

THE TRAINING OF THE LAW PROFESSIONAL IN THE LAY UNIVERSITY ELOY ALFARO DE MANABÍ, ECUADOR: A LOOK FROM THE PROFESSIONAL ENVIRONMENTAL PERFORMANCE

LA FORMACIÓN DEL PROFESIONAL DE DERECHO EN LA UNIVERSIDAD LAICA ELOY ALFARO DE MANABÍ, ECUADOR: UNA MIRADA DESDE EL DESEMPEÑO PROFESIONAL AMBIENTALISTA

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ABSTRACT

As part of the transformations that take place, today in Ecuador it is expressed that in Higher Education we must work to deploy science and technology as factors for the development of society.

The Lay University Eloy Alfaro de Manabí has as part of its mission, a permanent commitment to national development through scientific and social research. His vision highlights the training of specialized professionals with extensive scientific knowledge and skills in the practices for students to perform successfully in their work world.

The professional performance has dissimilar manifestations and reflects a scope of interpretation from the ends of Higher Education in Ecuador, with an integrating vision that contributes to a reciprocal interaction with the advances of technology and the changing rhythm of social demands that impact on the world of work.

It presents an experience in the Ecuadorian context that aims to solve the shortcomings that law students present in professional training, limit their preparation for the solution of environmental problems during pre-professional practice, so that a look of environmental professional performance is presented. the professional training of students, from Environmental Law. The novelty of the proposal lies in the scientific argumentation of environmental professional performance from establishing new relationships, from the technical-legal, environmental and professional dimension of its pedagogical treatment from a social perspective.

KEY WORDS: technical-legal, environmental professional, environmental professional performance.

RESUMEN

Como parte de las transformaciones que tienen lugar, hoy, en Ecuador se expresa que en la Educación Superior se debe trabajar por desplegar la ciencia y la tecnología como factores para el desarrollo de la sociedad.

La Universidad Laica Eloy Alfaro de Manabí tiene como parte de su misión, un compromiso permanente con el desarrollo nacional mediante la investigación científica y social. En su visión se destaca la formación de profesionales especializados con amplios conocimientos científicos

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y habilidades en las prácticas para que los estudiantes se desempeñen exitosamente en su mundo laboral.

El desempeño profesional tiene disímiles manifestaciones y refleja un alcance de interpretación a partir de los fines de la Educación Superior en el Ecuador, con una visión integradora que contribuya a una interacción recíproca con los avances de la tecnología y el cambiante ritmo de las exigencias sociales que impactan en el mundo del trabajo.

Se presenta una experiencia en el contexto ecuatoriano que pretende resolver las insuficiencias que presentan los estudiantes de Derecho en la formación profesional, limitan su preparación para la solución de problemas ambientales durante la práctica preprofesional, por lo que se presenta una mirada del desempeño profesional ambiental para la formación profesional de los estudiantes, desde el Derecho Ambiental. Lo novedoso de la propuesta radica en la argumentación científica del desempeño profesional ambiental a partir de establecer nuevas relaciones, desde la dimensión técnico-jurídica, ambiental profesional y de su tratamiento pedagógico desde una perspectiva social.

PALABRAS CLAVES: técnico-jurídica, ambiental profesional, desempeño profesional ambiental.

Since the beginning of the existence of human beings, their concern has been to appropriate knowledge and improve their environment by taking as experience the achievements obtained previously, so the process of improving performance must be studied as a system and not in isolation because "Quality starts with education and ends with education". In these moments that are dedicated to raise the professional quality in the Law as one of the ways to guarantee an effective process of permanent formation, the results that the international evaluations show in the majority of the Latin American countries, indicate the need to improve the performance Professional guidance to strengthen the training of professionals, in order to become true experts in their own professional practice, as this allows better serve the needs of society.

