

**MODERN CHALLENGES OF HIGHER LEGAL EDUCATION: THE ISSUES OF
LEGAL SUPPORT**

***DESAFIOS MODERNOS DA EDUCAÇÃO JURÍDICA SUPERIOR: AS QUESTÕES DO
APOIO JURÍDICO***

***DESAFÍOS MODERNOS DE LA EDUCACIÓN JURÍDICA SUPERIOR: LOS TEMAS
DEL APOYO JURÍDICO***

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ABSTRACT: The article considers external and internal impacts on modern society that create unique conditions for its functioning, i.e. a combination of exponential information-technological development and the COVID-19 unstable dynamics. Assuming an objectively conditioned coexistence of modern challenges and social society with its most important institutions, the authors of the article conduct a comprehensive interdisciplinary study. This allows them to trace the mutual influence of internal socio-psychological properties and external institutional forms of society management provided by the system of legal regulation. The authors have analyzed the modernization of the most important social institution that regulates the socialization of a personality (education), the transformation of its goals, objectives, mechanisms, methods and tools. As a result, the authors have concluded that the popularization of digital technologies is objectively and naturally predetermined by new goals and objectives of this social institution in modern conditions. However, it requires a transformation of the current regulatory framework.

KEYWORDS: Digitalization. Transformation of education. Socialization. Digital socialization. Distance learning.

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RESUMO: O artigo considera os impactos externos e internos na sociedade moderna que criam condições únicas para o seu funcionamento, ou seja, uma combinação de desenvolvimento tecnológico-informacional exponencial e a dinâmica instável do COVID-19. Partindo do pressuposto de uma coexistência objetivamente condicionada dos desafios modernos e da sociedade social com suas instituições mais importantes, os autores do artigo realizam um estudo interdisciplinar abrangente. Isso lhes permite rastrear a influência mútua das propriedades sociopsicológicas internas e das formas institucionais externas de gestão da sociedade fornecidas pelo sistema de regulamentação legal. Os autores analisaram a modernização da instituição social mais importante que regula a socialização de uma personalidade (educação), a transformação de seus objetivos, objetivos, mecanismos, métodos e ferramentas. Como resultado, os autores concluíram que a popularização das tecnologias digitais é objetiva e naturalmente predeterminada por novas metas e objetivos desta instituição social nas condições modernas. No entanto, requer uma transformação do quadro regulatório atual.

PALAVRAS-CHAVE: Digitalização. Transformação da educação. Socialização. Socialização digital. Educação a distância.

RESUMEN: El artículo considera los impactos externos e internos en la sociedad moderna que crean condiciones únicas para su funcionamiento, es decir, una combinación del desarrollo exponencial de la tecnología de la información y la dinámica inestable del COVID-19. Asumiendo una convivencia objetivamente condicionada de los desafíos modernos y la sociedad social con sus instituciones más importantes, los autores del artículo realizan un amplio estudio interdisciplinario. Esto les permite rastrear la influencia mutua de las propiedades socio-psicológicas internas y las formas institucionales externas de gestión de la sociedad proporcionadas por el sistema de regulación legal. Los autores han analizado la modernización de la institución social más importante que regula la socialización de una personalidad (la educación), la transformación de sus metas, objetivos, mecanismos, métodos y herramientas. Como resultado, los autores han concluido que la popularización de las tecnologías digitales está predeterminada objetiva y naturalmente por las nuevas metas y objetivos de esta institución social en las condiciones modernas. Sin embargo, requiere una transformación del marco regulatorio actual.

PALABRAS CLAVE: Digitalización. Transformación de la educación. Socialización. Socialización digital. Educación a distancia.

Introduction

Yet for all this rhetoric about the future, our schools face backward toward a dying system, rather than forward to the emerging new society. Their vast energies are applied to cranking out Industrial Men – people tooled for survival in a system that will be dead before they are. To help avert future shock, we must create a super-industrial education system. And to do this, we must search for our objectives and methods in the future, rather than the past. (TOFFLER, 2002, p. 22)

During the outbreak of the COVID-19 pandemic, the Fourth Industrial Revolution (SCHWAB, 2016) increased the complexity of social ties with an intermediary party (information technology). In the conditions of modern society characterized by crisis and anomie, and under the influence of the cyber factor, there is an inevitable convergence of such sciences as jurisprudence and informatics, sociology and criminology, philosophy and pedagogy. Innovative interdisciplinary directions are as follows: virtual psychology (WALLACE, 2015; NOSOV, 2000); self-presentation or "impression management" (ATTRILL, 2015; STAKHOVSKAYA, 2019); digital criminology (ISCHUK; PINKEVICH; SMOLYANINOV, 2021). Their comprehensive analysis allows us to trace the development of scientific knowledge in a rapidly digitizing world, whose globalization and technological synergy changes the adaptation of an individual to external conditions.

The process of integrating a person into the digital environment is closely connected with internal socio-psychological transformation, in which traditional ways of socialization are complemented by a new digital form. Metamorphoses that naturally occur at the internal level of each user are also reflected at the external institutional level of modern society management, primarily affecting the most important social institution that manages socialization (BERGER; LUCKMANN, 1995): education.

The transformation of educational processes, forms and methods is seen as a necessary and socially conditioned institutional response to personal changes, precisely in connection with the COVID-19 pandemic. The shocks associated with the unpredictable dynamics of the pandemic have caused significant damage to the global education system. According to the UNESCO data as of April 2020, 185 countries of the world were forced to reduce the number of educational organizations (GIANNINI; ALBRECHTSEN, 2020), which also affected higher education. The Internet survey among students of 28 world's largest universities has shown that 41% of the respondents doubted the need and possibility of resuming their studies, 12% of them dropped at least one course from their schedule (JAEGER *et al.*, 2021).

