

CONDUCTING PROFESSIONAL ADVOCACY CAMPAIGNS AS A MEANS OF FORMING AN ACTIVE LEGAL POSITION

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The purpose of this article is to develop theoretical and practical bases for conducting an advocacy campaign in the field of criminal procedure to encourage citizens to take a more active position in the case and increase their level of legal awareness.

Methods: *general and special scientific (special) methods were used to achieve a certain goal. The use of these methods allowed to outline the problems of development of modern university legal education and science, to determine the prospects for their development, taking into account world experience.*

Active legal position in a specific procedural case the subject-participant of the process assumes an extensive system of legal tools, which should have not only the direct carrier of the procedural the status of a participant in the process, but also his representative; implementation of legal activity in case using the institution of procedural representation will provide the desire of the legislator to overcome at the conceptual level inherited inquisitorial post-Soviet criminal justice. Public opinion is one of the well-known factors in forming an active legal position in criminal cases. In addition, legal education contribute to the formation of public opinion. The paper proposes a strategic plan for an advocacy campaign to develop an active legal position in citizens, which includes 6 steps and 5 stages.

In particular - Stage 1. Research environment. Problem formulation. Stage 2. Formulation of the purpose and tasks of the advocacy campaign. Stage 3. Identification of stakeholders and targets. Stage 4. Communication with the community, targets and stakeholders. Stage 5. Drawing up a campaign plan and selecting tools for its implementation. Stage 6. Monitoring and evaluation of performance.

Keywords: *advocacy campaign, active legal position, factors of criminalization, legal education, public opinion.*

INTRODUCTION

Active legal position in a specific procedural case the subject-participant of the process assumes an extensive system of legal tools, which should have not only the direct carrier of the procedural the status of a participant in the process, but also his representative; implementation of legal activity in case using the institution of procedural representation will provide the desire of the legislator to overcome at the conceptual level inherited inquisitorial post-Soviet criminal justice. The role of the institution of protection in the implementation of the active legal position of the individual in criminal proceedings, which allows to increase the legal culture and legal awareness of the population. Given the above, the role of forming an active legal position is crucial not only the availability of justice and the quality of legal aid, but also the social and volitional willingness of a person to defend their interests. The formation of such a position is influenced not only by the role of legal institutions, but also the level of legal awareness of a particular person and society.

Public opinion is one of the well-known factors in forming an active legal position in criminal cases. In addition, legal education contribute to the formation of public opinion. This connection is two-way. After all, public opinion is not something permanent and can be adjusted, including by conducting appropriate educational work among the population.

REVIEW OF THE LITERATURE

Works are devoted to the research of this topic by S.A. Alpert, B.I. Galagan, Yu.M. Money, V.O. Dubrovny, N. Semchuk, O. Makeeva, I. Sopilko, V. Chervatyuk et al.

Lane S.R. emphasizes the need for careful planning and gradual planning of advocacy campaigns [1]. At the same time, Mohr offers a specific policy problem and then use this five-stage process to design a campaign to advocate for a policy change [3]. Semchuk also supports this approach, but already offers a 6-step model [2].

N. Semchuk also points out the great role of both the media and social networks in shaping public opinion and notes that it is often necessary to “pre-

pare" public opinion for the need for certain innovations in law and practice [3].

I. Sopilko and V. Chervatyuk point out that the role of legal science and education is extremely important, as their level of development determines the implementation of such important tasks as legal reform, adaptation of Ukrainian legislation to EU legislation, creation of an effective legal system and civil society. Improving the quality of legislative and law enforcement activities [5].

According to O. Makeeva, one of the subjects of legal education of society is the mass media, as a result of which as a society it uses law and information about it [4]. The purpose of this article is to develop theoretical and practical bases for conducting an advocacy campaign in the field of criminal procedure to encourage citizens to take a more active position in the case and increase their level of legal awareness.

RESEARCH METHODOLOGY

Ukrainian and foreign researchers in the actual legal research in the field of criminal law use quite similar methods. In the literature, such methods are divided into quantitative and qualitative (or empirical and theoretical). The basic for the science of criminal law is the normative analysis of the law (doctrinal analysis), which includes attempts to understand the best balance of rights and responsibilities within the framework defined by law. Ukrainian researchers know this method as system (method of system-structural analysis).

In essence, this method is inductive, ie begins with observations, and the theory is proposed at the end of the study and involves the search for patterns of observation and the development of explanations - theories - for these patterns through a number of hypotheses. Research that focuses on distinguishing between legal doctrines in cases should primarily rely on the circumstances of the case to compare cases with each other and laws between groups, institutions, and jurisdictions [8,9,10].

RESULTS

At present, Ukraine has a relatively small base of research on advocacy in the field of jurisprudence. Moreover, they are primarily designed for activists who already have an active legal position. However, the possibilities of advocacy campaigns are much higher, and among such possibilities is the stimulation of people to consciously form and defend their own legal position - both independently and through the help of lawyers.

