

# LEGAL CONSCIOUSNESS AND FORMS OF ITS DEFORMATION

**Olga V. Kravchenko, Russian-Tajik (Slavonic) University**

## ABSTRACT

*The aim of this study is to analyse theoretical and practical problems of formation of legal consciousness and forms of its deformation.*

*Low level of legal consciousness indicates that an individuum is not legally mature. Having such a level of legal consciousness, this person is unable to withstand a legal load and produce an active pattern of behaviour upon involvement in the social and legal activity.*

*In conclusion, the author infers that legal consciousness reflects the public legal ideals, main legal norms and principles, acquisition of legal knowledge, skills, and practical abilities, forms lawful conduct, sense of legal responsibility for compliance with law and order.*

**Keywords:** Legal Consciousness, Legal Culture, Legal Socialisation, Deformation Of Legal Consciousness

## INTRODUCTION

To date, legal decency of not only minors, but the whole public is of interest to state and society. And in conditions of public life globalisation and a need for countering the terrorist and extremist threat, throughout the world legal education undertakes an important historic mission both itself, and in combination with other forms of education, what finally implies formation of legal consciousness of an individuum.

Reasoning from the assumption that legal consciousness of minors must be formed, this process is impossible without acquiring knowledge and concepts of legal norms and principles as such. And knowledge of law and its norms, in its turn, facilitates representation of law in a personal consciousness as the legal phenomena that express the attitude of people and social groups to law and order. A reference base of legal consciousness is a reflection of comprehension and internalisation of legal knowledge, being its integral part, and development of practical skills to implement them. The latter is determined by the very essence and nature of the requirements imposed by the legal socialisation process on an individuum to develop his concepts of his social role and place in society.

Legal consciousness not only reflects the content of law, legal ideas and values, but also constitutes its most important element, somewhat of a backbone of its entire model. Indeed, only passing through legal consciousness, political, economic, and other social factors, embodying the legal norm, become legally binding and universal forms of regulating behaviour. Representation of law in an individual consciousness constitutes a necessary condition to evaluate legal consciousness as a regulatory phenomenon.

## MATERIALS AND METHODS

A method for the analysis of scientific works allowed inferring that not only theoretical interest defines focusing attention on the problem of forming legal consciousness in young persons, but also public demands and needs in the process of their successful legal socialisation.

Comprehensive approach, and fundamental provisions of the theory of state and law, legal sociology, legal psychology, legal pedagogy, and other sciences enabled us to reveal that legal consciousness serves as an efficient means for successful legal socialisation of young persons. There are two main ways, in which legal consciousness enters the legal socialisation

mechanism – general and separate. In the first case, legal socialisation and legal consciousness are united and have identical goals and objectives. In the second case, each solves its own problem, which, however, is associated with the general problem, lying in both formation of legal consciousness and going through the process of legal socialisation, and becoming a lawful person. It follows then that if legal socialisation serves its subject as a tool for his practical self-identification in the social and legal reality, legal consciousness, as a part of public consciousness, fulfils the conduct regulation function inherent in it.

## RESULTS

Legal consciousness becomes a personal behaviour regulator, a particular form of exercising the right and, accordingly, a method for its enforcement. To be more specific, no regulatory influence of the right is possible beyond human consciousness, and the right cannot be enjoyed separately from consciousness, what exactly defines its value-based characteristics as a regulatory phenomenon.

Underdevelopment of legal culture leads to such a phenomenon as deformation of legal consciousness, which expresses the negative attitude of a subject towards specific values, norms, opinions, ideals, certain and in some cases all the aspects of human life. Law gives rise to deformation of legal consciousness, what is a parasitism in law, at the same time. Legal infantilism, legal nihilism, legal fetishism, and legal consciousness degeneration are the most common forms of legal consciousness deformation.

Overcoming deformation of legal consciousness (remediation) is a complex and meticulous process. Among factors of overcoming deformation of legal consciousness, preventive measures are being given a special attention to. A method of preclusion also belongs to the mechanisms of overcoming legal consciousness deformation. *i.e.*, if prevention, as a method of overcoming deformation of legal consciousness, is aimed at detecting and eliminating the reasons and conditions of a specified negative phenomenon, the purpose of preclusion method is in avoiding the cases of legal consciousness distortion. The latter constitutes a specific tool to cope with deformation of an individual legal consciousness.

The process of overcoming deformation of legal consciousness implies the use of methods to influence an individual consciousness, among which is legal education, aimed at raising legal consciousness. Within this process, the respect for law and the sense of legal responsibility, zero tolerance to any manifestations of negative social phenomena must be formed.

## DISCUSSION

A reference base of legal consciousness is a reflection of comprehension and internalisation of legal knowledge, being its integral part, and development of practical skills to implement them. The latter is determined by the very essence and nature of the requirements imposed by the legal socialisation process on an individual to develop his concepts of his social role and place in society.

In this paradigm, legal socialisation, as an essential mechanism of the individual adaptation to legal field, aims at solving fairly complex problems, including practical problems, leading an individual to the activity exteriorisation. Reuniting legal consciousness and legal socialisation makes this process possible.