The analysis of search queries associated with "digitalization of education" in the SCOPUS databases shows an increased interest in distance learning using modern information and communication technologies: in 2018, the number of such references was only 779; in 2021, it amounted to 2,133. The search results for the "distance learning" keyword increased from 1,880 in 2019 to 3,169 in 2020 and has already exceeded half of these indicators by mid-2021, amounting to 1,807 in June. It is also necessary to consider the popularity of keywords in the context of transforming language clichés: in 2019, only 16 publications were concerned

with "pandemic education"; in 2020, this phrase turned into a popular word collocation and its volume increased to 3,727.

Modern means of digital education and educational technologies play an important role in the global service market, accounting for about 6% of the global GDP (HOLON IQ, 2021). In addition to traditional educational institutions, the entire range of digital tools is as follows: online schools and interactive courses, educational applications and platforms for corporate learning. Under new conditions, blended learning and flipped classroom techniques are gaining popularity, as well as trends in personalization and the formation of individual educational programs. With such technologies as XR (extended reality) in the form of augmented (AR) and virtual (VR) reality, it is possible to ensure the maximum immersion of the educational process. On the one hand, it expands the capabilities of education. On the other hand, it raises several reasonable concerns. Many modern innovations can be quite dangerous with due regard to their possible impact on the user's health or perception of their own identity. The latest technologies do not always ensure the effectiveness of training.

Revolutionary changes in the methods and techniques of online education necessitate the modernization of legal regulation and improvement of the management system of digital higher education, which has been emphasized by many scholars (SAYKILI, 2019; MININA, 2020; etc.). The digital modernization of education was considered by Brodovskaya *et al.* (2019). These analyzed the influence of digital communication on forming the professional culture of the Russian youth. While developing the Strauss–Howe generational theory, the scholars introduced a further division of Generation Z or Digital Natives according to various types of professional adaptation. For example, D. A. Jaeger, J. Arellano-Bover, K. Karbownik, M. Martinez-Matute, J. Nunley, and R. A. Seals (2021) conducted the global online survey of students on the impact of COVID-19.

The digital transformation of various spheres of management, including the institute of education, is relevant at the highest world level. International principles of information society and approaches to its formation were defined by the Okinawa Charter on Global Information Society (2000), the Declaration of Principles "Building the Information Society: A Global Challenge to the New Millennium" (2003) and the Tunis Commitment Action Plan (2005). Appealing to the UN General Assembly, UN Secretary General A. Guterres defined priorities for 2020 (GUTERRES, 2020), called for a complete revision of approaches to education (GUTERRES, 2021) and highlighted the significance of equal access to safe digital technologies in the context of online education. He praised the effectiveness of digital technologies that ensured the functioning of society and maintained communication between

people during the COVID-19 pandemic but mentioned that this global crisis had revealed a "gaping digital divide".

A similar opinion was expressed by the President of the Russian Federation V. V. Putin. In his Address to the Federal Assembly, he recognized the invaluable achievements of information technologies during the pandemic, when with the help of online scientific and technical means the social, cultural and educational life in the Russian Federation and other countries did not stop and was also enriched with new effective tools and techniques. Thus, the President of the Russian Federation proposed to build the entire system of social management over these new information technologies, while considering acute everyday problems (MESSAGE FROM THE PRESIDENT OF THE RUSSIAN FEDERATION, 2021).

According to the Strategy of the Information Society Development in the Russian Federation for 2017-2030 (RUSSIA, 2017), the digital transformation of education is among the national objectives of the Russian Federation. To solve this fundamental task, there is the national program "Digital Economy of the Russian Federation", the national projects "Science" and "Education", whose implementation is guaranteed by Order of the Government of the Russian Federation of November 16, 2020 No. 1836 "On the state information system "Modern digital educational environment" (RUSSIA, 2020). Much attention is paid to the formation of comprehensive strategies for sectoral development. "Strategy for digital transformation of science and higher education industry" adopted by the Ministry of Science and Higher Education of the Russian Federation (2021) focuses on the need to achieve the "digital maturity" of education. For these purposes, it is proposed to promote the transformation and implementation of digital systems in five areas (directions): digital transformation architecture, the development of digital services, data management, infrastructure modernization and human resources management.

Promptly responding to the current social changes, Federal Law of the Russian Federation of December 29, 2012 No. 273-FZ "On Education in the Russian Federation" (RUSSIA, 2012) is being transformed. The novelty of this law consists in Clause 26 of Article 2, including information and telecommunication networks, hardware, software and audiovisual means, as well as printed and electronic information resources into the list of teaching and education tools. The procedure for implementing educational programs through e-learning and distance learning technologies is regulated by Article 16 of the above-mentioned Federal Law.

The main terms related to digital education are as follows: "educational platform", "online course", "individual educational trajectory" and "digital portfolio of students". They are consolidated in Decree of the Government of the Russian Federation of November 16, 2020

No. 1836 "On the state information system "Modern digital educational environment". These regulations enshrine the structure of this information system and its principles.

Due to the dynamic development of the surrounding world, the Federal State Educational Standards of Higher Education are rapidly transforming, which highlights the need to form competences in the field of information technology. We should also mention the legislative expansion of professional digital competences in the above-mentioned educational standards, which confirms the importance of this modern educational activity. For example, general professional competences in the field of "information technologies" were clarified for undergraduate students of the specialty "Jurisprudence". The ability to "purposefully and effectively obtain legally significant information from various sources, including legal databases, to solve the tasks of professional activities using information technology and taking into account the requirements of information security" (GPC-8) (RUSSIA, 2020) was supplemented by a new block of general professional competences (GPC-9), consisting in the ability "to understand the principles of modern information technologies and use them to solve the tasks of professional activity" (RUSSIA, 2020 (as revised on November 26, 2020)).

