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LEGAL CULTURE AS DETERMINING FACTOR FOR LEGAL SOCIALIZATION OF MODERN PERSONALITY

Abstract. Purpose. The aim of this article is to consider legal culture as an important factor in the legal socialization of modern youth and to define its role and significance in the life of young people.

Results. In the current context of the development of an independent State governed by the rule of law and of civil society in Ukraine, it is necessary to raise the level of legal culture of the people, especially the younger generation. The article considers legal socialization as a two-way process (the person is both the object and the actor of socialization) of active acquisition of legal values and norms by the individual with a view to forming a personality with an appropriate level of legal culture. The study identifies the content of the legal socialization of the personality, which is determined by the main factors, such as: the law as a system of socially binding norms; legal awareness as a form of public awareness that reflects the attitude of the parties to legal relations to the law; legal culture as a system of spiritual and pecuniary values in the functioning of the law. The study identifies specific features of the legal socialization of young people in modern Ukrainian society, related to the weakening of the social and legal activity of the personality and the diminishing role of traditional institutions and means of legal socialization, while the inclusion of the individual in social and legal environment is predominantly of a spontaneous nature, which often gives rise to legal nihilism and antisocial behaviour among modern youth. It is proven that legal culture and awareness of the younger generation should be increased through various measures and mechanisms.

Conclusions. The authors make a conclusion that the formation of a personality's legal culture is a complex and long-term process in which both legal knowledge, legal experience and genuine legal practice and, without a doubt, the whole legal reality matter. Legal culture cannot be an independent element of social life, part of the general structure of legal awareness, nor can it function independently of the legal awareness of the whole society and of individuals. The development of legal culture is an important factor in the legal socialization of young people and the first step towards building a highly developed civil society in a State governed by the rule of law.

Key words: law, legal socialization, legal culture, legal consciousness, personality, society.

1. Introduction

The development of the personality in modern society, defined by scholars as a post-industrial, information, mass, consumer and knowledge society, is characterized by significant attitudinal transformations based on changes in values, perceptions of norms and patterns of behaviour and the like. Such changes are a natural reflection of transformational pro-

cesses in society, based on the resolution of contradictions between elements of the old social order and the creation of new goals of social development and the means to achieve them. They are also characterized by a rethinking of the current state of affairs in society, an assessment of the content and scope of the crisis, and the elimination of inconsistencies with the level and trends of modern civilizational

development in the political and economic and legal systems, as well as by new channels for the socialization of the personality. The high dynamism of all processes of social activities, the qualitatively new levels of its existence and development, related to the processes of intensive technology and informatization of society in general and the existence of a personality in particular, require the development of an appropriate level of legal culture and awareness of the personality and entire society. Law, legal culture and legal awareness are interdependent components of the process of legal socialization, the functioning and action of which directly influence the specificities of the legal socialisation and certainly the very result of socialization.

In the course of socialization, an individual learns not only norms and laws, but also all elements of the legal system, including legal concepts. Therefore, the legal socialization of young people is based on: the acquisition of legal norms and a certain attitude to those norms; the evaluation of the direct implementation of those norms in legal practice; attitudes toward legal concepts and institutions; assimilation of legal ideology as a systematic and scientific reflection of legal reality in ideas, concepts and principles.

In the course of legal socialization, a young individual gradually integrates into a broad social context and moves towards full participation in the functioning of civil society and the State. However, there may be distortions that lead to subsequent criminal tendencies in the individual and a legal nihilism. That is why, in the current context of the development of an independent State governed by the rule of law and of civil society in Ukraine, it is necessary to raise the level of legal culture of the population, especially the younger generation.

Therefore, the aim of this article is to consider legal culture as an important factor in the legal socialization of modern youth and to define its role and significance in the life of young people.

It should be noted that fundamental works by domestic and foreign authors have played an important role in the development of the concept of legal socialization, considering issues of the essence, value and elements of legal socialization as a factor in the development of legal culture of society, the role of legal education in the process of legal socialization, its form and methods, as well as the importance of legal socialization in the formation of legal activity and lawful behaviour of a person. These include the works by H. Andreieva, I. Zharovska, I. Kon, A. Mudryk, A. Bandura, M. Kravets, V. Shvachka and others. These studies consider

general issues of socialization, legal awareness, lawful behaviour and other aspects of the problem.

