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## SYNERGETIC APPROACH AS A METHODOLOGICAL BASIS FOR THE SIMULATION OF JUDGE PROFESSIONAL COMPETENCE DEVELOPMENT

The article specifies the nature of synergistic approach as a methodological basis for the simulation of judge professional competence development; author's interpretation of the notion of «judge professional competence» is given; the necessity of application of the synergetic dynamics concept to simulate open, nonlinear systems for the development of judge professional competence is substantiated.

**Key words:** judge professional competence, synergistic approach, simulation of judge professional competence development.

**Problem statement.** Urgency of the article is stipulated by the fact that «in the process of development of rule-of-law state, one of its most important criteria is to create a fair, transparent and effective judiciary. Currently, there is a significant need for radical change of the judicial system and reforming of some of its institutions» [1]. At the same time, the steps for these changes in the state are limited to the branch of legislation and restructuring of litigation. The effectiveness of changes in the judicial system of Ukraine depends directly on the skill level of the panel of judges, i.e. level of their professional competence. Therefore, integral development of methodological, theoretical and procedural foundations of professional training and activity of judicial system specialists in Ukraine becomes an important area of theory and practice of research in the field of legal psychology.

**Analysis of recent researches and publications.** According to the interpretation of the Constitutional Court of Ukraine «under Article 124 of the Constitution of Ukraine the justice is an independent branch of state activity performed by the courts through consideration and solution of civil, criminal and other cases in court proceedings in a special procedural form prescribed by law « (paragraph 1 of cl. 3 of the Decree of the Constitutional Court of Ukraine № 44 of October 14, 1997). Specified provision is repeated and *de-tailed by new meaning*, for example, in civil, administrative and criminal proceedings. In particular, in provisions of Article 1 of the Civil Procedure Code of Ukraine («The objectives of the civil proceedings are fair, impartial and timely consideration and resolution of civil cases for the protection of violated, unrecognized or disputed rights, freedoms and interests of individuals, rights and interests of legal entities, interests of the state «). This is not about any consideration and resolution of cases, but such an article is

implemented «to protect the rights, freedoms and interests» of individual or the state [2].

A strong, independent judiciary is able to exercise substantial, comprehensive impact on the life of the state, actively assist it in becoming a legal institution. Judicial reform, which consistently occurs in Ukraine, requires not only improving of the regulatory and procedural activities but also taking into account of psychological patterns in judiciary sphere, since the activities of judges is a complex, multifaceted and responsible due to consideration of cases different by their nature.

That is why it was necessary to study and give scientific credence to the nature of synergistic approach as a methodological basis for simulation of judge professional competence development, ascertain the nature of functions performed by them from a perspective of legal psychology that today becomes paramount. But practical optimization of judicial activities in general and in particular activities judges can be implemented by using scientific results of legal and of psychological principles in the sphere of legal proceedings, including administrative one, which will lead to more qualified and efficient work of judges, their mental health, strengthening of legitimacy and public order in the state.

Some aspects of the studied issues were covered in the works of national and foreign lawyers and psychologists. Thus, the attention to procedural problems of judge activities was given by scientists: O. F. Bondarenko [3], M. V. Kostytsky [4], and others. The authors studied the issues of the specificity of psychological knowledge and its place in the work of judges, the importance of ideological and philosophical principles in the context of hermeneutic nature of judicial proceedings, but the legal and psychological bases of judge professional competence in terms of the administrative process from the standpoint of legal psychology were considered insufficiently. Papers of the following authors are devoted to some aspects of the formation of professional competence of social-and-economic specialists: O. I. Pometun [5], S. L. Rubinstein [6] and others. Certain legal and psychological aspects of studied issues were covered in the papers of: O. M. Bandurka [7], V. V. Bedyia [8], and others. In particular, this is the issue of judge activities both during the preliminary investigation and the trial in different instances.

By definition of O. I. Pometun, the *competence* is a specially structured set of knowledge, skills, capabilities and attitudes that enable the future specialist to determine, i.e. identify and solve problems regardless of context, which is typical for a particular direction of professional activity [5]. However, legal and psychologically significant determinants of synergetic approach as a methodological basis for simulation of judge professional competence development were not substantively addressed.

**Paper purpose** is to specify the essence of synergetic approach as a methodological basis of simulation of judge professional competence development.

**Paper main body.** In XX century there have been many important changes in the methodology of knowledge. It was realized that developed subject structure of knowledge does not allow to precise approach to solving com-

plex problems relating to the activities of the highest level of organization: law, education, and personality. Thus, the ideas of synergy appeared. In the twentieth century, the humanity fell into the area of development *instability* (which continues to the present) when seemingly insignificant actions, the actions of individuals lead to significant / catastrophic consequences for society. Therefore, the development of the doctrine of *human-like* behavior strategies is crucial, that would allow avoiding dangerous effects for society in the information and legal environment.

In our opinion, the core of synergy as the methodological basis for simulation of judge professional competence development is authentic (congruent) synergy that develops at the intersection, constructive synthesis of three principles, namely: *nonlinear modeling, practical philosophy and subject knowledge*; intersection, which is particularly evident in interdisciplinary interactions. At the same time, the level of synthesis efficiency and professionalism of combined application of these principles determines the degree of authenticity.

