

## Legal Competence of a Teacher as a Necessary Condition for Effective Professional Activity

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### Abstract

The article outlines the foundations for the formation of the teacher's legal competence, which is significant in the context of the intensive renewal of legislation in the field of education, changes in legal consciousness and the status of education workers. This aspect of activity lays down a systematic and orderly process of control and compliance with established norms, standards and requirements at the level of the institution in which the teacher works. The conducted research aims at systematic work on mastering the legal space in the field of education at the international, national and local levels through the analysis of regulatory documents that improve and adapt the activities of the institution to changing circumstances.

**Keywords:** legal competence, normative act, components of legal competence, algorithm for studying a regulatory document.

The role of the regulatory framework in the field of education is to maintain a systematic and orderly process of control and its assessment in the context of compliance with established norms, standards, rules and requirements within the framework of the institution's activities. The study and analysis of the regulatory document ensure continuous improvement and adaptation of the institution's activities to changing circumstances. The development of regulatory educational documents allows for an effective response to the challenges of the modern educational environment, ensuring a high level of quality of education and compliance with standards.

The teacher's activity in studying regulatory documents is the basis of legal competence.

*Legal competence* is a professional standard of the quality of an employee's actions, which effectively ensures the use in professional activities of legislative and other regulatory and legal documents issued by legislative bodies to solve relevant professional problems.

According to Murtazaliyev, Bekishieva, the *legal competence of a teacher* “implies the use of official documents in pedagogical activity that ensure the training and education of students in modern conditions.” [9]

According to V.T. Azizova, legal competence is “a mandatory requirement for an employee in the field of education, regardless of specialization, job responsibilities, or length of service.” [8]

A significant number of legislative acts at the international, national, and local levels determine the need for its formation in education workers, which must be considered in the process of professional activity.

A *normative act* is a “legal act adopted, approved or issued by a government body, which has a public, mandatory, general and impersonal nature and establishes, amends or cancels

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legal norms governing the emergence, change or termination of legal relations and is applicable to an indefinite number of identical situations.” [5]

The importance of working with legislative acts and various types of school documents is emphasized by a number of research reports and scholars who are currently examining the profile of teacher competencies.

In the European area, a framework of teacher competences has been developed that defines the areas of competences to be formed and developed. Some of these competence areas are common to a number of countries: these include psychological and pedagogical competences, special knowledge and approaches to teaching, organisation of learning and assessment, innovative approaches to teaching, communication with students, cooperation with colleagues and relations with parents and other external partners.

In certain European countries, additional competence areas are being introduced. For example, within the French community in Belgium, a competence framework for teachers is in effect, including 13 competence areas, such as effective partnerships with the institution, colleagues and parents; mastering didactic approaches related to the subject taught; teamwork within the school; having a critical and independent view of previous and future scientific knowledge; having a reflective approach to one's own practice and organizing one's own continuous professional development. The proposed competence for mastering didactic approaches focuses not only on the choice of a flexible strategy for teacher behavior, but also on the promotion of pedagogical ideas proclaimed in society through regulatory documents on the subject taught. Having a critical approach to previous scientific knowledge lays the foundation for progressive actions to improve the country's regulatory framework “from the bottom up,” where ordinary teachers are able to initiate actions to change the content of a number of documents. [3, p.81]

In the Netherlands, teacher competences are divided into seven different areas. Each area has a general objective and specifies the necessary skills and knowledge. For example, the objective of the area “Special competences and approaches to teaching” is that the teacher should be able to create a reliable learning environment in a modern, professional and organised way, so that every child can acquire the cultural knowledge expected in society. Among the special competences, knowledge of the country's regulatory framework is of great importance, which, first of all, will ensure a professional approach to teaching. [3, p.81]

The research report “Teacher's Competence Profile”, carried out in the context of the project “Profesionalizarea carierei didactice– PROF Nr.2887/POCU\_146587/22.09.2023 Profilul de competențe al profesorului”, București in the field of competences 2: *Organization of the learning environment*, highlights the teacher standard 2.1. “The teacher ensures classroom management by applying school rules, and legislation in order to ensure the safety, health and well-being of children/students in accordance with the provisions of the GDPR (General Data Protection Regulation)”. The assimilation of the legislative framework allows the teacher to resolve various didactic situations that occur in pedagogical practice competently. [6, p.8]

The standards of professional competence of teaching staff in general education (Moldova) in the area of competences 1. *Didactic design* highlight Standard 1.1 “The teacher develops an educational approach in the perspective of the curriculum theory”. In this regard, it can be argued that knowledge of the *curriculum documents of Moldova* (at the level of educational policy, projective, methodological types) helps the teacher to design and build the process of teaching students. In another area of competences 4. *Professional development* for standard 4.1. “The teacher manages his/her own continuous professional development”, one of

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the activity descriptors notes: "The teacher complies with the regulatory framework for continuous professional development and methodological provisions for planning and assessing the level of professional training". This provision guides teachers to know the *regulatory framework in the area of professional development* (for example, the provisions on certification, including articles on taking advanced training courses once every 3 years, etc.).[7]