Undoubtedly, there are certain achievements in the legal regulation of a digital education system. Legal acts have been adopted and national technological platforms for online education have been formed. As a result, invaluable experience in the functioning and transformation of education during the crisis has been obtained and is still being accumulated. These circumstances could be sufficient to stabilize a single static problem but not an ongoing crisis, in which the existing regulatory framework often does not comply with drastic external changes and cannot subtly and effectively adjust public relations.

The prompt and flexible legal regulation of such a dynamically changing sphere of social life as the information-educational environment is crucial since such defects can lead to a global disruption of the information infrastructure (NETSCOUT, 2020), provoke the viral spread of false or manipulating data (KLYUKOVSKAYA; TER-AVANESOVA, 2019), hinder the processes of traditional and digital socialization, cause disastrous consequences in the form of mass unemployment or an orgy of traditional or cybercrimes. The renewed legal regulation of society will ensure the effective management of higher education, and over the longer term, help avoid such problems. In this context, it is significant to clarify the goals and objectives of modern education and highlight the main challenges in this area to analyze the compliance of the existing regulatory framework with them and determine the main directions for further improvement.

Methods

The methodological basis of this study was conditioned by the research subject of a complex intersectoral nature (legal, sociological and pedagogical), which predetermined a comprehensive analysis at both theoretical and empirical levels.

At the theoretical level, the study is based on the universal dialectical method of cognition and its basic principles. The interrelation of mechanisms transforming behavioral patterns in the process of adaptation to new conditions of social life and their interaction in complex social relations arising in the processes of education management in modern information society necessitated the modification of education and proved the basic laws of dialectical materialism.

General scientific methods include differentiation, generalization, comparison, abstraction, formalization and modeling. The structural-functional method reveals the connection between coordination and subordination in the hierarchical system of higher education management. To formulate concepts and categories, we utilized the following logical techniques and methods: analysis and synthesis, induction and deduction, analogy.

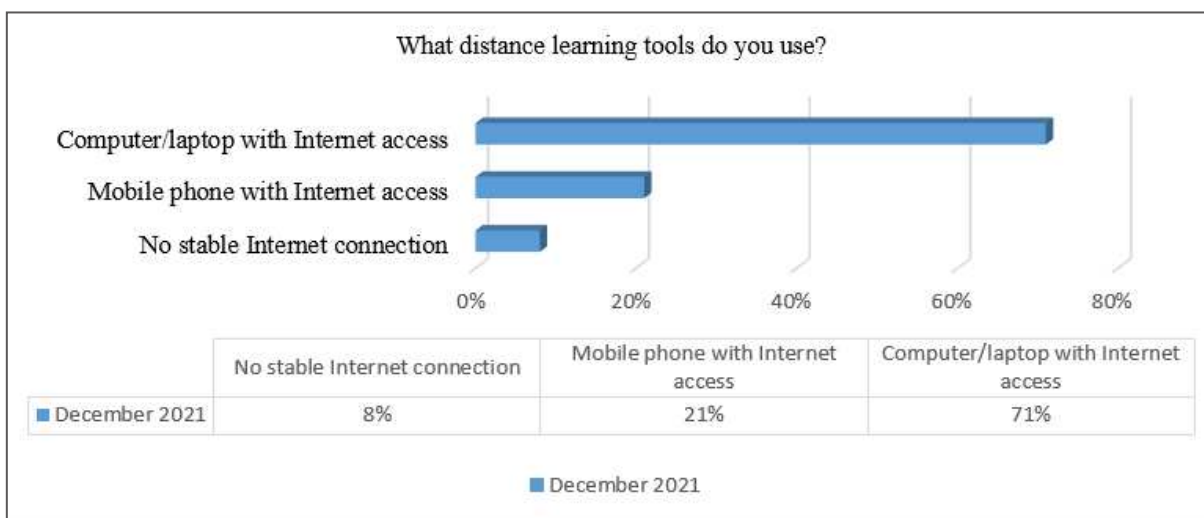
We used comparative-legal and formal-legal methods when developing proposals for improving the existing regulatory framework.

At the empirical level, we conducted a comprehensive sociological survey in the form of a questionnaire. At the preparatory stage, we used the following methods: the comparative analysis of digital media and law enforcement documents, as well as the analysis of statistics.

Results

The survey results have demonstrated how the interests and needs of modern users of information-educational resources develop and revealed problems in this area. For example, 8% of the respondents expressed concern about the quality and stability of their Internet connection (Figure 1).

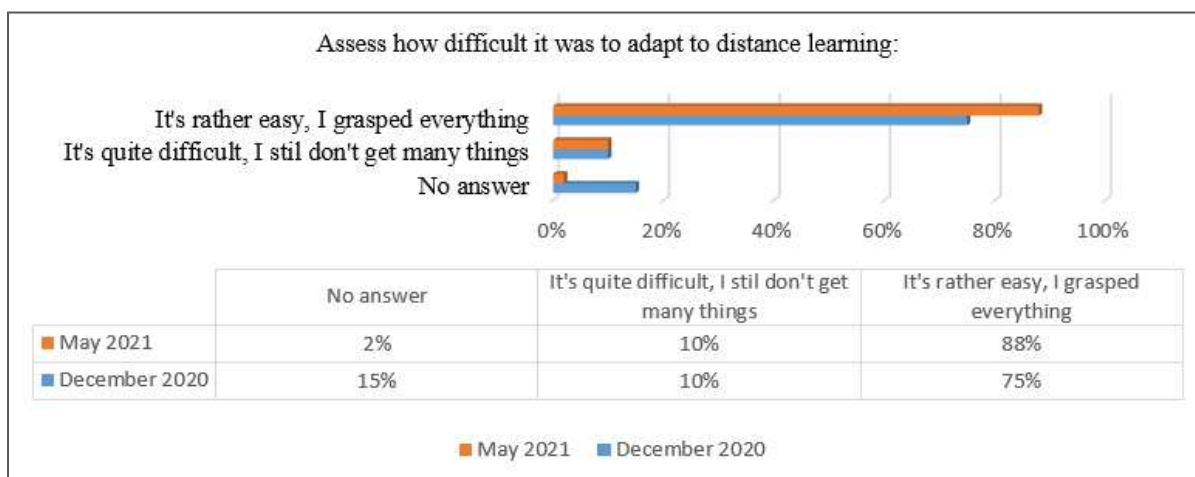
Figure 1 – The technical means available for distance learning