In our opinion, the above-mentioned studies have not paid sufficient attention to the issues of defining the content of the process of legal socialization of young people, in particular under the current development of the Ukrainian State and the formation of civil society.

2. Specificities of the definition of legal culture

As is well known, an important component of the general culture is legal culture, that is, a set of values, legal concepts and processes that function as a socio-legal guide for people in a given society. It has the following attributes: decisive human and civil rights and freedoms in the legal organization of societal and public life; affirmation of respect for the law and the legal order, the ideas and values of the rule of law in the mass legal consciousness; practical implementation of the principles of constitutionalism and the rule of law; legal activism of citizens and their associations in the exercise of their rights and in the proper discharge of their legal obligations; active legislative, human rights and law enforcement activities at all levels of the State machinery (Kutovyi, 2021, p. 8).

According to Ye. Pidlisnyi, the definition of legal culture of the personality should be based on a number of general theoretical provisions, which emphasize the most essential values of both the phenomenon of legal culture of society and the culture of the personality in general. A number of fundamental points need to be taken into account: first, legal culture of the personality can be seen as the sum of two components, such as creative and personal; secondly, as part of legal culture of society, which is both dependent on legal culture of the society and one's creativity; and thirdly, legal culture of the personality can be seen as the degree and nature of its legal development; fourth, legal culture of the personality is based on positive legal consciousness and is realized in effective activity (Pidlisnyi, 2018, p. 242). Another scientist M. Fabrikov defines legal culture of the personality as the ability to apply legal knowledge in life, as well as the level of development of legal consciousness. It combines concepts such as law, legal awareness, legal relations, legality and the rule of law, lawful conduct, legal institutions, level of acceptance by society of the full diversity of legal values (Fabrikov, 2017, p. 17).

This is advocated by G. Baliuk, who includes in the concept of legal culture of the personality knowledge of the law, understanding of its essence and principles, values and qualities, as well as respect for the law, confidence

in the fairness of the law and the humanity of justice, habit of observing legal regulations, law in general. In other words, legal culture of the personality implies not only knowledge and understanding of the law, but also legal judgments (Baliuk, 1984, p. 9), that is, legal culture of the personality is his/her positive legal consciousness in activities. Legal culture is confined to activities that correspond to the progressive achievement of society in the legal field, and that constantly bring about the legal enrichment of the personality. M. Keizerov includes in the concept of legal culture the political evaluation of law and legal behaviour, law making and legal science (Keizerov, 1983, p. 17). B. Salnikov adds to the concept of legal culture of the personality progressive activity, which includes all values related in one way or another to the functioning of the law, its system of rules and principles (Salnikov, 1989, p. 23).

Therefore, when studying legal culture, researchers emphasize its subjective factor, in which the personal, psychological, purposeful and behavioural characteristics of the personality are prominent.

In such definition, the indicator of legal culture of the personality is an extent of the activity of the actor of the law in the legal field, of the voluntary implementation of legal norms and the reality of citizens' rights and freedoms. The level of legal culture has an impact on the efficiency of legal regulatory machinery, the nature of legislation, forms and means of guaranteeing citizens' rights, and the degree to which universal human values and the norms of international law are defined. In this context, I. Zharovska describes legal culture as a level of legal awareness, including the degree of knowledge of the law, on which the executive branch and officials rely. It is also characterized by the intensity of beliefs about the value of law (Zharovska, 2016).

The study of the structure of legal culture of the personality is an important area for understanding its essence and for emphasizing its role and place in the legal life of society. It would be wrong to limit the structure of legal culture to a mere enumeration of its elements, so that the structure is either the construction of the object, or the sum of its elements and the relations between them, or the system of all or only the permanent links of elements forming the whole, or finally, the principle, the method, the law of the bonds of the elements of the whole. It is necessary to understand not only the relationship between these elements (legal knowledge, skills, emotions, feelings, beliefs, legal practices, etc.) but also their unity and system.

The authors of the entry "Legal Culture" in the legal encyclopaedia edited by Yu.S. Shemshuchenko argue that it is expressed in three main dimensions: legal cultural orientations, activities for their implementation, results of realization of these orientations (Shemshuchenko, 2003, p. 537). In the first dimension, the individual is expected to acquire the knowledge, skills and ability to exercise the right. The second is characterized by human creativity in the legal field, which implies acquiring or developing his/her rights, knowledge and skills. The third dimension expresses the internal potential of legal culture (Shemshuchenko, 2003, p. 537).

