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## Methods of Detection and Assessment of Legal Capacity

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## Methods of Detection and Assessment of Legal Capacity

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### Abstract

In order to determine the initial level of formation of professional and legal competence of the future social workers were used methods adapted by the author “Motivation of professional activity” by Zamfyr (Рамендик, 2013, p. 123) (in modification of Rean), which gave us the opportunity to diagnose the students’ motivation for professional activity. It is based on the concept of internal and external motivation. We can talk about the internal type of motivation if the activity in itself is significant for the individual. And if in the basis of professional activity motivation lies the aspiration to satisfy other needs (in particular, reasons of social prestige, salary, etc.), in this case we can talk about the external motivation. External motives differentiated on external positive and external negative.

**Keywords:** social work, social worker, social mediation, expert of social work, social development, legal capacity (*дієздатність*), legal ability (*правоздатність*)

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### Introduction

Motivation complex is the type of ration between the three kinds of motivation: IM (internal motives), EPM (external positive motives), ENM (external negative motives). The most optimal motivation complexes should include the following two types of combinations:  $IM > EPM > ENM$  and  $IM = EPM > ENM$ . The more optimal motivation complex, the more activity of social worker motivated by the content of social activity, aspiration to achieve in it some positive results, the lower his emotional instability.

Satisfaction with profession significantly correlated with the optimality of the motivational complex of social worker (positive connection,  $r = +0,409$ ) and with the level of emotional instability (negative dependence  $r = -0,585$ ). In other words, satisfaction with chosen profession is higher, when motivation complex of the social worker is optimal: high level of internal and external positive motivation and low level of external negative motivation. High emotional instability associated with reduced satisfaction with a profession. However, in talking here

about the causes and consequences you should be circumspect: hardly possible to clearly differentiate them. (Especially that in itself correlation analysis is able only to detect connection rather than to determine the causes and consequences.) Indeed, on the one hand, the personal emotional instability may lead to decrease in satisfaction with a profession in some cases. But, on the other – the low satisfaction caused by internal personal conflict, by professional unsuccess and so on can lead to increased emotional instability. The first is impact on the second, the second on the first; while the total negative effect always maintained at a high level or increased. This is confirmed and by special study that revealed negative correlation dependence between optimality of motivation complex and the level of personal emotional instability (Rean).

To study the motivation of student's professional and legal activity was proposed to reflect their attitude in points (from 1 to 5) on 9 assertions that reflect the level of awareness of the importance of professional and legal competence for future social workers. On the basis of received data, using the decoder, is determined personal motivational complex that reflects the type of relation of three kinds of motivation at four levels: high, sufficient, satisfactory, low.

Future social workers, in which found a high level of motivation, are characterized by presence of motivational complex, which corresponds to the optimal balance of motives  $IM > EPM > ENM$ : professional and legal motivation is built on the satisfaction derived from the results of activities; external motivation occupies a much smaller role, monetary income, aspiration for career development; still smaller role in the value of motivation of professional and legal activity of future social workers plays an external negative motivation that manifested in an effort to avoid failures and criticism; they have high emotional stability.

Students who are inherent sufficient level of motivation of professional and legal activities are characterized by a number of motives, namely:  $IM = EPM > ENM$ . In the activity of these future social workers play an important role professional and legal and material motives; the low negative motivation; this is confident, full of initiative students.

Satisfactory level of motivation of professional and legal activity indicates the presence these motivational systems:  $EPM > \text{or} = ENM$ ;  $EPM > \text{or} = IM$ : insignificant role played the realization activities for its own sake; a larger role play external stimulus in the form of monetary encouragements; students focused on accurate performance of assigned tasks; level of emotional stability is low.

Low level is characterized by worst motivational complex  $ENM > EPM > IM$ : social worker activity caused by external negative motives – avoidance, the desire “not to be trapped”, which does not determine the value of the professional and legal activities and external positive motivation; the highest level of emotional instability (anxiety, low self-esteem).

