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## THE STRUCTURE OF LEGAL CULTURE OF PERSONALITY

**Abstract.** The *purpose of the article* is to review and develop theoretical and methodological knowledge relating to elements of legal culture of a personality.

**Results.** This article covers the diversity of scientific approaches to the phenomenon of legal culture, its role in building the state guided by the rule of law. The article conducts the theoretical and methodological study of the structure of legal culture of personality composed of the three blocks of elements, namely: a) intellectual elements (understanding of the essence and relevance of law, ability to learn, cognize, adopt legal experience, evaluate the results of legal activities etc.); b) motivational elements (the confidence in the need for lawful conduct, respect for law, rights and freedoms of an individual, the desire to acquire legal knowledge, intolerance of undemocratic exercise of state power in society, etc.); c) elements resulting from the intellectual and motivational impact (legal knowledge, skills and abilities, lawful behaviour, legal experience, the level of legal consciousness, etc.). The study makes proposal to consider legal culture of the personality as a set of legal knowledge, skills and abilities, objectified in the form of lawful behaviour and legal consciousness of the person, resulting from one's intellectual abilities and motivation.

**Conclusions.** The authors came to the conclusions that the structure of legal culture of the personality can be expressed in the form of three blocks of elements: 1) intellectual elements: an understanding of the essence and relevance of law, an ability to learn, cognize, adopt legal experience, evaluate the results of legal activities, etc.; 2) motivational elements: the confidence in the need for lawful conduct, respect for law, rights and freedoms of an individual, the desire to acquire legal knowledge and other competencies, intolerance of undemocratic exercise of state power in society, etc.; 3) elements resulting from the intellectual and motivational impact: legal knowledge, skills and abilities, lawful behaviour, legal experience, the level of legal consciousness, effectiveness of legal performance, civil and legal activity in the exercise of subjective rights, freedoms and duties, etc.

**Key words:** culture, legal culture, structure of legal culture of personality, legal culture of society, intellect, motivation.

### 1. Introduction

In the context of the reform of public authorities, the implementation of integration policies and the development of a democratic legal state, legal culture has become increasingly important as a social guarantee of the rule of law, a factor in the stable law and order, the exercise of the people's power, etc.

Legal culture, as a relatively autonomous criterion for the conduct of members of society, reflects the processes related to legal activities in society in the form of law-making and law appli-

cation. Culture as a social phenomenon depends on the progressive orientation of an individual's activity in society. Legal culture, in turn, is part of the entire culture of society, connecting and pervading all sectors of human activity (Savchenko, 2020).

The need to form socially important orientations of the personality is being updated at a time when Ukrainian statehood is being established, education is being made more humane, and society is transitioning to new social and economic relations. In these context,

legal education as a key factor for the success of the educational and legal transformation should be reconsidered (Prima, 2012).

Legal culture in general, and legal culture of the personality in particular, is the subject matter of interdisciplinary research, for example, for sociology, pedagogy, psychology, philosophy, jurisprudence, etc. The scientific and theoretical basis for the study of the structure of legal culture of personality is the works by Yu.P. Bytiak, V.O. Kachur, D.A. Prima, V.M. Selivanov, M.V. Tseluiko, I.V. Yakoviuk, and others.

The diversity of scientific research on the phenomenon of legal culture confirms its important role in social development. For a broader, more meaningful perception, it is advisable to enrich scientific and theoretical knowledge by analysing the structure of legal culture of the personality.

The purpose of the article is to review and develop theoretical and methodological knowledge relating to the elements of legal culture of a personality. In order to achieve this purpose, the following objectives are set: to outline approaches to understanding legal culture; to systematize the structural elements of legal culture of the personality; to propose an author's definition of legal culture of the personality.

## 2. Legal culture as an object of the study

The literature review contains different approaches to studying the issues of legal culture. In particular:

- according to historical approach, the study of historical experience, the analysis and evaluation of historical events, facts and previous theories in the context of their advent, formation, development and impact on legal reality are of particular importance. This approach accumulates knowledge of the very culture and legal culture of different peoples in different historical periods;

- the axiological approach enables to identify the characteristics and properties of phenomena, processes that meet the needs and interests of the personality and of society. According to this approach, legal culture is regarded as a set of legal values that arise and develop in the course of the legal development of society (equality, justice, the rule of law, guarantees of human rights and freedoms, etc.);

- according to a systemic approach, legal culture is characterized by certain features, the main ones being the relationship with other systems, integrity, internal structure, order, systematically important connections in the structure, uniting components and elements as parts of a single system, etc.;

- an anthropological approach is a set of views on the genesis of legal culture through the nature and essence of man, his place

and purpose in the legal field. The human being is defined as the primary element in the advent of law and the state. The dynamics of social interaction gives rise to provisions of law, legal ideas and approaches, on the basis of which a system of legal values of the personality, social group, class and society is formed;

- according to epistemological approach, legal culture is considered as a system of knowledge of the person about one's rights and duties, the specificities of their exercise, etc. The process of cognition, accumulation of knowledge about the legal system, legal regulations in force and the legal means of protecting the rights and interests of individuals is important for forming the scope of values of legal culture;

- the structural and functional approach considers legal culture as a set of elements of legal reality in unity with their actual functioning. The structural aspect (statics) of legal culture characterizes its composition and internal organization. Functional (dynamics) describes the advent, development and interaction of elements of legal culture between one another and other social phenomena (Vlasenko, 2011).

