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The issue of developing legal consciousness of the population in contemporary Ukrainian community (example of rural inhabitants)

Питання формування правосвідомості окремих верств населення в сучасному українському суспільстві (на прикладі жителів сільської місцевості)

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Written by:

Mykhailo Kostytskiy⁵⁹<https://orcid.org/0000-0002-2093-2513>**Nataliia Kushakova-Kostytska**⁶⁰<https://orcid.org/0000-0002-1116-4751>**Nataliia Brovko**⁶¹<https://orcid.org/0000-0003-3525-2817>**Mykola Tereshchuk**⁶²<https://orcid.org/0000-0002-0772-9975>**Yana Arhat**⁶³<https://orcid.org/0000-0003-2993-9735>

Abstract

The purpose of the study is to consider the procedure of developing legal consciousness of rural inhabitants, as the development of legal culture, education of rural residents is one of the priorities of the State and society. Methodology. The following methods are applied in the course of the study: dialectical, logical, hermeneutic, synergetic, analysis, axiological, logical, systematic, summarizing. Results of the research. It is established that legal awareness is one of the forms of public consciousness with certain features. Developing sense of justice of rural residents occurs in the process of socialization at several levels. Practical meaning. It is proven that the process of developing legal consciousness should begin with family upbringing and continue at school. The development of legal awareness takes place in the very process of personal development, when a child gradually becomes a student, i.e. a person who changes and improves himself (herself). Value / originality. The need to adopt a

Анотація

Метою дослідження є розгляд процесу формування правосвідомості сільських жителів, адже розвиток правової культури, виховання правосвідомості жителів села є одним із пріоритетів держави та суспільства. Предметом дослідження є правосвідомість жителів села. Методологія. У ході дослідження використовуються такі методи: діалектичний, логічний, герменевтичний, синергетичний, аналізу, аксіологічний, логічний, систематичний, узагальнюючий. Результати дослідження. Встановлено, що правосвідомість є однією з форм суспільної свідомості з певними особливостями. Формування правосвідомості жителів сільської місцевості відбувається в процесі соціалізації на кількох рівнях. Практичне значення. Доведено, що процес формування правосвідомості має починатися з виховання в сім'ї і продовжуватися в школі. Розвиток правосвідомості відбувається в самому процесі становлення особистості, коли учень

⁵⁹ Doctor of Legal Sciences, Academician of the National Academy of Legal Sciences of Ukraine, Professor of the Department of Philosophy of Law and Legal Logic of the National Academy of Internal Affairs, Ukraine.

⁶⁰ Doctor of Legal Sciences, Senior Researcher, Professor of the Department of Philosophy of Law and Legal Logic of the National Academy of Internal Affairs, Ukraine.

⁶¹ Doctor of Legal Sciences, Professor, Head of the Department of Constitutional Law and Theoretical and Legal Disciplines of Bila Tserkva National Agrarian University, Ukraine.

⁶² PhD in Law, Senior Lecturer of the Department of Constitutional Law and Theoretical and Legal Disciplines of Bila Tserkva National Agrarian University, Ukraine.

⁶³ PhD in Law, Associate Professor, Associate Professor of the Department of Civil and Legal Disciplines of Bila Tserkva National Agrarian University, Ukraine.



program aimed at forming general knowing of law and legal culture of rural residents at the State level is substantiated.

Key words: education, formation, legal awareness, mentality, rural inhabitants.

Introduction

The tasks defined in the Constitution of Ukraine on the creation of a democratic, social, legal State cannot be solved without a certain level of legal awareness and legal culture of society. It is known that legal awareness and legal culture are the most important factors that contribute to the formation of the legal system of the State and democratic foundations of society, influence the regulation of the whole spectrum of social relations, maintain and consolidate its integrity, stable law and order.

The Constitution of Ukraine of 1996 (Law of Ukraine No. 254k/96-VR, 1996) is the embodiment of the legal consciousness and culture of the Ukrainian people, which were formed under the influence of contradictory economic, social, political and other factors. On the one hand, these are the historical traditions of Ukrainian society, in which human rights, social and individual values did not occupy a dignified place in the public consciousness and activities of the State. On the other hand, we can talk about the unstable situation in the society and, as a result, an unformed civil society with an inadequate level of legal awareness of citizens, legal nihilism and infantilism.

It should be noted that there are significant differences in the legal consciousness of urban and rural residents – a special territory of the State, whose population is a special group with its own social, economic and cultural features, as well as their understanding of legal values and ethics. The process of formation of legal awareness of rural residents is a rather complex phenomenon, which is influenced by the processes of education and training, and which requires in-depth philosophical and legal analysis.

