

# Education as a determinant of financial law development

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## *Abstract*

The paper defines basic educational approaches in the field of financial law. It points out the interconnection of jurisprudence with educational sciences. The selected aspects of qualitative researching activity in education of experts of financial law are specified in details. By examining didactic knowledge in the legal domain, some of practical methods of educational processes are presented. It was confirmed that the active educational methods have come to the fore. When applying these methods, participants of legal education are actively involved into the legal process. The result is a strategy of legal education, which is closely linked with the strategy of educational teaching process. The elements of the implementation process of legal education contribute significantly to defining of the concept of learning and development of financial law. An important factor in the development of financial law is the cycle of the legal education, which contributes to the educational effectiveness of legal sciences.

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## *Keywords:*

Financial law  
Learning methods  
Learning process

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## **1 Process of education and the development of financial law**

The learning process can easily arise to penetration or substitution of some terms. For this reason, I consider it important to explain the difference between learning, development and education at the beginning. Learning is a process of a change, which includes new guidance and new action. We learn not only organized but also spontaneous, even if you do not realize it. Learning is a term, which includes more than development and education. That is why we are talk about learning and not educational organization, although several users can conceive learning organization as a greater concentration of education. The development is achieving by the required change through learning. The development consists of an intention, which is essential part of limited and delimited developing programmes. Education is one of the ways of learning, organized and institutionalized way of learning. Educational activities are limited – they have their own beginning and end. In drafting of education, we proceed systematically.

It is clear that we learn although we do not educate. We learn also undesirable things, even though not everything can be considered for as a development. The development plan includes all activities that lead to a desired change and it is not only about education. Armstrong defines development as developmental process that allows making progress on our present knowledge and skills for a future state in which it is required a higher level of skills, knowledge and expertise. It takes on the form of educational activities, which prepares people for a broader, more responsible and more demanding work tasks. It does not focus on improving operational performance in today's workplace. (Armstrong, 2007, p. 470)

Education in financial law can be characterized as an permanent process, in which adaption occurs and change in behaviour of the level of knowledge and motivation on the basis of developments in the legal domain, based on the use of various methods of learning. The result is a reduction in the difference between current

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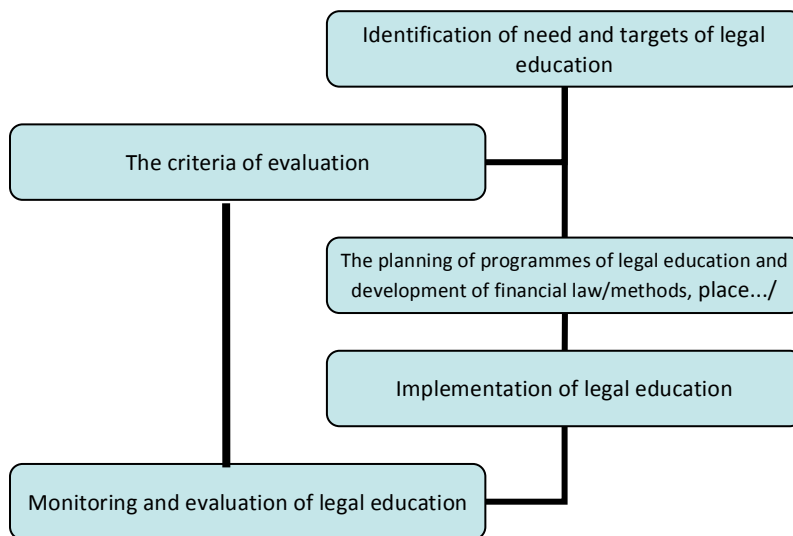
requirements of legal science and competences resulting from legal practice. Education and development of financial law is a process of constant increasing of professional readiness with an emphasis on quality and the desired legal action and create space for self-education. Education and development of legal knowledge can be seen as a lifelong process of enrichment and enhancement of financial and legal cognition, deepening legal and professional skills and competences. According to Armstrong, the aim of the policy and educational programmes in an organization, to ensure qualified, educated and skilled people needed to meet current and future needs of the organization. To achieve this objective, it is necessary to ensure that people are ready and willing to educate, they understand what they need to know and be able to work. They also were able to take responsibility for their education that will make full use of existing sources of education, including professionals' support and guidance of jurisprudence. (Armstrong, 2007, p. 461) Armstrong defines education as an ongoing process, which not only increases existing skills, but also leads to the development of knowledge, skills and attitudes that prepare people for future broader, more demanding tasks.

