

FOREIGN LANGUAGE COMMUNICATIVE COMPETENCE OF FUTURE AND CURRENT SPECIALISTS IN THE LEGAL SPHERE, PUBLIC ADMINISTRATION AND LAW ENFORCEMENT AGENCIES AS A COMPONENT OF GENERAL PROFESSIONAL COMPETENCE

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Abstract: In the context of globalization, the foreign language communicative competence of lawyers and police officers becomes especially important. Such competence allows for a better understanding of the persons when they do not speak the native language of the lawyer or the police officer. The study aims to identify cases where foreign language communicative competence has a special significance for lawyers and police officers. The research employs analysis, synthesis, generalization, and formal-structural methods. The paper examines a set of norms regulating the use of foreign language communicative competence by lawyers and police officers in civil, criminal, administrative, and economic legal proceedings. The study analyzes the necessity of proficiency in a second, non-native language based on various legislative acts, including the Constitution of Ukraine, the Law of Ukraine "On Security Activities," the Law of Ukraine "On the Judiciary and the Status of Judges," the Law of Ukraine "On the National Police," the Law of Ukraine "On the Bar and Legal Practice," and the Law of Ukraine "On Notariate." A positive aspect of criminal procedural legislation is noted regarding the requirement to ensure the competence of a translator when involved in criminal proceedings.

Keywords: Foreign language communicative competence, English language, Lawyer, Police officer, European Education Area.

1 Introduction

Nowadays, it is hard to imagine the modern world without knowledge of a foreign language. In the context of globalization processes, lawyers' and police officers' proficiency in foreign language communicative competence is becoming increasingly important. At the same time, Ukrainian legislation provides for the participation of an interpreter in criminal, civil, administrative, and commercial proceedings. Curiously, the relevant procedural codes do not contain any special requirements for an interpreter to speak a second foreign language in the legal aspect.

There are also no special requirements for a police officer, lawyer, notary, or judge to speak a foreign language. The current situation creates a particular need to study the issues covered by the subject matter of this article. After all, proficiency in a language other than the official Ukrainian language allows to unify the practical activities of police officers and lawyers. It also allows to study foreign experience in a particular legal area.

This study aims to analyze the cases when proficiency in a second foreign language is really necessary for police officers and those categories of people who can be called lawyers (attorney, judge, detective, prosecutor, notary, ordinary lawyer, or legal consultant).

2 Literature review

Savington S.J. (2018) dedicated his work to the concept of "communicative competence." Kokorina L. V., Potreba N. A., Zharykova M. V., and Horlova O. V. (2021) wrote about distance learning tools for the development of foreign language communicative competence. The paper by Larsari V. N. (2011) is devoted to communicative competence in the context of English as a foreign language. The article by Turko O., Kravchuk T., Kashuba O., Navolska H., and Kutsyi I. (2021) is relevant to the latest tools for forming the foreign language communicative competence of students in language specialties.

Ho Y. Y. C. (2020) addressed the issue of communicative competence for master's students in the context of learning English for the tourism business sector. Tursunovich R. I. (2023) considered the development of communicative competence in foreign language teaching with a professional focus. Huang L. J. D. (2021) specializes in the development of intercultural communicative competence in foreign language classes, using Taiwan as an example.

Djalilova N. (2022) states that the formation of communicative competence plays a managing role in the foreign languages teaching. This approach precisely determines the potential of future specialists in various fields, as there are growing demands for professionals with knowledge of foreign languages.

Aldahhan A. and Razak N. A. (2023) prepared a literature review on the use of digital platforms to enhance the communicative competence of undergraduate students. These digital platforms included mobile learning and artificial intelligence. Aldahhan A. and Razak N. A. (2023) conducted their research from 2010 to 2023. The authors considered all four components of communicative competence: linguistic, discursive, strategic, and sociolinguistic.

Venzhynovych N., Poluzhyn M., Banyoi V., and Kharkivska O. (2021) wrote about means of teaching foreign languages during the COVID-19 pandemic in Ukraine. The study by Davtyan A. (2019) is dedicated to the foreign language communicative competence of lawyers, specifically the problems of studying legal English as a language for particular purposes.

