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#### **THE LEVEL OF LEGAL AWARENESS IN THE RUSSIA IN THE CONTEXT OF THE VIEWS OF REPRESENTATIVES OF UKRAINIAN SCIENCE**

The article is devoted to researching the level of legal awareness in the Russian Federation in the context of the views of Ukrainian scientists. It is stated that legal awareness is views, ideas, reasoning, convictions, value orientations of people, which express knowledge, understanding and awareness of the need to establish and operate a certain legal order in society, attitude to human needs, manifested in the form of active actions in the sphere of social relations, both regulated by law and those that require such regulation. Legal awareness, as the most important component of human consciousness, is generally included in the system of regulation of the direct behavior of people in the legal sphere, and acts as an ideological and socio-psychological factor in the functioning of the entire system of legal regulation.

It is noted that law, as an institution of social reality, in the Russian Federation is an exclusively formal phenomenon, because the systematic violation of the principles of international public and international humanitarian law cannot fail to affect the general level of legal awareness of both society as a whole and individual ordinary people, and is a means of destructive impact on consciousness. In addition, the decline of morality in Russian society, a decrease in the level of legal, moral, civic education, citizenship, a decrease in the level of integrity and conscientiousness of representatives, state institutions and structures, as well as the level of morality, as an important area of civilized development, necessarily leads to state in society that we can easily observe today. This gives grounds for asserting a global ideological



crisis, no less profound degradation of Russian society, in the context of various forms and manifestations of racism.

Considerable attention is paid to the analytical review of the functions of legal consciousness in relation to the society of the Russian Federation, and it is emphasized that none of them is implemented either in terms of meaningful purpose or scope, and the forecasts of their development are disappointing. There is a general decline of scientific thought and science in the Russian Federation as a whole, since the representatives of ideological social development in the modern Russian Federation are propagandists, not scientists. After all, the place of political scientists, lawyers, and philosophers in the Russian Federation was taken by propagandist «slogan» pseudo-patriots who are far from any understanding of doctrinal approaches and scientific findings.

**Key words:** *legal consciousness, structure of legal consciousness, law, legal psychology, legal ideology, morality, civil society, legal culture.*

### **Онiщенко Н. М., Сунєгін С. О., Клещенко Н. О. Рівень правової свідомості в рф у контексті поглядів представників української науки**

Стаття присвячена дослідженню рівня правової свідомості в рф у контексті поглядів українських вчених. Констатується, що правосвідомість – це погляди, ідеї, міркування, переконання, ціннісні орієнтації людей, які виражають знання, розуміння та усвідомлення необхідності встановлення і функціонування певного правопорядку в суспільстві, ставлення до потреб людини, що проявляються у формі активних вчинків у сфері суспільних відносин, як врегульованих нормами права, так і тих, що потребують такого регулювання. Правосвідомість як найважливіша складова частина людської свідомості загалом входить у систему регулювання безпосередньої поведінки людей у правовій сфері, та виступає як ідеологічний і соціально-психологічний фактор функціонування всієї системи правового регулювання.

Зазначається, що право, як інститут соціальної дійсності, в рф є виключно формальним явищем, адже систематичне порушення принципів міжнародного публічного та міжнародного гуманітарного права не може не позначатися на загальному рівні правосвідомості як суспільства в цілому, так і окремої пересічної людини, та є засобом деструктивного впливу на свідомість. Крім того, занепад моралі в російському суспільстві, зниження рівня, правового, морального, громадянського виховання, громадянськості, зниження рівня доброчесності і добросовісності представників, державницьких інституцій та структур, а також рівня моралі, як важливої сфери цивілізованого розвитку, обов'язково призводить до того стану в суспільстві, який ми легко можемо спостерігати сьогодні. Це дає підстави стверджувати про глобальну ідеологічну кризу, не менш глибоку деградацію російського суспільства, в контексті різних форм і проявів рашизму.

Значна увага приділяється аналітичному огляду функцій правосвідомості щодо суспільства рф, та акцентується, що жодна з них не реалізується ні за змістовним призначенням, ні за обсягом, а прогнози їх розвитку є невтішними. Констатується загальний занепад в рф наукової думки та науки в цілому, оскільки представниками репрезентаторами ідеологічного суспільного розвитку в сучасній рф є пропагандисти, а не вчені. Адже місце політологів, правників, філософів в рф зайняли пропагандистські «лозунгові» псевдопатріоти, далекі від будь-якого розуміння доктринальних підходів та наукових констатацій.