Improvements in professional performance are essentially guided by knowing how to act, which requires reflection and deliberation in the face of a change in the professional's vision, capable of guiding their behavior by making the most relevant standards and social values as essential conditions for them. an integral process of personality development. Faced with a society with changes as dynamic as those currently experienced in Ecuador and facing the challenges of the global context, the training of legal professionals can not remain static, without responding to new social demands. Change is the sign of these times and has led societies to acquire characteristics and unprecedented traits that lead to questioning where and what should be transformed in education, to respond to the demands generated.

In this sense, it is necessary to strengthen the training of professionals that leads to new ways of living in society, of making politics, new forms of production and market, new forms of communication and relating. All of the above requires training a professional for an unprecedented world, a world in which certainties are over, and in which being excluded is very easy, especially in the countries of the Latin American area. This obliges those who work in the formation of legal professionals to understand these changes and their implications, which require not only opening the borders and the economy, but mainly opening the minds and transforming the practices that said professionals require to guarantee good performance.

The concern for educational quality and fairness in the service offered by professionals are two trends that have become the *raison d'être* of the system itself, quality understood in a

broad sense, not only referring to learning outcomes, but as precise The National Institute for Educational Evaluation includes other aspects such as:

- ✓ Relevance and pertinence, understood as the adequacy of education with respect to the needs of the students to whom it is addressed and of the society in which it is located.
- ✓ The external and internal efficacy given to the lasting assimilation of learning and its application in profitable behaviors in adult life.

The commitment to quality in the educational service demands legal professionals prepared to innovate in their practice; only with a training strategy focused on this, apart from other efforts, will be able to improve the professional legal service.

The study related to professional performance generates a growing interest in the pedagogical field from the role of the activity and its relationship with communication as an indispensable factor in the interaction of the subjects with each other and with the social environment; they provide awareness guides, evaluation system, and strategies for the development of professional performance.

However, there are theoretical and practical difficulties due to the poor assessment made from the cognitive and affective unit and the unity of activity and communication for the improvement of professional performance from an environmental connotation, the treatment of individual differences in participants and those of the socioeconomic context where it is developed, starting from the elements to be characterized in the diagnostic component, as well as the recognition of their previous experiences in the alternatives for improvement expressed in:

- ✓ The environmental conceptualization of professional performance in the training of legal professionals, from an integral perspective.
- ✓ The totalizing vision of the professional performance, from the relation professional tasks with the exercise of their profession that are emphasized in a formative process.
- ✓ The multidimensional environmental professional character of professional performance, also considered as process and result.
- ✓ The actions for the improvement of the professional performance of law students do not always guarantee an integrating conception from an environmental perspective.
- ✓ The content of professional performance lacks coherence between the process of instruction and education at all levels of formative integration.
- ✓ The academic and scientific preparation of the students does not reach the environmental legal levels from the professional profile of the career.

In correspondence with the aforementioned elements, an experience is presented to model the environmental professional performance for the professional training of students from Environmental Law which is an expression of the relationships that exist between elements that make up the technical-legal and environmental components. professional who determine the regularities that are specified in the identification of environmental professional performance.

The actuality of the research is based on the permanent need to perfect the process of professional formation of the students of the career of Law, in correspondence with the transformations and requirements of the Ecuadorian Higher Education, from the current requirements to satisfy the growing demands of society from the determination and appropriation of professional performance.

The scientific novelty is expressed in the integral approach acquired by the environmental professional performance, from the potential of the process of training students of the law

career from the appropriation of the contents of Environmental Law, in correspondence with professional and social needs of students, which favors the legal environmental culture.

THE PROFESSIONAL TRAINING OF LAW STUDENTS FROM ENVIRONMENTAL LAW AT THE LAICA ELOY ALFARO DE MANABÍ UNIVERSITY

The Lay University Eloy Alfaro de Manabí, is a public higher education institution, whose mission is the formation of competent graduate and postgraduate professionals in various fields of knowledge, encourages scientific research and technological innovation in close connection with society, by promoting, disseminating and developing knowledge with an ethical, humanistic and inclusive conception, to contribute to the socio-economic and cultural development of the Manabitas and Ecuadorians.