The designed concept to access education and development of financial law:

- neutral concept – all the educational activities are limited to obligatory training arising from the legal and professional regulations.
- random concept – training for experts are not planned, they submit to immediate needs. This such education cannot be effective.
- organized concept – the education activities are planned and requirements of the courses are specified according the requirements and needs of legal practice(more effective education)
- target concept – education is provided permanently and systematically on the basis of the identified needs.
- the concept of learning – education acquires new character, the focus is on self-learning respectively self-improvement. It is understood by focusing on trying out different facts in dealing with new issues. Such education must be supported at all levels of the educational system and by the legal working teams. So far, it is just a theoretical model.

The philosophy of education in financial law expresses the importance of how the stated legal education attaches. Some other legal domains still use the passive approach and suppose that for themselves they manage legal awareness. The legal institutions in financial law with positive philosophy of education realize the existence in the world, in which competitive advantages are achieved especially through higher quality of experts for the legal issue and this existentially important need cannot be satisfied without investments in development of people's skills and knowledge. We cannot forget the fact that currently or potentially deficiencies in the qualification can endanger their future prosperity and growth. The legal institutions are convinced about return of this investments in the tough business conditions. In determining specific philosophy of education is important to take into account the quantity of factors, from external legislative, competitive, markets' trends etc., which includes a culture, demography, economy, politics, social climate internal factors (targets, financial opportunities, current level of education etc.). These factors influence effectiveness of financial law.

Education of legal experts is nowadays necessity. Its character, level and intensity can be different according to the specific needs of jurisprudence and practice. However, important is to create the conditions for effective education, this means education must be well organized and systematic, conducted continuously within an iterative cycle.



**Fig. 1:** The cycle of legal education and development of financial law

The objectives of education can be determined based on fixed needs of education. For clarity of their importance, it is appropriate to divide objectives into two categories: programme objectives include the objectives of programme as the output process of identifying the needs for legal education and objectives of the course (learning actions) include objectives of individual educational activities. The programme of specific educational actions includes the time schedule, content (subject), the used methods and tools.

The motivation of the experts to learning and increasing their own potential is a very important element of educational process. The willingness to improve is largely influenced by the effectiveness of education. For the legal domain is important to have an appropriate system of motivation to education. The incentive factor can be the position in the legal community, the retention of job and position, promotion, increase flexibility and readiness for a change, higher salary or a chance to exert own potential for new opportunities.

The participants are the key element of education. Each person has a different learning style, therefore it is important that lecturers during education responded to what manner of learning the participants prefer. Already with the preparation of educational programmes, it is necessary to create a homogeneous group, the criterion can be, e.g. expertise, the length of employment or functional classification. In any case, an educational programme must meet the needs of majority of the participants in one group. The lecturers of jurisprudence must have personal capabilities to ensure the respect, trust and be able to hold all the necessary tasks. Another capability of successful lecturer is high level of social intelligence. It is ability of a well-functioning in interpersonal relationships and communication. The success of educational action depends primarily on lecturers' ability to bring the audience to the topic. The methods of education are means used in the transmission and acquiring knowledge, attitudes and experience. The evaluation of educational process should give an answer for the question, in what extent the targets were fulfilled. The evaluation criteria should be established alongside with the targets in the planning stage of educational process of financial law.

## 2 The methods of education and development of financial law

In practice, there is a wide range of educational methods of and development of financial and legal standards. The application of particular depends on the specific needs and conditions in jurisprudence. Selecting particular method is influenced by several factors, e. g. the targets of programme, time for education, financial and material conditions, a character of educational targets. There are many criteria according which the methods of education are divided. The present trend is towards the use of more active learning methods and techniques leading to the planned self-improvement of legal experts.

The methods of education are classified according different criteria. The subject of the contribution is mostly connected by rate of participation of legal expert, where the methods of education are divided into:

- passive: lectures, model behaviour, teaching through the use of technology (videoconference, multimedia teaching), the group discussion(the groups leads by the lecturer),training in the workplace,
- active: discussions, situations and didactic plays, individual work of participants of educational action, brainstorming, teaching supported by computer.

The specific element is the working legal meeting, which are a place for communication about issues and exchange of information and factors concerning not only the workplace but also the organization as a whole. The advantage of this form is the immediate exchange of experience, presentation of opinions and the response to the problems. It motivates the expression of individual activities and initiatives. The disadvantage can be the time of the meeting – the question is whether to convene the working meeting during working hours, which reduces the time to perform his duties or outside working hours, which in turn impinges on the reluctance of employees to participate. The great disadvantage is the risk of bad conducting meeting, which in practice means a loss of time and minimum benefit for participants. The organization of working meetings may have several objectives: exchange of information and obtaining proposals to address a specific problem, the adoption of a decision - collecting and reconciling multiple views, coordination of activities. The working meetings inherently contribute to raising awareness, disseminating knowledge and experience, which may increase motivation and effort. Training put emphasise on the active acquisition of skills and competences. It is the form of experience learning based on the fact that people learn faster when they experienced it rather than read it or heard it. The process side of education is preferred here. The training process is focused on the higher participation of participants as in classical concept learning. The participants are active by form of groups' works, simulated legal dispute, playing the participants of judicial proceedings etc. The efficiency and the quality of evaluation are increased by using cameras and the evaluation of individual implemented activities. (Vodák, 2007, p. 98). The rotation of legal knowledge is methods, in which the employee goes through several labour-law tasks. Among its advantages belong that the expert broadens his experience and skills, becomes a fully-fledged, he knows more complex legal procedures, and develops its flexibility. The disadvantages can be that the expert does not manage change of the scope, does not need to be successful, which may manifest in his self-confidence and in the success in the legal practice.