Since the issue of foreign language communicative competence of police officers and lawyers has hardly been addressed in scientific papers, the topic of this article becomes extremely important.

3 Aims

The study aims to identify cases when foreign language communicative competence has a special significance for lawyers and police officers. The following tasks were set to achieve this goal:

- to analyze the status of an interpreter in civil, criminal, commercial, and administrative proceedings;
- to consider the legislative requirements for a lawyer, notary, or police officer in terms of the need for them to be proficient in a second foreign language;
- to distinguish between the concepts of "lawyer" and "police officer" through the prism of the terms "person with a legal education" and "person engaged in legal or practical activities."

4 Methods

The authors used the following methods when conducting the study:

- *Analysis method.* This method was used while examining legislative acts that regulate requirements for police officers and individuals engaged in legal activities.
- *Synthesis method.* It was applied in providing a comprehensive description of situations where a lawyer or police officer may need a language other than the official state language, including Ukrainian or a foreign language.
- *Generalization method.* This method was employed in the systematic review of scientific sources related to the publication's thematic content.

- *Formal-structural method.* It was used in distinguishing between the concepts of "lawyer" and "police officer" through the terms "person with legal education" and "person engaged in legal practical activities."

5 Results

Only a few Ukrainian legal documents require lawyers to know and speak a foreign language. In the the Law of Ukraine "On Judicial System and Status of Judges," it is mentioned that in response to a request from a member of the first composition of the Tender Committee, both assistants and translators can be involved. The purpose of such involvement may be to provide organizational and technical support for the duties of the relevant member of the Tender Committee. International technical assistance may be utilized for the proper financing of the activities of these assistants and translators (Law of Ukraine "On the Judiciary and the Status of Judges," 2016).

The Law of Ukraine "On Security Activities" does not address the necessity of proficiency in a second foreign language or the use of translator services (Law of Ukraine "On Security Activities," 2012). These requirements are also absent in the Constitution of Ukraine (Constitution of Ukraine, 1996).

Article 29 of the Criminal Procedural Code of Ukraine regulates the language in which criminal proceedings are conducted. It also allows for engaging a translator when necessary (Criminal Procedural Code of Ukraine, 2012). We should pay attention that articles related to the language of civil, administrative, and economic legal proceedings and the possibility of translator participation in civil, administrative, and financial processes are formulated in the respective codes almost identically (Article 9 of the Civil Procedural Code of Ukraine, Article 15 of the Code of Administrative Proceedings of Ukraine, Article 10 of the Economic Procedural Code of Ukraine) (Civil Procedural Code of Ukraine, 2004; Code of Administrative Proceedings of Ukraine, 2005; Commercial and Procedural Code of Ukraine, 1991).

Article 75 of the Civil Procedural Code of Ukraine, Article 71 of the Code of Administrative Proceedings of Ukraine, and Article 71 of the Commercial and Procedural Code of Ukraine also contain almost identical understandings of such a participant in civil, administrative, or economic proceedings as an interpreter.

Curiously, the requirements for a translator in these codes are quite superficial. The only requirement to be a translator is to speak Ukrainian and, as the codes state, "another" language. The regulatory framework for the legal status of an interpreter in criminal proceedings differs from the regulatory framework for an interpreter in civil, administrative, and economic processes. This framework is contained in Article 68 of the Criminal Procedure Code of Ukraine.

In that article of the Criminal Procedural Code of Ukraine, a requirement for the proper competence of the interpreter is stipulated. This, in our opinion, should be extended to the status of an interpreter in civil, administrative, and economic processes. After all, the interpreter should not only be fluent in Ukrainian and another language but also be competent in translating various legal terms (Rusakova et al., 2023). This is especially true when it comes to the translation of a court decision.

Proficiency in a foreign language, according to Article 6 of the Law of Ukraine "On the Bar and Legal Practice," is not mandatory for a person intending to obtain a lawyer's certificate (Law of Ukraine "On the Bar and Legal Practice," 2012). The same applies to a person planning to become a notary (Part 2 of Article 3 of the Law of Ukraine "On Notariate") (Law of Ukraine "On Notariate," 1993).

