

THE DEVELOPMENT OF LEGAL LABOR QUALITIES: ACHIEVEMENTS IN THE PROFESSIONAL TRAINING OF THE ULEAM STUDENTS OF LAW

EL DESARROLLO DE CUALIDADES LABORALES JURÍDICAS: LOGROS EN LA FORMACIÓN PROFESIONAL DE LOS ESTUDIANTES DE DERECHO DE LA ULEAM

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ABSTRACT

Ecuadorian Higher Education is intent on maintaining its modern, humanistic, scientific, technological, innovative university model, integrated into society and committed to building a prosperous and sustainable society. Characterized by the formation of values and the assurance of the quality of its substantive processes, which are updated with the accelerated scientific-technological development to respond to social demands. The investigation arises due to the need to solve the inadequacies that the law students present, from the ethical-moral development, in their formative process, that limit their ways of acting to solve legal professional problems. In this sense, a conception is presented to develop the legal work qualities in the process of formation of the students of the law degree of the Laica University Eloy Alfaro de Manabí.

Through the implementation in practice, positive results are evidenced in the process of developing legal work qualities from establishing new relationships from the appropriation of legal work knowledge and legal professional systematization that characterize a legal professional from the different formative scenarios.

KEY WORDS: legal work qualities, ethical-moral development

RESUMEN

La Educación Superior Ecuatoriana está enfrascada en mantener su modelo de universidad moderna, humanista, científica, tecnológica, innovadora, integrada a la sociedad y comprometida con la construcción de una sociedad próspera y sostenible. Caracterizada por la formación de valores y el aseguramiento de la calidad de sus procesos sustantivos, que se actualizan con el acelerado desarrollo científico-tecnológico para responder a las exigencias sociales. La investigación surge debido a la necesidad de resolver las insuficiencias que presentan los estudiantes de Derecho, desde el desarrollo ético-moral, en su proceso formativo, que limitan sus modos de actuación para resolver problemas profesionales jurídicos. En tal sentido se presenta una concepción para desarrollar las cualidades laborales jurídicas en el proceso de formación de los estudiantes de la carrera de Derecho de la Universidad Laica Eloy Alfaro de Manabí.

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Mediante la implementación en la práctica, se evidencian resultados positivos en el proceso de desarrollo de las cualidades laborales jurídicas a partir de establecer nuevas relaciones desde la apropiación de los conocimientos laborales jurídicos y la sistematización profesional jurídica que caracterizan a un profesional de Derecho desde los diferentes escenarios formativos.

Palabras claves: cualidades laborales jurídicas, desarrollo ético-moral

Nowadays the confrontations in the pedagogical field in the universities are directed to a critical analysis and of transformation taking into consideration the relevant role that it occupies in the integral formation of the professionals. In this sense, it is about forming a legal professional capable of guiding their behavior, starting from their own, as norms and qualities, the most relevant social values as essential conditions for an integral process of personality development. strengthen the work from the very selection of the contents that must be learned, and that includes the meanings that are transmitted historically, the norms, the values, the daily actions of students and teachers, for which it is necessary, therefore, that the students show a laborious and responsible attitude towards the tasks entrusted to them, value the importance of the work of men and their own, show respect and admiration for the most necessary trades and professions; in a general sense, to prepare for the future life whose professional result allows a combination of qualities throughout life.

The process of formation of work qualities has generated a growing interest in the pedagogical field that is evident in works of researchers such as: Idrovo, J. (2009); Infante, A. (2014) Leyva, A. (2014); Mendoza, L. (2014).

These researchers approach work qualities from different angles and establish the need to develop them from the relationship between man and society; contribute to the solution of problems related to the direction of the professionalization activity in the consolidation of the professionals' performance; However, articulation in the integration of substantive functions in the university is not enough, which prevents the systemic approach of the personality traits of law students from the object of the profession. The Ecuadorian experience in this topic is directed, fundamentally, to the development of professional skills and values, without a harmonious integration, which endorses the development of the personality towards a social orientation in its preparation throughout life from the features characterizers of student behavior.