Methods of detection and assessment of professional and legal skills “PLS” diagnoses future social workers, expression of professional and legal human skills. In occupations that are related, by its content, with active human interaction with others, as the core acts legal skills and abilities, without which success in the work cannot be achieved. The main content of social workers activity are social learning and social education, social and educational activities, team management, social service of citizens, etc. The success of such professional workers depends the level of development of legal skills and on the formed on their base skills to establish legal relationship with individuals or groups and organize them to perform the tasks. Thus, professional legal skills are important factors for achieving success in occupations such as “man – man”.

Methods “PPS” based on the principles of mapping and evaluating investigational some feelings and emotions in different situations. Selected situation reflects the legal feelings and emotions. Without emotions the person ceases to be a human-person. To emotional processes belong own emotions and feelings, including the right feelings and emotions as a part of legal awareness. This projective questionnaire allows to identify stable indicators of legal skills. The peculiarity of the projective method is that the investigational, so to speak, projecting their properties, peculiarity of its behavior in a situation which researcher proposed.

The study of professional and legal skills allows to identify: 1) whether the student has the ability to perceive legal information; 2) whether the student has ability to navigate in the current legislation; 3) how quickly a student can master new knowledge, to make the right decisions on legal issues; 4) whether the student has the ability to lawful activities and behavior; 5) whether the student has the ability legally to defend the interests of subjects of public relations (Yashchuk, 2013, p. 418–423).

The index obtained by this method can range from 0 to 1. Indexes that are close to 1 indicate a high level of manifestation of professional and legal skills, and that are close to 0 – on low level. Estimated coefficient (K) – is the primary quantitative characterization of testing materials. If at the survey is found not a very high level of professional and legal skills, it does not mean that they will remain unchanged during the further development of human. In the presence of positive motivation, commitment and appropriate conditions for the activity those skills can develop.

Methods-classifier “My professional portrait of social worker” is aimed at identifying the level of formation of qualities of future specialist and allows you to see conception of personality of the “ideal” social worker, and about yourself as a specialist in this area at this stage of your development compared with the painted “ideal”. The method proposed by the author: cards with different qualities and traits of human nature, emphasis is given to professional and legal qualities that are necessary for effective work of contemporary social worker.

On the question what qualities, according to social clients have to possess social workers were obtained data that the authors conditionally divided into three groups:

1) personal qualities – kindness, caring, honesty, compassion, affability, tolerance, humanity, sociability, commiseration, unselfishness, steadiness;

2) communication skills – attention to others, ability to listen, polite, friendly attitude to people;

3) attitude to work – conscientiousness, sedulity, responsibility, demanding of themselves.

Social clients find unacceptable for social workers such qualities:

– personal qualities – nervousness, advantage, soul callousness, arrogance, dishonesty, cruelty;

– communication skills – roughness, disrespect for old people, disgust, malice, incivility, insolence;

– attitude to work – indifference to wardship, constant rush, irresponsibility, laziness, unfairness, unwillingness to help, lightheadedness, demandingness.

Methods “Satisfaction with chosen profession” allows to determine satisfaction of future social worker with chosen profession based on the count of satisfaction index (SI). Primary treatment consists in calculation of points recruited interviewees in answering the methods question (each scale has a 5-point calibration).

The scale A: Are you satisfied with the chosen profession of social worker?  
The scale B: If you receive after graduation ability to work in another field of activity (economics, law), you prefer it over the work in the social sector (schools, educational institutions of special type, municipal social services, charitable organizations, etc.).  
The scale C: If you had to choose a profession again, would you have chosen the profession of social worker?

## **Conclusions**

On the basis of these survey results we conclude that there is a need for purposeful formation of students’ motivation and value attitude to the acquisition of knowledge, skills, expertise in implementing professional legal activity through the formation of need for self-education and self-improvement, in particular: implementation of the system of knowledge about the nature and importance of professional and legal competence of social workers to the content of of their professional training (optional course “Professional and legal culture of social worker”); implementation of expedient complex of traditional (Nagorniuk, 2013, p. 284–289) and innovation (Журавська, 2010) forms and methods that contribute to the formation of professional and legal competence of social workers (work in small groups: social and legal training, social and legal projects, social and legal cases, intellectual and legal games, frontal work: lecture-situation, mini-lecture).

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