**Ключові слова:** *правова свідомість, структура правосвідомості, право, правова психологія, правова ідеологія, мораль, громадянське суспільство, правова культура.*



**Introduction.** The analysis of legal awareness, its development and specifics shows the functioning of law in society, including how society as a whole and individual citizens perceive law, treat it, recognize or not recognize the values, norms, and principles enshrined in it, ideas, etc. Starting to consider the nature, role and effects of legal consciousness as a phenomenon of social reality on society in the Russian Federation, we immediately note that such a phenomenon with the content that is and has been invested in it by the world legal community does not currently exist in the mentioned state entity. As for society itself in the Russian Federation, its reactions and assessments of the events taking place today in Ukraine and the world, the answer to this question is quite rhetorical.

For more detailed characteristics, we will immediately focus attention on the fact that we will analyze not so much legal awareness in the Russian Federation as «non-legal awareness», that is, the awareness that there is nothing to do with law, not legal culture, but the phenomenon that takes its place in the given region.

**Analysis of recent research and publications.** The theoretical and methodological basis of the study of interaction, interdependence and mutual influence of law and legal consciousness are the works of famous scientists, including: S. Bobrovnyk, D. Zabulyak, A. Kolodiy, V. Kopeichikov, O. Petryshyn, P. Rabinovych, and others. However, after the beginning of the full-scale invasion of the Russian Federation into Ukraine and the processes connected with it, there is a need to investigate the level of legal consciousness in Russia in view of the socio-political realities that are happening today.

**Setting the task.** The purpose of the article is to analyze the level of legal consciousness in the modern Russian Federation, its interaction, interdependence and mutual influence with law in the context of the views of representatives of Ukrainian science.

**Research results.** Let's start with the proper, familiar from student study, analytical processing of the category «legal consciousness» for the sake of a more complete understanding of those ideological processes taking place in the Russian Federation.

Let's emphasize once again, since a person lives in a socio-cultural space, the legal reality cannot be formed outside of it, without bearing the imprint of culture, law, and sociality. As a social phenomenon, in its objective form, law exists in legal relations and social institutions, in its subjective form – in legal consciousness, which serves and determines legal life [1, p. 43–59]. The development of civil society denotes law as a tool (method, means) of progressive development.

So, it is clear that law acts, on the one hand, as an object of reformation, the constructive effectiveness of the reforms carried out in society and the state depends on its perfection, effectiveness and efficiency, and, on the other hand, law is a factor, a means of reformation social relations and reflection of the achieved results of the development of society and the state, as well as their normalization and appropriate consolidation. In this way, the law should reflect the challenges of the times and the demands of civil society today, and most importantly, implement those changes that are needed by the world legal order, civil society, and the average person. All these approaches and requirements are ignored in modern Russia.

Let's once again return to the study of law as an object of reform. It is clear that law is not a constant, unchanging category, it «reacts» to the needs of society, human activities, the state's ability to be a «social arbiter».

In these conditions, the effectiveness of the law becomes especially important, which is manifested in the feeling of protection for everyone, in the guarantee of the rights and legitimate interests of citizens, in the opposition to arbitrariness in the process of regulating social relations, in the undoubted action of the relevant mechanisms for the implementation of the legal order in all spheres of social life, in guaranteeing and ensuring the space of «freedom, security and justice», and is always connected with a specific social activity, especially that which carries a potential threat to the vital interests of the individual, society and the state (primarily regarding guaranteeing and ensuring the right to life). This is far from a complete list of our civil expectations from modern law. After all, in many ways, the success of democratic transformations depends on the extent to which law in society is supported and respected by various social institutions and each individual in particular.



The vocation, «mission» of law in general and its «constructive» burden in particular, in the current world crisis realities, is primarily the achievement of peace and social stability in the world. It is this legal category that is most closely related to the implementation of social development tasks, reflects the state and conditions of functioning of modern society as a whole [2, p. 167–192].

Therefore, the law is connected with the deep needs and interests of people regarding the ordering of public and private life in accordance with their general will. It should contain guarantees of individual rights and freedoms, humanism, social justice, historical flavor, stability of social processes, education of nations in the spirit of peace and respect for the rules of coexistence.