The Handbook on Advocacy Media Campaigns: An Active Action Strategy [7] indicates that the media can: • Inform their audiences about current news, issues, situations or events • Teach something • Persuade and mobilize to take action to promote the organization or one or another solution to problems.

As noted in the Handbook «Advocacy for Youth Councils» [6], there are six main stages of the ad-

vocacy campaign: Stage 1. Research environment. Problem formulation. Stage 2. Formulation of the purpose and tasks of the advocacy campaign. Stage 3. Identification of stakeholders and targets. Stage 4. Communication with the community, targets and stakeholders. Stage 5. Drawing up a campaign plan and selecting tools for its implementation. Stage 6. Monitoring and evaluation of performance.

Shannon R. Lane builds from the five-stage process for developing political strategy. As a quick review, the five stages are as follows:

1. Determining the specific purpose of the advocacy campaign; 2. Assessing the internal (organizational) and external (environmental) context for the advocacy campaign; 3. Identifying the campaign's long-term, intermediate, and short-term goals, 4. Selecting specific targets for the advocacy campaign; 5. Identifying and selecting the advocacy tactics the campaign will use [11].

Richan, W. indicates that lobbying (advocacy) should follow these basic rules: Rule 1: Know Your Agenda; Rule 2: Decide Between Incremental and Fundamental Change Goals; Rule 3: Be Clear About Your Priorities; Rule 4: Develop Fallback Positions [12]. He singles out such steps 1) Assessing Your Strengths and Limitations, 2) Setting the Agenda, 3) Understanding Policymakers, 4) Preparing the Case, 5) Gathering Evidence [12].

Reticker-Flynn, J. indicates that a strategy can be defined as the method of building enough power to influence a decision maker to give you what you want. Creating a strategy is essential because it will help you understand how each action you take will move you toward winning your demands. A strategy is different from a plan because it involves power and relationships [13].

Piven, F. F., & Cloward, R. A. notes that the basic mode of dialectical analysis underlying the failed prediction—the idea that the struggles of ordinary people are both formed by and directed against institutional arrangements—is correct. The prediction failed because Marx did not anticipate the specific institutional patterns which evolved under modern capitalism, nor did he anticipate the particular forms of struggle which would be generated in reaction to them. These institutional arrangements inhibited the emergence of a unified and revolutionary working class: the spread of imperialism helped to produce the surpluses that would raise working-class material standards in the mother countries; the balkanization of modern industry helped to fractionalize the working class; new institutions such as public education helped to ensure capitalistic ideological hegemony [14].

Mosley, J. E. indicates that although awareness of the involvement of human service nonprofits (HSNPs) in policy advocacy has grown, scholars continue to know little about how they actually carry out their advocacy work. HSNPs are involved in a wide range of advocacy tactics, but that together the field-level trends of institutionalization and pri-

vatization may be increasing political opportunity for HSNPs, leading to tactical choices similar to those of interest groups. Increased institutionalization and dependence on government funding are associated with using a wider variety of tactics overall and increased use of insider tactics in particular [15].

Hardina, D. promotes the use of analytical skills in community organization practice, including information gathering and processing, legislative research, needs assessment, participatory action research, political analysis, population forecasting and social indicator analysis, power analysis, program development and planning, resource development, budgeting, and grant writing. These analytical methods, often used in practice but seldom systematically discussed, assist the practitioner in identifying community problems, planning interventions, and conducting evaluations [16].

Bobo, K., Kendall, J., & Max, S. emphasize the need for advocacy strategy and tactics. They suggest using the following tactical tools: meetings to pressure officials (actions), holding accountability sessions, building and joining coalitions, recruiting, developing leadership, planning and facilitating meetings, public speaking and presentations using Power Point, using the media, online organizing, designing and leading a workshop, tactical investigations, working with organization boards, grassroots fundraising, working with religious organizations

Working with local unions, central labor councils and building and construction trades councils, building labor-community partnerships, controlling your work : administrative systems, supervision, financial and legal matters [17].

Alexander, J. writes that effective adaptations included strategic expansion of services and client bases, networking as a means to acquire and stabilize revenue streams and resources, and increased use of business techniques and technology to generate outcome measures and an image of effectiveness with funders [18].

Andrews, K.T., & Edwards, B. focuses on five dimensions of the policy process: (a) agenda setting, (b) access to decision-making arenas, (c) achieving favorable policies, (d) monitoring and shaping implementation, and (e) shifting the long-term priorities and resources of political institutions. Finally, we identify recurrent theoretical and methodological problems, including the compartmentalization of research within disciplines, an overreliance on studies of large national organizations, a disproportionate focus on recruitment and selective incentives, and limited research on the influence of advocacy organizations [19].