Furthermore, harmonious interdependence between legal consciousness and legal socialisation is inherent in the personal actual efforts and constitutes a practical instrument of his self-identification in social and legal reality. Legal consciousness in this mechanism fulfils its intrinsic function of regulating human behaviour, what is the purpose of the legal socialisation process.

On the other hand, legal socialisation process occupies a subordinate position in the legal consciousness formation mechanism. This is due to the fact that, as we have already mentioned,

legal consciousness fulfils the function of role-based and legally enforceable regulation of the individual conduct in social and legal reality, whereas legal socialisation allows for the involvement of an individual in social and legal practices, what is impossible without the appropriate level of legal consciousness.

At that, researchers focus on the representation of legal phenomena and processes in the individual consciousness, which were accumulated during a goal-oriented educational work of legal socialisation entities. It has been this condition that motivates us to consider legal consciousness as an efficient means for successful legal socialisation of minors, and to express our opinion about the existing scientific definitions of consciousness and legal consciousness.

Consciousness is a product of socio-historical development, psychic reflection of the exterior (objective and conceptual) and interior world (world of feelings, physical sensations, thoughts, self-consciousness), though it is also the main regulator of human activity, what defines the specifics of functions performed by legal consciousness, as an independent form of public consciousness. In its turn, public consciousness is a multi-characteristic phenomenon, (Karabaeva, 2014) expressed in language, science, and philosophy, artworks, in political and legal ideology, in moral, religion, mythology, proverbial wisdom, and social norms, in the concepts of different classes, social groups, and humanity as a whole.

According to V.L. Vasiliev, “legal consciousness” is one of the forms of public consciousness that reflects public relations, which regulate or must be regulated by the legal norms, whose content and development is defined by the society existence conditions” (Vasiliev, 2009). Legal consciousness becomes a personal conduct regulator, a particular form of exercising the right and, accordingly, a method for its enforcement. To be more specific, no regulatory influence of the right is possible beyond human consciousness, and the right cannot be enjoyed separately from consciousness, what exactly defines its value-based characteristics as a regulatory phenomenon (Khamroev, 2009). Legal consciousness is therefore a regulatory phenomenon, considered as a cumulative psychic representation of law (Gritsanov, 2003). Law is one of the most important social regulators in conditions of state-organised society, hence legal regulation constitutes one of the most important type of social regulation. In the most common sense, legal consciousness is the attitude of persons to law since it influences the development of law and forms of its enforcement. It has been for this reason that legal consciousness holds the first place in the legal regulation mechanism.

Such an approach to the problem of legal consciousness appears important since legal consciousness not only reflects the legal content, legal ideas, and values, but is its most essential element, somewhat of a backbone of its entire model. Indeed, only passing through legal consciousness, political, economic, and other social factors, embodying the legal norm, become legally binding and universal forms of regulating behaviour. Representation of the law in the consciousness of an individual constitutes a necessary condition to evaluate legal consciousness as a regulatory phenomenon.

No doubt, various factors and transformations in society affect legal socialisation of minors. These factors either create objective conditions for successful legal socialisation, or no. However, along with objective conditions, a goal-oriented activity, performed to study law, indirectly affects the formation of legal consciousness as well. However, this process also involves legal socialisation, through which legal norms are strengthened and values are solidified in the consciousness of individuals and social groups. What reinforces this conclusion is that it is inconceivable to carry out the activity, aimed at mastering legal knowledge, involving no consciousness, since legal consciousness is exposed to the influence of this activity. As regards its development, it depends on material conditions of public life. As V.S. Kheresyants notes, the level of legal consciousness depends on public morals, level of the country’s economic development, people’s welfare.

Hence, the “Big Legal Dictionary” and “Legal Encyclopaedic Dictionary” specify the concept of legal consciousness as the “sphere of public, group, and individual consciousness, related to representation of legally valuable phenomena and defined by legally important values, legal understanding, concept of proper legal order”. Some researchers therefore consider legal

consciousness as a form of public consciousness (Nusratov, 2012), associated with reflection of legal concepts. M.I. Yenikeev in his “Legal psychology” textbook offers a similar wording of the legal consciousness concept: “legal consciousness is a sphere of consciousness, associated with representation of legally valuable phenomena, cumulative opinions and ideas, expressing the attitude of persons, social groups to law and lawfulness, their concepts of proper law order, of what is legitimate and illegitimate”. Here, the importance and significance of the legal consciousness phenomenon determines its consideration as a spiritual component that defines human behaviour and interior life. As a complex spiritual formation, it incorporates human concepts of law (past, present, existing, sought in the future), subjective, emotional judgement-based attitude towards legal phenomena and readiness to act in legally relevant situations according to the legal norms (or contrary to them). In the meantime, a definition of legal consciousness can be found in the work of A.B. Vengerov, who believes that legal consciousness is a “subjectively existing set of interrelated ideas, emotions, that express the attitude of society, groups of individuals towards law...”. Of the same opinion is A.S. Ibraeva, who writes that “legal consciousness is a system of feelings, emotions, opinions, ideas, theories, traditions, inner turmoil, and other spiritual manifestations, that express the attitude of citizens to both existing law, legal practice, their rights, freedoms, and duties, and sought law” (Ibraev, 2002). It follows from these definitions that reflection of legal ideas and emotions in the consciousness of an individual is not only an important, but also a necessary condition for him to comprehend law and use this knowledge in practice, through expressing his attitude to both certain laws, and existing legal system of society as a whole.