Therefore, these approaches to understanding legal culture enable to define its essential characteristics as a complex and multifaceted phenomenon. The usefulness of studying legal culture from the perspective of legal sciences is that it is the foundation of the legal system, legal order, rule of law, realization of human rights and freedoms (Tykhomyrov, 2020).

Thus, the variety of definitions of legal culture is due to a matter of the study. In different fields of scientific knowledge, the definition of this term has its own implications.

However, the concept of "legal culture" is mostly defined through the generic concept of "culture", which is a multidimensional concept and is often defined in terms of the positive meaning of dynamic processes of social life, ensuring stable social development, formation of convictions, motives and views of people on goals and results of this development (Banakar, 2009, p. 15).

Legal culture, in its most general meaning, is one way of describing relatively stable patterns of legally oriented social behaviour. *Such behaviour depends on various factors, including the state of affairs in the legal professional performance, its regulatory framework, the dominant ideas of existing and desired law, values and legal mentality, etc.* (Nelken, 2004).

*According to D. Nelken, legal culture is what we are, not just what we do* (Nelken, 2004, p. 12).

*The differentiation of legal culture is essential for the description of its structural elements. For example, in the theoretical legal sciences, legal cul-*

ture, depending on the actor, is grouped into legal culture of society, legal culture of the social group and legal culture of the personality. There are other criteria for distinguishing between one type of legal culture and another. In particular, these are according to levels and depth of cognition of legal phenomena (domestic, professional, theoretical), according to the nature of the existence of legal culture (open and closed), and according to the nature of manifestations (external and internal).

### 3. Particularities of distinguishing the structural elements of legal culture

Within the scope of legal science approaches to identifying the structural components of legal culture, M.V. Tseluiko classifies the components, such as: "legal consciousness, legal relations, legality and legal order, lawful activity of actors of law, the very law, state and legal institutions, legal technology, legal act" (Tseluiko, 2010, p. 6). Depending on the bearer of legal culture, the structural components of legal culture are grouped into ones of society (level of development of legal culture and legal activity of society, level of development of legal performance and level of development of the entire system of legal provisions, level of development of law and culture of legal texts) and ones of the personality (legal ideological and theoretical perspectives, positive legal feelings, creative activities of an individual in the legal field, etc. (Tseluiko, 2010, p. 7).

Furthermore, the structure of legal culture is defined through the structure of the generic concept of "culture", which in its forms and categories reflects human activity, which manifests itself comprehensively from objective, subjective and regulatory aspects. Each of them – objective (activities), subjective (attitudes) and regulatory (social regulators) – forms separate parts of culture as a systemic phenomenon (Kachur, 2019).

The structure of personality's legal culture is identified in different ways. Some legal scholars emphasize elements, such as: a system of legal knowledge, skills, emotions, feelings, beliefs manifested in lawful behaviour (Bytiak, Yakoviuk, 2007), others add to this list results of legal practice, legal ideology and legal psychics (Prima, 2012).

In the legal encyclopaedia edited by Yu.S. Shemshuchenko, "legal culture of the personality is expressed in its three main dimensions: legal cultural orientations, activities for their realization, results of the implementation of these orientations" (Shemshuchenko, 2003, p. 537). In the first dimension, the personality is expected to acquire knowledge and skills to use the law. The second is characterized by the person's creative activity in the legal field,

in the course of which one acquires or develops one's rights, knowledge and skills. The third dimension expresses the internal potential of legal culture (Shemshuchenko, 2003, p. 537).

V.M. Selivanov presents the more extensive list of elements of the model of legal culture of personality. In particular, these are: "awareness of the essence of law, its social and personal value as a manifestation of justice and a guarantor of the inalienable rights and freedoms, honour and dignity of every human being; awareness of the necessary primacy of law over the state; knowledge of the Constitution and the law, their assessment in terms of the essence of law and legal ideals; knowledge of own rights, freedoms and duties; respect for the rights and freedoms of every individual, a conscious desire to translate the principles of the law into practice, a habit of lawful behaviour, a personal awareness of being a free person and subject of real rights and freedoms and the ability to exercise them; civil and legal activism in the exercise of one's political, other civil rights, freedoms and duties; intolerance of any breach of law and order, terror against the human being by the state" (Selivanov, 1999, p. 76).

In our opinion, it is possible to describe the structure of legal culture of the personality in the most precise way by highlighting the internal relationships between its components, which it would be useful to systematize in clusters of elements as follows.

Intellectual elements are an understanding of the essence and relevance of law, an ability to learn, cognize, adopt legal experience, evaluate the results of legal activities; an ability to solve the problems of legal practice, etc.

Motivational elements are the confidence in the need for lawful conduct, respect for law, rights and freedoms of an individual, the desire to acquire legal knowledge, intolerance of undemocratic exercise of state power in society, etc.

