

UDC 340.1

DOI <https://doi.org/10.32849/2663-5313/2023.9.10>**Ivan Kachmarskyi***PhD student at the Department of Law and Public Administration**Higher Education Institution "King Danylo University"**35 Yevhen Konovalets str., Ivano-Frankivsk, Ukraine, 76000**ivan.o.kachmarskyi@ukd.edu.ua***ORCID ID:** 0009-0001-5315-472X

## INTERACTION OF SOCIAL NORMS AND LEGAL CONSCIOUSNESS: TRANSFORMATION MECHANISMS, IMPACT OF SOCIAL CHANGES AND DEVELOPMENT PROSPECTS

**Abstract. Purpose.** The purpose of this article is to analyse the interaction of social norms and legal consciousness, to study the mechanisms of their transformation under the influence of modern social changes and to determine the prospects for the development of legal culture in a dynamic socio-political environment. **Research methods.** The research methodology is based on a comprehensive approach, which includes a review of scientific literature and regulatory documents, a comparative analysis of theoretical concepts, and the use of systematic and dialectical research methods. In addition, methods of empirical data analysis and statistical modelling are used to determine the impact of social change on the transformation of social norms and the formation of legal consciousness. **Results.** The study reveals that social norms are the basis of the legal system as they set standards of conduct and influence the formation of legal consciousness. Legal consciousness, which includes cognitive, emotional, behavioural and evaluative components, allows society to transform legal norms into concrete actions. The harmonisation of social norms with legal provisions contributes to the development of legal culture and the legitimacy of legislation. However, modern transformations, such as digitalisation, pandemics, and military conflicts, require constant adaptation of norms and legal consciousness to new conditions. The scientific novelty of the study is that it identifies new mechanisms for transforming norms under the influence of modern social changes, such as digitalisation, pandemics and military conflicts, and proposes innovative approaches to integrating social and legal aspects into the system of legal education. This contributes not only to the efficiency of regulating social relations, but also to the formation of a high legal culture, which is critical for ensuring stability, justice and social progress. **Conclusions.** The results of the study can serve as a basis for formulating strategies in the field of education, law enforcement and social development, promoting a harmonious combination of social and legal norms that ensures stability, justice and social progress in society. In particular, the data obtained enables to identify the mechanisms of transformation of legal consciousness in response to modern social changes, such as digitalisation, globalisation and social crises, which opens up prospects for adapting the legal system to new challenges.

**Key words:** social norms, legal consciousness, transformation mechanisms, social changes, digitalisation, regulatory framework, integration of norms, legal culture, legal education.

### 1. Introduction

Legal consciousness of an individual is a set of knowledge, ideas and emotions that determine his or her attitude to law and contribute to understanding its role in society. It is an integral part of social consciousness and closely interacts with other types of social norms, such as moral, religious, corporate and customary norms. It is this interaction that determines the level of legal culture in a society, influencing compliance with legal provisions or, conversely, their disregard.

Legal consciousness is shaped by moral norms, traditions and generally accepted social

values. In communities with strong customary traditions, legal norms may play a secondary role, while in legal states, moral principles are often integrated into the legal system. Social norms can both support and hinder legal awareness. As a social phenomenon, law evokes different reactions: positive, negative or neutral. A positive attitude implies the recognition of the need to comply with legal norms and the perception of law as the main regulator of social relations. A negative attitude is expressed in the belief that law is irrelevant or superfluous, while a neutral attitude reflects indifference to legal norms and the activities of state institutions.

Changes in society affect the transformation of legal consciousness along with social norms, adapting them to new conditions, challenges and needs. Therefore, the study of the mechanisms of interaction between social norms and legal consciousness is of particular importance for improving legal policy, increasing the effectiveness of law enforcement and developing legal culture in modern society.

Social norms, legal consciousness and their interaction have been the subject of research by the following scholars: O. Holtsova, L. Zamorska, M. Cherkas, S. Nagorniak, N. Krestovska, L. Matvieieva and others.

## 2. The importance of social norms

Social norms play a fundamental role in the formation of legal consciousness, as they are the primary basis on which the legal system of a society is based. While social norms are general standards of conduct that regulate social relations, legal consciousness is a mechanism for an individual to comprehend and evaluate them.