The Law School of ULEAM, in accordance with the regulations that regulate Higher Education, trains professionals capable of innovating and transforming the context in which they develop their professional work, with ethical values and with critical and creative capacity to solve problems in the legal environment of Ecuador ensuring its insertion in work environments and entrepreneurship.

Many are the methodological documents, guidelines and indications that allow analyzing the theoretical foundations of the process of professional training of law students. However, the work that is carried out is insufficient, still does not respond to the current demands in the Ecuadorian context, all the potentialities offered by the development of legal sciences in the organization and quality of processes are not adequately exploited.

The law is the set of legal rules provided for sanctions or not, the same as those governing a society that regulate relations between people. The real sources of environmental law refer to those events of social and ecological significance that have consequences on the human environment or environment, such as: the environmental problem of the contamination of natural resources, or its degradation or depletion; the need to apply a sustainable development policy in harmony with the need to conserve natural resources; the different forms of manifestation of environmental deterioration within the human habitat, originated by the urbanistic activity of man; the effects that occur in human, animal and plant health; global warming; the progressive desertification of arable land, among others.

Environmental Law is the legal subject that investigates, studies and analyzes the different relationships between natural, cultural and anthropic assets, guiding human behaviors and activities regarding the use, exploitation and exploitation of natural resources, the conservation of Nature and protection of the environment, through legal regulation.

Environmental Law refers to the set of rules that are responsible for legal protection of those conditions that make life possible in all its forms, is the group of rules that is responsible for the legal protection of ecological balance. It is the science that studies environmental legislation, which is made up of laws, regulations, principles, ordinances, international agreements; among others, with the ultimate goal of protecting and preserving natural resources.

The issue of environmental law has been little discussed and has received little attention from authorities, professionals and society in general, without having come to understand that its application is of great importance at present. It can be considered as a right that is part of basic human rights that do not need to be written in any document, because they are inherent in the person. The right to a healthy environment is an independent right, which imposes obligations on individuals, states and the world in general.

Environmental Law is taught in the career of Law in the area of humanistic training and contributes to the holistic holistic process of students, training them in recognized national and international legal instruments to defend the rights of natural heritage, contributing to the awareness of protection, conservation, recovery and promotion of nature for good living. Empower law students of the tools to understand and defend the rights of the Pacha

Mama and the process by which environmental damage from the social, economic and political. Its objective is to recognize and defend the Rights of Nature postulated in the Constitution, to awaken environmental awareness, respect and promote the rights of nature, preserve the natural heritage for this and future generations and value nature.

Each of these aspects or phenomena is a concern for the process of training professionals and their solution, necessarily, requires a change of personal and collective behavior that takes into account, above all, the general interest on the protection of professionals. environmental rights of future generations. To achieve this, it is not enough to be aware of it; a set of norms and institutions of an environmental nature is required, which allow to develop and apply an audit activity of individual and collective behaviors, which can only be achieved through the creation of legal bodies provided with a coercive power that persuades the spirit harmful to those who wish to act contrary to the environmental interests of the rest of society.

The issue of environmental care is transcendental at present, because if an urgent measure is not applied on the lack of protection to the environment, the negative results will be seen in the future and will affect the coming generations. The government is the one that, through the control entities, must respond for environmental care, implementing measures that lead to the responsibility we all have in the face of environmental damage and its prevention.

Environmental problems are frequent in almost all cities of Ecuador, so it is useful to strengthen their study in the process of environmental law training on how chemical waste affect the environment and know how to prevent, through the effective application of the law and the interest, responsibility and priority that the government must have in relation to environmental damage, caused by the lack of innovative mechanisms that contribute to participation in the defense of life.

The professional training of Law students from the Environmental Law is considered as a continuous process where skills, abilities and values of the professional activity are developed, interrelating different levels of systematics from the career, the year, the subject, the subject, the class and the task, both in the undergraduate and postgraduate, what constitutes focus and content of the training and improvement in the preparation of the professional.

