

КРИМІНАЛЬНЕ ПРАВО, КРИМІНОЛОГІЯ, КРИМІНАЛЬНО- ВИКОНАВЧЕ ПРАВО

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POSITIVE EXPERIENCE OF USING TECHNOLOGIES OF DISTANT EDUCATION

The article deals with the distant education as a component of educational process at a higher school. Domestic and foreign experience of using distant teaching technologies from the point of view of effective usage of their capabilities for qualitative upgrading of higher education, minimization of the risks of simulation education development is researched. The limits of using of distant technologies are established and technical readiness of implementation of distant educational technologies is proved.

Such statements in order to continue the discussion about the usage of distant educational technologies are formulated: such technologies are popular and necessary, they provide approaches to solving the problem of reducing the auditorium load and organizing effective independent work; it has been experimentally proved that the level of technical readiness of those who need educational services today is sufficient for the implementation of distant educational technologies; the limits of the usage of distant technologies should be determined taking into account the risks of the development of simulation education; wide usage of the mentioned educational technologies for professional skills improvement allows to accumulate great amount of information concerning the quality of education, directions of correction of educational plans of specialists and post-graduates' preparation; forming on the basis of distant technologies the professional discourse can provide new ways to solving the problems of legal practice.

Key words: *distant education, distant teaching technologies, intensification of education, increasing of cognitive activity, domestic and foreign experience.*

Target setting. Distant education has become a brand of modern education. The vast majority of higher educational establishments actively use specialized network resources. All this is generally positive. Modern information technologies allow expanding access to higher education, to attract more people to rational public discourse and, ultimately, to improve social environment in a certain way.

At the same time, it should be noted that the possibilities of many pedagogical innovations were often overestimated and groundlessly

considered as solutions of almost all problems of the quality of education. So, there was fashion for a variety of computerized testing one time, but the practice of its wide introduction clearly demonstrated serious limitations of this technology. Testing, of course, allows you to check the level of knowledge, to "push" the students, but it is not able to replace the communication with the teacher during the examinations, and training focused on testing will not provide development of creative abilities of the student, etc.

Actual scientific researches and issues analysis. Rather interesting example is the introduction of multimedia presentations in the studying process. Indeed, lectures using presentations are more vivid and this, at first glance, should foster cognitive activity. However, practicing teachers fix another tendency: "Presentations weaken the students' will to cognition and intellectual activity in the classroom" [5]. Again, we have a question of determining the limits of the usage of pedagogical technology. Presentations should be used, there are many issues that are impossible or very difficult to present to the audience without presentations. At the same time, their excessive usage can lead to the fact that pupils or students will always expect simplified and vivid presentation of information and, eventually, will lose the ability to comprehend complex and meaningful principles.

Such a quality of presentations did not remain unnoticed by scientists and even military men. In 2010, Robert Gates, at that time, the US Secretary of Defense, issued an order according to which US officers and generals are not allowed to make important decisions based on PowerPoint presentations [2]. American General Herbert McMaster noted that presentations are dangerous to the military men, because they "create an illusion of understanding and control" [1], he forbade the presentation during a mission in Iraq and called PowerPoint an internal threat [3]. US Senior Advisor Richard Russell, who also teaches students at the University of Central Florida (University of Central Florida) disciplines on state security, in general, insists on the prohibition of presentations in military education. Among the examples of negative impact of presentations, Russell quotes a report from the Commission on the Columbia Space Collision Disaster Investigation (2003). The Commission then noted that NASA representatives relied too much on presenting technical information in the form of slides, replacing with them a lot of reports [1].

The obvious harm of presentations for scientific discussion has forced researchers from the Department of Physics at the State University of Florida to forbid their usage during reports. In this way Andrew Eskiu, one of the participants of the experiment describes the results: "PowerPoint was like a brake shirt for discussion. When we got rid of slides, it turned out that the barrier between the speaker and his audience was gone. Communication has become more bilateral, whereas in the past 15-20 minutes, talking only the speaker. The audience became take more active part in the discussion, people stopped gazing at their laptops and started asking questions. That's what we have achieved "[3].

Domestic researchers, Karchevska N.V. and Karchevskiy V.P., who have almost forty years of teaching experience, note: "... multimedia plays an ambiguous role in the perception of information by students in general and lecture information in particular. The material of the lecture is badly remembered, the further growth of the intellectual level of the student is not guaranteed"[7].

Consequently, the effectiveness of the usage of any pedagogical innovation is directly related to the definition of the limits of its application. Excessive use of distant education technologies can also have negative consequences. These technologies are powerful means of intensifying of education, hence the negative effects can be significant. In conditions of underdeveloped mechanism of self-regulation of the labor market, excessive enthusiasm for remoteness is guaranteed to lead to the outflow of students from higher education, which provide quality education, and in the difficult question of choosing between the number of students and the quality of educational services, choose the last. Displacement of meaningful educational activities by imitation, sharp deterioration in the quality of education, irreversible losses in the pedagogical corps will take place.