Moreover, legal ideas and emotions are linked to motivational-causative system of personality as an immediate driver of its conscious activity, which can greatly affect the selected form of conduct. And it is not without reason, since legal consciousness is a combination of rational and psychological components, which not only reflect comprehension of legal reality, but affect it, forming a personal readiness for legal conduct. It means that legal consciousness more or less fulfils its proper function – regulation of human conduct, which implies his attitude (positive or negative) towards the existing law and legal system as a whole. In this context, legal consciousness is represented as an important channel of law influence on human conduct, and formation of public relations in terms of motivation, emotions, and consciousness. Hence, legal consciousness as an element of legal influence, is characterised as:

- 1) Non-materialised element of legal influence, acting through human will and consciousness;
- 2) Universal element of legal influence, existing at all stages of legal regulation;
- 3) Source of law, which reflects real demands of public development.

Other approach to defining legal consciousness belongs to V.S. Bredneva, according to which “legal consciousness is not only a complex of legal opinions, ideas, concepts, convictions, estimates, sentiments, feelings, legal doctrines, but also a specific function of the particularly organised matter (human brain) to reflect the phenomena of legal reality and intentionally regulate its interaction with it”. What differs this definition from others is that its author focuses attention on human consciousness, as a key to determine real boundaries of the world, where humans comprehend the subject of legal reality and its meaningfulness. Similar definition of legal consciousness is also given by A.V. Melekhin, who writes that “legal consciousness is a complex of ideas, concepts, feelings, emotions, inner turmoil, expressing people’s attitude towards legal phenomena of public life (laws, legitimacy, lawful and unlawful conduct, rights, duties, justice)”. This definition of legal consciousness is closer to real life, since it reflects the need for active human attitude towards legal norms and legal relations, and this is nothing but a reflection of legal phenomena by legal consciousness, when overall influence of circumstances on human consciousness requires that he should behave and be active in a certain way. This brief generalisation demonstrates human attitude towards legal phenomena and values, reproduced by his legal consciousness.

It should be noted that legal consciousness is a multi-aspect legal phenomenon, involving its concept, subjects, objects, types, and methods to form it, etc. The legal literature also mentions its multifacetedness. Thus, according to A.V. Groshev, legal consciousness constitutes a “method of: a) comprehension in terms of public demands, interests (class-specific and public), a need for legal regulation of certain public relations, establishing legal regime in society; b) reflection of public relations, regulated according to legal norms and requiring legal regulation, and legal norms, legal relations, and other legal phenomena, associated with the act of law and components of legal public superstructure; c) regulating conduct of humans involved in public relations, which serves, on one hand, as a source of law, and on the other hand, as a means of psychological influence on civil consciousness” (Groshev, 1994). It follows from this definition that legal consciousness is a way of comprehension and representation of law, which regulatory properties aim at harmonisation of human conduct in the spheres regulated by law. Given that it is intended to accumulate legal norms and values, it can be called a human legal background. The author therefore suggests that legal consciousness be considered as a source of law, and its formation through legal propaganda and legal socialisation as an active mechanism to influence it.

Furthermore, E.M. Gavrish thinks that “legal consciousness is the most important form of comprehending the world spiritually. As an integral phenomenon, playing the role of the most important law-making source and a significant factor of law enforcement, it is responsible for potentially weighing up legal reality against urgent public demands”. This wording defines a particular focus of human legal consciousness on spiritual world exploration. Taking this property of legal consciousness into account, the famous scientist I.A. Il'in calls “spiritual strength” an indispensable component of legal consciousness, and thus formulates its manifestation: “I am a personality with spiritual dignity and rights; I know what I am allowed to do, what I must do, and what I cannot do; and I respect the same free and responsible personality in every other human. A man with proper legal consciousness is a free legal subject; he has a willingness to be loyal (law-obedient), he is able to comply with his own and someone else's terms of reference, duties, and prohibitions; he is a living backbone of legal order, self-governance, army, and state. A person without legal consciousness is similar to beasts and behaves like a wolf. A person capable of being obedient only for fear, is transformed into a wolf as soon as fear disappears. A man with no sense of responsibility and honour is unable to neither personal, nor public self-governance, hence, is also unable to live in democracy”. At the same time, the author notes that “that's why normal legal consciousness is, first and foremost, the will to the purpose of law, and it is therefore the will to law; and hence it follows his need for knowing law and a need for vitally implementing it, *i.e.*, fighting for law. Only in such an integrated form legal consciousness constitutes a normal legal consciousness and becomes a noble and adamant force, being fed by the spirit vitality, and, in its turn, defining and fostering his life on Earth”.