The scholar O. Holtsova defines social norms as general rules that reflect the needs of social life and play a key role in people's practical activities. She emphasises that social norms are not only a measure of behaviour, but also the requirements that society puts forward to an individual, encouraging him or her to act in a certain way. The purpose of social norms is to regulate social relations by regulating people's activities. In this regard, any social norm is a criterion for assessing people's behaviour and a means of controlling their activities by society. Without norms, no practical activity of people is acceptable. The essence of a norm as a social phenomenon, according to the scientist, is a requirement addressed to people, to their social life. A norm requires that people's behaviour conform to it. This is an indication of what exactly people's behaviour should be in the opinion of society (Holtsova, 2013).

It should be noted that O. Holtsova emphasises that social norms not only regulate people's behaviour, but also determine the expectations and standards that society sets for its members. Legal consciousness develops through interaction with social norms, as they define the basic principles of justice, responsibility and social order. For example, legal norms often grow out of moral and customary norms, enshrining them at the official level. If social norms are not consistent with legal norms, this can lead to conflicts between the legal consciousness of individuals and the requirements of the law, which is especially noticeable during social transformations. In addition, legal awareness is not static - it is formed and changed under the influence of social norms that adapt to new living conditions. For example, current social trends, such as digitalisation or the fight for human rights, change perceptions of acceptable and desirable conduct, which is ultimately reflected in the legal system.

The researcher L. Zamorska emphasises that normativity is an inherent characteristic

of the social sector, and argues that the emergence, development and existence of social norms are due to the objective need to regulate the connections, relations and interests that are constantly becoming more complex within the social system. She emphasises that normative regulation is an integral process of social life inherent in the entire history of human development. Moreover, the normativity of human social life is a fundamental condition for the functioning of the social system, as it is based on the natural laws of nature and society (Zamorska, 2010). Therefore, following the opinion of L. Zamorska, it can be stated that normativity is indeed a fundamental basis for the functioning of society. Social norms emerge as a response to the need to regulate social relations and ensure stability in collective interaction. They are guidelines that determine which actions are acceptable and which are unacceptable, thereby shaping the social conduct of individuals.

In this context, legal awareness plays an important role, reflecting the level of perception and understanding of legal norms in society. Since social norms include both moral, customary, religious and legal regulators, legal awareness is a key mechanism that ensures their integration and compliance. When social norms are consistent with legal requirements, this contributes to a high level of legal culture and lawful conduct. On the other hand, if social norms contradict the current legislation, legal nihilism may arise, that is, the devaluation of legal norms, which weakens their regulatory function. This is especially true in periods of social change, when normative foundations are transformed and legal consciousness needs to be adapted to new conditions.

## 3. The relationship between social norms and legal consciousness

We propose to study the relationship between social norms and legal consciousness through four main components, which include cognitive, emotional and behavioural aspects, as well as a mandatory evaluation element. Each of these components plays a key role in the implementation of the functions of legal consciousness.

The cognitive function of legal consciousness is manifested through its intellectual mechanisms that contribute to the formation of legal knowledge as a rational element of legal consciousness. The process of cognition of legal phenomena is a mental activity of various subjects, which proceeds in accordance with the principles of dialectical and formal logic. The basis of legal knowledge is legal concepts and categories, which are the internal structural component of legal consciousness (Cherkas, 2008). Social norms, being generally accepted rules of conduct, form the basis for the development of legal consciousness. They reflect the needs of social life and set the standards expected of individuals. Through the cognitive function of legal consciousness, these

norms are transformed into legal knowledge and beliefs that influence human behaviour in the legal field. Therefore, the cognitive function of legal consciousness not only promotes awareness of legal norms, but also ensures their integration into personal values and beliefs, which is necessary for the harmonious functioning of society.

The law-forming component reflects the emotional state of the future lawyer, in particular his or her emotions, feelings and experiences that form the emotional and ethical attitude to law and legislation. It serves as an indicator of the level of awareness of the need for social and legal activity, reflecting value orientations and motivation for professional activity in the legal field (Cherkas, 2014). Social norms, including moral, corporate, customary and religious norms, influence the formation of a lawyer's legal consciousness, promoting his or her professional responsibility and ethical choice. The interaction of the law-making component with social norms plays a crucial role in the process of legal education, since it is through the awareness of social values that a lawyer forms a personal attitude to law as a mechanism for ensuring social justice and law and order.