Thus, in order to correctly choose the guidelines for the further development of Ukrainian society, it is necessary to conduct a thorough philosophical and legal analysis of the process of

поступово перетворюється на учня, тобто на особистість, яка змінюється і вдосконалюється. Цінність/оригінальність. Встановлена необхідність схвалення програми, спрямованої на формування правосвідомості та правової культури мешканців сільської місцевості, на державному рівні.

Ключові слова: навчання, формування, правосвідомість, ментальність, жителі сільської місцевості.

forming legal awareness of the inhabitants of Ukrainian rural inhabitants.

Consequently, the purpose of the study is to consider the procedure of developing legal consciousness of rural inhabitants, as the development of legal culture, education of rural residents is one of the priorities of the State and society.

Methodology

The research is based on a comprehensive approach to the analysis of the concept of legal awareness and its impact on the modern, democratic State. In order to ensure the reliability of the results philosophical, general scientific and special methods of cognition are used as well.

With the help of the dialectical method, its principles and laws, the content of such legal concept as legal awareness is revealed. The analysis of this category is also carried out using logical and hermeneutic methods, which revealed the objective patterns of its development in legal science.

The study also uses the synergetic approach, which allows to analyze the features of legal awareness of Ukrainian society as a whole and its rural inhabitants in particular.

The method of analysis made it possible to comprehensively explore the ways to influence legal awareness of the population, as well as to determine the prospects for improving legal awareness of rural inhabitants.

Axiological approach allows to determine the connection of legal awareness and person's formation of value orientations and behavior.

Logical method is used to study the processes and factors, which influence legal awareness of rural inhabitant.

The stages of formation of legal awareness are studied using systematic approach.

The relevant conclusions were formulated with the help of summarizing method.

Literature Review

The problem of legal awareness has been considered by many scholars in different periods and from the standpoint of different disciplines. According to Husariiev and Tykhomyrov (2017) legal consciousness is a specific form of social consciousness, a system of reflecting legal reality in the views, theories, concepts, feelings, ideas of people about law, its place and role in ensuring individual freedom and other universal values.

Holosnichenko (2005) states that legal awareness is a system of concepts, views, ideas and feelings of current or desired legal law, as well as activities related to this law.

Drozdova et al. (2019) believe that legal consciousness is a spiritual component of legal matter, a legal system based on morality, ideas about justice, mutual assistance, virtues, religious values created by generations, while the formation of legal awareness can be impacted.

According to the level, form and scope of reflection of legal life, legal consciousness is divided into legal ideology and legal psychology. Many scholars believe that both legal ideology and psychology keep predominant position in the structure of legal awareness, because there is no legal phenomenon or process in social reality, where ideological and psychological factors are not reflected in one way or another (Chefranov, 1983).

It is interesting to look at the formation of legal awareness through the existence of marital relations. Widdowson, Hay, Siennick (2021) state that legal awareness is formed due to the influence of marriage. The authors emphasize that according to the theory of informal social control marriage strengthens the ties with the society, increases legal awareness and reduces the possibility of illegal behavior.

There is a study, according to which legal awareness is also influenced by the class affiliation of individuals. Thus, it determines that the possible reason for the facts of committing offenses is the transition of low-class to middle class. (Benson et al, 2021).

Lukmanova et al. (2019) propose some effective practices of promoting legal awareness: legal education, legal propaganda, codes of ethics and behavior, information and communication technology application.

Results and Discussion

Legal consciousness is one of the forms of social consciousness with the following features:

it not only reflects social reality, but also actively influences it;

is a reflection of socio-economic relations of people, which are expressed in the laws of the society;

it cannot exist without its specific carrier – a specific individual, groups or collectives. It is necessary to note the relationship between the individual and legal consciousness, because they can not exist separately from each other.

As Soloviov (1990, pp. 233 – 234) correctly points out “legal awareness is not simply a reflection of the content and character of current legal acts in the individual’s consciousness; in legal consciousness «active temperament», most adequately manifests itself just when the actor of law criticizes and corrects existing laws in the spirit perfect justice. A person must learn to respect the rights of the others and defend his (her) own rights, assert the primacy of justice over regret, law and order over simple order and civic honesty over other worthy virtues. Thus, the essence of legal consciousness as a socio-legal concept and direction of empirical research, de facto, is to establish patterns of development of relations between the individual and the society, which are formed and maintained by the institutional force of law in time, space and changing conditions of the reality.

The specificity of human existence, as Scherba (2004, p. 32) stresses, is a combination, the interaction of three dimensions of life. The first one is that each person exists as one who is able to think and feel the "thing" (the body). The second one is that each person is an individual member of the species *Homo sapiens*, the result of biological evolution. The third one is that an individual exists as a socio-historical entity, which is expressed in the conscious subordination of his (her) personality to the rules of the existence in the society (legal consciousness). All this, in unity, constitutes the basic characteristics of human existence.

