

# ТЕОРІЯ ТА ІСТОРІЯ ДЕРЖАВИ І ПРАВА, МІЖНАРОДНЕ ПРАВО

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## LEGAL AWARENESS AS A KEY OF FORMING A LAW CULTURE

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*The purpose of the article is to carry out a theoretical analysis of the phenomena of «legal consciousness» and «legal culture», to determine the main features, structure of legal consciousness and bring its classification. And also: analysis of the main factors and features of the formation of legal awareness as a factor in the development of legal culture in Ukraine; identification of pedagogical problems and practical issues related to the formation of the legal culture of youth and future lawyers in particular.*

***Research methods:** it is based on the dialectical method, the method of analysis, comparison and synthesis, as well as the method of historicism, which allow to identify the inner essence of phenomena through the characteristics of the dynamics of their development and external manifestations; an integrated approach to creating a theoretical picture of the object is important. **Results:** the essence of the definitions of «legal culture» and «legal consciousness» is clarified, the main features of legal consciousness are singled out, its structure is determined and the classification is given. Theoretical analysis of the phenomena «legal consciousness» and «legal culture» was carried out. The problems of formation of legal culture of youth are defined and the theoretical approach for their decision by influence on legal consciousness of citizens is offered. It is established that one of the most important stages in the formation of legal awareness in society is legal education, which is mostly implemented through the educational activities of educational institutions and law enforcement agencies, which are designed to form legal awareness and lawful behavior. The current state of Ukrainian society is analyzed and the ways of forming the legal consciousness of citizens are studied. The author argues that building a democratic state governed by the rule of law is impossible without a sufficient level of legal awareness of the population. The thesis is argued that legal consciousness has a multicomponent nature due to the fact that it reflects a set of qualities inherent in the processes and phenomena of the legal branch of society. The development of legal culture and legal awareness was further developed. **Discussion:** argues that the public awareness of the public is the social security of the rule of law, the only factor that can shape and ensure the state and legal order. Therefore, legal awareness needs constant rational improvement.*

***Key words:** legal culture; legal ideology; public awareness; legal awareness; legal education and rule of law.*

**Problem statement and its urgency.** The legal consciousness of Ukrainian society today, as never before, testifies to a dynamic transformation that, following its own path along a contradictory curve: absorbing the best values of previous epochs, then demonstrating all possible negative manifestations

of its deformation, continues its development in post-industrial, informational (digital) ) a society that is currently globalizing. At the stage of Ukraine's accession to the European Union, an important task arises to rethink and accept the new democratic values of public life, in particular, to

increase public awareness and legal culture in Ukrainian society. Public legal awareness is the social security of the rule of law, the only factor that can shape and ensure the rule of law. Therefore, it needs constant rational improvement. In order to successfully influence the process of formation of legal consciousness, it is necessary to develop and "adjust" the mechanism of realization of legal factors in human activity, as well as the main factors influencing human behavior, determine its legality or illegality. Significant influence on legal awareness is caused by the system of legal concepts developed by a particular society. These include concepts that characterize the structural properties of law (law, duty, rule of law, legal requirement, legal status, etc.), functional properties of law, legal assessment, legal regulation, lawmaking, legal education, etc.), as well as those concepts that reflecting the value properties of law (freedom, justice, equality, public good, legality, responsibility, etc.). Legal consciousness has a multicomponent nature due to the fact that it reflects a set of qualities inherent in the processes and phenomena of the legal branch of society. The legal consciousness integrates certain legal knowledge, values and ideological principles, emotional and volitional legal guidelines, legal traditions and norms, institutional forms, etc., necessary to achieve legal goals.

Important in the context of our study is the analysis of the current state of Ukrainian society, which shows that against the background of the prevailing trend in the modern world of consumer psychology among young people, spiritual and civic values still hold the first positions in Ukraine civilized world.

**Analysis of research and publications on the problem.** This study is based on the analysis of scientific papers containing a general analysis of the legal system and legal awareness. Among the legal scholars who have made significant progress in solving this problem, we should mention the following: S. Alekseev, Y. Kalinovsky, O. Skakun, T. Ogarenko, N. Onishchenko, O. Petryshyn, D. Tikhomirov, Y. Tikhomirov, M. Tsvik, M. Tsymbalyuk, M. Cherkasy and many others. Some issues of determining the legal nature, types and features of legal consciousness were studied by

researchers: O. Danilyan, I. Ilyin, B. Kistyakivsky, G. Klimova, M. Kovalevsky, M. Korkunov, P. Novgorodtsev, M. Palienko, O. Petryshyn, S. Pogrebnyak, B. Chicherin and others. However, a systematic analysis of the factors influencing the formation of legal awareness at the present stage has not been conducted.