Unlike interdisciplinary *systemic* approach of the first half of the twentieth century, the synergetic paradigm not only «combines» previous theories, but also «enriches» them. This provision is called «*synergy*» (from the Greek *συνεργός* — acting together) — increase in the efficiency of activity as a result of synthesis, combination of individual parts in a single system through the so-called «reinforcing» effect. Often the term «*synergetic effect*» is used instead of word «synergy» — the combined effect of two or more factors, characterized by the fact that their combined effect significantly exceeds the effect of each individual component and their sum. This thesis, in its simplest form, can be explained as: «the whole is greater than the sum of its parts» [9]. That is, in case of joint activity the knowledge and efforts of several persons are organized so that they are mutually reinforced.

As is known, change in a principle leads to a change in approach — defined position, point of view, which determines the research, design, organization of any phenomenon, process (in our case — education). In vocabulary interpreting by V. I. Dahl, the «approach» is defined as: «to go downhill anything, to be the basis of something». The approach is marked by certain idea, concept and centered on the basic one or two or three categories. For example, for systematic approach the defining category is «system»; for problem approach — «problem».

Relations of judges and persons with specialized knowledge, gathering and transmitting information by them for study of the objects, and participation of judge in this process are still poorly studied. This is caused by the lack of established conceptual-categorical apparatus, clear and unanimous determination of the concepts of «judge professional competence» by the lawyers, its meaning and significance, and the relationship between the level of formation of judge professional competence and the performance of their professional activities.

Consideration of the features of full-scale *synergetic simulation* process in legal sciences and interdisciplinary design gained momentum in recent decades. Models are considered as simplified theories that allow studying the

relationship between various indicators in society. V. Stoph in the book «Modeling and philosophy» states that «*Model* is a system conceptually conceived or materially realized, which, reflecting or reproducing the object of study is able to replace it so that its study provides new information about such an object» [10, p. 12]. Built model provides a significant «compression» of information, but at the same time some limits of the process under study are eliminated as insignificant.

The logic says that in practice there are no ideal systems of modeling, and each of those used has its own strengths and weaknesses. Therefore, there is a need not to search ideal but to design models with a greater number of productive benefits. From this perspective, one should note that self-realization in professional activity along with professional position (social values consciously accepted as priorities of vital importance) is the basis for the dynamics of professional competence. The increase in the level of professionalism is associated with understanding and improvement of methods and technologies of implementation of own functional duties.

From this perspective, the *judge professional competence* is an integrated characteristic of a specialist personality as self-developing open nonlinear system, which should be understood as the presence of complex of attitudes, values, knowledge, abilities and skills necessary for successful implementation of professional activities and manifested in the ability to perceive individual, professional and social needs; to ensure social and professional self-realization in judiciary sphere, as well as providing opportunities for professional and personal self-development throughout life.

Based on the understanding of principal occupational activities (competencies) the activities of judges are grounded on the following central characteristics: *searching activity*: observance, curiosity, erudition, attentiveness; *communicative activity*: perceptivity, emotional steadiness, responsiveness, ability to listen and speak; *certification activity*: exactitude, punctuality, developed written speech; *organizational activity*: self-organization, level-headedness, perseverance, volitional powers; *reconstructive activity*: memory, imagination, analytical thinking, intuition, general and special intelligence; *social activities*: patriotism, humanity, honesty, adherence to principles, desire for truth and justice triumph, and professional pride.

In this aspect, it is possible to develop plans for the development of professional competence of judges at different stages of their training based on key competencies.

In the aspect of simulation of judge professional competence development the concept of *systemic synergetic dynamics* that launched application of simulation of developing open, nonlinear systems is a basis. Complex systems are characterized by a huge amount of *feedback* between the elements (both positive and negative) mutually influencing upon each other through the system of elements. Therefore, the effectiveness of application of the systemic dynamics method in this area is undeniable.

**Conclusions.** Thus, the *synergetic approach* is transdisciplinary scientific and methodological theory, because synergetic methodology appears just at

the intersection of simulation of interdisciplinary communication and collective expertise. From this perspective, this approach provides a new meaning and the need to emphasize everything given by scientific thought for practical applications for simulation of judge professional competence development. Since the complex of measures on professional training of judges for the development of their professional competence is associated with social self-organization, then for skilled explanation of theoretical foundations of stated complex it is necessary to develop mechanisms for extrapolation of synergetic approach to the theory and methodology of professional training of judges in Ukraine.

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### **СИНЕРГЕТИЧНИЙ ПІДХІД ЯК МЕТОДОЛОГІЧНА ОСНОВА МОДЕЛЮВАННЯ ПРОЦЕСУ РОЗВИТКУ ПРОФЕСІЙНОЇ КОМПЕТЕНТНОСТІ СУДДІВ**

#### **Резюме**

У статті конкретизовано сутність синергетичного підходу як методологічної основи моделювання процесу розвитку професійної компетентності суддів. Подано авторське трактування поняття «професійна компетентність судді». Обґрунтована необхідність застосування концепції синергетичної динаміки для моделювання відкритих, нелінійних систем щодо розвитку професійної компетентності суддів.

**Ключові слова:** професійна компетентність судді, синергетичний підхід, моделювання процесу розвитку професійної компетентності.

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#### **Резюме**

В статье конкретизирована сущность синергетического подхода как методологической основы моделирования процесса развития профессиональной компетентности судей, дана авторская трактовка понятия «профессиональная компетентность судьи», обоснована необходимость применения концепции синергетической динамики для моделирования открытых, нелинейных систем в отношении развития профессиональной компетентности судей.

**Ключевые слова:** профессиональная компетентность судьи, синергетический подход, моделирование процесса развития профессиональной компетентности.