- ✓ This requires a professional with holistic, integral, systemic and efficient training in the performance of their profession, in solidarity with the human being, under the principle of equality and non-discrimination, which eliminates geographical, cultural barriers, through benefits of its theoretical and technical services of Law, under the principle of good faith, equity and procedural equality.
- ✓ The aforementioned research has addressed the issue of professional development based on new strategies, action systems, pedagogical models, teaching materials that strengthen pedagogical theory and practice, in the educational transformations that take place in Ecuador, with the purpose of perfect this process; However, due to its objectives, the treatment of work qualities as an essential condition for professional training in its preparation throughout life, has not been sufficiently addressed from the theory and practice of training in the field of Pedagogical Sciences in different socio-historical contexts and specifically for the career of Law in Ecuador.
- ✓ In spite of the strengths found in the studies carried out, difficulties manifested in:

- ✓ The interpretation of the legal work qualities, based on the characterizing features of its manifestation from the development of a personality model of the lawyer that singles out the moral ethical.
- ✓ The procedures to develop the legal work qualities to indicate the permanent improvement of the educational task in the career of Law in the different contexts of action.
- ✓ The suitability of law students to manifest work behaviors that are required from a humanistic orientation.
- ✓ The determination of the social, practical and individual significance that law students have, based on behavior through the behavioral externalization of the qualities.
- ✓ The appropriation of legal contents from an ethical-moral position more in line with the problems of the labor context.

This research highlights the proposal of a pedagogical conception to develop legal work qualities in the process of professional training of students of the law career from the appropriation of legal work knowledge and legal professional systematization, as well as the determination of legal work qualities and their characterizing features, from legal labor actions in the professional preparation of law students as relationships that offer a new perspective to the formation of the legal professional in a specific historical context.

The novel lies in the scientific argumentation of the legal work qualities, from establishing new relationships from the appropriation of legal work knowledge and legal professional systematization that characterize a legal professional from their work contexts, work qualities and their traits characterizers, as well as the treatment of legal labor actions.

The current situation is evident in the professional training that the students of the law degree of the Laica Eloy Alfaro de Manabí University achieve, from the appropriation of legal work qualities in the Ecuadorian social development and its manifestation features.

The social significance lies in the transformations of the legal work qualities of the students of the law career as an essential condition for professional training in their preparation throughout life, from the theory and practice of training in the field of Sciences Pedagogical what impacts, in a positive way, in the long term in the social and labor life of Ecuador.

THE FORMATIVE PROCESS OF THE STUDENTS OF THE CAREER OF LAW AT THE LAICA ELOY ALFARO DE MANABÍ UNIVERSITY

The formation of the student of the law career in Ecuador has had significant moments in the formative process that lead to its development to the present, in correspondence with the main events that marked important guidelines and the partial advances in the development of the Ecuadorian society in its different political and educational changes.

With the triumph of the citizen revolution, in 2007, a series of changes were introduced in the educational system where university education takes priority in the integral formation of students as a platform for the model of man that must guarantee social development.

The Eloy Alfaro de Manabí Lay University (ULEAM), is an institution of Public Higher Education, which has the responsibility to train competent degree and postgraduate professionals in various fields of knowledge, promotes scientific research and technological innovation in close connection with society, by promoting, disseminating and developing knowledge with an ethical, humanistic and inclusive conception, in order to contribute to the socio-economic and cultural development of the manabitas and ecuadorians (as).

Within the ULEAM concept is the growing national and international recognition of the career of Law, which promotes, disseminates and generates knowledge with well-founded approaches that contribute to the solution of the problems of the region and the country, aimed at reducing existing inequities, favoring the meeting of wills that allow building a renewed society.

In Ecuador, it is recognized that professional training is a process, whose development occurs systematically and permanently under the direction of the substantive processes of teaching, linking and research. Consequently, the process of professional training of ULEAM law students is one that, consciously, is developed through the substantive processes of the university: teaching, linking and research, through the establishment of social relationships, professional and legal, with the aim of developing the professional activities established in the graduation profile, from the treatment to the relationship between the instructional, educational and developer nature of the process.

The career of Law has as objectives: to train professionals in Law who are capable of resolving the different aspects of social conflictivity, through the generation of regulations and the interpretation, analysis, application of laws and alternative uses of Law and instruct in the theory and practices of knowledge and knowledge of the socio-cultural environment, reinforcing innovative techniques, methodologies and epistemologies.

These objectives promote the training of professionals with knowledge and integrating experiences of the theory and the innovated practices of the Legal, Humanistic, Social and Political Sciences in order to solve the problems posed by society with opportunity, equity, transparency and ethics; its permanent end is the search for truth, scientific and social research, the administration of justice, the defense of human rights.