So far, we do not even consider the issue of the globalization of the educational services market. A lot of talented young people, not least because of the opportunities of their parents, do not choose Ukrainian higher education for getting profession already. Imagine the intervention of foreign universities in the national educational space through the usage of distant educational technologies. How many Ukrainian universities will remain? Will the opportunity to pre-

serve the scientific and pedagogical composition? Are there any prospects for national higher education?

Setting of the goals. The actual task today is maximum effective usage of the opportunities provided by distant educational technologies for qualitative upgrading of higher education, and minimizing the risks of developing simulation education.

This task, among other things, involves a synthesis of successful experience of the introduction of distant educational technologies. The purpose of the work is to describe the experience of using these technologies at the Luhansk State University of Internal Affairs named after E. O. Didorenko.

The statement of basic materials. The main directions of using remote technologies at the university are: 1) intensification of the training of full-time and part-time students; 2) development and introduction of distance training courses for employees of the internal affairs bodies.

The main trend of modern higher education is a reduction in the time students and teachers spend in classrooms, an increase in the component of curricula allocated to independent work of students. Thus, the effective use of the time allocated to the classroom work, and the organization of content independent work - can safely be attributed to the priority tasks faced by pedagogical colleges of higher education. Distance learning technologies are a sufficiently effective means of solving these problems. The principals used in the university are quite simple and, as practice shows, is effective. Students perform distance tasks, and the teacher during the classroom devotes more attention to identified errors and disadvantages.

A separate aspect is the formulation of tasks in a way that eliminates the possibility of plagiarism. Within the limits of legal education, this can be ensured through the widespread use of the Unified State Register of court decisions. For example, the task on the topic "Criminal liability law", in which students are offered: 1) using this resource to find an indictment of a court in any criminal case, to analyze this sentence and to establish: the type of disposition and sanctions of the article of the Special Part, according to which qualified actions of the guilty person; 2) substantiate the use of the law on criminal liability, according to which the actions of the guilty person

are qualified, from the point of view of the validity of time (if there is a justification of the reverse action); 3) to determine the effective date by law, according to which the actions of the guilty person are qualified; 4) to substantiate the use of the law on criminal liability, which qualifies the actions of the guilty person, from the position of validity in space. The tasks thus formulated provide an individual work, enhance the practical orientation of learning.

The use of remote technologies also allows students to organize the work of students to prepare for discussing discussion issues during seminars. Thus, within the limits of the distance course "Crimes in the field of computer technology", students are asked to formulate solutions to individual casual tasks in criminal-law qualifications. At the same time, work with such tasks is organized as follows: the student formulates his answer and after sending it to the teacher gets an opportunity to get acquainted with the answers of other students, to comment on them. The work thus organized thus makes it possible to use time more effectively in the process of classroom discussion of the proposed answers. Makes the discussion more lively and more informative.

It should also be noted that the introduction of remote technology in higher law education can ensure the implementation of more serious tasks. As an example, consider the opportunities that technology provides for distance learning to address one of the most difficult issues of national criminal justice - the problem of improving quality and ensuring the unity of judicial practice.

Crisis phenomena in the field of criminal justice are manifested today in increasing the risk of the formation of judicial practice, which leads to social costs that do not meet the social needs of criminal law regulation [8]. Ensuring the unity and quality of judicial practice involves a complex of various measures: the activities of the highest judicial authorities of the state, the implementation of scientific research, the organization of judges' professional education, etc. However, there is a clear need to increase the efficiency of these tools. A fairly interesting solution to this problem might be the inclusion of law students in the system of judicial practice monitoring.

The technological side of the above proposal is precisely the introduction of the elements of distance learning and the formation of a nationwide professional discourse based on them, the subject of

which is judicial practice. The scientific and pedagogical staff of law schools in the process of updating methodological provision of criminal-law disciplines develops tasks aimed at using the Unified State Register of court decisions (an example of such a task was given earlier). The disputed aspects of specific court decisions established during implementation of these tasks become subject to discussion at classroom classes and are offered for discussion to students and teachers of other higher educational institutions through a specialized site or more simple solutions (for example, forums or groups in social networks). As a result of the discussions, relevant appeals to the highest judicial authorities of the state, legislative proposals are being prepared. Independent direction of the work of law students can be multidimensional systematization and cataloging of court decisions for use in scientific activities, obtaining generalizations of court practice of fundamentally new quality. The expected result of the wide involvement of the student community in the analysis of judicial practice should be the formation of a natural constraint on the subjectivity of court decisions, the improvement of court practice.