Source: Devised by the authors

At the beginning of the year, most students (75%) easily switched to distance learning and did not have any difficulties in mastering new technologies. At the end of the year, 88% of them considered the relevant problems insignificant and, in general, assessed their experience with distance learning extremely positively. The number of students who had difficulties after a year of distance learning did not change, amounting to 10% (Figure 2).

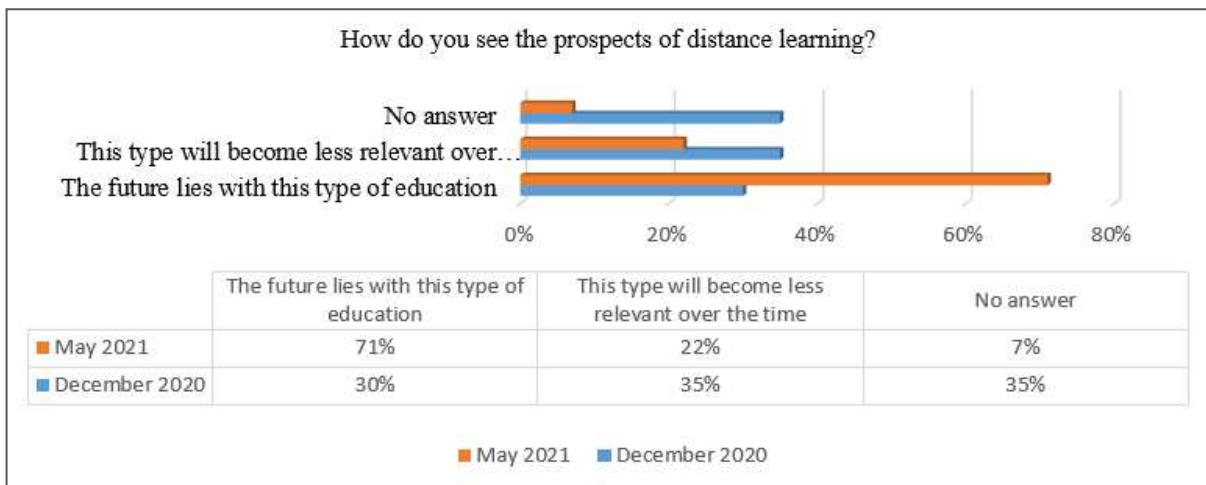
Figure 2 – The users' assessment of how difficult it was to adapt to distance learning



Source: Devised by the authors

When assessing the prospective use of information technologies in education, only 30% of the respondents were unequivocally positive. At the end of the year, 71% of them, including indecisive ones, acknowledged that "the future laid with this type of education". The number of respondents predicting a downside of distance learning has slightly decreased and amounted to 35% at the beginning of the year and 22% at the end of the year, respectively (Figure 3).

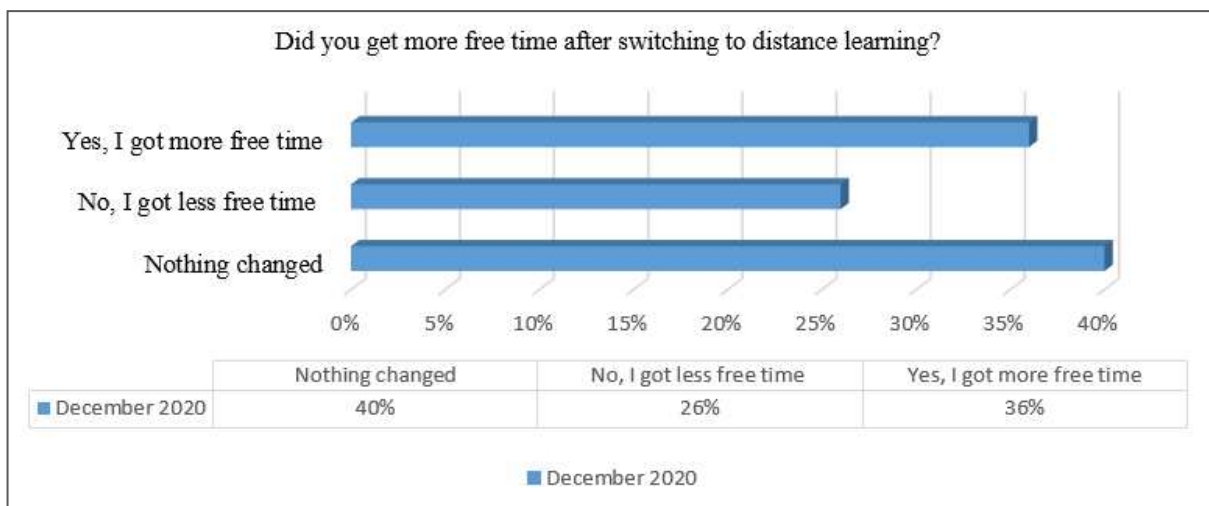
Figure 3 – Different users' assessments of the further prospects for using information technologies in distance learning



Source: Devised by the authors

Assessing the redistribution of their time in connection with the transition to distance learning, more than a third of the respondents (40%) noted that nothing had changed in their workload, 26% of them stated that the workload had significantly increased and they had less free time, 34% of them claimed the opposite (Figure 4).