B. Selivanov extends the list of elements of legal culture of the personality by adding to this system such elements as: awareness of the essence of the law, its social and personal value as an expression of justice and a guarantor of the inalienable rights and freedoms, honour and dignity of every human being; awareness of the necessary primacy of the law over the State; knowledge of the Constitution and the law, their assessment in terms of the essence of the law and legal ideals; knowledge of one's rights, freedoms and duties; respect for the rights and freedoms of every individual, a conscious desire to translate the principles of law into practice, a habit of lawful behaviour, an awareness of oneself as a free person and as the actor of real rights and freedoms, and the ability to exercise them; civil and legal activism in the exercise of their political, other civil rights, freedoms and duties; intolerance to any breach of the rule of law, terror of man by the State (Selivanov, 1999, p. 76).

Therefore, the analysis of the theoretical basis for determining the structure of legal culture enables to argue that legal culture of young people includes: 1) legal education; 2) legal awareness; 3) understanding of the principles of law; 4) confidence in the fairness of law, legal rights and duties.

In terms of legal activity, legal culture of young people can be grouped into: 1) theoretical and practical, i.e. professional; 2) productive and reproductive.

In terms of the content of legal culture, it should be grouped into: 1) legal awareness and legal thinking as a system of reflection of legal reality by the actor; 2) lawful behaviour as a system of legal thinking translated into a specific life situation; 3) results of lawful behaviour and legal thinking. This is what we think the structure of legal culture of young people should look like.

The young person's attitude to his/her rights and duties, which also reflects his/her attitude to law, lawfulness and justice, is exercised through certain functions of legal culture.

The formation of an appropriate level of legal culture among young people depends on traditional attitudes towards the law, legality, the state of affairs in the legal framework, the institutional form of law-making and law-enforcement practices, legal order, professional competence of lawyers. The legal socialization of young people is particularly affected by the competence of legislators, lawyers and all law-enforcement bodies.

An integral part of legal culture are the rights, freedoms and duties of citizens, prescribed by law. They are a normative way for young people to interact with each other and with society.

Thus, legal culture is an essential factor in the legal socialization of young people. The role of culture in the legal socialization of young people is realized through a number of its functions.

3. Functions of legal culture

Indisputably, the functioning of legal culture of society is ensured by the system of economic relations. Through the development of legal knowledge, habits and principles in people, the reflection function of legal culture is realized. The content of this function varies according to the stage of the development of society. On the other hand, the evaluation function causes a certain emotional response of the personality to various parties and phenomena of legal life on the basis of legal practice.

The cognitive and educational function of legal culture is linked to legal and moral guarantees of such universal values as honesty and decency, kindness and mercy, moral self-control and decency, honour, dignity and freedom of choice. The cognitive function regulates the intellectual activity of the personality, depending on his/her level of intellectual development.

The regulatory function of legal culture ensures that basic legal requirements become daily behaviour. The degree of assimilation of the law can be gauged by the behaviour of citizens in various legal situations. The regulatory function is a regulator of human behaviour in accordance with the existing legal system and general legal culture. Human behaviour is a conscious manifestation of will, thus it differs from other actions, such as those of an instinctive or reflex nature. The law cannot operate without the active creative role of legal awareness and culture. Therefore, this function enables to regulate human behaviour in the legal field.

The legal socialisation function of legal culture is to shape the legal qualities of the personality. His /her legal beliefs should be stable. Legal qualities are formed in the process of legal education and include elements of a regulatory

function, because the process of law-making is nothing more than consolidation of the need for legal regulatory machinery for social relations through legal awareness. The ultimate goal of law-making is to regulate human behaviour.

The regulatory function of legal culture is aimed at ensuring the stable, orderly, dynamic and efficient functioning of all elements of the legal system. Legal culture is not only a reflection of public life, but also an active factor in influencing the functioning of law in society.

The axiological and normative function of legal culture encompasses a variety of phenomena. This is a reflection of the State's attitude to possible future facts, actions, rules to follow. Non-compliance entails the consequences of possible negative events.

The prognostic function of legal culture simultaneously covers law-making and the exercise of the right, includes the analysis of trends in the legal system. The result of the function of legal modelling is the establishment of certain models (rules) of conduct, which are evaluated by legal awareness as proper, socially necessary for the successful development of public relations in the State.

The communicative function of legal culture acts separately, enabling evaluation of legal communication as a phenomenon of legal culture and contributing to the legal development of the personality.