Frumkin, P., & Andre-Clark, A. (2000) illustrates how the growing competition from large business firms in this field poses a major challenge to nonprofit organizations, the article suggests that many nonprofits are not well equipped to engage in a narrow efficiency competition with large corporations. Instead, nonprofit human service organizations need

to develop a strategy that emphasizes the unique value-driven dimension of their programs. Welfare reform legislation can serve as an opening for both faith-based and secular nonprofits to differentiate themselves and to develop a distinctive position within the government-contracting market [20].

Taking into account these theoretical provisions, we will try to determine the stages of the advocacy campaign on the research issue.

Stage 1. Research environment. Problem formulation.

At this stage, after analyzing a number of scientific papers, it becomes clear that the question of forming an active legal position of a person is insufficiently studied. Although there are a number of theoretical works in this area [], they have not received wide coverage in the press and have not yet attracted due public attention. The issue on which it is worth informing is the importance of a person's activity in defending their rights, informing a person about the basic rights of human and citizen and specific mechanisms for their protection and self-defense.

Stage 2. Formulation of the purpose and tasks of the advocacy campaign.

The aim of the campaign can be to convey to people, the media and government institutions the idea that human rights are exactly the value that is worth fighting for. To achieve this goal you need to solve a number of problems, including 1) informing ordinary people about human rights and specific ways to protect them, 2) actively promoting success stories when active people were able to defend their rights, 3) constant presence in the media to ensure the continuity of the promotion of this idea in the public consciousness, 4) informing people about specific addresses, telephone numbers, websites of bodies, officials, public organizations that should help them in resolving their issues.

Stage 3. Identification of stakeholders and targets.

Given the specific objectives of the program, stakeholders can be divided into the following groups: 1) the media - to maintain a lasting interest in the issue, 2) judicial, law enforcement and other government agencies - to ensure adequate processing of citizens' requests and maintain a culture of appeal, 3) activists and NGOs - to support the active assistance of citizens, 4) active renewal of the population of the state - to stimulate an active position in defending their rights.

However, the main targets during the campaign should be the media and the heads of state institutions to maintain an active position of the community. A separate challenge in this case is to stimulate the active position of citizens under the influence of carnatine restrictions caused by the pavidemic COVID-19.

Stage 4. Communication with the community, targets and stakeholders.

One of the most important aspects of this issue is cooperation with the media. It should be attribut-

ed to a separate item in the communication strategy. Establishing long-term strategic cooperation with the media is especially important. Establishing strategic relations with the media can take various forms, including [4,5]: monitoring the media to cover relevant topics for the analysis of keynote speakers and points of view, creating, maintaining and expanding a list / database of media and individual journalists with whom to work; and disseminating special media materials to journalists, informing them about current events and supporting their interest, prompt responses to journalists' information requests, providing access to experts who can comment on the media, preparation of press releases, announcements, statements, open letters and supporting documents, organization of press conferences, press tours, briefings and informal meetings for the press, organization of public events to which the press is invited, planning of a media diary, including with the definition of special dates and possible events associated with them; response, if necessary, to false / false / unprofessional / compromising / offensive messages in the media, etc.

At the same time, it is of particular importance to maintain appropriate channels on social media directly by the persons responsible for conducting the education campaign.

Also a special challenge is to involve the best experts in the field of law in the direct conduct of the campaign through: preparation of press releases, media appearances, shooting videos and recording podcasts, etc. For many lawyers, such activity is unusual, and they need additional training in media interaction.

Stage 5. Drawing up a campaign plan and selecting tools for its implementation.

In general, the campaign plan to stimulate the active position of the person should include at least the following stages:

1) theoretical development - at the scientific level to identify the main practical steps that help people to take an active position and adapt these provisions to a wide audience,

2) Election of campaign speakers, their preparation,

3) Choosing the media and establishing strategic cooperation with them. Launch own channels on social networks,

4) Survey public opinion on the issues covered in the campaign to understand further effectiveness,

5) According to the campaign plan, holding events. This campaign should be long-term and quite intensive. Therefore, the plan should be adjusted at least once every few months.

Stage 6. Monitoring and evaluation of performance.

This campaign provides for constant monitoring of changes in public opinion on this issue and evaluation of the effectiveness of the measures taken with the involvement of social media contributors.

CONCLUSION

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There are six main stages of the advocacy campaign:

Stage 1. Research environment. Problem formulation. Stage 2. Formulation of the purpose and tasks of the advocacy campaign. Stage 3. Identification of stakeholders and targets. Stage 4. Communication with the community, targets and stakeholders. Stage 5. Drawing up a campaign plan and selecting tools for its implementation. Stage 6. Monitoring and evaluation of performance. Taking into account these theoretical provisions, we will try to determine the stages of the advocacy campaign on the research issue.

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