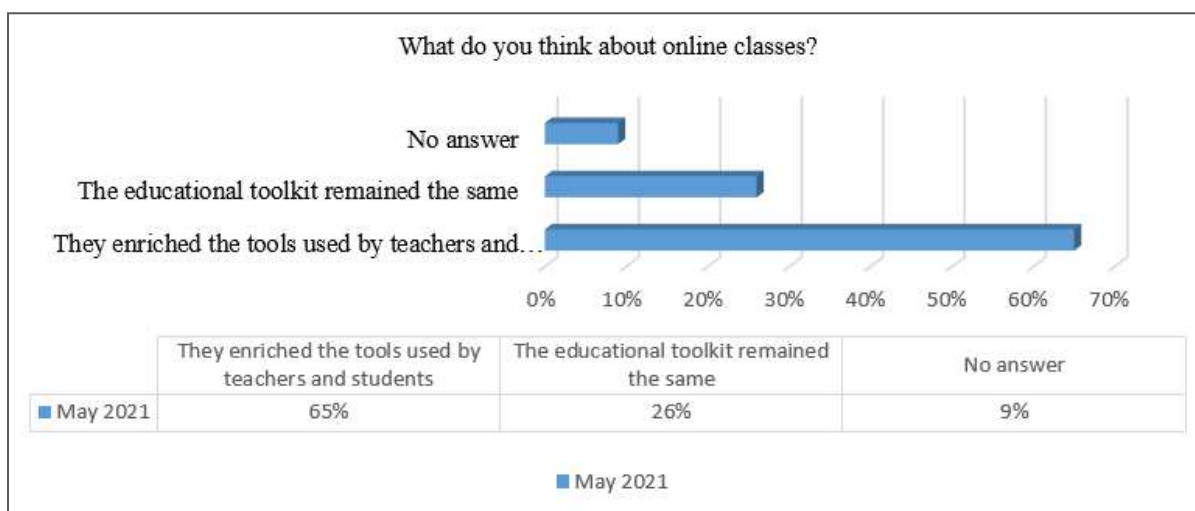
Figure 4 – The redistribution of free time after switching to distance learning



Source: Devised by the authors

While assessing the quality of distance learning, the users had different opinions. 65% of the respondents admitted that online classes had significantly enriched the tools used by both teachers and students and emphasized the convenience of means for video conferencing or collective creative work (Figure 5).

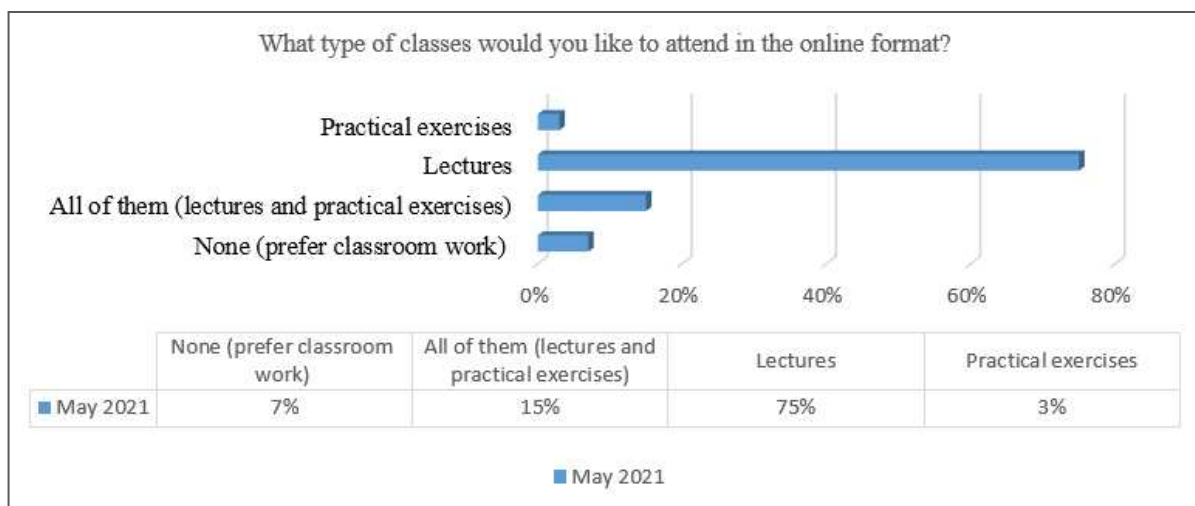
Figure 5 – Assessing the implementation of information technologies into the educational process



Source: Devised by the authors

At the end of the year, 75% of the respondents would gladly continue to attend online lectures, but only a small part of them (3%) would like to leave this format for practical exercises. Sole classroom lessons attract only 7% of modern students (Figure 6).