This career allows students to acquire the knowledge and skills necessary to perform professionally in work related to the interpretation, application and creation of the Law.

The legal work qualities of law students of the Laica University Eloy Alfaro de Manabí

The lawyer is the professional trained to conduct criminal, civil, labor, commercial, before the courts of justice and to advise individuals and public or private institutions about their legal rights and obligations, based on the assumption that all persons have the right to a fair defense. This leads to the need to study the qualities from the legal-labor point of view as an expression of professional training, which allows the human being to express himself adequately and productively during his performance in his professional performance.

The Study Center for Labor Training at the University of Holguin of the Republic of Cuba, has made valuable contributions for more than ten years in this regard; However, it is necessary to enrich these scientific results by determining the characteristics that characterize the work qualities of the personality in Higher Education.

The research that is presented is aimed at enriching the results of this study center, from new theoretical systematizations and an enrichment in the Ecuadorian context, for the professional training of the students of the law career in the ULEAM with emphasis on the development of the legal work qualities.

As a result of the above, it is considered that in Higher Education and with emphasis on the career of Law in the ULEAM the legal work qualities are manifestations of students in their work performance, which express the integration of knowledge, skills (intellectuals and professionals), values, attitudes and aptitudes in a creative, flexible and transcendent way in the workplace, to meet the technological, legal, organizational, economic and social requirements for a particular position, occupation, profession or trade.

The legal work qualities involve formative aspects that are configured in the subject in a dynamic and complex way and that are expressed by the versatility of the performance that he performs based on the contextual requirements and norms of the environment in which he is according to Leyva (2014: 45) is the expression of its suitability; that acquires its

relevance as a quality that is synthesized in the dialectical relationship between versatility, flexibility and the integrality of its performance, which in turn is a demonstrated evidence from and for the job performance.

The consolidation of the qualities will lead to the emergence of values as more stable formations in the development of the personality of the law student during their training process, which are a manifestation of the growing need to be industrious, responsible, organized, productive in a more conscious way.

The results demonstrate the need to perfect the process of formation of the legal work qualities of the students of the Law career from the relationship of the cognitive and the affective - volitional, to promote the opening towards the positive social significance in the human improvement; clarify the basic features that characterize legal work qualities and achieve a macro-social projection based on a decisive influence through multiple objective and subjective factors.

Modeling the formation of legal work qualities in students of the law career, is understood as the manifestations of law students in the performance of their profession, which express the appropriation and systematization of content of the legal and human sciences to solve professionally the different aspects of social conflict, through their behavioral traits, from professional, technical or occupational training; through the different branches of knowledge, which covers the solution of problems in and for social and labor life, through a system of educational influences in a historically determined social context.

The manifestations of law students in the performance of their profession are based on the fact that the teaching activity, to the extent that promotes ways of professional performance, practicing honesty in all professional activities competent in all activities related to their profession, in the achievement of a professional, institutional and social improvement based on the development of the students, through a broad involvement and participation of the same in the different university processes. It is connoted by the integration of the contents that are carried out according to social demands and the perspectives of social progress, that is, taking into account the needs and interests of society, the development of the economy, science and culture, as well as as the influence of the Scientific-Technical Revolution.

It develops from the contents of the legal and human sciences and enables the basic concretion of the knowledge of reality, scientific, cultural and ethical, to present itself as the one we have to know, build and transform, reality.

The appropriation of legal knowledge is the means for a process of transformation more transcendental in the student, which comes to life from a dynamic that is enriched from the legal professional systematization, which requires legal professional systematization is understood as the improvement of the work professional in different contexts, based on the needs and interests of students about the solution of conflicts in the socio-legal environment.

The legal professional systematization contributes to the search and assimilation of legal knowledge, helps the student of the law career has the necessary training so that from the social transformations, to propose alternative solutions to the problems of society and deepen in the legal and scientific arguments applied in the connection and pre-professional practice.

In this component, educational potentials must be taken into consideration, which constitute concrete possibilities to direct the process of externalization and internalization of norms of social conduct, values and attitudes to reflect, become aware and control the construction of one's own knowledge, learning tasks and strategies to improve performance and achieve certain goals, the establishment of meaningful relationships that allow students to give a

personal meaning to what they learn, based on previous knowledge, daily experience, needs and motivations, generation of feelings, attitudes and values.