We would also like to focus on the differences between the concepts of a lawyer and a police officer. In our opinion, it is also necessary to note the existence of such notions as "person with a legal education" and "person engaged in legal activities."

Part 1 of Article 49 of the Law of Ukraine, "On the National Police," does not include requirements for legal education for future police officers. For them, a sufficient level of general secondary education is considered satisfactory (Law of Ukraine "On the National Police," 2015).

At the same time, the concept of a "lawyer" is quite broad and includes lawyers, prosecutors, investigators, judges, notaries, as well as common legal specialists and consultants engaged in legal activities. Legal education is mandatory for all these positions. However, not every person with legal education practices legal activities. Thus, these concepts are not identical and should be distinguished.

Now, let us consider the purpose of a second language for a police officer and a lawyer. For a police officer, it is quite possible to face a situation where it is necessary to detain a foreigner who commits an offense and does not speak the official Ukrainian language. While waiting for an interpreter to be involved in this process, the ability to speak at least English (not exclusively) will significantly facilitate communication between a policeman and a person who has committed an offense and does not speak Ukrainian.

The same applies to investigators and prosecutors who may conduct criminal proceedings where the accused or suspect does not speak Ukrainian language. This situation is also possible for a defense attorney representing such a person. There is also the possibility that a person who does not speak the Ukrainian language will be a party (plaintiff or defendant, etc.) in civil, administrative, or commercial legal proceedings. In such cases, the lawyer should be proficient in at least one foreign language (preferably English because it is the most widely used).

For judges, the situation is more serious, as in judicial practice, there is often a need to refer to decisions of the European Court of Human Rights. Although Article 4(1) of the Law of Ukraine "On the Enforcement of Judgments and Application of Practice of the European Court of Human Rights" provides that judgments against Ukraine shall be published in Ukrainian, judges may need to refer to those judgments of the European Court of Human Rights (where Ukraine was not a party). Such judgments are usually accessible in English or French (Law of Ukraine "On the Fulfillment...", 2006).

In addition, attorneys may need foreign language communicative competence when representing clients (individuals and legal entities) at international arbitration bodies. Let us not forget about scholars in the legal field. Proficiency in at least English allows legal scholars not only to analyze foreign sources but also to submit scientific papers to publications indexed in the international scientific and metric databases Scopus/WebOfScience. Notably, proper mastery of a foreign language is required in the Doctor of Philosophy in Law educational program.

It is important to remember that a person who does not speak the Ukrainian language can also apply to a notary. Thus, a notary's proficiency in a foreign language will speed up the notarial process without involving an interpreter. Proficiency in a second (other than native) foreign language for police officers and lawyers is essential for the integration of Ukraine into the European linguistic space.

6 Discussion

Savington S.J. (2018) notes that the introduction of the doctrinal construct of communicative competence into the discussion of proficiency of second/foreign language were quite revolutionary. Kokorina L. V., Potreba N. A., Zharykova M. V., and Horlova O. V. (2021) described an empirical study based on distance learning methods in education of linguistics. The main goal of this study was to evaluate the effectiveness and analyze the peculiarities of the distance method of learning/teaching foreign languages.

Larsari V. N. (2011) rightly points out that there is an acute problem nowadays. The ability of learners to effectively express themselves in a foreign language is reduced. The author proposes an integrative approach to integrative computer-mediated communication to solve such difficulties.

Turko O., Kravchuk T., Kashuba O., Navolska H., and Kutsyi I. (2021) demonstrate the effectiveness of modern methods for developing English communicative competence in students majoring in non-language disciplines. The authors share their experience of a three-year teaching approach using gaming technologies, project technologies, interactive technologies, tasks in the Moodle electronic system, etc. They also discuss the advantages of using these tools at the university. The central focus of their research is the effectiveness of these tools in shaping the foreign language communicative competence of students. The authors highlight the benefits of teaching with modern linguistic and technical tools. Survey results indicate these tools' effectiveness when combined to develop English language skills. The findings of Turko O., Kravchuk T., Kashuba O., Navolska H., and Kutsyi I. (2021) can be applied to English language education for students of non-linguistic majors.