Or theoretical and practical importance is that, in research works, the problems of legal consciousness have been considered from different perspectives: metaphysical, religious, and anthropological, class-specific, reflecting certain economic relations and people's attitude towards law, and others. However, the principal postulate is that legal consciousness serves as a primary factor of human legal socialisation, that functions as a kind of channel to transfer information from the legal system to the subject, without which no legal system, law-making, and law enforcement can exist (Rybakov, 2011). In this case, it plays a significant role not only in regulating conduct, but also in meeting interior and exterior human demands.

Thus, the legal consciousness of a person must go through all the formation stages and processes, being directly linked to the activity of social education institutions, to enable the establishment of his relationship with a real legal reality. Of importance in this process are personal reference points, being a content-related basis of legal consciousness and inexorably associated with social and legal conditions and public value systems since legal consciousness is a constituent of public consciousness. It accumulates social and legal public ideals, main norms

and principles of law, fundamentals of acquiring legal knowledge, skills, and practical abilities, forms lawful conduct, sense of legal responsibility for compliance with law and order.

Moreover, the formation of legal consciousness is not merely a psychological transformation of a person, a qualitative change in his behaviour in legal field, in acquisition of legal norms and doctrines, in following their instructions in the legal reality, what requires that a person should undertake a certain activity. In this case, undisputed is also a close interaction between legal consciousness of minors and the process of legal socialisation. Reflection in human consciousness of legal ideas, beliefs, principles, and norms, that can be transformed into the content of legal socialisation, may serve as an example. As regards the mechanism of legal socialisation, it implies internalisation of legal values and is determined by the complex of ways and methods, employed to enable a subject to comprehend the existence. At the same time, legal consciousness reflects legal ideas, beliefs, principles, and norms. In other words, legal consciousness of minors is an object of legal socialisation since minors as such have no legal consciousness. Here, of value is not only allowance for objective factors and their influence on legal consciousness of minors, but also the very process of legal socialisation, that serves as a determinant of legal maturity of an individuum.

In its turn, low level of legal consciousness indicates that a person is not legally mature. Those, who have such a level of legal consciousness, upon involvement in social and legal activities, are unable to withstand a legal load and produce an active pattern of behaviour. Such a situation in the midst of minors facilitates growth in child neglect, delinquency, drug abuse, and other negative phenomena among minors and young persons. And high level of legal consciousness has a serious motivational and regulatory influence on the behaviour of minors.

Legal consciousness serves as a kind of the channel to transfer legal information to a subject (without which no legal system, including law enforcement, can exist). In this sense, a person himself acts as a subject of legal socialisation and legal consciousness. Exterior legal phenomena, expressed in social relationships, are the object of legal consciousness. (Fabrika, 2006). In their turn, subjects and objects of legal consciousness are the essential elements of its structure, because it is an integrated system. Hence, D. Chuikov writes: "legal consciousness should be considered as a system, based on several foundations. First, it has a certain structure, which incorporates legal ideology and legal psychology. The structure elements are ordered and system-defined. Second, there is a fairly stable relationship between the structure elements. Third, those, who have legal consciousness, constitute such a system-based formation as society. Fourth, legal consciousness has a system-forming factor, functions, and principles". K.S. Terent'eva states the same opinion, writing: "As for the structure and functions of legal consciousness, the following can be inferred:

First, legal consciousness is a complex and multifaceted phenomenon.

Second, legal consciousness is still a system and has a certain autonomy". As for the structure of legal consciousness, it, according to A.R. Ratinov, constitutes plenty of complex formations, being its essentials (Ratinov, 1970). From the I.N. Sysoev point of view, "the structure of legal consciousness is a complex of interrelated and interacting components, affording integrity of legal consciousness, its development and functioning". It is customary to consider the structure of legal consciousness in terms of two approaches: gnoseological and sociological (Zakhartsev, 2013; Oigenzikht, 1986). Gnoseological approach implies consideration of the structure of legal consciousness (though rather arbitrarily) through legal psychology and legal ideology. Legal ideology constitutes a special component of public legal consciousness, its elements exist in group and individual legal consciousness. It is intended to reveal the essence, social sense of the nature of law; it attempts, as a rule, to present it in the form of cultural and historical philosophy and dogma. Legal ideology constitutes and complements spiritual life of society and affects all aspects of public life. It has a decisive role in developing legal consciousness of various social groups and classes in society. Legal ideology interacts with other ideological components and forms of public consciousness. At the same time, legal sphere of relations and regulation differs from legal ideology and other forms of public consciousness since it depends on legal culture.

In addition, formation of legal responsibility, serious attitude to law and legal requirements, a habit of conforming to legal norms at all times is an indispensable part of successful legal socialisation process, and formation of legal psychology occupies a special place in this process, as a structural element of legal consciousness. According to A.A. Zhigulin, “legal psychology represents a complexly structured stratum of legal consciousness, accommodating spiritual totality of feelings, sentiments, emotions, inner turmoil, illusions, will, fantasy, imaginations, conscience, intuition, mass psychological stereotypes of lawful conduct, formed as a result of not only reflecting legal reality, but also its creative building” (Zhigulin, 2014). In public life, legal ideology closely interacts with the latter. Contemporary legal science treats legal psychology as unstructured and nonrationalized perception of legal reality, expressed by feelings, emotions, and emotional upheaval, typical of society as a whole or a specific social group. *i.e.*, legal knowledge acquired at this level are unstructured and sporadic.

