formation of legal competence of bachelors in the process of vocational training. When solving particular problems of theoretical research, methods were comprehensively used such as analysis of methodological, philosophical, sociological, psychological, pedagogical literature on the problem of research, study of legislative and regulatory acts on higher education and the functioning of technical institutions, synthesis and generalization of information received on subject of research. The structure of legal competence, as well as objective and subjective properties of legal competence are revealed. Legal competence is presented as a complex, integrative education, consisting of a complex system of knowledge, abilities, skills and individual qualities of a future bachelor of engineering and technical specialties. Moreover, the content of legal knowledge should be adequate to the professional activity of the future bachelor, and only if this condition is met this knowledge will contribute to the improvement of his legal competence.

**Keywords:** competence; educational process; legal competence; legal training; professional activity; formation of legal competence.

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## Кәсіби оқыту процесінде құқықтық құзіреттілікті қалыптастырудың құрылымы мен функциялары

Бұл жұмыста инженерлік-техникалық бағыттағы бакалаврларды даярлаудың ғылыми және оқу процесінде кәсіби және құқықтық құзіреттіліктің қалыптасуымен байланысты аспектілер қарастырылған. Заманауи маман тек кәсіби сауатты ғана емес, сонымен бірге әлеуметтік сауатты, сонымен қатар заң жүзінде сауатты болуы, еңбекті ұйымдастыра және басқара білуі, өзіне бағынуы, қақтығыстарды шешіп, қолданыстағы заңнама аясында шешім қабылдауға қабілетті болуы керек. Бұл үшін болашақ бакалавр заңнамалық және өзге де нормативтік-құқықтық актілерді білуі, оларды практикалық кәсіби қызметте тиімді қолдана білуі қажет.

Зерттеу мақсаты: кәсіптік оқыту процесінде бакалаврлардың құқықтық құзіреттілігін қалыптастырудың құрылымдық компоненттерінің мәні мен қасиеттерін анықтау. Теориялық зерттеудің нақты мәселелерін шешу кезінде зерттеу, зерттеу мәселесі бойынша әдістемелік, философиялық, әлеуметтанулық, психологиялық, педагогикалық әдебиеттерді талдау, жоғары білім және техникалық мекемелердің қызметі туралы заңнамалық және нормативтік актілерді зерттеу, алынған ақпаратты жалпылау және ғылыми әдістер жан-жақты қолданылды. Құқықтық құзіреттіліктің құрылымы, сондай-ақ құқықтық құзіреттің объективті және субъективті қасиеттері ашылды. Құқықтық құзіреттілік болашақ инженерлік-техникалық мамандықтар бакалавры білімінің, қабілеттерінің, дағдыларының және жеке қасиеттерінің кешенді жүйесінен тұратын кешенді, интегративті білім ретінде ұсынылған. Сонымен қатар, құқықтық білім мазмұны болашақ бакалаврдың кәсіби қызметіне сәйкес келуі керек, егер бұл шарт орындалса ғана, бұл білім оның құқықтық құзіреттілігін жетілдіруге ықпал етеді.

**Кілт сөздер:** құзіреттілік; білім беру процесі; құқықтық құзіреттілік; құқықтық дайындық; кәсіби қызмет; құқықтық құзіреттіліктің қалыптасуы.

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## Структура и функции формирования правовой компетентности в образовательном процессе профессионального обучения

В данной работе рассматриваются аспекты, касающиеся формирования профессионально-правовой компетентности в процессе научно-образовательной подготовки бакалавров инженерно-технического профиля. Современный профессионал должен быть не только квалифицированно грамотным, но и социально компетентным, а ещё часто – юридически грамотным, ему необходимо уметь координировать, управлять и самому подчиняться, разрешать конфликты и уметь принимать решения в рамках существующей законодательной базы и т.д. Для этого будущему бакалавру целесообразно знать законодательные и иные нормативно-правовые акты, уметь продуктивно использовать их в практической профессиональной работе.

Цель статьи – определить сущность и свойства структурных компонентов формирования правовой компетентности бакалавров в процессе профессионального обучения. При решении частных задач теоретического исследования были комплексно применены такие методы, как анализ методологической, философской, социологической, психологической, педагогической литературы по проблеме исследования, изучение



законодательных и нормативно-правовых актов о высшем образовании и функционировании учреждений технической сферы, синтез и обобщение полученной информации по предмету исследований. Раскрывается структура правовой компетентности, а также объективные и субъективные свойства правовой компетентности. Правовая компетентность представляется как сложное, интегративное образование, состоящее из комплексной системы знаний, умений, навыков и индивидуальных качеств будущего бакалавра инженерно-технических специальностей. Более того, содержание правовых знаний должно быть адекватно профессиональной деятельности будущего бакалавра и только при соблюдении данного условия эти знания будут содействовать совершенствованию его правовой компетентности.