**The purpose of the article.** Carry out a theoretical analysis of the phenomena of "legal consciousness" and "legal culture", determine the main features, structure of legal consciousness and bring its classification. In addition: to analyze the main factors and identify features of the formation of legal awareness as a factor in the development of legal culture of citizens in Ukraine, to clarify pedagogical problems and practical issues related to the formation of legal culture of youth and future lawyers in particular.

**Presenting main material.** Today, Ukraine is at the stage of building and becoming a civil society and a democratic social state governed by the rule of law, which is moving along the European vector of development. It is known that one of the most important features of a civilized state is a developed legal culture and legal awareness of its citizens. The legal culture of society is an integral part and the most important prerequisite for the existence of a democratic state governed by the rule of law. As for legal consciousness, in our opinion, it is a kind of public consciousness that reflects the legal reality. Legal consciousness, according to most legal scholars, is a form of social consciousness that reflects the attitude of society to current legal norms and legal phenomena, serves as a self-regulator of human behavior and gives it a purposeful character. It not only reproduces the status of legal relations, but also the tendency to change legal relations, reflects a person's awareness of the need to be involved in legal acts and the importance of social development, and therefore social development requires a high level of legal awareness.

In human behavior, the component of legal awareness plays a crucial role as a guiding principle with legal significance. The relevance of the study is related to the key importance of legal awareness for the rule of law, as a thorough understanding of the nature of this category will provide a theoretical

basis for an effective way to maintain law and order.

The following features of legal consciousness are distinguished: it is a form of social consciousness interconnected with all its spheres of activity (politics, ethics, philosophy and others); related to legal knowledge, is the basis for the development of laws and legal understanding; acts as a prerequisite and regulator of legally significant human behavior; is one of the manifestations of legal culture and an integral part of the legal system (universal tool).

The content of legal consciousness consists of ideas, theories, emotions, concepts on the basis of which people express people's attitudes to current or desired laws. The structure of legal consciousness includes such elements as legal psychology and legal ideology. Legal psychology corresponds to the level of practical and everyday social consciousness, which is formed by the daily practice of people as individuals and social groups. Legal psychology has in its content: legal emotions and experiences, knowledge of legal practice, legal opinions, legal knowledge, involving self-esteem (the ability to critically assess the compliance of their actions with the law). The biggest threat to the legal awareness of young people is social media and mass media, because it is in them that the younger generation spends the most time and receives daily information that can be covertly used during election campaigns to distort certain information, present it with profitable benefits. parties, etc. [1, p. 58].

Many scholars give the following classification of forms of legal consciousness [2, p. 1].

According to the subjects, legal consciousness is: a) individual - a set of legal thoughts, feelings, views and beliefs of a particular person; b) group - express the attitude of social groups to the law; c) public - the attitude of society as a whole to law, expressing its interests.

By the depth of reflection of legal reality: a) everyday - a critical and sometimes superficial judgment of human rights, which is in conflict with the law in everyday life, family, society and other spheres of life. Its creation is mainly the result of legal education received as a member of a developed society; b) professional - professional

legal knowledge used by professional lawyers (in court, prosecutor-prosecutor, defense lawyer, etc.).

There are different ways of forming legal awareness of citizens. One such way is the democratization of spheres of social life. Characteristic features of democratization are the redistribution of political power, the delegation of power to other legal entities - citizens and government agencies and organizations, the consolidation of laws on human rights and freedoms, the abolition of anti-democratic laws and institutions of power. It is impossible to build a democratic state where the rule of law is without a sufficient level of legal awareness of the population. Public legal awareness is the social security of the rule of law, the only factor that can shape and ensure the rule of law. Therefore, legal awareness needs constant rational improvement [3, p. 422].

The next stage in the formation of legal awareness is, in my opinion, the improvement of lawmaking and law enforcement processes. In order to successfully influence this process, it is necessary to develop and "adjust" the mechanism of realization of legal factors in human activity, as well as factors influencing behavior, determine its legality or illegality. Usually, the implementation of the rule of law occurs in three ways: control, supervision and citizens' appeals. This process is designed to be carried out by state-authorized bodies with exclusive special powers, including the police, executive and legislative bodies, state inspections, courts, and some civil and public organizations). Ensuring legality does not happen spontaneously. It requires purposeful influence on the behavior of members of society, ie it is a process of governance, one of the most important elements of which is public administration [4, p. 216].