In this context, it is necessary to emphasize some documents of an international legal nature, namely: the Declaration on the spread among young people of the ideals of peace, mutual respect and mutual understanding between peoples (resolution 2037 (XX) of the UN General Assembly of December 7, 1965), the Declaration on the use of scientific and technological progress in the interests of the world and for the benefit of humanity (UNGA Resolution 3384 (XXX) of November 10, 1975), Declaration on the Education of Peoples in the Spirit of Peace (UNGA Resolution 33/73 of December 15, 1978), Declaration of the Right peoples for peace (Resolution 39/11 of the UN General Assembly of November 12, 1984), etc. The main idea from this documentary review is the provision of the human right to peace. At the same time, we would like to note that it is very important to discuss this right in the architecture of the entire system of rights and freedoms human rights at conferences, round tables, symposia, including regarding the need to create and ensure appropriate legal and other guarantees. After all, in conditions where the provisions of international public and humanitarian law are subject to severe criticism, it is the guarantees of the human right to peace that become the «point of departure», which can and should resist aggressive manifestations on the part of the Russian Federation or any other states.

It is clear that the proper performance by a democratic state of the role of social arbiter, «arranger of the affairs of many», its ability to relieve social tension, prevent the emergence of acute social conflicts, etc., will certainly depend on the effective introduction and realization of the guidelines of «constructive» law [3, p. 43]. If the law does not fulfill these tasks, does not «cope» with this mission, its guidelines are subject to rethinking and revision.

The law ensures the proper balance of the state and civil society, protects the rights, freedoms and legitimate interests of a person. Law performs these functions together with other social regulators: morality, ethics, canonical norms, customary norms, etc. Therefore, the law is an effective regulator of social relations and one of the main elements of normative tactics within the relevant temporal and spatial coordinates.

Unfortunately, law as an institution of social reality is not appreciated in the modern Russian Federation, neither in the context of the organization of the internal life of Russian society, nor in relation to the external paradigm of building relations with other states. This thesis follows, in particular, from the following:

– firstly, the authorities in the Russian Federation violate all possible guidelines of international public and humanitarian law, which cannot help but affect the general level of legal awareness of both society and the average person;

– secondly, the right that «allows» to interfere in sovereignty, to violate the independence of sovereign states, is a means of destructive influence on consciousness in any society (only one illustration related to the inclusion of the territories of four regions of Ukraine and the ARC in the constitutional equal to the composition of the Russian Federation).

The problem of legal consciousness, its nature and functions, its social «load», its use as a source of law is sufficiently elaborated in modern scientific works, but again, it is not about the Russian Federation. The same conclusions can be drawn regarding the issues related to legal nihilism. The nature of non-acceptance of law, legal nihilism is tangential to the previous problem. The origin, spread and functioning of modern right-wing nihilism in the Russian Federation is ten times higher than the highest historical threshold reached by this phenomenon in this country within the limits of a certain temporal analysis.



In order to achieve the goal of this study, we will try to work out the structural levels of legal consciousness, which, as is known, includes the following elements:

a) legal psychology (emotional assessment of legal phenomena, feelings, emotions, moods, experiences, etc.);

b) legal ideology (legal doctrines and teachings, concepts and principles, level of development of legal science as a whole).

So, for example, legal ideology is characterized by purposeful scientific understanding of the phenomenon of law and various aspects of its valuable nature, penetration into the essence of legal phenomena, identification of existing laws and connections between them, and the formation of legal dogmas based on them. Legal ideology, along with legal psychology, is a structural element of legal awareness. At the same time, legal psychology and legal ideology cannot exist in isolation, one without the other, they closely interact. The ability to manage one's emotions and moods, the perception of a certain state-legal theory, concept, doctrine, including established criteria for the ability of peoples to «live in peace» and to be brought up in the «spirit of peace» depends on the ratio of psychological and ideological components in the consciousness of a person or a collective.

Legal ideology acts as a systematized scientific expression of legal views, principles, requirements and interests of society as a whole or of individual social groups, although a specific legal theory or concept is always formulated directly by an individual scientist or scientific school. The basis of the development of any state and even a regional union of states is a certain ideology. The political and legal ideology of developed states is reflected primarily in their constitutions as models of reflected national and international legal systems.