S. Kristya, among the four types of general teacher competencies, identifies political competence, which demonstrates the correct perception and fulfillment of direct and indirect responsibilities of teachers, transmitted at the level of macrostructure goals (the pedagogical ideas of the country, outlined in legislative normative documents, influence the pedagogical goals implemented in the work of educational institutions). Consequently, knowledge of the country's regulatory framework (as a minimum) is necessary in the implementation of professional activities. [4, p.32]

According to A. Afanas, "At the level of the educational process, the teacher must know the content of the subjects taught and the relevant *school documents* that he/she needs to implement during the designing and assessment of the process of student learning." In this context, attention is drawn to the documents that the teacher uses in the process of designing and implementing the educational process. [1, p.451]

In the system of formed competencies, the teachers I. Botgros and L. Frantsuzan name managerial competence, which influences the success of the educational process management. Managerial actions always begin with knowledge of regulatory documents and bringing the educational process into line with the requirements of the current regulatory framework. [2, p.41]

The analysis of the designated aspects of research documents of the international/European/national level, as well as the points of view of scientists, indicates the presence of the main components of the legal competence of a teacher, which is considered as the ability and readiness of a teacher for legal activity, expressed in a personally conscious positive attitude, in the presence of deep, solid knowledge and skills aimed at solving professional problems with the help of regulatory documents.

The structure of the teacher's legal competence includes such components as motivational, content-based, activity-based and personal, which are closely related to the following mental processes: legal consciousness, legal thinking, law enforcement activity, readiness and ability for legal activity. Let us consider the structure of the teacher's legal competence.

**Table 1. The structure of the teacher's legal competence**

№	Structural component	Characteristics
1.	Motivational	1. Positive attitude of the teacher to legal activities: <ul style="list-style-type: none"> <li>the teacher studies various regulatory documents with interest;</li> <li>looks for new forms and methods of working with them;</li> <li>strives to find an answer to the question of interest in modern documents.</li> </ul> 2. Feeling the need to master new information. 3. Satisfaction with own achievements in the field of studying regulatory documents.
2.	Content-based	The system of professionally significant knowledge necessary for legal activities:

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		<ul style="list-style-type: none"> <li>• knowledge of the regulatory framework of the education system as a whole and regulatory documents relating to the taught discipline in particular;</li> <li>• knowledge of the trends and education updates in the country;</li> <li>• knowledge of the technology of educational activities based on regulatory documents.</li> </ul>
3.	Activity-based	A set of professionally significant skills necessary for the teacher's legal activities: <ul style="list-style-type: none"> <li>• collecting, studying, analyzing regulatory documents necessary for the teacher's work;</li> <li>• finding the necessary information in the text of the document;</li> <li>• drawing up and preparing documents in accordance with the requirements;</li> <li>• solving pedagogical problems, referring to the legal document.</li> </ul>
4	Personal	A set of personal skills and achievements necessary for the implementation of legal activities: <ul style="list-style-type: none"> <li>• responsibility;</li> <li>• flexible thinking;</li> <li>• systematicity;</li> <li>• professionalism.</li> </ul>

Each of the above aspects is important in the technology of working with documents.

All documents that need to be reviewed and studied constitute a centralized document flow, which includes:

- *incoming documents* received by the educational institution from external organizations;
- *outgoing documents* received by the educational institution from structural divisions for sending to external organizations;
- *internal documents* received from one structural division to another.

In the context of an educational institution, *internal documents* acquire the status of an asset of the organization, rationality of planning, legality of decisions taken, reliability of reporting to supervisory and regulatory authorities.

From the point of view of the technology of working with internal documents, the following office work operations are performed:

- execution (implementation of actions according to the instructions of the document);
- quality control (checking the quality of the document execution by a higher authority);
- analysis by the manager (making decisions on additional studying of the document by teachers / updating poorly studied aspects of the document).

To organize work on studying regulatory documents in the field of education and developing the legal competence of teachers at the level of educational institutions, the technological model "Study of educational regulatory documents" can be taken into account.

The content of the model includes two stages of work:

- motivational (forming interest in studying regulatory documents from the point of view of their significance in professional activity, sharpening the relevance of each document and its application in specific conditions and situations, when solving a number of pedagogical and managerial problems);

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- content- and activity-based (demonstrating the work algorithm on studying documents and identifying organizational management forms through which this activity can be carried out).

A thorough study of a legal document requires a group of skills aimed at mastering the specific information of the document. Magomedova R.M. reveals the following skills to be distinguished for working with normative acts. [10]

1) the ability to give a general description of a normative act (understanding and highlighting the requisites, structure, regulated relations, subjects, concepts given as normative, etc.);

2) the ability to determine the place of a normative act in the education system (determining the level of the document (international, national, district/municipal, local) and the area of development (in our case, education);

3) the ability to read a normative act and extract the required knowledge from it (attentive reading with the identification of significant aspects that influence the organization of the educational process in a given period of time);

4) the ability to identify essential features of concepts contained in the text of a normative act (highlighting significant features for carrying out professional activities in accordance with established requirements);