It can not be ignored that the main danger of the implementation of the above proposals is the excessive use of administrative methods. Like any civil society institution, the proposed mechanism for monitoring judicial practice will not be effective without the development of student initiative. National practice of the functioning of civil society organizations clearly indicates that their administration always leads to the creation of quasi-structures that do not perform their stabilization functions, but, on the contrary, create the danger of increasing the potential of crisis phenomena [9]. It is already clear that the effectiveness of force forms of civil society activity is exhausted, their use is hopeless, the most active part of the population - students - it is necessary to offer professional forms of interaction with the authorities. It is thanks to them that the rationalization of socio-political discourse in general and the qualitative updating of the judicial practice in particular are so necessary today.

The next direction of implementation of distance learning technologies at Luhansk State University of Internal Affairs named after E.O.Didorenko is the improvement of professional skills of national police officers.

The author's team of the university was developed and prepared for the introduction of a distance training course for national police investigators. The course was prepared taking into account the requirements of the relevant normative legal acts of the Ministry of Education and Science of Ukraine and the Ministry of Internal Affairs of Ukraine. The developed course was tested at the next regular courses. The work carried out allowed to apply to the Ministry of Internal Affairs with proposals for the organization of training of in-service investigators in a distance form. As a result, on the basis of the Luhansk State University of Internal Affairs named after E.O. Didorenko, from June 29 to July 18, 2017 an experiment was conducted to implement a distance training course for investigators of the National Police. The experiment was attended by 27 investigating guinea pigs in the Luhansk region and 29 investigating guinea pigs in the Mykolaiv region. The experiment was successful, distance learning technology in the system of postgraduate training was proposed to be used by other higher educational institutions of the Ministry of Internal Affairs of Ukraine.

These advanced training courses were carried out without interrupting the performance of functional duties at the place of service, with the exception of the first and final days of the course. On the first day of training, police arrived at the university to register, instruct and familiarize themselves with the distance learning platform, and on the last day to complete the final knowledge control.

Students of the course with the help of the Internet platform offered daily teaching materials, a practical task in the form of "forum", which involves the participation of students in the virtual discussion on the topic of classes, as well as testing. For the purpose of better assimilation of listeners of educational material, daily web counseling was organized. In the format of the synchronous web conference, the scientific and pedagogical staff of the university explained the theoretical positions, which caused the students difficulties, discussed the implementation of practical tasks. At the request students were offered a creative task, which consisted in writing a message about their own positive experience of the investigation.

The final examination in the form of a comprehensive exam was carried out on the basis of the university in the form of testing on all the taught disciplines.

The evaluation system performed by the students of the work is designed in such a way that it makes it impossible to obtain a positive assessment of the results of the courses of advanced training only on the basis of complex exams without daily testing and practical tasks. The student can earn 100 points on the basis of current and final control (current test - 11 points, practical tasks - 44 points, final control - 45 points), the minimum number of points for a positive assessment - 60. Such a division motivates listeners to daily work with distance course.

Conclusions. The main conclusions that the experiment allowed to make are the following:

Firstly, the conducted experiment showed that the level of technical readiness of National Police officers is sufficient for the wide introduction of distant forms of professional education. The specificity of the course is the reluctance of technical and software. The work of the server of distant education of Luhansk State University of Internal Affairs named after E.O. Didorenko is organized on the basis of free software of Moodle. For working with the course from the audience it is enough to have a computer, a tablet or other mobile device and Internet access with basic connection speed.

Secondly, it should be noted that each of the students who received high grade of knowledge, conscientiously studied theoretical materials and performed practical tasks. The monitoring of their activity testified to the daily systematic work with the course. That is, it can be noted that the main purpose of the course - to stimulate practical workers' professional cognitive activity - has been achieved. Proposed form of organization courses of professional skills improvement provided the investigators with interest in obtaining new knowledge, their active participation in discussing practical aspects of work.

Thirdly, it should be noted that such organization of educational process has made it possible to save budget funds for police missions. Calculations of the estimated cost of one employee's training indicate reduction in expenditures more than twice.

Fourthly, distant form of inquirers' professional skills improvement gives the opportunity quickly accumulate and analyze large volumes of data on the current level of knowledge of appropriate category of workers. The distant course contains module "Marks Journal", which is transformed into a spreadsheet, and can be used to integrate

data collection on the level of knowledge all inquirers undergoing professional skills improvement in different regions. The data accumulated in such a way will represent a significant resource for identifying areas of professional development improving, correction of programs in the system of professional training and higher establishments of the Ministry of Internal Affairs.