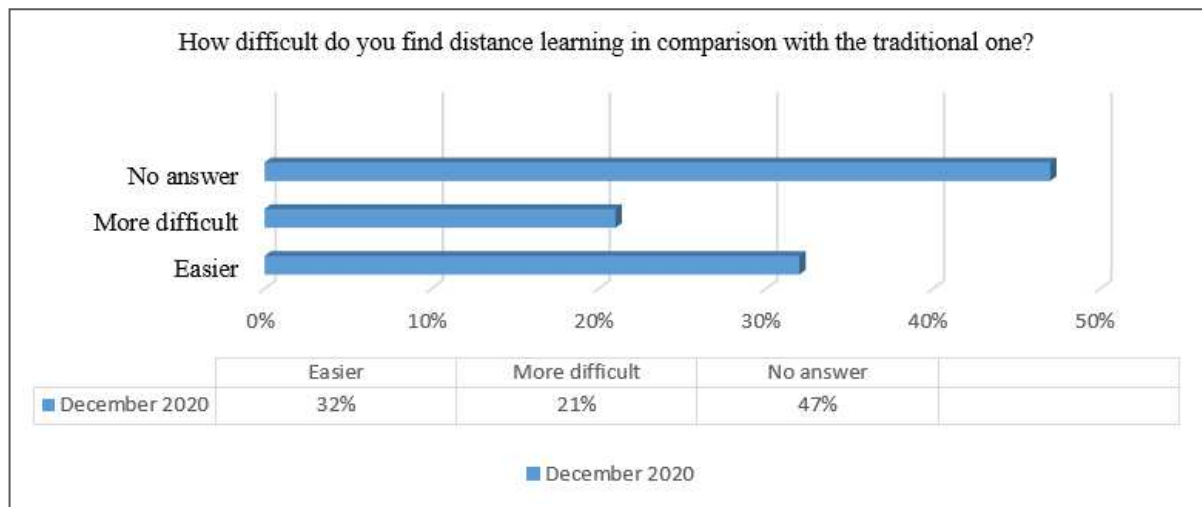
Figure 6 – Preferences in the type of online classes



Source: Devised by the authors

In 2020, 47% of the respondents found it difficult to assess the impact of online classes on the quality and complexity of the learning process (Figure 7).

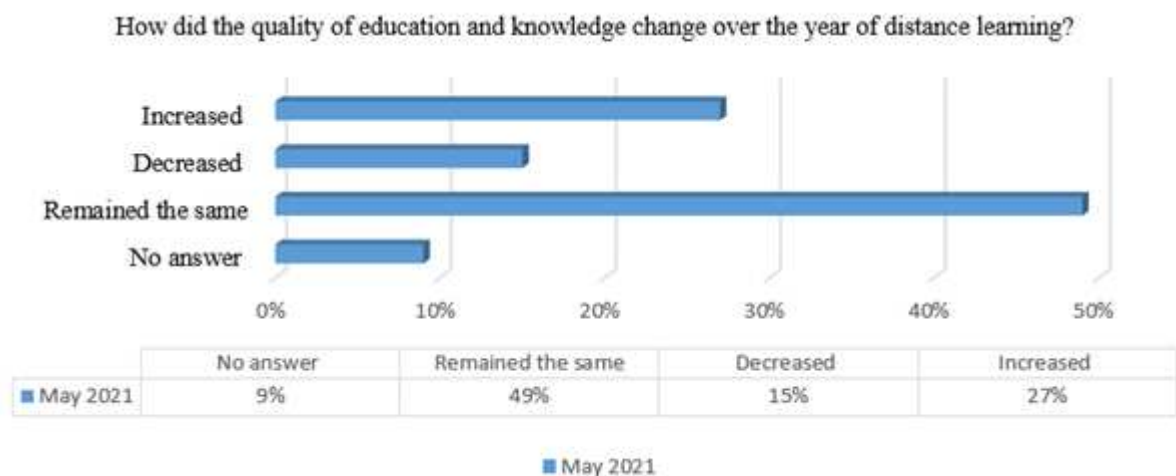
Figure 7 – Assessing the impact of information technologies on the complexity of the educational process



Source: Devised by the authors

After one year of distance learning, 49% of university students noted that the quality of education and knowledge remained at the same level. They did not notice any breakthroughs in this area. However, 15% of the respondents claimed that these indicators had decreased (Figure 8).

Figure 8 - Assessing the quality of education and knowledge after one year of distance learning



Source: Devised by the authors

The study results, the statistics of using information technologies in the world and the Russian Federation, reports on digital literacy in Russia and the world, and the analysis of the existing regulatory framework were discussed within the framework of the round-table

discussion "Information technologies in the system of higher education – New Challenges of a Changing World"⁶ and formed the empirical basis of this research.

Discussion

The study revealed several problems in the field of modern digital education, which allowed to identify gaps in legal regulation.

It is a positive fact that the educational process of the target group of students (respondents) continued to the full extent in conformity with their curriculum even during the pandemic. However, it was also characterized by digital inequality: 8% of the respondents admitted that the quality and stability of their Internet connection were insufficient. During the widespread introduction of distance learning, does it violate one of the fundamental human rights, i.e. the right to education?

The Constitution of the Russian Federation (1993) and Clause 1 of Article 5 of Federal Law of December 29, 2012 No. 273-FZ (as amended on July 2, 2021) "On Education in the Russian Federation" (as amended and supplemented, entered into force on July 13, 2021) grant every person the right to education. In Article 2 of Federal Law No. 273, the right to education in the Russian Federation is guaranteed regardless of their gender, race, nationality, language, origin, property, social and official status, place of residence, religious beliefs, convictions, membership in public associations or any other circumstances (RUSSIA, 2012). The situation in which almost 10% of students cannot fully exercise their basic constitutional rights seems alarming. Modern networks have become a tool of social stratification, increasing inequality both in the digital sphere and in the educational environment. Difficulties in the process of socialization, including the digital one, can be caused by technical issues or the lack of motivation to master the corresponding knowledge. While adapting to the online format, most students easily mastered new methods, but some of them experienced some difficulties. After a year, the number of such students has not changed, amounting to 10%. The lack of technical opportunities for full-fledged participation in the educational process (if no other form is provided) either completely deprives students of their constitutional right to education or significantly complicates this process, which leads to their loss of interest.