Elements resulting from the intellectual and motivational impact are legal knowledge, skills and abilities, lawful behaviour, legal experience, the level of legal consciousness, effectiveness of legal performance, civil and legal activity in the exercise of subjective rights, freedoms and duties, etc.

The analysis of relationships between the components of legal culture of the personality should be based on the definition of "intellect" in pedagogy. This concept is defined through the mental capacity of the human being and means the ability to orient in, adequately reflect and transform the environment, to think, to learn, to know the world and to adopt social experiences; the ability to solve prob-

lems, make decisions, act wisely (Honcharenko, 1997, p. 146).

Therefore, an understanding of the essence and value of law, the ability to learn, to know and to adopt legal experience and to evaluate the results of legal activity, is the basis for the formation of the motives, attitudes and values of lawful behaviour. All of this helps the person to interpret, create and reproduce social reality by shaping behavioural patterns consistent with generally accepted social values.

Perception of motivation as a set of internal driving forces, motivating the person to perform, determines the behaviour, form of activities, making these activities oriented towards the achievement of personal goals and goals of the organization (Kolot, 2002, p. 12), as a process of forming motives, attitudes, value orientations, and their action as an internal cause of conduct objectified in the form of action or inaction (Diakova, 2017, p. 133), enables to see the relationship between the structural components of legal culture of the personality. Therefore, the motivation of a person's lawful conduct arises from his or her legal socialization and education. At the present stage of development of the theory of law, it is clear that law is not limited to the role of a regulator but is effective in the social field, encouraging actors of law to adopt certain forms of behaviour and interaction, ensuring their inclusion in the social organization system (Abramova, Shvachka, 2011).

#### 4. Conclusions

The results of the study make it possible to conclude as follows:

1. The description of the structural elements of legal culture of the personality becomes more qualitative, provided that the internal relationships between them are clarified.

2. The systematization enables to express the structure of legal culture of the personality in the form of three blocks of elements:

- intellectual elements are an understanding of the essence and relevance of law, an ability to learn, cognize, adopt legal experience, evaluate the results of legal activities, etc.;

- motivational elements: the confidence in the need for lawful conduct, respect for law, rights and freedoms of an individual, the desire to acquire legal knowledge and other competencies, intolerance of undemocratic exercise of state power in society, etc.;

- elements resulting from the intellectual and motivational impact are legal knowledge, skills and abilities, lawful behaviour, legal experience, the level of legal consciousness, effectiveness of legal performance, civil and legal activity in the exercise of subjective rights, freedoms and duties.

3. Legal culture of the personality is considered as a set of legal knowledge, skills and abilities, objectified in the form of lawful behaviour and legal consciousness of the person, resulting from one's intellectual abilities and motivation.

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## **СТРУКТУРА ПРАВОВОЇ КУЛЬТУРИ ОСОБИСТОСТІ**

**Анотація.** Метою статті є узагальнення та розвиток теоретико-методологічних знань щодо складників правової культури особистості.

**Результати.** У статті висвітлено різноманітність наукових підходів до розуміння феномену правової культури, її ролі в розбудові правової держави. Здійснено теоретико-методологічне дослідження структури правової культури особистості, склад якої можна відобразити у вигляді трьох блоків елементів, зокрема: а) елементи інтелектуальної сфери (розуміння сутності й цінності права, здатність навчатися, пізнавати, переймати юридичний досвід, оцінювати результати юридичної діяльності тощо); б) елементи мотиваційної сфери (переконаність у необхідності правомірної поведінки, повага до права та прав і свобод особи, прагнення до здобуття правових знань, нетерпимість до недемократичного здійснення державної влади в суспільстві тощо); в) елементи, що є результатами впливу інтелектуально-мотиваційної сфери (правові знання, уміння й навички, правомірна поведінка, правовий досвід, рівень правосвідомості тощо). Запропоновано правову культуру особистості розуміти як сукупність правових знань, умінь і навичок, які об'єктивуються у формі правомірної поведінки та правової свідомості особи, є результатом її інтелектуальних здібностей і мотивації.

**Висновки.** Констатовано, що структуру правової культури особистості можна відобразити у вигляді трьох блоків елементів: 1) елементів інтелектуальної сфери: розуміння сутності й цінності права, здатність навчатися, пізнавати, переймати юридичний досвід, оцінювати результати юридичної діяльності тощо; 2) елементів мотиваційної сфери: переконаність у необхідності правомірної поведінки, повага до права та прав і свобод особи, прагнення до здобуття правових знань та інших компетентностей у юридичній сфері, нетерпимість до недемократичного здійснення державної влади в суспільстві тощо; 3) елементів, що є результатами впливу інтелектуально-мотиваційної сфери: правові знання, уміння й навички, правомірна поведінка, правовий досвід, рівень правосвідомості, ефективність юридичної діяльності, громадянсько-правова активність у здійсненні суб'єктивних прав, свобод та обов'язків тощо.

**Ключові слова:** культура, правова культура, структура правової культури особистості, правова культура суспільства, інтелект, мотивація.

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