Specifically, the students' training is studied from the Environmental Law, where, as task and occupation, the environmental principles that guide the application of the environmental legislation are present and are contained in the international laws and conventions on which it is necessary to deepen in the environmental management.

Although evident progress is being made in the universalization of activities related to the environment, it is necessary to point out that the content of environmental education programs has turned too much around theoretical cognitive elements to the detriment of the axiological and the technical, which still occupy a reduced space, even marginal in contemporary practice.

If in the process of professional training of students, the teaching of environmental law is addressed as a process of environmental legal development that starts from the problematization of the environmental professional reality, then they will feel subject of their practice, they will be assisted by the need to know , appropriating the necessary content to be able to solve the multiple environmental professional problems that they must face in the different training contexts. This warns about the need to conceive of the professional formation from the Environmental Right as a process that combines necessary tools in the solution of legal environmental problems of the social reality.

The general problems faced by professionals in the law career and the particularities of the training context, condition the need for a more coherent relationship between the

shortcomings of the work context and professional performance. In this sense, the performance of the professional as a response to that need in the exercise of the profession is based, and an evaluative analysis is made of concepts, conceptions and approaches for their formation, from diverse referents in the international and Ecuadorian context and their implications in the performance of this professional. Relationships related to professional performance are determined from the practice of the lawyer and the current conditions in the field of law.

This result confirms the need to deepen the treatment of environmental education students who allow an environmental professional performance in correspondence with the environmental requirements established by the profile of the graduate, in the solution of the professional problems that must face, in the diversity of spheres of action of the legal-labor process.

THE PROFESSIONAL ENVIRONMENTAL PERFORMANCE IN THE PROFESSIONAL TRAINING OF STUDENTS FROM ENVIRONMENTAL LAW

The previous foundations show the need to strengthen the training of legal professionals so that they become true experts in their own professional practice, capable of transforming it, with the essential aim of improving the quality of the legal processes that are offered. The basis of professional development must be based on a model that contributes to the strengthening, enrichment and diversification of the options for the training of legal professionals.

The model of environmental professional performance is valued as the living part of the process of training professionals from human actions, motivated by the achievement of various purposes, which cause collateral effects on the natural or social environment. In it, interrelated components are established that allow establishing a method for the effectiveness of environmental professional performance to resolve human and environmental conflicts and problems.

Modeling the environmental professional performance, is to understand it as the integral action that the students demonstrate in the legal and scientific branches that includes the linking of the cognitive - instrumental and the affective - volitional to demonstrate the suitability in the solution of the sociolegal - environmental problems to lead the transformation of man-environment relations for the achievement of a sustainable development in defense of the environment.

The technical-judicial, is recognized as the expression of environmental professional performance that promotes the learning and transformation of environmental education as a training process, from the student-environment link that emphasizes the awareness of ecological and socio-cultural problems with a remedial nature .

The knowledge of the environmental reality and the identification of its problems, the understanding of the historical and ecological processes, the development of an environmental sensitivity, projection of the values capable of influencing in a relevant way the modes of action that a diagnosis to the treatment implies of environmental problems in a coherent and meaningful way, through the study of all the subjects that enable them to recognize the potentialities of the environmental contents that will be taught to efficiently introduce environmental education through the educational process with the aim of achieving transversality and interdisciplinarity necessary to develop an optimal environmental education.

To develop the professional environmental performance, interpersonal communication is taken into account, not only by the rationality involved in that process, but also by the affective quality that is established, defined by the emotions experienced and the development of the student's sensitivity towards different aspects. of life, hence the

importance of the development of a contextualized environmental education and the participation of students in solving problems in their immediate environment.

The environmental-professional, is understood as the specific area to demonstrate the status of the process of understanding, development and systematization of information from the environment and environmental requirements related to environmental problems and impacts structured by legal environmental elements, which they serve as procedural support for environmental professional performance in the process of professional training from Environmental Law.