5) the ability to extract and generalize knowledge from a normative document (highlighting/generalizing important information in the document, comparing/establishing a connection between the normative document and other documents to understand the scientific basis of its construction);

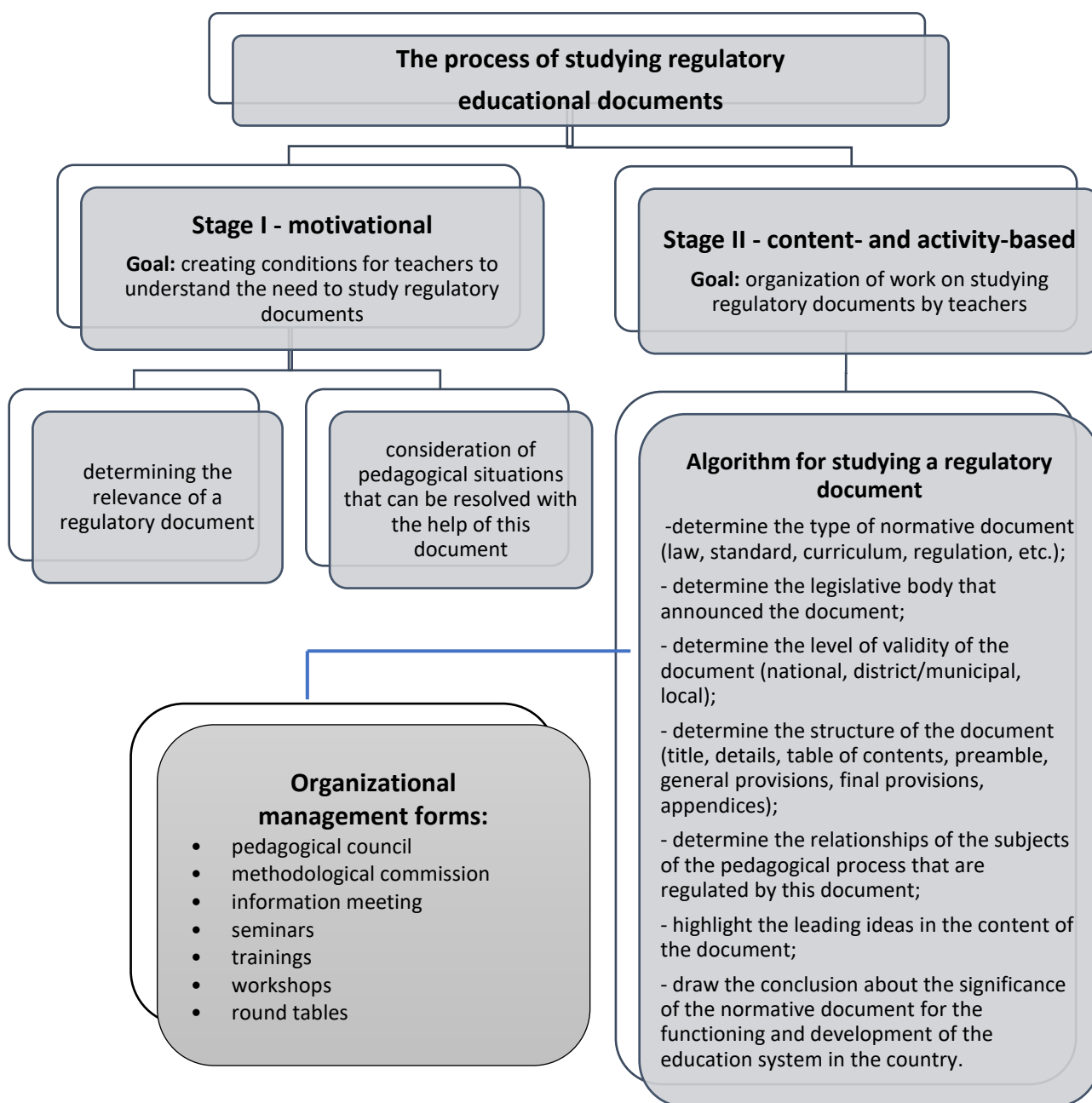
6) the ability to use excerpts from the text of the act to illustrate theoretical provisions (quoting individual fragments of the document in pedagogical situations requiring permission);

7) the ability to use the text of a normative act to argue one's position (quoting individual fragments of the document in case of violation of the actions of higher authorities);

8) the ability to use a normative act when resolving professional situations / integrate it into professional activities (citing individual fragments of a document in professional situations, personal situations requiring resolution).

Adhering to the algorithm for studying a legal document allows teachers to independently extract the necessary information from the normative act and use it in their professional activities. The actions specified in the algorithm can be initiated in the context of holding pedagogical councils, meetings of methodological commissions.

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**Figure 1. Technological model "Study of regulatory documents"**

Organization of systematic work with regulatory documents allows to ensure the quality of professional activity at a high level:

- to organize activities in accordance with the provisions of the regulatory document;
- to assess the level of own knowledge of the document;
- to study all components of the document, clarify the purpose and target settings;
- to develop the ability to perceive the document, extract information from it, use it when solving professional problems;
- to develop each component of legal competence (motivational, content-based, activity-based, personal).

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