Ho Y. Y. C. (2020) emphasizes the increasing demand for English-speaking specialists in the tourism and hospitality industry. The author conducted research involving 70 Taiwanese students, offering them various paper and oral tests, surveys, and focus group interviews.

Tursunovich R. I. (2023) identified general trends in global and national education, as well as principles and methods of forming professional, communicative, intercultural competencies when foreign language teaching for vocational purposes within the context of engineering, economic, and other non-linguistic specialties in technical universities. Huang L. J. D. (2021) notes that internationalization has emphasized the importance of intercultural communicative competence among language learners in higher education in the 21st century. Like Taiwan, many universities worldwide have begun to learn "literacy" of intercultural character in language classrooms. Thus, the study by Huang L. J. D. (2021) aims to evaluate the explicit instruction effectiveness on the development of communicative competence in EFL learners using both other assessment and self-assessment tools. It also examines the relationship between communicative competence development and two other factors of background. The results of the research show that clear instructions are effective in enhancing students' development of communicative competence, especially in the aspects of knowledge and skills. Moreover, English language proficiency is closely related to acquiring communicative competence skills.

Aldahhan A. and Razak N. A. (2023) noted that in most studies, digital platforms positively and significantly impacted students' communicative competence acquisition. However, most literary sources focus on one communicative competence component, namely a linguistic one. These studies primarily used an experimental plan in the methodology, following an approach of combined character. Students of high school were the main sample in most studies. Meanwhile, only a few of them focused on undergraduate students. The review's findings have an essential impact on university management. They make it possible to use the experience of other universities and countries.

Venzhynovych N., Poluzhyn M., Banyoi V., and Kharkivska O. (2021) described and analyzed the most important methods for teaching a foreign language. The authors examined the teaching of English in Ukraine during the global pandemic caused by the spread of the COVID-19 coronavirus in the early spring of 2020. The research identified the restructuring of the educational process in universities of Ukraine according to European quality education requirements/ During the pandemic, it was crucial to ensure a personality-oriented education. This knowledge provides optimal conditions for the harmonious development of each student.

The main idea of the study by Davtyan A. (2019) is to analyze the general features of competence-based approaches relevant to the study of SPL used in the professional communication of lawyers. These approaches are based on both the theory of SPL and jurisprudence (in a particular area of law), as well as on the practical use of legal English in the professional communication of lawyers, including the development of their skills and competencies. The author is convinced that competencies and their features are essential in all types of professional communication. They should be carefully studied as a subject in the theory and practice of a special purpose language.

The scientific novelty of the study by Davtyan A. (2019) lies in the fact that he considered the following aspects:

- the structure of a lawyer's professional/communicative competence, implemented through the use of legal English (theoretical and practical aspects);
- the relationship between foreign language communicative competence and the professional competencies of future lawyers;
- the problems and difficulties faced by lawyers in real-life learning practice;
- the solutions to the analyzed problems and learning tasks essential for developing the abilities required for mastering vocational foreign language competence.

Samely U. (1995) addresses the foreign language needs of future legal practitioners. Another exciting research was conducted by Rodríguez G. L. A. and Flórez E. E. R. (2020) on using legal cases to develop foreign language communicative competence in law majors. Nóvoa A. (2001) described the reorganization of the European Education Area among educational communities, citizens and states. There are few studies that focus on the issue of foreign language communication competence of lawyers and police officers.

7 Conclusions

After analyzing the status of an interpreter in civil, criminal, administrative, and commercial proceedings, the authors have concluded that it would be beneficial for civil, administrative, and commercial proceedings to adopt the experience of criminal proceedings, where the requirements for an interpreter's competence are set forth.

The majority of Ukrainian legal acts do not contain requirements for proficiency in any foreign language besides the state language. In particular, this concerns police officers, lawyers, and notaries.

This study systematizes the cases when police officers and lawyers may need to acquire foreign language communicative competence and provides an example of such situations.

After a comprehensive review of the "police officer" and "lawyer" concepts, the authors believe that these concepts are not related to each other at all. In fact, the current legislation of Ukraine does not require legal education for police officers.

Further scientific research may be based on the need for police officers and lawyers to be proficient in another foreign language besides the official one. In other words, police officers and lawyers should be fluent in two foreign languages.

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