Accordingly, legal psychology is formed as a result of everyday human practices of both individuals, and social groups, and the existing law and what it should be like, is its subject. Legal psychology is formed through individual internalisation and accumulation of social and legal experience and traditions of culture, created by society. Essentially, this process is to inform about law and, being interpreted in terms of practice, is spontaneous and non-systematic, and, as the most common form of legal knowledge, which is more or less inherent in all subjects, can occur in relation to any legal phenomenon (Petrishin, 2002). In short, it is a “living source of legal ideas and concepts, with no proper understanding of which any legal policy is destined to fail” (Baimakhanov et al., 1995). And if one of the conditions of applying legal knowledge and, at the same time, a method for its acquisition, its transformation into legal beliefs, is in involvement of citizens in social and legal practices, for minors this process incorporates not only acquisition of legal knowledge, but also communication and leisure time, and with agents of legal socialisation as well.

Legal consciousness fulfils the following main functions: Evaluative, regulatory, cognitive, and prognostic.

Evaluative function of legal consciousness is intended to estimate specific life circumstances of legal significance, *i.e.*, this function makes it possible to determine, “what is good” and “what is bad” in legal field, certainly, based on one’s own experience. The evaluation degree depends on the value of a sought object, purpose of specific activity, what serves as a basis to select the preferable elements of legal system (Antonova, 2015).

As we have already repeatedly noted, legal consciousness is a regulator of human conduct. And law is, in fact, a product of human activity, and its content and enforcement depends on people, on their consciousness, to a large extent (Bura, 1986). On this basis, a regulatory function of legal consciousness represents a spontaneous, deliberate action, being a part of human controllable activity. Regulatory function is embodied through the system of motives, values, legal doctrines, that serve as specific regulators of conduct and have special formation mechanisms.

Cognitive, or, to put it otherwise, information-related function is intended to obtain certain legal knowledge, including the information about laws in force, their enforcement. No specific attitude towards law can be cultivated without such information and its comprehension.

Prognostic (from Greek: prognosis – prediction, forecast) function of legal consciousness is seen in scientifically justified or ordinary suppositions (predictions) about the future state of legal public system and its components, ways and prospects of their further development, based on estimating their current state (Kartashov, 2012).

In addition, there are other functions of legal consciousness mentioned in the legal literature: function of modelling, developing legal science (Bura, 1986), worldview, information-cognitive, axiological, explanatory, and descriptive, pragmatic, educational, predictive, and communicative. It should be noted that legal psychology and legal ideology as structural components of legal public consciousness, facilitate fulfilment of its functions and legal regulation, principally aiming to form legal culture.

By the nature of action, legal consciousness is divided into the following types:

- Mass legal consciousness (of large human communities);
- Group legal consciousness (attitude towards law of various small social groups and collective bodies);
- Individual legal consciousness (personal attitude towards law, reflecting beliefs and opinions of a particular individuum).

Individual legal consciousness of a person is formed during its socialisation, when social experience of an individuum is reproduced, human culture is transformed to an individual form of existence.

Scientists also use a concept of *corporate* legal consciousness as a legal consciousness of the persons of different professions, social groups and strata.

Furthermore, depending on its level, empirical (ordinary), professional, science-related legal consciousness are distinguished. Ordinary legal consciousness is the first level of legal consciousness. Most members of society have this level. It is formed under the effect of specific life circumstances, personal legal experience, and characterises the attitude of a person towards law at the simple level in different transition periods. Lawyers are those who have professional (legal) level of legal consciousness (scientists and practitioners). This level also implies a broad distribution of information to the public about the problems related to the activity of legal ministries and offices, true presentation of shortcomings they have, extensive discussion of the ways to overcome them. In addition, this level can also incorporate professional legal activity, conducted to change the existing and adopt a new legislative act, etc.

As for dogmatic (science-related) legal consciousness, it is a theoretical legal consciousness. It is often treated as a type of professional legal consciousness. However, it is a type of legal consciousness, typical of researchers, scientific workers, dealing with the problems of legal regulation of public relations. Overall, it is an attempt to combine ideological component of lawful conduct propaganda with the real knowledge of law-abiding behaviour processes.