⁶ "Information technologies in the system of higher education – new challenges of a changing world" round-table discussion was held within the week of the Department of Theory and History of State and Law of the Law Institute of the North Caucasus Federal University. Stavropol, May 27, 2021.

Indeed, the Russian legislation provides for some measures of material and technical support for students: Article 34 and Article 36 of Federal Law of December 29, 2012 No. 273-FZ (as amended on July 2, 2021) "On Education in the Russian Federation" (as amended and supplemented, entered into force on July 13, 2021) offers a wide range of social support and scholarships; Article 35 of this Federal Law dwells on the possibility of free training and education "for students mastering basic educational programs at the expense of budgetary funds within the Federal State Educational Standards, federal state requirements, educational standards and certain requirements established by organizations carrying out educational activities" (RUSSIA, 2012). This opportunity for students mastering academic courses, disciplines and modules outside the Federal State Educational Standards, federal state requirements, educational standards and certain requirements and/or receiving paid educational services is provided indirectly, i.e., determined by the procedure established by an organization carrying out educational activities (Article 35 of the Federal Law of December 29, 2012 No. 273-FZ "On Education in the Russian Federation" as amended on July 13, 2021). These provisions cannot eliminate the material and technical aspects of digital inequality, not to mention the fact that access to networks can be limited due to some other reasons, for example, the specifics of local coverage depending on the natural environment. If there is no alternative to digital learning, the Russian citizen is deprived of the opportunity to exercise their constitutional right.

After one year of distance learning, 71% of the respondents believed in the priority of the online format.

The "Strategy for Digital Transformation of the Science and Higher Education Industry" (RUSSIA, 2021) assumes that all the educational programs will have been implemented with the construction of individual educational trajectories for students using a unified information environment and service platforms in the Russian universities subordinate to the Ministry of Science and Higher Education by 2030.

While analyzing the respondents' preferences, it is obvious that most of them would like to combine traditional classroom and digital forms of education. The majority (75%) believed that lectures would only benefit from digital technologies. However, it is necessary to do practical exercises in classrooms maintaining personal contact with the teacher and fellow students. Only 7% of the respondents thought it would be effective to completely reject information and communication technologies. This confirms the conclusions about the rushed transfer of all educational activities into virtual reality. The imposition of any, even the most

effective and high-tech means, cannot have a favorable effect on the essence of social processes, including education.

This conditions the following logical question: was it legitimate to transfer students (in violation of the concluded agreements) to fundamentally new and untested distance learning in 2019-2020? Article 54 of Federal Law of December 29, 2012 No. 273-FZ (as amended on July 2, 2021) "On Education in the Russian Federation" (as amended and supplemented, entered into force on July 13, 2021) states that an education agreement specifies the main characteristics of education: the type, level or focus of the chosen educational program, the form of training and the period for mastering this educational program. Many lawyers are inclined to regard the COVID-19 pandemic as a circumstance of force majeure. This approach is indirectly confirmed by Clause 17 of Article 108 of this Federal Law:

in case of an emergency threat or real emergency incidents, the imposition of a high alert or a state of emergency in the entire territory of the Russian Federation or its constituent entity, educational programs, as well as the state final certification within basic professional educational programs, are implemented through e-learning and distance educational technologies, regardless of the restrictions provided by the Federal State Educational Standards or the list of professions, areas of training, specialties, whose educational programs cannot be fulfilled using exclusively online technologies, if the implementation of these educational programs and state final certification without these technologies and the postponement of training is impossible (RUSSIA, 2012).

Probably, this refers to Order of the Ministry of Education and Science of the Russian Federation of January 20, 2014 No. 22 (as amended on December 10, 2014) "On approval of the lists of professions and specialties of secondary vocational education, the implementation of educational programs for which is not allowed using exclusively e-learning, distance educational technologies" (registered in the Ministry of Justice of the Russian Federation on February 21, 2014 No. 31377) (RUSSIA, 2014). This document adopted long before the pandemic does not reflect the current situation and does not contain information about the specialties of higher professional education. The Federal State Educational Standards do not impose any restrictions on the forms of education depending on the specifics of educational activities or individual characteristics of students. Does this legal gap give a formal right to transfer students of all specialties to distance learning without a threat of emergency? We will not answer this question.

How can it affect the quality of education? The mastery of digital technologies and the latest tools can reveal truly unlimited prospects for scientific activity. It is a little bit different. Despite vast opportunities for using the latest technologies, they are not fully realized. Thus,

26% of the respondents admitted that the tools for conducting classes remained at the same level, while 9% of them found it difficult to answer. In general, a third of the respondents did not see any global changes in teaching methods.

The results of the past academic year also do not give any reason for optimism: at the beginning of distance learning, almost half of the students (47%) found it difficult to predict the impact of the online format on the quality of knowledge; after a year of distance learning, about the same number of the respondents (49%) did not notice any significant breakthroughs in this area, i.e. the quality of education and knowledge remained at the same level; 15% of them claimed that these indicators had dropped. The effectiveness of education can decrease due to an increase in the information load and fatigue of participants in the educational process. The apparent mobility of distance learning technologies did not relieve modern students in any way. On the contrary, 26% of the respondents said that the load had increased significantly and they had less free time, and 40% of them did not notice any changes. Weariness can be caused by an endless stream of digital information, which negatively affects the internal psychological state.

