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CATEGORY OF LEGAL CONSCIOUSNESS IN THE THEORY OF STATE AND LAW: HISTORY AND CURRENT STATE

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Abstract: Article is about the category of legal consciousness in the theory of state and law: history and current state. And also, this article explores aspects, concepts, types of legal consciousness in history and the current state.

Keywords: law, state, normative, history, theory.

Introduction

Legal consciousness is understood as a set of views, beliefs, assessments, ideas about law and legality inherent in society as a whole or a specific person. These concepts include indicators such as the level of knowledge of the law, the degree of approval of its citizens, the development of skills in legal regulation. The higher the level of knowledge of the relevant legal norms, the more positively the provisions contained in them are evaluated, the more successfully they are implemented and, accordingly, have a higher efficiency. The effectiveness of a legal norm can be assessed in relation to its observance in society as a whole, in various social strata and groups of the population, as well as by specific categories of persons [1].

According to the famous jurist Ivan Ilyin, "legal consciousness is a creative source of law, a living organ of law and order and political life. Every law, every decree - arises in the sense of justice and is its fruit - now mature, now immature, now useful, now harmful. When the law, having arisen from the legal consciousness of the ruling people, turns to the legal consciousness of many subordinate people to tell them: "you must do this", "you have the right to do this", "you don't dare to do this", and accordingly - in order to "push" They have a weighty, decisive impulse in their souls to act better, more legitimate, fairer, more careful. This happens in all spheres of law . "

According to the opinion widespread in legal science, "legal consciousness is a complex phenomenon, and if we give the most general definition, then we can indicate that legal consciousness is a set of socio-psychological reactions and feelings, perceptions, concepts and ideas that express the attitude of people, social communities to current or desired law, legal relations, legal activities of people. Legal consciousness acts as a specific way of spiritual cognition of reality.

Legal consciousness, its essence and nature as an independent object of scientific research began to be considered at the beginning of the XX century.

The theoretical and methodological foundations for the analysis of the phenomenon of legal consciousness were laid in the works of I.A. Ilyin, who, from the standpoint of the natural-legal approach, determined the leading role of legal consciousness in relation to empirically mediated positive law, law and order, the social structure of the state, the system of public power. A significant contribution to the development of the theory of legal consciousness was made by such outstanding scientists as B. Kistyakovskiy, N. Korkunov, P. Novgorodtsev, L. Petrazhitskiy, G. Shershenevich, in whose works the category of legal consciousness is considered as the individual's motivation of his behavior, realized at the level of higher nervous activity.

The holistic theory of legal consciousness, as an integral element of the general theory of law, was formed in the 60s and 70s of the XX century in the works of K. Velsky, E. Lukashova, E. Nazarenko, I. Pokrovsky, I. Ryabko, and Farber. Such well-known legal scholars of the Soviet period as N. Matuzov, N. Kozyubra, V. Salnikov and others worked on the definition of the concept of "legal consciousness". However, the concept of legal consciousness was considered mainly from formal legal, positivist positions.

Today in legal science the most common approach to the definition of legal consciousness is its interpretation as a set of ideas and feelings that express the attitude of people, social communities to the current or desired law. The Great Legal Encyclopedia gives the following definition of legal consciousness: "Legal consciousness is a set of views, assessments and emotions, through which the attitude of a person and public associations to the law in force is expressed" [2].

Proceeding precisely from this interpretation, T. Sinyukova notes that legal consciousness is an independent, holistic concept through which the theory of law "comes out" to such important issues as the essence of law, its genesis, cultural specificity of legal regulation within a particular civilization, deformation legal behavior, sources and causes of crime, etc. [3]

According to O. Skakun, the key point of legal awareness is people's awareness of the values of natural law, human rights and freedoms and the assessment of existing law in terms of its compliance with universal values that have found their confirmation in international documents on human rights.

Legal consciousness not only reflects the individual's attitude to legal reality, but also directs him to certain changes in the legal environment, predicts and models them [4].