The system of theoretically substantiated beliefs, concepts and studies, learnt within the school curriculum of law, is the source of legal consciousness, likewise its combination with legal education. The goal of legal education is to form legal culture in minors, since legal consciousness represents not only the most essential element of legal culture, but also the most important indicator of legal culture in society. S.V. Strygina justifies this thesis statement, noting that “legal culture is closely related to legal consciousness, relies upon it. But it is broader than legal consciousness because it includes not only its social and psychological elements, but legally significant behaviour of people, high level of law-making, and enhancement of legislation, legitimacy, and efficiency of legal practices, precision and clarity of legal instructions”. According to A.P. Semitko, “legal culture implies the quality of the public legal life, determined by the socio-economic and political system, and expressed in the achieved level of the development of legal acts and other texts of legal nature, level of legal reality, legal consciousness, and, overall, legal development of a subject, and the degree of the personal behaviour liberty, guaranteed by state, combined with its responsibility towards society” (Semitko, 1990). It follows from this wording that legal culture is a focus point of legal valuables, accumulated by humanity. It is their keeper, selectionist, generator, and retransmitter to other spheres of public relations. Legal culture is a living organism, all elements of which, namely, norms, legal acts, institutions, processes, regimes, states, have the qualities of the human spirit products, patient work, historical selection, real-life approbation (Kazykhanov, 2006). However, it is necessary to distinguish between legal consciousness and legal culture. To this effect, the legal literature contains the developed criteria, establishing relation between legal consciousness and legal culture, according to which the difference between them is in the following:

1. If legal consciousness is personified in the mechanism of internalising and comprehending law and legal phenomena by individua, social communities, society as a whole, legal culture reflects

- qualitative aspects of not only legal thinking of people, but also of the state of institutions, statutory documents, legal order.
2. If legal consciousness produces intellectually-psychological aspects of behaviour and processes, legal culture “is materialised” in legal texts, quality of legal activity, its efficiency, expediency.
  3. If evaluative and proactive purpose is primary for legal consciousness, legal culture demonstrates the state and ability to perceive common civilisational values of all legal phenomena.
  4. Legal consciousness, finally, is dynamic, and legal culture is conservative, what is confirmed by the fact that law is an integral element of culture, whereas legal culture is synonymous with the concept of law, and legal consciousness is one of the forms of public and individual culture. Through the lens of perceiving law and legal valuables, legal culture is not only a spiritual asset, but a product of legal public life. Lawful life is a complex of all forms of legal life of society.

Undisputed is also the fact that legal culture is a complex and multifaceted concept, and it is an integral part of culture in general (Nasurdinov, 2014), what is scientifically proved. Multifacedness of legal culture, as a phenomenon, gave rise to more than 500 its definitions, none of which became common. However, most importantly, legal culture of citizens implies:

- 1) Certain level of legal thinking and sensory perception of legal reality;
- 2) Proper degree of knowing laws;
- 3) High level of respect to legal norms, their authority;
- 4) Quality of law-making and law enforcement processes;
- 5) Specific legal activities (work of law enforcement authorities, constitutional control, etc.);
- 6) Results of legal activity in the form of spiritual and material wealth (laws, judicial practice, law system, etc.). Legal culture of a human being is a complex psychological phenomenon, reflecting numerous aspects of the society and state life. And to foster in oneself a high-level legal culture, of importance is to imagine the essential features of this phenomenon and understand its value for society and an individuum. *i.e.*, “if legal culture is undeveloped, legal consciousness becomes deformed and leads to legal nihilism, which is expressed in mass failure to acknowledge and observe laws”.

Deformation of legal consciousness is one of its states, opposite to the positive legal consciousness. It is a social phenomenon, characterised by the change in the state of legal consciousness, when certain ideas, concepts, beliefs, knowledge, feelings, and sentiments, inner turmoil, and emotions are formed in its carriers, that reflect legal reality in a distorted way and display negative attitude to the existing law, legitimacy, and law order.

In the literature, denial of social value of law has been publicly designated as a legal nihilism, which constitutes a complex social and legal phenomenon. In the legal literature, it is suggested that it should be considered as an independent, autonomously existing and developing component of law beingness. *i.e.*, law is primary, legal nihilism is secondary. Law gives rise to legal nihilism. Legal nihilism manifests itself in a variety of forms. It can be both legitimate, and criminal, be manifested at both the “bottom”, and “on the top” of society, at both simple level, and in professional circles. Its essence is in the general negative, disrespectful attitude towards law, legislation, statutory order, and in terms of origins, reasons: in legal ignorance, inflexibility, immaturity, legal ill-breeding of the bulk of the population.

Legal infantilism, legal nihilism, legal fetishism, and degeneration of legal consciousness represent the most common types of legal consciousness deformation. However, the simplest form of legal consciousness deformation manifestation is legal infantilism. As explained by G.A. Ozhegov, “legal infantilism manifests itself first of all in insufficiently formed legal consciousness”. In the legal literature, the idea of negative, not corresponding to legal norms and values, consciousness was first proposed by famous scientists A.R. Ratinov & I.I. Karpets. They supposed that the destruction of legal values in individual legal consciousness is expressed in either legal infantilism, namely, immature and limited legal consciousness, or in legal negativism, or active unlawful tendency of an individuum. Moreover, legal infantilism, according to and depending on the level of legal consciousness, can be ordinary, professional, and dogmatic (science-related).