One of the methods is also consultation, representing professional consultation. Prokopenko (1996) defines consultation as the method of forming legal knowledge by the mutual influencing, which overcomes unidirectionality of relationship between trainee and trainer, the subordinate and the supervisor. Among the greatest advantages there are included the initiative and active attitude of the trainee on the issue, who express all of the problems and coming up with their own designs. The development of work with people is the benefit for the supervisor. The disadvantage is time difficulty of method, which can be in conflict with fulfilment of working tasks. Into account comes also the method mentoring as a process in which an experienced professional helps less an experienced in his legal problem of transferring experience and knowledge. The aim is the less experienced reached the performance and the quality of the mentors. Increasingly to the fore come the method of brainstorming as a free creative discussion on a specific topic. It is used to develop the creative solutions to problems. It is particularly useful if you want to break the old and conventional patterns of thinking and create new views on problems and things. The involvement of a group of people helps this tool use the experience of all members of the group during the solution of a legal problem. It increases the wealth of examined solutions (which means that you can find better solutions to the problem and make a better decision). It also helps to increase acceptance of the chosen solutions by members of the group. The method of brainstorming depends on the success with which it manages to involve the generation of ideas, without barriers, and without fear. It is therefore very important to incite and to maintain an adequate atmosphere. The self-education as the method represents the enabling and encouraging experts of the law in the improvement and deepening of knowledge in the legal domain, to explore ways how to work more efficiently and better (Majtan, 2005). In self-educational programmes take on themselves responsibility for education. The need of self-education is the result of changes, which have brought new methods and approaches focused on learners. The main objective of these methods and approaches has been to evolve sense of co-responsibility for own progress and freely decide about education. The self-education is the result of need to change one's personality and to better manage the situation. The educated person itself sets the goals, selects the topic and the chosen methods. On selection of education methods, also affect the life

experiences, perseverance, and self-efficacy. From the view of legal experts the advantage of this form of education is own tempo and the organization of studying time. On the other hand it requires from them the motivation and discipline, in this form of education is advantageous the financial ease. The self-education is the result of the development of personality of man, his main goal is self-realization and is a lifelong process. Currently used methods of education expect a high level of activity of the participants in the learning process, are intended for smaller group or individual learning. They should support the development of creativity, flexibility and willingness to receive and respond to the changes and use modern technical means. To achieve higher efficiency of education, it is appropriate to use combinations of several methods.

### 3 The evaluation of effectiveness of education of financial law

The evaluation concludes the process of education and at the same time is the starting point for the identification of needs, which leads to start another process. According to the authors Belacourt and Wright (1998) is the evaluation important:

- to determine whether the program has met expected objectives or solved the problem;
- to identify the strengths and weaknesses of the program;
- to determine the costs and benefits of the programme and associated assessments, which help to ensure, what technique of change is from the point of view of the cost the most efficient;
- to help managers to predict which employees will have the most benefit from the program;
- to strengthen the expected outcomes between the participants;
- to strengthen confidence in the value and meaning of programmes in the management of human resources.

The evaluation of educational process gives the answer to the question, in what extent the objectives of legal education were met. This means that the evaluation criteria should be set simultaneously with the objectives in the planning stage of the educational process. The evaluation should be based on a number of criteria and procedures because the goals are hardly quantifiable and reliable information of learning outcomes is difficult to obtain. (Kachaňáková, 2007, p. 117)

The four levels of learning evaluation according Kirkpatrick:

1<sup>st</sup> level: Response – at this level, it explores how the participants react to education.

2<sup>nd</sup> level: Evaluation of knowledge – at this level, it obtains information about the extent to which the objectives of legal education were met.

3<sup>rd</sup> level: Evaluation of behaviour – it assesses the extent to which after the return of participants in the legal practice has changed their behaviour.

4<sup>th</sup> level: Evaluation of the results – this is the last level of evaluation and it provides base for assessing the usefulness of legal education in terms of its costs.

It was confirmed that the method of measuring effectiveness is largely overlap with the methods of identification. The methods of measurement can be systematized from different aspects (time, who is the author of the evaluation, the form of the record etc.). Research identifies how effective immediately and directly to participants.

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