Therefore, the systematization of the professional character is the expression that distinguishes the dynamics of the process of formation of legal work qualities, which is aimed at achieving higher levels of development, from taking into account the features that characterize them and their relationship with the different professional activities.

The appropriation of labor knowledge from the development of professional activity, boosted by legal professional systematization, reaches a higher level of essentiality, from recognizing, determining the legal work qualities and their manifestation features.

Legal work qualities that reveal the formation of law students: it offers the character of professional training with a legal essence and is an expression of personal growth, the transformation along the motives that stimulate and drive the activity of the student to meet their needs.

The legal work qualities that must be developed in the students of the Law degree are the following:

Complete: to be unimpeachable in all its legal acts; judicial decisions, administrative acts, notarial acts, contracts testaments; I intend to be straight, sincere, coherent, respecting the values of justice and truth, maintaining behavior of respect for all laws that make up the Ecuadorian and international legal framework.

Defender: to protect the rights of the defendant, is expressed in the ability to stand firm in the protection of human rights, the law, society and the interests of their representatives in all kinds of administrative and judicial processes.

Negotiator: to facilitate the rapprochement between the parties and achieve a consensus agreement either judicially or extrajudicially, which allows the final settlement of legal disputes between the parties to the proceedings.

Legal Adviser: to inform and provide legal guidance to those who need it in legal matters, on matters that are related to the application of laws, regulations and regulations in matters of Law.

Responsible: for compliance with the due diligence of legal professional activities that are specific to his professional practice. It is expressed in the commitment, the sense of duty, the efforts made by legal professionals, by resolutely supporting their professional performance before the demands of legal work activities.

Argumentador: to express oneself clearly, concisely, convincingly, systematically, reason, analyze, manifest, deduce, contradict, challenge, discuss, about norms, doctrines and jurisprudence related to the analyzed legal fact, while observing the final objective that is the solution of a controversy. It is expressed in the capacity of the lawyer, to dynamize and control their emotions, character, impulses, to be reflective, to have initiatives, avoiding mistakes, promoting the integrity of their person, so that in their participation in legal processes they comply with the proposed objectives.

Persuasive: to communicate effectively, in the presentation of evidence, allegations, questioning of witnesses or any legal act, using psychological strategies and techniques, with the manifest intention of producing effects in judges and courts in order to modify their opinion, favoring the position he defends.

Equanimous: it is expressed in the search by the lawyer, to implement justice and equality of opportunities, respecting the particular characteristics, giving each one what is his due, establishing or instituting a just society, applying the right way, demonstrating balance , impartiality in their professional behavior.

The pedagogical conception for the formation of the legal work qualities, interprets from the Pedagogical Sciences, its development as content of the formative process that is given by the combination of the external and internal conditions in the students of the law career. It

reveals the components appropriation of legal work knowledge, legal professional systematization, legal work qualities and its transformation in correspondence with the aim of higher education in the ULEAM Law course.

The process of forming the legal working qualities of the students of the career reveals the need to conceive a process that allows the integration of the training contexts, and to elaborate a theoretical platform that constitutes an articulating axis of the process.

The pedagogical conception offers a renewed vision, being content of the relations between the components appropriation of legal work knowledge, legal professional systematization and legal work qualities; whose characteristic features make it possible to determine the legal professionalization of students in the ULEAM Law course.

The relevance and reliability are demonstrated by the criterion of experts and partial intervention in practice. The favorable impact on the development of the basic processes of the law career, the introduction of innovative alternatives for the solution of professional problems and the development of legal work qualities with their characterizing features, are evidences of the transformations achieved by the different actors of the process as consequences of the conception and the strategy.

