



LEGAL CULTURE AND THE MAIN FACTORS OF ITS FORMATION

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ABSTRACT

This article discusses the legal culture and the key factors in its formation. The author analyzes the impact of legal culture on the development of society in the article.

KEYWORDS: law, legal consciousness, legal culture, ethics, society, personality

DISCUSSION

Legal culture is a part of human culture, a set of norms, values, legal institutions, processes and forms that perform the function of social and legal orientation of people in a particular society (civilization).

Legal culture does not completely coincide with any kind of culture (material, spiritual, etc.), thereby creating a peculiar, unique combination of material and spiritual components. Legal culture has certain common boundaries with political culture, since the activity of the state, subjects of political relations is included in the sphere of legal relations. It also functions in conjunction with moral, aesthetic, religious and other types of culture.

The role of legal culture in the life of society is multifaceted. Legal culture is a peculiar form of harmonious human development through which general social progress is achieved. This progress implies the creation of proper legal values (methods and means of resolving social conflicts, institutions for ensuring human rights, etc.), enriching the individual, and providing society with the necessary legal conditions for a calm and orderly development. Legal culture is the focus of humanity's accumulated legal values, an organism, all elements of which (norms, legal acts, institutions, processes, regimes, statuses) possess the qualities of products of the human spirit, historical selection, labor, life approbation. This type of culture is practically the only global form through which the value and originality of national legal phenomena - statehood, law and order, and the legal system - are reproduced.

Legal culture is closely related to legal consciousness, relies on it, but it is a relatively independent category, since includes not only the

socio-psychological processes taking place in society, but also the legally significant behavior of members of society, legal activity in the form of lawmaking and its results, the traditions of lawmaking, the practice of functioning of legal institutions in general.

The level of development of legal culture in society is an indicator of the formation of legal statehood. A legal state is impossible without a high level of legal culture of society.

The relationship between legality and legal culture should be noted. The rule of law is unthinkable in a society with a low level of general and legal culture. As part of the general culture, legal culture presupposes the availability of legal knowledge, understanding of the social value of law, assessment of legal requirements as appropriate and fair, respect for laws and voluntary and conscious observance of them. In turn, the rule of law contributes to the formation of the culture of society.

There are other positions in relation to the concept of "legal culture". But, as you can see, in all definitions legal culture acts as a social phenomenon, impossible without a person and his activities, without the progressive direction of this activity and advanced thinking. This concept is a complex and multifaceted phenomenon. It is important to note that the legal culture:

1. Includes a value assessment of legal institutions, processes, forms, activities of a particular society. In other words, it characterizes the legal values of society, progressive achievements in the field of law;

2. Reflects the qualitative state of the legal life of the country. Therefore, each state has its own level of legal culture;



3. Is the highest form of awareness of the interests and needs of society in legal regulation, therefore, law is a social value, a kind of legal wealth;

4. Is part of the general culture. At the same time, it occupies an independent, isolated place in the socio-cultural space;

5. Largely depends on the morality of society and the moral qualities of people carrying out legal activities;

6. Serves as a prerequisite and prerequisite for the formation of the rule of law and the rule of law society as a whole.

Depending on the bearer of legal culture, there are:

- Legal culture of society;
- Legal culture of the individual;
- Legal culture of the professional group.

The legal culture of a society is a part of the general culture, which is a system of values accumulated by humanity in the field of law and related to the legal reality of a given society: the level of legal awareness, the regime of legality and law and order, the state of legislation, legal practice, etc.

Legal culture at every given moment is "present" at every given point of legal reality, does not completely coincide with it, but exists in it as a component that can act as a characteristic of the level of development of this reality.

The culture of society is the result of the social and legal activity of individuals, collectives and other subjects of law. It acts as the starting point, the basis for this kind of activity and, in general, for the legal culture of the individual.

The legal culture of the individual is the degree and nature of the progressive legal development of the individual, conditioned by the legal culture of society, ensuring his legitimate activity.

The legal culture of an individual is made up of:

- Legal awareness and legal thinking;
- Lawful behavior;
- Results of lawful behavior and legal thinking.

The legal culture of the individual (general and special - professional) contributes to the development of a cultural style of lawful behavior, which is formed depending on:

- The degree of assimilation and manifestation of the values of the legal culture of society;
- Specifics of professional activity;
- Individual uniqueness of creativity of each person.

The legal culture of an individual presupposes:

- Availability of legal knowledge, legal information. Awareness was and remains one of the

fundamental channels for the formation of a legally mature personality (intellectual cut);

- Transformation of the accumulated information and legal knowledge into legal convictions, habits of lawful behavior (emotional and psychological cut);

- Willingness to act in accordance with legal knowledge and convictions, ie. to act lawfully - in accordance with the law: to use their rights, fulfill obligations, observe prohibitions, and also be able to defend their rights in the event of their violation (behavioral cut).

The legal culture of an individual characterizes the level of legal socialization of a member of society, the degree of assimilation and use of the legal principles of state and social life, the Constitution and other laws. The legal culture of an individual means not only knowledge and understanding of law, but also legal judgments about it as a social value, and most importantly - active work to implement it, to strengthen the rule of law and the rule of law.

In other words, the legal culture of an individual is a positive legal consciousness in action. The transformation of a person's abilities and social qualities on the basis of legal experience is an important component of it.