Legal views of citizens are based on general legal knowledge about the state and law, about legal relations between people, about individual constitutional rights and responsibilities. It is important that this knowledge and ideas correctly reflect certain legal norms. One of the most important stages in the formation of legal awareness in society is legal education, which is usually implemented through the educational

activities of educational institutions and law enforcement agencies designed to form legal awareness and lawful behavior [7].

The following features are characteristic of legal education [5]:

- 1) is based on the rule of law;
- 2) involves the introduction of legal relations of public relations;
- 3) causes the possibility of the use of coercive force by the state by imposing legal liability on offenders;
- 4) covers legal entities that not only comply with legal norms, but also easily commit crimes and violate these norms;
- 5) is carried out with the help of methods and means of special legal education;
- 6) conducted by jurists who usually have legal education or special legal training.

In the context of legal education, it is important to say about its functions, which include: the transfer of certain legal skills, knowledge and abilities, promoting the formation of legal awareness, legal worldview and ideology [3].

The state of legal awareness needs to be improved (perhaps not in the first place) by improving the quality of justice. Independent and fair justice is the key to sustainable development of society and the country, protection of human rights and civil rights and freedoms, rights and legitimate interests of legal entities, growth of national interests, welfare and quality of life, and creating an attractive investment environment. Improving the judiciary, I believe, will help to establish the rule of law at a high level, and all actors will be able to operate on the basis of the rule of law and take into account the rights and freedoms of everyone. Today it is necessary to develop and implement a communication concept for the Ukrainian judiciary, which will include working with the media to ensure the unity of the judiciary, appropriate response to internal and external information requests, informing the public about problems and achievements of Ukrainian justice [8].

**Conclusions.** Thus, the introduction of legal education, as well as public awareness of lawmaking and law enforcement activities is an important factor in shaping legal awareness. To this end, we believe it is necessary to conduct family

and legal education and improve legal education in educational institutions. This process is especially important in institutions of higher legal education, because future lawyers should be guided in the legal development of society and promote its information. The level of justice is also important. Society now needs to build a sufficient level of trust in the judiciary, because citizens have many issues before the administration of justice, this issue is one of the most controversial, so it needs priority attention. And in our opinion, this is because justice suffers from corruption and the influence of telephone law. As a result, the dissatisfaction of the population and undermined the authority of the law, to the principle of equality before the law.

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## ПРАВОСВІДОМІСТЬ ЯК КЛЮЧОВИЙ ФАКТОР РОЗВИТКУ ПРАВОВОЇ КУЛЬТУРИ

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**Мета** статті полягає у здійсненні теоретичного аналізу феноменів «правосвідомість» та «правова культура», визначенні основних ознак, структури правосвідомості та приведення її класифікації. А також: аналіз основних чинників та особливостей формування правосвідомості як фактору розвитку правової культури в Україні; визначення педагогічних проблем і практичних питань, пов'язаних із формуванням правової культури молоді та в майбутніх юристів зокрема. **Методи дослідження:** основою є діалектичний метод, метод аналізу, порівняння та синтезу, а також метод історизму, які уможливають виявлення внутрішньої сутності явищ через характеристику динаміки їх розвитку та зовнішніх проявів; важливим є комплексний підхід до створення теоретичної картини об'єкта. **Результати:** уточнено сутність дефініцій «правова культура» та «правосвідомість», виокремлено основні ознаки правосвідомості, визначено її структуру та приведено класифікацію. Проведено теоретичний аналіз феноменів «правосвідомість» та «правова культура». Визначені проблеми формування правової культури молоді та запропоновано теоретичний підхід для їх розв'язання шляхом впливу на правосвідомість громадян. Встановлено, що одним із найголовніших етапів формування правосвідомості у суспільстві є правове виховання, що здебільшого реалізується через виховну діяльність закладів освіти та правоохоронних органів, які покликані формувати правосвідомість та правомірну поведінку. Проаналізовано сучасний стан українського суспільства та досліджено шляхи формування правосвідомості громадян. Авторкою доводиться основна думка про те, що побудувати демократичну державу, де панує закон, неможливо без достатнього рівня правосвідомості населення. Аргументується теза, що правова свідомість має багатокомпонентний характер через те, що в ній відображається сукупність якостей, що притаманні процесам і явищам правової галузі суспільства. Подальшого розвитку набув зміст формування правової культури та правосвідомості. **Обговорення:** аргументується положення, що правосвідомість громадськості є соціальним забезпеченням правової держави, єдиним фактором, який може формувати та забезпечувати державно-правовий порядок. Тому правосвідомість потребує постійного раціонального удосконалення.

**Ключові слова:** правова культура; правова ідеологія; суспільна свідомість; правосвідомість; правове виховання; верховенство права.

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