The behavioural component is a form of legal conduct of the future lawyer, which includes a set of skills for making legal decisions in both professional and personal situations, as well as the ability to protect the rights, freedoms and interests of clients (Cherkas, 2014). In addition, it is important that such conduct is consistent with generally accepted social norms and ethical standards that govern relationships in society. Adherence to social norms helps to build trust in the legal system, strengthens the role of the lawyer as an intermediary between the law and the public, and ensures the responsible application of legal knowledge to maintain stability, justice and harmony in society.

The evaluative function is a tool for analysing legal phenomena, which is inextricably linked to social norms. It is social norms that set the standards for the acceptability and effectiveness of legal conduct, influencing the way in which the behaviour of individuals, the functioning of legal norms and the activities of law enforcement agencies are assessed. Positive assessments tend to arise when the legal system is harmoniously integrated with established social values, which contributes to the maintenance of order and trust in the law. Negative assessments can be constructive when they are accompanied by suggestions for improving legal norms and practices, or destructive when the gap between the legal system and social expectations leads to its complete rejection (Nahorniak, 2016). Therefore, the evaluative function, viewed through the prism of social norms, becomes an important mechanism of dialogue between law and society, contributing to the development of a system that meets modern social requirements.

Analysing the relationship between social norms and legal consciousness through four main components - cognitive, emotional, behavioural and evaluative - it is important to emphasise the importance of social norms in the formation of legal consciousness. The cognitive component reflects the level of legal knowledge and understanding of norms that are acquired through education, social experience and legal practice. Social norms are the primary source that forms the idea of acceptable conduct. The emotional component determines an individual's attitude to the law. If legal norms are consistent with moral and social beliefs, a positive perception is formed, which strengthens trust in the legal system. If the norms contradict personal or social values, a negative or indifferent attitude towards them is possible. The behavioural component is manifested in compliance with or violation of legal norms. A high level of legal awareness promotes law-abidingness, while a low level or contradictions between norms can provoke deviant behaviour. The evaluative component determines how people perceive the legal system: as fair and necessary or imperfect and restrictive. High trust in the law ensures the stability of society, while a negative attitude can lead to legal nihilism.

In our opinion, the legal consciousness of citizens is closely related to changes in social norms caused by social transformations. Social transformations, such as economic crises, political reforms or cultural shifts, directly affect changes in social norms and, consequently, the legal consciousness of citizens. These changes can lead to a rethinking of established rules of conduct by society, which in turn affects the perception and understanding of law.

According to the Razumkov Centre, today we can observe the rapid re-industrialisation of developed countries on new technological foundations, such as 3D printing, robotics and renewable energy. The socio-economic impact of digitalisation is no less significant. The displacement of people from industry, agriculture and services will inevitably lead to large-scale changes in the structure of employment and social and labour relations. The global labour market is a complex dynamic system that is constantly being affected by information technology, changing the nature of work, its organisation and content. Automation processes, even if they are restrained by governments and society, will continue to gain momentum. In the long run, this may lead to the situation where only a few million highly skilled professionals will be enough to support the entire global production and logistics system, while a significant part of the workforce will remain unemployed (Digital economy: trends, risks and social determinants, 2020).

Undoubtedly, social transformations caused by technological progress affect changes in social norms and legal consciousness of citizens. Re-industrialisation and digitalisation change the labour market dramatically, redistributing

the role of people in economic processes. This necessitates a rethinking of not only labour relations but also the State's social responsibility towards citizens who may find themselves outside the economic system due to displacement by technology.

We believe that the main challenge is how society adapts to these changes. Public policy and regulatory frameworks determine whether these transformations will become a catalyst for progress and social welfare or whether they will only increase inequality and social instability. It is important not only to create new jobs, but also to create an adequate system of social protection, retraining and integration of people into the changed economy.

Automation and artificial intelligence will undoubtedly change the way we think about work, welfare and even social responsibility. In the face of these changes, the legal consciousness of citizens should also evolve, and the understanding of social justice, labour rights and state responsibility should remain in the focus of public attention.