Another caveat demonstrated by encyclopedic publications is the emphasis on the monistic character of legal ideology, which significantly distinguishes it from political ideology, as a pluralistic phenomenon. Justifying the importance of legal ideology in terms of the implementation of legal policy, one cannot fail to emphasize the fact that any state cannot fail to carry out its ideological function, the tasks of which are, first of all, the moral, legal and value consolidation of society, the mobilization of its potential to achieve certain, first of all, constitutionally defined goals, to relieve social tension in society, to legitimize state power [4, p. 27]. It is clear that each of these theses is subject to total non-recognition and violation in Russia.

The current state of crisis in the politics of the Russian Federation and its manifestations give rise to persistent social and legal pessimism, which today is transformed from the plane of emotions, feelings, sensations, experiences (legal psychology) into the plane of beliefs, attitudes, ideas, stereotypes (legal ideology). This, unfortunately, determines the behavior that Russian society demonstrates, which is undesirable for world development.

The specificity of legal consciousness lies in the fact that it perceives and then reproduces the realities of life through the prism of correct, righteous, honest, fair. Subjects, as bearers of legal consciousness, need to establish universally binding norms of behavior, legal means to ensure human rights, freedoms and legitimate interests. In the light of the modern realities of the development of the Russian Federation, it does not seem possible to imagine such a meaningful load of legal consciousness, which, not least, is connected with the painfully progressive cult of the first person of the Russian Federation.

As you know, the following types of legal awareness are traditionally distinguished in scientific literature:

1) everyday legal awareness – the legal awareness of an average person who is guided by his life experience, does not have a legal education, orients himself in everyday relations, including legal ones, with the help of ordinary logic, common sense, the meaning of life and his own life experience.

In everyday consciousness, in turn, a rational sphere is distinguished, which represents the results of a person's personal life and individual experience (for example, a person is aware of his intentions and the actions that must be taken to draw up a business plan; a person understands what the punishments for violations may be public order, or what it means to commit an offense, etc.). That is, in this rational sphere, a person accumulates the appropriate amount of knowledge





about legal validity, which is necessary for him in his everyday life. In this regard, its emotional component plays a major role in everyday legal awareness, which includes the internal psychological attitude of a person to the facts of the surrounding legal reality, and is manifested in emotions, mental experiences, instructions regarding certain legal facts.

It should also be noted that everyday consciousness has a rather limited character, since its source is individual experience based on experiences, excitement, emotional outbursts, etc. Unfortunately, quite often the acceptance or non-acceptance of the guidelines of modern law is based on such personal experience, which does not always correspond to real reality. It is clear that in the Russian Federation, the experience of fighting dissent exists at all social levels and has a long historical tradition: from government offices to mass media and other means of communication (remember Twitter, Facebook, YouTube, etc.);

2) professional legal awareness is the legal awareness of lawyers who have received a legal education, which involves systematized professional knowledge in the legal field, necessary for their further practical application in the social environment.

Therefore, professional legal awareness is characteristic of professional lawyers, as it is formed as a result of receiving special (legal) training, as well as during work in the legal field (in law enforcement agencies, courts, advocacy, notary, etc.). Holders of professional legal awareness, as a rule, possess not only specialized, concrete knowledge of current legislation, but also the ability and skills of its practical application [5, p. 539]. It is clear that «professional legal awareness» as a phenomenon known to us from textbooks does not exist in Russia as such;

3) finally, theoretical (scientific) legal awareness, which is formed with the application of universal legal generalizations, knowledge and regularities in the socio-legal sphere. A characteristic feature of theoretical legal consciousness is that when reflecting legal reality, scientific methodology is actively used, which finds its manifestation in notions, terms, ideas, concepts that reflect legal phenomena at a deeper level.