The system of environmental knowledge requires the assimilation of environmental concepts with the significance of their social importance and the development of skills, by solving problems or using other active methods, creates the conditions for the formation of convictions and feelings during execution of the training process in order to determine environmental knowledge, trying to maintain a balance between theoretical knowledge, procedures and education in values and attitudes.

In order to achieve environmental professional performance, the responsibility of the student of Law before the environment includes the contents referred to ethical issues, where the development of a shared responsibility, a solidarity and cooperation that is based on the knowledge about how the economic decisions in the world and the assessment of the effects of its implementation for the global or national environment.

The preprofessional problems that are presented to the students are related to the common basic training for an adequate environmental legal training forged between the new environmental constitutional principles and those traditional principles of constitutional law; from the problematization of the educational reality and require the development of the environmental culture to ensure that students achieve an identification with legal professional training.

In the process of assimilation of knowledge there is the acquisition of procedures, of strategies that will contribute gradually, to the development of thought, to the formation of cognitive interests and of reasons for the activity of study, provided that they are well conceived. In this process of acquiring knowledge, of interaction between students, all possibilities are given to contribute to the formation of feelings, qualities, values, to the acquisition of behavioral norms, essential aspects to which the development of the process must contribute teaching-learning.

The professional environmental performances make it possible to demonstrate the observable, described and evaluated actions that express the complexity of the problems facing the environment of law students. They are a concrete manifestation, demonstrated by the student in the solution of environmental professional problems from the man-environment interaction, that is why it can be seen in a practical way in the environmental legal action mode, so it is important to specify what is that the student must know how to do, which in a totalizing way includes the link between the cognitive - instrumental (knowledge - skill relationship) and the affective - volitional (values, attitudes, etc.).

The ethical aspect of environmental professional performance encompasses a broad spectrum of moral regulation, which is manifested among other indicators, with impartiality, credibility, interpersonal relationships and affective communication between the subjects involved, covering nature, society, historical-cultural heritage, what was created by humanity, to humanity itself, and as an element of great importance, social relations and culture.

The level of the professional environmental performances characterize the gradual ascent in the formation of the students from the humanistic axis of formation and contributes to the holistic integral process of the student, qualifying him of recognized legal instruments to defend the rights of the natural patrimony, contributing to the awareness of the protection,

conservation, recovery and promotion of nature for good living, based on the demands of the professional context, therefore three levels of analysis are considered that form the core of the interrelation of professional performances to promote the training of professionals with knowledge and integrating experiences of the innovated theory and practice of the Legal, Humanistic, Social and Political Sciences, in order to solve the problems posed by society with opportunity, equity, transparency and ethics.

The partial implementation in practice is carried out with professors and students working in the ULEAM Law course. It is considered that the purposes of the pedagogical model and the methodology were satisfactorily achieved, in accordance with the real conditions of the center and the characteristics of the different agents and agencies that intervened, while the joint work favored the interactive relationships among the participants. In general, the impact of the proposed results are manifested in the following regularities in the students:

- ✓ The development of a transforming spirit of the social and personal reality of law students to identify with environmental problems.
- ✓ The contribution to the internalization of social needs until they become individual needs.
- ✓ The contribution to promote environmental professional performance and the sense of social belonging.
- ✓ In the group of teachers who took part in the research, transformations were manifested that are reflected in:
- ✓ The assumed theoretical platform allows them to develop environmental professional performance, and achieve greater preparation, independence and creativity in order to carry out the different activities.
- ✓ There are changes in the affective to recognize greater personal satisfaction in relation to the change experienced in their preparation to face the challenges of the profession, which stimulates their concerns for learning to teach from new proposals aimed at the professional context in which the investigation is inserted.
- ✓ A level of commitment among the participants is achieved.

The professional environmental performance for the Law students offers a renewed vision from the integration of technical-legal and environmental issues, indicating the fundamental way of organizing the orientation process, and giving an account of the functions and actions to be developed by students and teachers in each stage. The results achieved demonstrate its relevance and reliability to develop the process of environmental professional performance aimed at the effectiveness of the training actions established in the career of Law.

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