Legal nihilism serves as another form of legal consciousness deformation. In the literature, all the facts of negative attitude to law, including those, related to committing crimes or other law violations, or specific cases of deliberately ignoring law requirements with no

unlawful intent, are related to it. When considering the problem of differentiating between “legal nihilism” and “legal idealism” phenomena, N.I. Matuzov notes that legal nihilism and legal idealism have similar origins: legal ignorance, undeveloped, deformed legal consciousness, deficiency of political and legal culture. It follows then that legal nihilism is a negative phenomenon, reflecting irresponsible attitude of a person to legal requirements and instructions. And overall, such antisocial behaviour of an individual, resulting in his violation of legal requirements, manifests itself in various forms, and in legal *fetishism*, in particular, in which sacred properties are imparted to law, the idea of absolute authority, truth, sainthood, higher justice, and impeccability of law is formed. It is transformed from social regulator to an object of deifying, inordinate praise, a type of worshipping, to an ideal (non-material) idol (Lagun, 2015). This is the form of legal consciousness distortion, when during addressing the problems arising in the sphere of exercising rights and duties, the role of legal means and ways to solve them in the efforts of subjects is excessively exaggerated.

*Degeneration* is one more dangerous form of human legal consciousness deformation. It is based on the deliberate denial of law because of mercenary, cruelty, greediness, etc. motives. It is not merely a conscious ignorance of legal norms, but also committing deliberate crimes at that. In other words, a person not only turns to commit a deliberate crime, but also has no compunctions, sees himself as faultless (Zakhartsev, 2013).

Thus, deformation of legal consciousness expresses the negative attitude of a subject towards certain values, norms, beliefs, ideals, to some, and sometimes, all aspects of human life. Law gives rise to deformation of legal consciousness, what is a parasitism in law, at the same time. From gnoseological point of view, this is a manifestation of mentality and social behaviour, intended to deny and depart from legal norms. As a negative phenomenon, it focuses in a certain way on negative attitude towards law and all legal phenomena, aimed at organising different forms of public relations. Moreover, deformation of legal consciousness has a specific nature, since it should not be related only to unlawful and criminal behaviour of a subject. It can be seen in the behaviour of a law-obedient citizen seeking to comprehend law and embody its principles and ideas in everyday life.

Researchers relate overcoming deformation of legal consciousness (remediation) to different factors and think that it is a complex and meticulous process. Among these factors, preventive measures to deal with legal consciousness deformation are being given a special attention to. A preclusion method also belongs to the mechanism of overcoming deformation. *i.e.*, if prevention, as a method to overcome legal consciousness deformation, aims at revealing and eliminating the reasons and conditions of a specified negative phenomenon, the purpose of preclusion method is to avoid the facts of legal consciousness distortion. The latter is a specific tool, used to overcome deformation of individual legal consciousness. However, the stated measures are not the only ones since the process of overcoming deformation of legal consciousness implies the use of other methods to influence an individual consciousness. This is the legal education, intended to develop legal consciousness. One of the tasks of this process is to form a respectful attitude to law and a sense of legal responsibility, zero tolerance to any manifestations of socially negative phenomena. Legal education tasks also include: enhancement of the level of general and legal culture of citizens, their legal consciousness; prevention of breaches of law, first, crime; improvement of legislation; mass education in law of the population; legal education; strengthening of lawfulness and legal order, state discipline; respectful attitude to human personality, guaranteeing his rights and liberties; training of high-qualified legal staff; successful implementation of legal reform, etc. (Utarbekov, 2009).

In this case, human liberty in the sphere, being based on legal principles and norms, and development of his abilities in fulfilling socially legal roles, process of legal socialisation, serve as the opposites to the process of legal consciousness deformation. Hence, the solution to the problem of overcoming legal consciousness deformation first and foremost depends on the activity and work of different social institutions of society and is one of strategic objectives of the state as such, the essence of which is to help an individual to eliminate distorted legal consciousness.

Distorted legal consciousness is defined by various factors, though a human behaviour, different from the human society norms and rules, occupies among them a special place. The main reason for having distorted legal consciousness is the lack of legal knowledge or understanding. The process of going through legal socialisation, within which a person acts as an active subject, can also become a tool to overcome deformation of legal consciousness. A subject's activity facilitates formation of his legal consciousness. Hence, a specific feature of legal consciousness manifests itself in the fact that it perceives the outside world, and then organises its own vital activities through the lens of his perception of reality.

Thus, both agents of legal socialisation, and minors themselves should have notion of theoretical and practical value of legal consciousness. It is especially required when minors enter the socio-legal reality, since the major driving force of the legal socialisation process is their level of legal consciousness, formed under the influence of education principles and norms, likewise legislative acts, aimed at the respect, defence, and protection of rights and lawful interests of minors. The Law of the Republic of Tajikistan "On responsibility of parents for children training and education" dated August 2, 2011 occupies the dominant position among the latter. This law was adopted for a good reason, since over 2016 more than 8.5 thsd. parents got fined for wrong education of children under the court decision in Tajikistan. The fees imposed on parents had brought to the state treasury more than one million somoni. Over 2016, about 14 thsd. cases on administrative violations as to compliance with the norms of this law were heard in the Republic courts. In the aggregate, determinations were made against 4 thsd. parents in the form of warnings, administrative fines were imposed of the above-mentioned total size (<http://www.news.tj>).