Legal awareness, as an element of the legal system, in the civilized world today has the following functions: epistemological or cognitive, the function of modeling, regulation, educational influence, etc. Along with this, you can also distinguish:

1) the law-making function of legal consciousness as a permanent, broad and relatively independent sphere of law-making practice and active manifestation in this sphere of legal consciousness;

2) the regulatory function of legal consciousness, resulting from its ability to act as a regulator of human behavior in accordance with the existing system of law and public legal consciousness. Human behavior is a conscious volitional manifestation, thus different from other actions that have, for example, an instinctive or reflexive nature. The operation of law is impossible without the active creative role of legal consciousness. Along with such elements of legal regulation as legal norms, legal relations, acts of implementation of legal rights and obligations, legal consciousness inevitably functions at each stage of the mechanism of legal regulation, therefore this function allows regulating the behavior of people in the legal sphere;

3) the legal educational function, which already contains elements of the regulatory function, since the process of creating law is nothing more than the awareness and understanding with the help of legal awareness of the need to ensure effective legal regulation of social relations;

4) the function of the development of legal science as a means of improving the scientific management of society, the need for theoretical and practical development of topical issues of law, legal culture, etc.;

5) ideological function, the meaning of which is that the objects of reflection of legal consciousness, that is, the state and law, are social phenomena in which deep, universally significant social processes find expression in a concentrated form.

Thus, legal awareness, as one of the most important components of human consciousness, is included in the system of regulation of the direct behavior of people in the legal sphere, acting as an ideological and socio-psychological factor in the functioning of the entire system of legal regulation, from where its regulatory function derives. The influence of legal consciousness on social



and legal reality is not limited to the fact that, reaching a certain degree of generalization, it acts as an ideological source of legal norms. It is based on this that it can be concluded that legal consciousness has a modeling function, the result of which is the formation of certain models (rules) of behavior that are evaluated by legal consciousness as appropriate and socially necessary for the development of social relations in the state.

Since legal consciousness «takes part» in determining the need to regulate certain social processes and social relations by law, in determining the range of rights and obligations of participants in legal relations, in choosing a method of legal regulation, etc., and acts as an ideological source of law, it also carries out its characteristic normative and prognostic function

Attention should also be paid to the fact that legal awareness is the views, ideas, reasoning, beliefs, value orientations of people that express knowledge, understanding and awareness of the need to establish and operate a certain legal order in society, attitude to human needs, manifested in the form of active actions in the field of social relations, both regulated by legal norms and those that require such regulation.

A brief analytical review of the functions of legal consciousness and their analysis in the context of the development of modern society in the Russian Federation is also quite sensitive and «disappointing», since none of them is implemented either according to the meaningful purpose or according to the defined scope, although this mostly concerns the ideological function. At the same time, it should be noted that the individual legal awareness of a citizen of the Russian Federation is to a certain extent always mediated by the social and group legal awareness of Russian society, on the basis of which ordinary citizens form their false ideas about rights and obligations, legality and illegality, lawfulness and law and order, crime and punishment, etc.

Social existence as a subject of reflection and an object of influence of group and individual legal consciousness represents the intersection and interaction of various relationships. The totality of these relations is reflected only in public legal consciousness. However, the latter reflects only the general, which corresponds to the interests of the entire nation as a whole, and not only to its individual representatives. Individual and group legal awareness is formed differently. They reflect certain aspects of social life, those social relations that are included in the sphere of personal life. Social legal consciousness as a result of mental activity of the whole people is included in individual and group legal consciousness only partially. Therefore, the content of individual and group legal awareness, in comparison with social awareness, is limited in scope. At the same time, the volume and depth of legal knowledge and ideas contained in individual, group and public legal consciousness are significantly different.

Since social legal consciousness is a reflection of social existence, it performs a special function – it helps the consciousness of a person to transform the material and the ideal, to understand the legal nature of those phenomena that occur in the life of society.

Social development in the field of law is impossible outside the consciousness and activity of a person, and therefore the study of legal consciousness and, first of all, the nature and direction of a person's behavior and activity, their actions in the legal sphere, etc., is the study of people's legal consciousness.

In the process of researching legal awareness, it is necessary to distinguish the actions of people in two forms: actions that have already been committed and actions that are planned to be implemented, that is, those that have a so-called prognostic character. It is not difficult to understand what the Russian pro-government stratum achieves, constantly «taking care» of prognostic «throwbacks» at the level of legal awareness, for example, regarding the transformation of the atomic threat into a potential near reality.

The key importance in the understanding of legal consciousness also belongs to morality, because as repeatedly emphasized by modern scientists, the decline of morality cannot but affect the appearance of dysfunctions of legal development in certain space-time dimensions. It is the stability of moral norms, the moral «conviction» of society, respect for established universal canons of behavior, that leads to the perception of legal guidelines, respect for it, and an increase in its authority as one of the most effective social phenomena [6, p. 93].