The ongoing technological changes not only transform the economy and the labour market, but also have a significant impact on social norms and the legal consciousness of citizens. Automation, digitalisation, and the introduction of an unconditional basic income are causing a rethinking of traditional notions of labour, social responsibility, and the role of the State in ensuring the well-being of the population (Krestovska, Matvieieva, 2008).

Social norms are formed under the influence of real life conditions, and legal consciousness is their reflection in the legal system. For example, if society gradually accepts the concept of creative employment and flexible forms of work, this will affect labour law. On the other hand, strict regulation of technology may cause misunderstanding and resistance in society if citizens see it as a restriction of economic opportunities.

The COVID-19 pandemic has demonstrated how social norms can change rapidly under the pressure of external factors, with remote work becoming the new standard rather than the exception. At the same time, the legal consciousness of society must keep pace with these changes to ensure a fair balance between technological progress and social stability.

Military conflicts, in particular the Russian-Ukrainian war, have a significant impact on social norms and legal consciousness of Ukrainian society, causing both immediate and long-term changes in the behaviour and perception of law by citizens. During armed conflicts, traditional social norms can be transformed. For example, norms related to security, solidarity and mutual assistance become more pronounced as people unite in the face of a common threat. In addition, new norms adapted to the conditions of war may emerge that were not previously relevant. This includes a change in attitudes towards the roles of men and women, with women taking on responsi-

bilities traditionally performed by men, or vice versa. Moreover, war exacerbates issues of gender equality and human rights. War can both strengthen and weaken the legal consciousness of citizens. On the one hand, it raises awareness of the importance of legal norms for ensuring order and justice. On the other hand, in times of chaos and instability, people may lose faith in the legal system, especially if it fails to ensure their basic rights and security.

In our research, we note that for the harmonious development of Ukrainian society, it is necessary to ensure the coordinated development of social norms and legal consciousness. This can be achieved by raising the level of legal literacy of citizens, which will contribute to the formation of responsible legal consciousness and compliance with social norms, as well as through the flexibility of legislation, which should respond promptly to changes in society and adapt its norms to new realities. In addition, active participation of citizens in decision-making processes through public dialogue will help to reconcile social norms with legal provisions, ensuring the legitimacy and effectiveness of legislation. These steps will contribute to strengthening legal consciousness and social cohesion in Ukraine.

#### 4. Conclusions

To sum up, the social norms are the basis of the legal system as they set standards of conduct and influence the formation of legal consciousness. Legal consciousness, which includes cognitive, emotional, behavioural and evaluative components, allows society to transform legal norms into concrete actions. The harmonisation of social norms with legal provisions contributes to the development of legal culture and the legitimacy of legislation. However, modern transformations, such as digitalisation, pandemics, and military conflicts, require constant adaptation of norms and legal consciousness to new conditions. It is through a dialogue between the public and legal institutions that the effective integration of these norms is possible, which is the key to stability, justice and social progress in society.

#### References:

- Cherkas, M.Ye. (2008). Piznavalna funktsiia pravovoi svidomosti na pravotvorchii stadii mekhanizmu pravovoho rehuliuвання [Cognitive function of legal consciousness at the law-making stage of the legal regulation mechanism]. *Derzhavne budivnytstvo ta mistseve samovriaduvannya*. № 16. pp. 150-158 (in Ukrainian).
- Cherkas, M.Ye. (2014). *Pravosvidomist ta yii funktsii v mekhanizmi pravovoho rehuliuвання* : monohrafiia [Legal consciousness and its functions in the legal regulation mechanism: monograph]. Kh.: Pravo (in Ukrainian).
- Holtsova, O.Ye. (2013). *Sotsialne rehuliuвання ta pravove rehuliuвання – spivvidnoshennia poniat* [Social regulation and legal regulation – the relationship of concepts]. *Chasopys Kyivskoho universytetu prava*. 2013. № 2. pp. 53-57 (in Ukrainian).

Krestovska, N.M., Matvieieva, L.H. (2008). *Teoriia derzhavy i prava : elementarnyi kurs* [Theory of State and Law: elementary Course]. X.: TOV «Odissei» (in Ukrainian).