**Ключевые слова:** компетентность; образовательный процесс; правовая компетентность; правовая подготовка; профессиональная деятельность; сформированность правовой компетентности.

### **Introduction**

In a civilized society, education is an important aspect and plays a key role in the life of every person in all spheres of his activity, as it determines his future and the future of the country in which he lives [1; 2; 3; 4; 11].

The majority, crossing the threshold of a higher educational institution, reasonably expect that the teaching staff who will lead the educational process will give them high-quality knowledge, applying which in the future engineers will be highly educated, capable of qualified growth. Moreover, their activity we will be focused on the subsequent socio-economic and cultural development and well-being of the Republic of Kazakhstan.

A modern professional engineer should not only be qualified, but often competent, but also legally competent, be able to coordinate, manage and obey himself, manage and obey himself, resolve conflicts and make decisions within the framework of the existing legislative framework, etc. For this, the future bachelor needs legislative and regulatory acts, to be able to apply them in practical professional work. Moreover, the modern professional standard of any specialist requires him to know the norms of norms, i.e. the future bachelor must be competent from a legal point of view [5; 6].

Thus, the need to ensure a high-qualified culture of students places high demands on the graduate. Its significant structural component is regulatory competence, which resolves the argument reasonably and effectively, from a legal position, professional tasks that correspond to all areas of activity of a graduate of a technical faculty of a university. The current practice of legal training of a future bachelor at a university does not allow the formation of an appropriate range of skills that are critically sufficient for effective employment and socialization of a graduate to modern production. Therefore, the factors relating to the legal training of bachelors, namely the identification of the characteristics and characteristics of legal training, requires elaboration. In addition, this objective demand, in turn, determines its special significance, scientific research and applied importance.

The objects of research are the structure of legal competence of bachelors and the properties of its elements.

Purpose of the study: to determine the essence and properties of the structural components of the formation of the competence of bachelors in the process of qualified training.

The subject of the research is the study of the structural elements of the process of forming competence in the organization of training bachelors of engineering and technical profile.

### **Methods**

The methodological basis of the research during this research was the general theoretical ideas about the unity of theory and practice, about the impact of socio-economic conditions on personal development. Also considered were the fundamental studies on the psychology of educational

activity and professional pedagogy, which were reflected in the scientific works of V.P. Bepalko, L.S. Vygotsky, A.N. Leontyev, N.F. Talyzina, A.N. Fominov, A.M. Stolyarenko and others. In addition, when solving specific problems of theoretical research, methods such as analysis methodological, philosophical, sociological, psychological, pedagogical literature on the problem of research, the study of legislative and regulatory documents on higher education and the functioning of technical universities, synthesis and generalization of information obtained on the subject of research [7, p. 49; 8, p. 101]. During the study, we analyzed the work of science teachers in the field of theory and teaching methods. Questions of the formation of competence are reflected in the scientific works of Musalimov T.K., Berkimbaev K.M., Maigeldieva Sh.M. [10; 16; 17; 18].

### **Results**

In a broad sense, the term competence it is interpreted as an integral characteristic that determines the ability to solve professional problems and tasks that arise in a specific situation of professional work.

Legal competence it is understood as the qualitative orientation of the individual, which expresses the totality of competencies in the legal area of knowledge, and value orientations, reflecting the degree of development of legal ideas [6; 9, p. 75; 10].

Modern society sets the following requirements in the field of legal knowledge:

- Knowledge and compliance with legal standards;
- Knowledge and observance of labor law;
- Knowledge and observance of administrative law;
- Knowledge of environmental requirements;
- Knowledge and observance of normal rights, etc. [11].

The main component in the content of the formation of the legal competence of a future bachelor is the presence of the necessary amount of knowledge in the field of law, as well as the ability to use this knowledge. Possession of legal culture implies the presence of legal competence in the process of certain activities.

We will be able to have successfully form legal competence as one of the necessary professional qualities of a future bachelor in the presence of the following conditions:

- Know your personal legal status and the legal status of fellow-partners in professional activities;
- The skills of the future bachelor in the implementation and protection of their rights and interests, and respect for the rights and interests of persons in professional activities;
- Be able to apply the acquired practical knowledge in future work.

Competencies can be grouped as follows. Specific areas of study are those that cover a subject area. Applicable to all is universal [12, p. 451; 15].