However, it is not total amounts of penalties to the state revenue imposed by courts. The case in point is the public concern about increased crimes among minors, violation of legal norms, lack of parents', teachers', school responsibility for children, and inefficient activity on educating and preventing delinquencies of minors on the part of authorities and society. There are also other factors, provoking most serious speculations on the problem of forming legal consciousness of the younger generation in our republic. And once again, a conclusion is confirmed that the development of minors' legal consciousness should be strengthened, deviations from the norms of conduct should be minimised, and they have to be prepared to the future life. That needs to be done for them to become decent citizens, those who have common to humanity norms and values, respect state laws, show zero tolerance to any antisocial negative phenomena, what exactly constitutes the objective of the process of minors' legal socialisation.

Legal socialisation of an individuum implies his internalising moral and ethical norms and rules of conduct in society. Of primary importance in acquisition of these norms by children and minors is family and, subsequently, other social agents of legal socialisation. In the meantime, it has been the conditions of family education of a minor that serve as a basis for creating his behaviour pattern. Hence, as V.S. Mukhina writes, "of all defects of personal legal socialisation, the defects of socialisation in families are the most socially dangerous. The families characterised by the most severe defects of legal socialisation, provoking children to commit offences or crimes, are called difficult by criminologists and psychologists" (Mukhina, 1999). To avoid these problems, family should as much as possible ensure adaptation of its members to the conditions of public life, conformity to social norms, willingness to occupy a certain place in public system, *i.e.*, it faces the task of socialisation of an individuum.

Hence, legal consciousness is not only the main and natural component of the public legal life, but the most important regulator of human conduct, psychological factor of individual formation and improvement in the sphere of legal relations. Regulatory properties of legal consciousness has the greatest significance for law. According to D.A. Kerimov, "they manifest themselves in the fact that legal doctrines, being part of legal consciousness, comprise in a highly generalised form the demands, interests, goals, and a decision to act pursuant to the mind-created programme" (Kerimov, 2001). These properties of legal consciousness define human behaviour and can be used as the basis for human involvement in social and legal reality, and, during legal socialisation, can be the means for conscious self-change of an individuum, its

involvement in legal environment with well-defined legal relations, through acquiring and implementing legal norms, internalising social experience, forming legal consciousness and legal culture.

This suggests that the consideration of a role of legal consciousness in the legal socialisation mechanism of minors is defined by not only interaction between these legal phenomena, but their non-identity, attributed to the fact that legal socialisation is associated with different directions of the lawful person formation and development (internalisation of main social and legal requirements imposed on a minor by society, willingness to follow legal instructions, protection of its rights employing solely legal methods, fulfilment of its duties, etc.), which are characterised by a high level of legal consciousness. Consideration of the role of legal consciousness in the mechanism of legal socialisation is relevant and in demand, since legal consciousness represents legal public ideals, main norms and principles of law, acquisition of legal knowledge, skills, and practical abilities, forms lawful conduct, sense of legal responsibility for compliance with law and order. All this is directly related to the processes of legal socialisation and legal education, and they must be considered as an integrated process and means, that create conditions for the development of an individual in the field of law.

## CONCLUSION

At the present stage of society development, legal culture as a complex psychological phenomenon, reflects numerous important aspects of the public and state life. Underdevelopment of legal culture leads to such a phenomenon as deformation of legal consciousness, which expresses a negative attitude of a subject towards specific values, standards, opinions, ideals, certain and in some cases all the aspects of human life. Law gives rise to deformation of legal consciousness, what is a parasitism in law, at the same time. Legal infantilism, legal nihilism, legal fetishism, and legal consciousness degeneration are the most common forms of legal consciousness deformation.

It follows that the consideration of a role of legal consciousness in the legal socialisation mechanism of minors is defined not only by interaction between these legal phenomena, but their non-identity, attributed to the fact that legal socialisation is associated with different directions of the lawful person formation and development (internalisation of main social and legal requirements imposed on a minor by society, willingness to follow legal instructions, protection of its rights employing solely legal methods, fulfilment of its duties, etc.), which are characterised by a high level of legal consciousness. Considering the role of legal consciousness in the mechanism of legal socialisation is relevant and in demand, since legal consciousness represents legal public ideals, main norms and principles of law, acquisition of legal knowledge, skills, and practical abilities, forms lawful conduct, sense of legal responsibility for compliance with law and order. All this is directly related to the processes of legal socialisation and legal education, and they must be considered as an integrated process and means, that create conditions for the development of an individual in the field of law.

Hence, the denial of the legal consciousness role in the mechanism of legal socialisation makes it impossible to provide a scientific explanation for these legal phenomena or creates methodological difficulties when studying interdependence between them and, at the same time, independence, since, overall, these legal phenomena create a system of human formation and development. We also do not exclude a case-specific approach to the “legal socialisation” and “legal consciousness” phenomena, however the process of developing a lawful individual implies their interdependence, due to their common features, what imposes no constraints on their differentiation. In this regard, there are two main ways, in which legal socialisation enters the mechanism of forming minors’ legal consciousness – general and separate. In the first case, legal socialisation and legal consciousness are united and accomplish identical goals and objectives, in the second one, each solves its own problem, which, however, is related to the common task of forming a lawful individual.

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