According to Professor Kaugia (University of Tartu, Estonia) (1996, p. 17), legal awareness is

the set of concepts, opinions, emotions and customs that reflects the person's relevance to the legal matters in the community. The development and introduction of laws in the community occurs through legal awareness.

A necessary condition for the development of legal consciousness is the free will of an individual. A free individual is truly self-actualized, becomes a person when he can follow his his (her) value orientations. An individual is both the bearer of existing social relations and individual freedom. Besides, an individual is always is represented in concrete and historical being and is with it in contradictory dialectical unity.

Theoretical and methodological and ideological perspective assumes certain substantive requirements for the whole space of human actions and social institutions, including public and individual legal consciousness and legal culture. At the same time, deontological vision of the world comes to the fore: the manifestations of spiritual and psychological and socio and cultural life are peculiar projections of the unconditional moral principle. Hence, law is considered first of all as a «law containing the requirements of due process» and can not be something fundamentally different than, for example, morality; and legal consciousness, in its turn, is perceived as one of the varieties, forms of categorical imperative and is a person's awareness of the world and himself (herself) through the prism of due.

Rural inhabitants are a special layer who, living on their own territory, are characterized by specific mentality, way of thinking, values, views, etc., different from the city residents.

The procedure of developing legal awareness of villagers is a purposeful impact on the person to master the norms of conduct required for the introduction into society. It occurs in the process of socialization at several levels. The first one is the person's respect for law, awareness of its role and significance for the State and for people. At the next level, the basic values of law are emulated, which allows to identify with a particular culture and society. There is a formation of legal values that will form the basis for individual legal consciousness, i.e. certain ideals, people's ideas about proper behavior and its outcome. This affects the formation of value orientations. Finally, we can observe what will determine a person's behavior in the social environment. A legal attitude is formed, which

precedes the act and deed. At the final stage there is a conscious need to convey legal knowledge.

It should be noted that a person has an unformed respect for the law, awareness of its role and importance at the first level; in such a case, it does not make sense to talk about the formation of legal awareness in the future. That is why the first level is very important. It is no secret that the issue of violation of legal norms is sometimes not perceived as an illegal fact by many rural inhabitants, but is understood as appropriate and natural one.

The mentality of an individual influences the formation of the legal consciousness of Ukrainian rural inhabitant. The Ukrainian mentality is a complex and controversial phenomenon. The changes taking place in society have been affecting the Ukrainian people for a long time, so speaking about the legal mentality of the rural inhabitants, it should be noted that it is characterized by careless and negative attitude to law and legal act, combined with legal idealism and faith that the expansion of legal norms in the area of legal regulation will inevitably lead to the qualitative improvement of life. The modern legal mentality is in a state of "revision" of legal values, rules, institutions that do not meet the needs of modern practice, which reinforces psychological ambivalence traditional for the Ukrainian mentality.

The psychological picture of the Ukrainian legal mentality of rural inhabitants is quite multifaceted. It is characterized by irrationality, illogicality, impulsiveness, naive idealism, tolerance, the pursuit of justice and a close connection with religious values. The Ukrainian mentality cannot be outside the space of legal culture, but at the same time it distances itself from it and from its universal values. Modern Ukrainian legal mentality is characterized not only by political demagoguery and populism, but also by eclectic ideas, ideological confusion, and inconsistency and of views.

For the residents of Ukrainian villages, justice is the main criterion in assessing socio and legal phenomena and activities. But how exactly they understand and perceive justice is a complex and debatable issue that is not the subject matter of our study.

The inconsistency of the law with the generally accepted norms of morality evokes in the minds of Ukrainians a negative attitude towards law, legislation, and State power, but is understood differently in matters of everyday life. Therefore,

thorough legal knowledge, which should be incorporated in the process of education and training, is necessary and important for rural inhabitants.

The procedure of developing legal awareness of Ukrainian villeggers should begin with family upbringing and continue at school. Schooling education is always based on a certain stage of a child's development. The processes of learning and development do not occur for the first time at school age, they are actually connected with each other from the first days of a child's life. Preschool education, which contributes to the formation of ideas, significantly differs from school education, which deals with the acquisition of knowledge. The development of legal awareness takes place in the very process of personal development, when a child gradually becomes a student, i.e. a person who changes and improves himself (herself).