Legal competence is a socio-cultural property of an individual, interpreted in the relationship of competencies in the legal field of knowledge; the ability to exert an active influence on the mechanism of improvement and self-knowledge, which makes it possible to perform social and value functions in society, to warn and prevent illegal manifestations of behavior.

The interest in the specialty, the future sphere of professional activity should be system-forming in professional education. The postulate of professional orientation should permeate the entire content of the educational process [13]. Well then, the requirement of a professional orientation, like no other principle, provides for the implementation of the general scientific principle of the unity of theory and practice. For the competent solution of modern professional problems, the need for knowledge from various fields of science we is actualized. This determines the requirement for the integration of vocational education [9, p. 73; 10; 17]. Due to the fact that legal competence is an integrative personality trait, embodied in the sum of competencies in the field of legal knowledge, which allows performing social and value functions in society and the team, as well as predicting and preventing the consequences of illegal behavior, the structure of the legal competence of a future bachelor can be shown in the form of Table 1.

**Table 1 – Structure of legal competence**

<i>Axiological</i>	<b>LEGAL COMPETENCE</b>	<i>Cognitive</i>
<i>Communicative</i>		<i>Reflective</i>

Acting as an individual subject of professional work in the sphere, a future bachelor, gives is a social subject, that is, a bearer of social knowledge and values. In this regard, the personal classification of a bachelor invariably combines four planes of axiological, cognitive, communicative and reflective. In this case, the second his considered in two more directions: general cultural knowledge and subject-professional.

As a separate subject of professional work, a student of an engineering and technical orientation is it considered a social subject who owns public knowledge and values. For this reason, axiological, cognitive, communicative and reflexive planes are always associated with an individual trait of the student. In addition, cognitive, is it considered by two methods: general cultural knowledge and subject-professional knowledge. In the process of research work within the framework of the formation of the legal competence of future bachelors of a technical profile, we have determined the composition of actions. These actions were divided into four groups:

- Motor;
- Cognitive (gnostic) influences, which include the effects of perception, fantasies and regular actions;
- The impact of interpersonal communication;
- Impacts to harmonize efforts.

Professional work is it designated depending on the goal: gnostic (cognitive), the task of modification or study, and the second and third goals are associated with identifying difficulties and finding fresh paths and methods for solving it. Transformative work relates to any class of things, phenomena, processes and people. Accordingly, legal work implies the subject's ability to predetermine, solve both professional and legal issues, and be able to find ways to solve problems and problems.

With regard to the third factor, from our point of view, the inclusion of legal competence as an integral part of the structure of the subjective properties of competence seems relevant.

The structure of the objective and personal qualities of the future bachelor's legal competence can be represented by the following data blocks:

- Subjective properties include the individual abilities of the future bachelor and his qualities, which determine his capabilities, legal skills and knowledge of both a general nature and the professional sphere (independent work with legal documents and the ability to extract appropriate information, the implementation of professional activities based on legal norms, etc.).
- Objective properties include a set of theoretical and methodological knowledge and skills, sufficient for the implementation of professional activities.

**Table 2 – The structure of the subjective properties of legal competence**

<b>OBJECTIVE</b>		<b>SUBJECTIVE</b>	
<i>Legal knowledge and skills</i>	<i>Professional knowledge and skills</i>	<i>Legal Preferences</i>	<i>Personality traits (student)</i>

In our research, we proceeded from the understanding of professional competence as a systemic and complex property of a student's personality, which characterizes the depth of his awareness in the legal and legislative areas of knowledge, professional skills, personal experience and education of a future bachelor, aimed at prospects, self-confident and capable achieve the

necessary positive results and quality in professional activities. At the same time, M.Ye. Polyakova believes that «legal competence is an integral education of his personality, showing his readiness to solve problems that require legal knowledge, as well as to use them in professional activities» [14].

Consequently, the legal competence of a bachelor of a technical profile is the result of education and study, including a complex of legal knowledge, skills and abilities of law enforcement, formed competence, readiness to interact with state and law enforcement bodies of society.

Legal competence includes the following components: motivational-value, cognitive, communicative and reflective (Table 3).

**Table 3 – The structure of legal competence**

<b>Legal competence</b>			
<i>cognitive</i>	<i>motivational value</i>	<i>communicative</i>	<i>reflective</i>
↓	↓	↓	↓
<i>Be able to apply legal knowledge</i>	<i>The motive for achievement professional activity</i>	<i>Communication</i>	<i>Self-expression, self-realization</i>

The cognitive component includes a set of scientific, theoretical and practical knowledge about human rights, responsibilities and ways to protect them, as well as the legal framework for doing business, patenting, participation in solving issues (labor, environmental, civil, administrative, etc.).