Law and morality are regulators of social relations, which have never been characterized by inevitable obstacles or insurmountable «thickets» between them. The edges between them, on the contrary, are quite mobile. Law is a form of implementation of morality prevailing in society, and morality, at the same time, recognizes illegal behavior as antisocial, immoral. Moral norms are important both for law-making activity and for the implementation of law: first of all, for the process of realizing the rights, freedoms and legitimate interests of a person. Without law and a properly developed legal awareness, the possibility of relying on moral norms is impossible in a civilized society, which, in such a case, lose their objective foundations and absolute origins, turning into distorted internal guidelines of an essentially immoral kind, which are only «covered» by certain moral ideologues like this, unfortunately, take place in the modern Russian Federation.

Morality, along with law, is also one of the most important social institutions; it is a set of principles, views, assessments, beliefs that have developed historically and continue to develop, and norms of behavior based on them, which determine and regulate the attitude of people to each other, to society, the state, the family, the team, and the surrounding reality. The main thing in morality is the idea of good and evil. It is the decline of morals in society, the decrease in the level of legal, moral, civic education, citizenship, the decrease in the level of integrity and conscientiousness of representatives of state-authority institutions and structures, that necessarily leads to the state of society that we can observe today in the Russian Federation.

The content and nature of the attitude to law depends on the level of legal culture and is expressed by the nature of behavior in the field of law. The nature of the attitude towards the requirements of specific norms is manifested in actions that testify to acquired knowledge regarding the purpose of specific norms of law. The level of this knowledge depends on the level of development and perfection of the entire system of regulatory and legal acts, which reflect the socio-legal situation of the state. On the basis of these legal acts, it is possible to judge the level of development of the legal culture of the entire society, since the legal acts reflect the atmosphere prevailing in one or another social system, social relations.

The origin, logic of development and content of the entire legal reality indisputably indicates that legal norms and the legal system as a whole are in one way or another the result of the activity of the subjects of legal awareness and law-making, their solving social problems or overcoming certain contradictions, or identifying the needs of social practice. As a matter of fact, one of the most important manifestations of this objective process is the constant development and changes of legal concepts, the corresponding universally binding rules of conduct, and historically specific legal systems. And, apparently, only in this context, all legal, juridical phenomena can be understood as a manifestation of legal necessity and social regularity, as an objectively conditioned attribute of social development.

The peculiarity of the legal assimilation of reality lies in the consciously volitional, subjective nature of mediation of its content. In the legal consciousness and in the legal development of any society, the socio-subjective, subjective-valuable and at the same time always concrete-historical approach cannot be overcome. This fact is indisputable, regardless of which specific society, state and which historical stage of their existence we are talking about. Recognition of this fact is of fundamental importance, especially when deciding the possible content of legal norms and their development.

Therefore, the explanation of the partial or complete «invalidity» of legislative norms, support of illegal actions of pro-government subjects on the part of Russian citizens, should be sought, among other things, in the emotional and volitional sphere of their development and life activities.

**Conclusions.** Thus, we can draw the following conclusions:

1. Law as an institution of social reality in the Russian Federation is an exclusively formal phenomenon, because the systematic violation of the principles of international public and humanitarian law cannot but affect the general level of legal awareness of both society and the average person, and is a means of destructive influence on individual human consciousness. This gives grounds for asserting a global ideological crisis, no less profound degradation of Russian society in the context of various forms and manifestations of racism.





2. Legal awareness is one of the most important components of the system of regulation of people's behavior in the legal sphere and acts as an ideological and socio-psychological factor in the functioning of the entire system of legal regulation. The influence of legal consciousness on social and legal reality is not limited to the fact that, reaching a certain degree of generalization, it acts as an ideological source of legal norms.

3. Considering the scientific community of the Russian Federation as a certain segment of society, it is possible to ascertain both the general decline of legal scientific thought and socio-humanitarian science as a whole, since in modern realities the representatives of ideological social development in the Russian Federation are propagandists, not scientists. Other opinions and positions of Russian citizens that contradict the official pro-government assessment of the political, legal and socio-cultural reality, given the successful experience of fighting dissent in modern Russia, may exist at least in the «shadows» or at the private level.

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