Nahorniak, S.V. (2016). *Struktura, kryterii, pokaznyky ta rivni sformovanosti pravovidomosti studentiv za spetsialnistiu pravoznavstvo* [Structure, criteria, indicators and levels of formation of legal consciousness of students majoring in law]. *Naukovyi visnyk Uzhhorodskoho universytetu*. № 2. pp. 150-153 (in Ukrainian).

Tsyfrova ekonomika: trendy, ryzyky ta sotsialni determinanty [Digital economy: trends, risks and social determinants]. Tsentrazumkova. Vydavnytstvo «Zapovit», 2020. razumkov.org.ua. Retrieved from [https://razumkov.org.ua/uploads/article/2020\\_digitalization.pdf](https://razumkov.org.ua/uploads/article/2020_digitalization.pdf) (in Ukrainian).

Zamorska, L.I. (2010). *Vidnosno vyznacheni normy prava: poniattia, struktura, funktsii: monohrafiia* [Relatively defined norms of law: concepts, structure, functions: monograph]. Chernivtsi : Tekhnodruk (in Ukrainian).

**Іван Качмарський**

здобувач кафедри права та публічного управління

ЗВО «Університет Короля Данила»

вул. Є. Коновальця, 35, м. Івано-Франківськ, Україна, 76000

[ivan.o.kachmarskyi@ukd.edu.ua](mailto:ivan.o.kachmarskyi@ukd.edu.ua)

ORCID ID: 0009-0001-5315-472X

## ВЗАЄМОДІЯ СОЦІАЛЬНИХ НОРМ І ПРАВОВОЇ СВІДОМОСТІ: МЕХАНІЗМИ ТРАНСФОРМАЦІЇ, ВПЛИВ СУСПІЛЬНИХ ЗМІН ТА ПЕРСПЕКТИВИ РОЗВИТКУ

**Анотація. Мета.** Метою даної статті є аналіз взаємодії соціальних норм і правової свідомості, дослідження механізмів їх трансформації під впливом сучасних суспільних змін та визначення перспектив розвитку правової культури в умовах динамічного соціально-політичного середовища. **Методи дослідження.** Методика дослідження базується на комплексному підході, який включає аналіз наукової літератури та нормативних документів, порівняльний аналіз теоретичних концепцій, а також використання системного та діалектичного методів дослідження. Крім того, застосовуються методи аналізу емпіричних даних та статистичного моделювання для визначення впливу суспільних змін на трансформацію соціальних норм і формування правової свідомості. **Результати.** Дослідження показало, що соціальні норми є основою правової системи, встановлюючи стандарти поведінки та впливаючи на формування правової свідомості. Правосвідомість, яка включає когнітивний, емоційний, поведінковий та оцінний компоненти, дозволяє суспільству перетворювати правові норми у конкретні дії. Гармонізація соціальних норм із правовими приписами сприяє розвитку правової культури та легітимності законодавства. Проте сучасні трансформації – цифровізація, пандемія, військові конфлікти – вимагають постійної адаптації норм і правової свідомості до нових умов. Наукова новизна дослідження полягає в тому, що воно виявляє нові механізми трансформації норм під впливом сучасних соціальних змін, таких як цифровізація, пандемія та військові конфлікти, та пропонує інноваційні підходи до інтеграції соціальних та правових аспектів у систему правового виховання. Це дозволяє не лише підвищити ефективність регулювання суспільних відносин, а й сприяти формуванню високої правової культури, що є критично важливим для забезпечення стабільності, справедливості та соціального прогресу. **Висновки.** Результати дослідження можуть служити основою для формування стратегій у сфері освіти, правозастосування та соціального розвитку, сприяючи гармонійному поєднанню соціальних і правових норм, що забезпечує стабільність, справедливість і соціальний прогрес у суспільстві. Зокрема, отримані дані дозволяють визначити механізми трансформації правової свідомості у відповідь на сучасні соціальні зміни, такі як цифровізація, глобалізація та соціальні кризи, що відкриває перспективи для адаптації правової системи до нових викликів.

**Ключові слова:** соціальні норми, правова свідомість, механізми трансформації, суспільні зміни, цифровізація, правове регулювання, інтеграція норм, правова культура, правове виховання.