Legal knowledge can be reflected in two aspects: firstly, as a primordial philosophical discipline that studies law from the point of view and as part of the corresponding integral philosophical system or system of historical and philosophical developments. Secondly, as an integral part of jurisprudence, a philosophical and legal field of knowledge, when the general theoretical development of legal material is it implemented.

In this case, the second direction of improving legal knowledge appears to be very relevant, since legal knowledge is predetermined from the point of view of socio-cultural reality, relationships and actions of people. The level of formation of the cognitive component is it guided by the completeness, depth, consistency of knowledge in the field of generally recognized legal rules.

The motivational-value component includes tasks, goals, needs for professional training of the future bachelor, his improvement, self-development, personal development. Also, attitudes based on the actualization of values in professional activity and everyday life.

In the process of training legal disciplines, future professionals should acquire an understanding of the following legal values and apply in the process of their activities:

- to know the law, to understand its meaning;
- respect human rights and freedoms;
- respect the rules and regulations;
- equality of people before the law;
- respect national rituals and culture, universal human values;
- civil liability;
- be able to behave in difficult legal situations;
- readiness for a reasonable compromise;
- tolerance, etc.

A value system is generally recognized measures (norms) formed in society, which are the highest expression of a value system. The difference between values and generally accepted measures lies in the fact that values are abstract, general concepts, while generally accepted norms are criteria or the main foundations of behavior for people in situations of a certain kind.

The value system formed and established in society plays a huge role, since it affects the content of norms. While all norms reflect social values, many norms have existed longer than the conditions that gave rise to them. Unlike norms, whose influence is easy to replace in everyday behavior, values are sometimes more difficult to identify. Human rights are a universal value that allows changing all the most important phenomena and events taking place in society and in the world. The content of a specific value is it revealed through a system of ideas. This idea is the highest value – dignity and human rights as a consolidating principle of the moral and legal orientation of society. In human rights, the complementarity of law and morality develops in relation to the reproduction and protection of the universally significant values of civilized activity and human communication. Aristotle in his work «Rhetoric» wrote about such values as common to all, recognized as such by all peoples, even if there is no connection between them and no agreement regarding this.

From this, it follows that we can say that human rights are an ethical and legal structure, thereby emphasizing the coexistence of legal and ethical elements here. Thus, it is can be argued that human rights are an indispensable component of a general moral approach to a person, an attitude towards him as an independent person, free and equal.

Therefore, at the first stage, it is necessary to become familiar with the fundamental principles of professional work, the student's awareness of the possibilities and methods of obtaining legal advice, mastery of the basic methods of legal work.

The formation of a motivational-value component in bachelors begins with the assignment of value by a person, that is, the formation of a value attitude towards law and legislation takes place. The second stage is a reassessment of values, understanding of one's own space and role in the world. The image «I am a citizen who respects the law» it is formed, through which he predicts his future. This is level is characterized by the building of a hierarchy of values and a life perspective – the «image of the future». This image combines knowledge of human rights and freedoms and the characteristics of an individual as a professional and competent worker.

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### **Conclusion**

Considering the structure of legal competence as a single system of its components, it is quite possible to assess the level of its formation in such aspects as:

- The use of legal knowledge (in the field of human and civil rights) in solving professional situations, justified presentation of opinions on the basis of generally recognized legal norms and legislation (cognitive component);
- A productive role in communication, tolerant perception of another person (communicative components);
- Adequate conceit, correction of personal behavior, influence on the opinions of others (reflexive component).

These aspects of assessing the formation of legal competence are the starting point for determining the levels of development of this quality among university students.

Therefore, the educational system should be aimed at forming the legal competence of the future bachelor, in particular:

- Be responsible, law-abiding, observe the rules of welfare and the position of society;

- Master the basic social abilities and skills, practical skills in the field of public relations;
- Social activity in society, rapid change of socio-economic roles;
- Be able to defend their rights, take part in the development and work of social organizations;
- Tolerance, tolerance for outside views, the ability to conduct a conversation, identify the necessary compromises;
- Know the basic legal norms and be able to use and apply the possibilities of the country's legal system.

Legal competence consists of four basic components: motivational and value; cognitive; communicative; reflective. These postulates together determine the level of formation of the legal competence of university students. At the same time, the content of legal knowledge should be adequate to the professional activity of the future bachelor, and only if this condition is met; this knowledge will contribute to the development of their legal competence.

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