REFERENCES

- ✓ Asamblea Nacional del Ecuador (2008). *Constitución de la República del Ecuador*. Recuperado de <http://www.pucesi.edu.ec/web/wp-content/uploads/2016/04/Constitucion-de-la-Republica-2008.pdf>
- ✓ Baró, W. (1996). *Estrategia para la formación laboral en la escuela*. (Material digital). Ciudad de la Habana, Cuba.
- ✓ Bermúdez, R. y Pérez, L. (2004). *Aprendizaje formativo y crecimiento personal*. La Habana: Pueblo y Educación.
- ✓ Cano, R. y Revuelta, C. (1999). La formación permanente del profesorado universitario. *Revista Electrónica Interuniversitaria de Formación del Profesorado*, (63), 10-12. España: AUFOP. Recuperado de <http://www.uva.es/aufop/publica/revelfop/99-v2n1.htm>
- ✓ CEAACES (2010). *Ley Orgánica de Educación Superior (LOES)*. (Material digital). Ecuador.
- ✓ CEAACES (2015). *Reglamento de Carrera y Escalafón del Profesor e Investigador del Sistema de Educación Superior del Ecuador*. Recuperado de <http://www.ces.gob.ec/gacetaoficial/reglamentos>
- ✓ CEAACES. (2015). *Reglamento de Régimen Académico de la Educación Superior del Ecuador*. Recuperado de <http://www.ces.gob.ec/gaceta-oficial/reglamentos>
- ✓ Cedeño, R. (2008). *Investigación científica y diseño de tesis*. Manta, Ecuador: Mar Abierto.
- ✓ CENFOLAB. (2010). *Compendio de las estrategias por educaciones y carreras de la provincia de Holguín*. (Material digital). Holguín, Cuba.
- ✓ Dorrego, M., Infante, A.I. y Martínez, O. (2014). La modificación de las actitudes hacia la actividad laboral. *Revista Luz*, XIII(2), 86-98. Recuperado de <http://luz.uho.edu.cu/index.php/inicio/4236-la-modificacion-de-actitudes-hacia-la-actividad-laboral-changing-attitudes-toward-work-activities>
- ✓ Idrovo, J. (2009). *Investigación revela baja producción de material científico en universidades de Ecuador*. Recuperado de <http://www.educamericas.com>
- ✓ Infante, A.I. y Dorrego, M. (2015). *La formación laboral de los sujetos: un punto de vista desde la Psicología*. La Habana: Sello Editor Educación Cubana.

- ✓ Infante, A.I. y Leyva, A. (2012). *Las cualidades laborales de la personalidad*. En V Taller Nacional Científico Metodológico sobre Formación Laboral. Universidad de Ciencias Pedagógicas José de la Luz y Caballero. Holguín, Cuba.
- ✓ Infante, A.I. y Leyva, A. (2016). *Las cualidades laborales de los estudiantes de la Educación Superior Pedagógica*. (Resultado de proyecto). CENFOLAB. Universidad de Holguín, Cuba.
- ✓ Infante, A.I., Leyva, A. y Mendoza, L.L. (2014). Concepciones teóricas acerca de la formación laboral. *Revista Luz*, Año XIII (2), Holguín, Cuba.
- ✓ Infante, A.I., Leyva, A. y Mendoza, L.L. (2014). *La formación laboral en la educación preuniversitaria: una mirada diferente*. En VI Taller Nacional Científico Metodológico sobre Formación Laboral. Universidad de Ciencias Pedagógicas José de la Luz y Caballero. Holguín, Cuba.
- ✓ Leyva, P. A. (2017). *La formación laboral: su objeto de estudio*. Informe de Investigación del Centro de Estudio para la Formación Laboral. Universidad de Holguín, Cuba.
- ✓ Leyva, P. A. y Mendoza, L. (2013). *La preparación profesional: una necesidad en la formación laboral*. En III Conferencia Internacional de Física, CONFIS 2000 Soto del Rey In Memoriam. Universidad de Santiago de Cuba.
- ✓ Leyva, P. A. y Mendoza, L.L. (2011). *Apuntes y reflexiones para el trabajo pedagógico de un maestro*. (Material digital). Universidad de Ciencias Pedagógicas José de la Luz y Caballero. Holguín, Cuba.
- ✓ Leyva, P. A. y Mendoza, L.L. (2014). *La formación laboral: exigencia para una práctica pedagógica contemporánea*. (Material digital). Universidad de Ciencias Pedagógicas José de la Luz y Caballero. Holguín, Cuba.
- ✓ Leyva, P.A. y Mendoza, L.L. (2000). *Compendio sobre temas pedagógicos: Apuntes y reflexiones para el trabajo pedagógico de un maestro*. (Material digital). Instituto Superior Pedagógico José de la Luz y Caballero. Holguín, Cuba.
- ✓ *Plan Estratégico de la Facultad de Estudios Jurídicos 2014-2022*. (Material digital). Manta. Ecuador.
- ✓ *Plan Nacional para el Buen Vivir 2013-2017*. Recuperado de <http://www.buenvivir.gob.ec>