The role of legal education in creating the worldview of the rural resident is quite important, in particular:

- firstly, the worldview of a socially conscious person is a form of spiritual and practical understanding of this phenomenon as an integrative holistic system (ontological component);
- secondly, the system of worldview of the individual is formed in the process of education in order to acquire legal knowledge, philosophical and legal beliefs and focus on universal values (axiological component);
- thirdly, the social productivity of worldview is formed in the process of cognition and perception by the person of not only regulations, but also historical and cultural heritage, moral and ethical rules, customs and mentality of the population, which are the basis for the society (socio and political component).

Conclusion

Ukraine is on the path to building civil society and the rule of law. Not only the generations of Ukrainians are changing, but also their views, ideas, visions, desires, thoughts, stereotypes, etc. This indicates certain transformational processes taking place in Ukrainian society, and in general we can talk about the transformation of the society itself. This has been particularly acute since the beginning of the Covid-19 pandemic, which threatens the lives of people and social

existence of the society (Kharytonov et al. 2021, p. 158).

A significant contribution to the construction of the new State belongs to those who live in its larger territory – the inhabitants of rural areas. The procedure of developing legal awareness of Ukrainian villeggers is affected by the processes of education and training, so the latter must be as affordable and qualitative as possible. The programme focused on the developing person's legal awareness and culture should be passed at government level. The establishment of legal culture and education of legal awareness of the rural inhabitants is one of the priority tasks of the State and society. The need to improve the processes of learning and development, re-education and re-training, psychological prophylaxis of antisocial behavior of individuals, adaptation of these processes to the challenges of modern civilization (especially spiritual and environmental ones) are among the urgent problems that arise today.

Bibliographic references

- Benson, M.L., Feldmeyer, B., Gabbidon, S.L., & Chio, H.L. (2021) Race, ethnicity, and social change: The democratization of middle-class crime. *Criminology*, 59(1), 10– 41. <https://doi.org/10.1111/1745-9125.12261>
- Chefranov, V. (1983). Philosophical problems of legal consciousness. (Doctoral Dissertation). Kharkiv State University named after A.M. Horkyi. Kharkiv, Ukraine. https://www.dissercat.com/content/filosofski_e-problemy-pravovogo-soznaniya
- Drozdova, A., Mikhailovna Balakireva, L., Victorovna Vorotilina, T., Vitalyevna Makarova, E., & Vedeniktovich Meleshkin, V. (2019). Legal Awareness And Legal Culture As Elements And Means For The Implementation Of A Mechanism For Ensuring The Legal Impact. *Opción*, 35(89), 922-934. Recuperado a partir de <https://produccioncientificaluz.org/index.php/opcion/article/view/27454>
- Holosnichenko, I. (2005). Legal awareness and legal culture in the development of the Ukrainian state. *Law of Ukraine*, No 4, pp. 24–25.
- Kaugia, S. (1996). Structure of Legal Consciousness. *International Law. Law review*. University of Tartu, No, 1, pp. 16–20. https://www.juridicainternational.eu/article_full.php?uri=1996_I_16_structure-of-legal-consciousness



- Kharytonov, E., Kharytonova, O., Kolodin, D., Tkalych, M., Larkin, M., Tolmachevska, Y., Rojas-Bahamon, M. J., Arbeláez-Campillo, D. F., & Panchenko, O. I. (2021). Distance learning in the conditions of Covid-19: problems and prospects of their solution. *Amazonia Investiga*, 10(48), pp. 157 – 169. <https://doi.org/10.34069/AI/2021.48.12.17>.
- Husariev, S., end Tykhomyrov, O., eds. (2017). *Theory of State and Law: textbook*. Kyiv: National Academy of Internal Affairs; Osvita Ukrainy. https://www.naiou.kiev.ua/files/kafedru/tdp/navch_pos_tdp.pdf
- Law of Ukraine No. 254k/96-VR. The Constitution of Ukraine. Official Web site of the Verkhovna Rada of Ukraine, June 28, 1996. Available online. In: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>
- Lukmanova, R., Pozdyaeva, S., Khramova, K., Afanasyeva, O., & Starshinina, S. (2019). The Application of International Standards and Creative Projects in the Formation of Legal Awareness. *Amazonia Investiga*, 8(21), 420-427. Retrieved from <https://amazoniainvestiga.info/index.php/amazonia/article/view/120>
- Scherba, S. (2004). *Philosophy*. Kyiv: Interregional Academy of Personnel Management. https://maup.com.ua/assets/files/lib/book/gp_27.pdf
- Soloviov, E. (1990). *Legal nihilism and the humanistic meaning of law*. Moscow: Politizdat.
- Widdowson, A.O., Hay, C., Siennick, S.E. (2021) Romantic partners and young adult offending: Considering the role of partner's socioeconomic characteristics. *Criminology*, 59, 158– 190. <https://doi.org/10.1111/1745-9125.12265>