Clause 9 of Article 13 of Federal Law of December 29, 2012 No. 273-FZ (as amended on July 2, 2021) "On Education in the Russian Federation" (as amended and supplemented, entered into force on July 13, 2021) prohibits the use of educational technologies that harm the physical or mental health of students during the implementation of educational programs, teaching methods and means (RUSSIA, 2012). It is worth mentioning that there is no exhaustive list of information tools and educational methods. Moreover, the long-term influence of modern technologies on the personality (especially those undergoing additional digital socialization) has not been studied. There are several instructions and recommendations of the Federal Service for the Oversight of Consumer Protection and Welfare, the "Sanitary and Epidemiological Requirements for Organizations of Education and Training, Recreation of Children and Young People" which came into force in January 2021. The advantage of these recommendations and requirements is the definition of the maximum time limits for using e-learning tools and acceptable technical characteristics for the safe use of certified means in accordance with operational manuals or technical specifications. Although these sanitary and epidemiological requirements cover two age groups (children and the youth), the upper level of regulation is limited to the 11th grade, excluding students of higher education institutions. For further research, we need to analyze Federal Law of December 29, 2010 No. 436-FZ (as amended on July 1, 2021) "On the Protection of Children from Information Harmful to Their Health and Development". Article 10 describes information products for children who have reached the

age of 16 (RUSSIA, 2010). The legislator's motive is constructive and quite understandable but the assignment of 16-year-old minors (who are the main contingent of first-year Bachelor's students of higher education institutions) to the age group of "children" is incorrect and requires additional regulatory clarification.

In world practice, the "youth" does not have strict boundaries, ranging from 12 to 35 years, which is an additional impact of the new factor of "digital socialization" or "re-socialization" on public institutions (TER-AVANESOVA, 2021). In our opinion, the key concepts in the most important legal acts that govern the institution of education should not be confused. Therefore, we need to clarify the age limits of such social groups as "children" or "youth". These seemingly insignificant problems exacerbate public discussions about the quality, relevance and even need for modern education when law does not comply with dynamic changes in social life.

The study has clearly shown that, despite considerable achievements, many issues in the field of modern digital education remain unresolved and increase alongside technological modernization.

Considering the ongoing changes, the main criterion for the effectiveness of digital education and the key goal of modern education should be the comprehensive (traditional and digital) socialization of students, accompanied by the development of relevant competences, formation of interests and acquisition of professional skills in various areas of employment, reflecting the professional aspiration of modern users, aimed at ensuring the subsequent creative and professional realization of a future specialist. To attain this end, it is advisable to fulfill the following tasks: to provide targeted material and technical assistance in realizing one's right to education; to facilitate the access of all students to information resources; to develop high-quality local content and increase digital literacy among all participants in the educational process; to form and improve critical thinking to cognize the surrounding reality and preserve a sense of its significance; to determine a positive trajectory of the educational process by introducing new information and technical practices that support the joint creative activity of teachers and students and the joint construction of knowledge through both digital and traditional communication.

We need to answer the following question: does the existing regulatory framework fully ensure the implementation of these tasks? The study results prove that the situation is still far from ideal. To solve the tasks facing the institute of education in modern conditions and to increase the innovation index, it is worth determining the main directions for the further

improvement of legislation in the field of educational activities, combining measures of material and technical support, social orientation and information-technical security:

1. To consolidate the obligation to ensure the availability of information and technical means for all the users included in the educational process, as well as ensuring uninterrupted access to high-quality communication;
2. To clarify the mechanism for a complete transition to distance learning and enshrine the equal priority of all forms of education;
3. To systematize and update safety standards developed for digital educational facilities within the system of higher education;
4. To complete a reasonable and up-to-date list of professions and specialties of higher education, as well as implement educational programs that cannot use exclusively e-learning or distance learning technologies.

Conclusion

The logical modernization of various spheres of society management has exacerbated the digital transformation of higher education. Nowadays this issue shifts from scattered sectoral studies to the scope of global (often political) interests.

After seeing information technology as the salvation from forced self-isolation during the global pandemic, humankind is inclined to sacrifice all the life spheres at the altar of digital transformation. Unfortunately, information technologies cannot serve as a universal remedy. Many additional factors affect the success of innovation implementation: insufficient development, imperfect legal and regulatory framework, digital inequality, technological lag, wealth status and digital incompetence.

This comprehensive study has traced how changes at the internal socio-psychological level of each individual are reflected at the external institutional level of society management and are consolidated at the level of legal regulation. We have concluded that a trend towards digitalizing the institution of education is objectively and naturally predetermined by the transformation of its goals and objectives in modern conditions but requires a significant revision and updating of the existing regulatory framework.

Modern information technologies are a double-edged weapon that can be dealt with only through a balance. To reject the latest innovations is like to reject the evolution itself. At the same time, the thoughtless use of these tools, especially in combination with an irrelevant regulatory framework, poses a serious threat to the integrity and security of an individual and

society. Information technology should become an auxiliary tool (the key to peace) rather than a segregation mechanism or the so-called "China room" that creates only the illusion of knowledge.

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How to reference this article

GALSTYAN, I. S.; KLYUKOVSKAYA, I. N.; MELEKAYEV, R. K.; TER-AVANESOVA, I. N.; CHERKASHIN, Y. Y. Modern challenges of higher legal education: The issues of legal support. **Revista on line de Política e Gestão Educacional**, Araraquara, v. 25, n. esp. 5, p. 3211-3231, Dec. 2021. e-ISSN:1519-9029. DOI: <https://doi.org/10.22633/rpge.v25iesp.5.16010>

Submitted: 13/03/2021

Required revisions: 23/07/2021

Approved: 19/11/2021

Published: 30/12/2021

Processing and editing by Editora Ibero-Americana de Educação - EIAE.
Correction, formating, standardization and translation.