Fifthly, the analysis of the students' of distant educational courses of professional skills performance improvement and their anonymous questionnaires indicate some difficulties in passing the course. Some investigators complained of excessive workload while carrying out official duties and lack of time for daily tasks of distant course. It should be noted that at the beginning of the experiment, in order to create proper conditions for studying, as well as to prevent irresponsible attitudes, effective interaction with the personnel of the HUNP in Luhansk and Mykolaiv region was established. The staff of HUNP ensured informing the heads of territorial units about the goals, the significance of the experiment, the necessity to give the students opportunity to work with a distant course. In cases when the course administrator recorded long absence of a particular listener's activity, employees of HUNP, who worked in order to find out the reasons for not fulfilling the curriculum, were informed. Due to this interaction, all students were provided with the opportunity to complete the course, as well as to establish effective control over their work. With it, one of the conclusions of the experiment is the following: for the further introduction of technologies of distant education in the system of post-graduate training at the level of normative and legal documents it is necessary to provide the students of distant course with the opportunity to work on mastering the curriculum, as well as to organize mutual control over passing the course from the side of responsible employees of higher educational establishments and HUNP in regions.

Thus, the experience of Luhansk State University of Internal Affairs named after E.O. Didorenko makes it possible to formulate the following principles for continuation of the discussion on the usage of distant educational technologies:

- such technologies are popular and necessary, they provide approaches to solving the problem of reducing the auditorium load and organizing effective independent work;

- it has been experimentally proved that the level of technical readiness of those who needs educational services today is sufficient for the implementation of distant educational technologies;

- the limits of the usage of distant technologies should be determined taking into account the risks of the development of simulative kinds of education; it describes the experience of organizing the work of the students of professional skills improvement courses (the distribution of points that motivates for constant work, the control of the students' activity from the course administrators) can be considered as one of the forms of minimizing the risks of the development of simulative education and formal attitude to studying;

- widespread usage of the considered educational technologies for improving professional skills allows to accumulate large volumes of information on quality of education, directions of specialists and postgraduates' training plans correction;

- forming of professional discourse on the basis of distant technologies can provide new ways to solving problems of legal practice.

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ПОЗИТИВНИЙ ДОСВІД ВИКОРИСТАННЯ ТЕХНОЛОГІЙ ДИСТАНЦІЙНОГО НАВЧАННЯ

У статті висвітлено дистанційне навчання як складової навчального процесу у вищій школі. Досліджено вітчизняний та зарубіжний досвід використання технологій дистанційного навчання з точки зору ефективного використання їх можливостей для якісного оновлення вищої освіти, мінімізації ризиків розвитку імітаційної освіти. Встановлено межі використання дистанційних технологій та доведено технічну готовність впровадження дистанційних освітніх технологій.

Ключові слова: дистанційне навчання, технології дистанційного навчання, інтенсифікація навчання, підвищення пізнавальної активності.

Карчевский М. В.**ПОЛОЖИТЕЛЬНЫЙ ОПЫТ ИСПОЛЬЗОВАНИЯ
ТЕХНОЛОГИЙ ДИСТАНЦИОННОГО ОБУЧЕНИЯ**

В статье освещено дистанционное обучение как составляющее учебного процесса в высшей школе. Исследован отечественный и зарубежный опыт использования технологий дистанционного обучения с точки зрения эффективного использования возможностей для качественного обновления высшего образования, минимизации рисков развития имитационного образования. Установлены пределы использования дистанционных технологий и доказана техническая готовность внедрения дистанционных образовательных технологий.

Ключевые слова: дистанционное обучение, технологии дистанционного обучения, интенсификация обучения, повышение познавательной активности.

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**ОБ УГОЛОВНО-ПРАВОВОМ ОТНОШЕНИИ
В КОНТЕКСТЕ ОЦЕНОЧНОЙ ДЕЯТЕЛЬНОСТИ ЛИЦА,
ПРИМЕНЯЮЩЕГО УГОЛОВНЫЙ ЗАКОН**

Уголовно-правовое отношение предложено рассматривать в рамках когнитивного дискурса. Практическая деятельность органов правосудия в процессе квалификации преступления направлена на познание двух объектов: общественно опасного деяния, запрещенного уголовным законом, и лица, совершившего это общественно опасное деяние. Предложенный подход в трактовке объектов уголовно-правового отношения показывает направленность оценочной деятельности правоприменителя.

Ключевые слова: уголовно-правовое отношение, объект уголовно-правового отношения.

Постановка проблемы. Проблема уголовно-правового правоотношения является одной из сложных и вместе с тем наиболее актуальных в уголовном праве. В рамках советской правовой доктрины вопросы, касающиеся понятия и содержания уголовно-правового отношения, были предметом анализа в научных трудах многих правоведов.

Анализ последних исследований и публикаций. Своё мнение по этому вопросу высказали: Элькинд П. С. [1], Ремен-