4. Conclusions

Therefore, the formation of a personality's legal culture is a complex and long-term process in which both legal knowledge, legal experience and genuine legal practice and, without a doubt, the whole legal reality matter. Legal culture cannot be an independent element of social life, part of the general structure of legal awareness, nor can it function independently of the legal awareness of the whole society and of individuals.

An analysis of modern Ukrainian society, which is in the process of developing a democratic political and legal system, enables to highlight specific features of the legal socialization of young people in modern Ukrainian society, related to the weakening of the social and legal activity of the personality and the diminishing role of traditional institutions and means of legal socialization, while the inclusion of the individual in social and legal environment is predominantly of a spontaneous nature, which often gives rise to legal nihilism and anti-social behaviour among modern youth. Therefore, the issue of raising legal culture and legal awareness of the younger generation through various measures and mechanisms is being updated. These measures are as follows:

1) With regard to State strategy: public policy aimed at protecting the interests of young people and complying with the Constitution and laws by all State bodies;

2) With regard to law-making: making legislative activity more professional, granting to the population the right to initiate legislation, broadening public coverage of legislative activity, involving more youth organizations in the drafting and preparation of legal regulations; strengthening legal liability for violations of citizens' rights and freedoms;

3) With regard to law application: licensing of legal professions, reform of the judicial system, holding of practical seminars, establishment of advisory councils in legal departments with stable involvement of members of youth organizations;

4) With regard to legal education: raising the general morality of citizens, popularizing

legal knowledge (including through the mass media), arousing interest in legal knowledge and making it more accessible, and developing family legal education;

5) With regard to legal science and legal education: further development of scientific research in the field of legal culture, increasing the efficiency of higher legal education;

6) With regard to civil society and personal initiative: resolution of problems of local self-government, development of the system of public organizations, active defending the person's rights, combating any manifestation of lawlessness and arbitrariness.

Therefore, the development of legal culture is an important factor in the legal socialization of young people and the first step towards building a highly developed civil society in a State governed by the rule of law.

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ПРАВОВА КУЛЬТУРА ЯК ВИЗНАЧАЛЬНИЙ ЧИННИК ПРАВОВОЇ СОЦІАЛІЗАЦІЇ СУЧАСНОЇ ОСОБИСТОСТІ

Анотація. *Метою статті* є розгляд правової культури як важливого чинника правової соціалізації сучасної молоді, визначення її ролі та значення в життєдіяльності молоді особистості.

Результати. У сучасних умовах розбудови незалежної правової держави та громадського суспільства в Україні, безумовно, необхідно підняти на більш високий рівень правову культуру населення, а особливо молодого покоління. У статті розглянуто правову соціалізацію як двосторонній процес (особа є одночасно об'єктом і суб'єктом соціалізації) активного засвоєння індивідом правових цінностей та норм із метою формування особистості з відповідним рівнем правової культури. Уточнено зміст правової соціалізації особи, який визначається основними чинниками, зокрема: правом як системою соціальних загальнообов'язкових норм; правосвідомістю як формою суспільної свідомості, що відображає ставлення суб'єктів правовідносин до права; правовою культурою як системою духовних і матеріальних цінностей у сфері функціонування права. Визначено особливості правової соціалізації молоді в сучасному українському суспільстві, що пов'язані з ослабленням соціально-правової активності особистості та зменшенням ролі традиційних інститутів і засобів правової соціалізації. При цьому включення індивіда в соціально-правовий простір має переважно стихійний характер, що нерідко породжує виникнення правового нігілізму та асоціальних проявів у поведінці сучасної молоді. Доведено необхідність підвищення правової культури та правосвідомості молодого покоління за допомогою різних заходів і механізмів.

Висновки. Констатовано, що формування правової культури особистості – це складний та тривалий процес, у якому мають значення і правові знання, і правовий досвід, і реальна практика юридичної діяльності, і, без сумніву, уся правова реальність. Правова культура не може бути самостійним елементом суспільного життя, складовою частиною загальної структури правосвідомості, вона не може функціонувати окремо від правосвідомості всього суспільства та індивідів. Розвиненість правової культури є важливим чинником правової соціалізації молоді та першим кроком до побудови високорозвинутого громадянського суспільства у правовій державі.

Ключові слова: право, правова соціалізація, правова культура, правова свідомість, особистість, суспільство.

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