The cultural style of lawful behavior is characterized by the constancy of adherence to the principles in lawful behavior, the specifics of solving life problems, expressed in the peculiarities of choosing the option of lawful behavior within the boundaries that are determined by the norms of law.

Professional legal culture is one of the forms of culture inherent in a community of people that is professionally engaged in legal activities that require special education and practical training.

The professional legal culture is characterized by a higher degree of knowledge and understanding of legal phenomena in the respective areas of professional activity. At the same time, each legal profession has its own specifics, which determines the peculiarities of the legal culture of its various representatives (judges, prosecutors, employees of internal affairs bodies, legal advisers, lawyers, etc.). Moreover, the level of professional culture, for example, of police officers is different. Differences are observed in the legal culture of the rank and file and commanding staff, officers of various police departments: criminal, public security, transport, state automobile inspection, security, special police. The professional culture of employees of the automobile inspection differs from the similar culture of employees of the criminal police unit, etc. There is a general pattern: the level of professional culture of police officers, as a rule, is the higher, the closer they are to the activities carried out in the field of law.



The main thing in professional legal culture is the high place of law, its supremacy and the corresponding state of affairs in the legal field of the state: training of legal personnel, the role of legal services in all spheres of public and state life, the position of the court, the legal profession, the prosecutor's office, notaries, and the police; the development of scientific legal institutions, the effectiveness of the work of legal professional public organizations, etc.

Singling out three types of legal culture, it should be remembered that in real life they are closely interconnected: legal culture, as a social phenomenon, is one; the legal culture of a society does not exist outside the legal culture of its members (personality, group); it is a condition, form and result of cultural and legal activities of citizens and their professional groups.

The culture of a lawyer as a specialist is inseparable from the legal culture of a society. The level of legal culture of a society depends significantly on the professional culture of a lawyer. On the other hand, the state of the legal culture of society and a citizen depends on the professional level of a lawyer.

The level of legal culture of a professional group is determined by the degree of development of the culture of each of its members, i.e. the degree of general education, the level of its qualifications. A lawyer in his workplace must be appropriate to his profession and accordingly enhance his prestige and the prestige of the legal community.

A lawyer is a person who is called upon to rise above his habits and desires: he must do his job as required by the highest interests of society. Offenders are often strong, purposeful personalities, with whom it is not easy to fight. Often, work on the disclosure and investigation of crimes is a fight between personalities and characters. A person is formed into a personality in the process of social practice. Legal education is the first step towards establishing oneself as a person in the field of the implementation of law. Legal education should provide the knowledge and understanding of speech and skill required for the practicing lawyer, including an understanding of the legal and ethical responsibilities, rights and fundamental freedoms of the individual recognized by national and international law.

The theoretical level of legal culture is scientific knowledge about the essence, nature and interaction of legal phenomena in general, the mechanism of legal regulation, the legal field of the state, and not just its individual directions.

The legal culture of a lawyer is contained in a critical creative understanding of legal norms, laws, legal phenomena from the point of view of their humanistic, democratic and moral content.

The culture of a lawyer includes knowledge of the state language, the peculiarities of ethical culture and national traditions of the region where the lawyer carries out his professional activities.

The legal culture is subdivided into the legal culture of the individual, group and society as a whole. A special kind of group and individual legal culture is the professional legal culture of lawyers.

The legal culture of an individual implies a respectful attitude towards law, a sufficient level of legal awareness. A person with legal culture is characterized by:

- 1) a certain level of knowledge of legal norms;
- 2) positive sense of justice, i.e. respect for the law;
- 3) behavior based on respect for the law.

Consequently, the legal culture of an individual is a unity of legal knowledge, a positive attitude to law and lawful behavior. Sources of legal knowledge of an individual are practical experience, the environment, the media, etc. They directly depend on the level of education of the individual, age, occupation, etc. Knowledge of the law is an incentive for lawful behavior. A high level of legal culture is inconceivable without high moral qualities of the individual, without the skills of lawful behavior and legal activity.

Group legal culture is characteristic of individual social groups, primarily legal professionals. It depends on the legal consciousness of this group and is directly influenced by the legal values adopted in society, the legal orientations of individuals. An independent and very important part of the group culture is the legal youth culture, which is formed in educational institutions and in such areas as, for example, informal associations. This legal culture is marginal in relation to society, it contains elements of social disorganization, gravitation towards behavior that deviates from generally accepted norms.

Professional legal culture is a deep, voluminous and formalized knowledge of laws and regulations, as well as sources of law, a correct understanding of the principles of law and the tasks of legal regulation, a professional attitude to law and the practice of its application in strict and exact accordance with legal regulations or principles of legality, i.e. a high degree of possession of the law in subject and practical activities. Accordingly, for each lawyer, this is the degree of mastering the profession, the level of special training.

The legal culture of a society is an integral part of the spiritual values created by it. It covers all types of behavior and actions related to legal communication and the use of legal means of regulating public relations. It depends on the level of public consciousness, the state and nature of the legislation and the strength of the existing legal order



in the country. It is directly related to the general cultural level of the population, functions in interaction with the political, moral, aesthetic and other types of culture of the population and is characterized by the completeness, development and security of human and civil rights and freedoms; a real need for law; the state of law and order in the country; the degree of development in society of legal science and legal education, etc.

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