Legal awareness is an independent form of social consciousness. It is in direct relationship with other forms of social consciousness - moral, religious, political, etc. [5], and is endowed with all the qualities

and characteristics inherent in public consciousness as such, but at the same time, unlike other forms of social consciousness, it has its own, subject-specific and function-specific features. This special subject of display and object of influence constitutes law as a system of legal norms, legal relations, legal behavior and the legal system as a whole.

"Legal relations," emphasizes V. Nersesyants, "are a form of understanding law as a specific phenomenon of social life" [6].

Legal consciousness, along with law (and together with it), plays an active role in public life, because legal views and legal norms in which they are embodied determine people's behavior, influencing the entire course of socio-historical development. That is why, according to S. Komarov, the definition of legal consciousness should include both the awareness of society, a social group or an individual of the need for generally valid rules of conduct established by the state, and an assessment of the fairness (injustice) of the existing legal order, prospects, directions of development of law [7].

Thus, legal consciousness can be defined as a special sphere of consciousness, reflecting legal reality in the form of legal knowledge and evaluative attitude to law and the practice of its implementation, socio-legal attitudes and value orientations that regulate people's behavior in legally significant situations [8].

Consideration of the essence of the concept of "sense of justice" makes it possible to highlight a number of its characteristic features.

First, legal consciousness is defined as an independent form of social consciousness, closely interacting with moral, religious, political and other forms of consciousness.

Nevertheless, only those phenomena that represent the legal side of the life of society are reflected in the legal consciousness.

Secondly, the legal consciousness reflects the subject's attitude to law, legal practice, behavior (activity) of other subjects of legal relations, their assessment. The peculiarity of legal consciousness is also expressed in the way of reflecting the legal

phenomena of public life. Awareness of legal phenomena is carried out using special legal concepts and categories, such as "lawfulness", "illegitimacy", "legal responsibility", "legality", etc.

Thirdly, legal consciousness as an integral concept covers the will, feelings, thoughts and the entire sphere of unconscious spiritual experience, gives an idea of the past, present and future of law. The object of cognition of legal consciousness is acting law in all the diversity of its manifestations. But, at the same time, it can include an assessment of the law of the past or form an idea of what is desirable and possible. In addition, legal consciousness can be considered as a kind of self-regulation mechanism for the behavior (activity) of people, based on its ability to orient the subjects of law in different legal situations to make legally significant, lawful decisions.

Thus, it should be noted that today in legal science the essence and main specific features of the category of "legal consciousness" are quite clearly defined, but one of the main methodological problems of its analysis is the lack of a unified approach to the consideration of this phenomenon.

It should be noted that with the duration and all the multidimensionality of studies of legal consciousness, the content of this category still remains rather vague and intersects with the content of other concepts and categories of the theory of law. Legal consciousness is often attributed to normative and regulatory properties and functions, often the formation of the rule of law is indicated as the goals of legal consciousness [9], etc.

All this leads to the confusion of the content of the category of legal consciousness with concepts that reflect various aspects and elements of legal regulation. Legal consciousness, as it were, exists as an independent legal phenomenon, but at the same time, it is not possible to clearly distinguish it from other legal phenomena. The lack of certainty in understanding the category of legal consciousness, the infinitely broad interpretation of its content, ultimately lead the

theory of law to obvious logical contradictions [10]. Moving along this path, it is necessary to recognize that in the legal world there is nothing at all except the thus understood legal consciousness in the form of mentally experienced processes or external forms of their manifestation. But then it will be necessary to state the absence of legal consciousness itself, since it, like any human consciousness, exists only reflecting something external, independent in relation to itself. In part, this situation arose due to the fact that the category of legal consciousness was mainly derived by deduction from the philosophical category of social consciousness. However, with all the advantages of this path, it is fraught with the danger of underestimating the fact that public consciousness in itself is not the source or basis of legal consciousness.

It should also be noted that a theoretical and legal analysis of the processes of formation and development of legal consciousness in the Republic of Uzbekistan is possible only taking into account the multifactorial nature of the changes taking place in modern society.

At the same time, the complexity and inconsistency of the functioning of modern legal consciousness is due to its dependence on various social systems in a state of transformation.

Legal consciousness, as a more inert element of the legal system, is included in the process of social change later than the elements of the legal system and much later than various systems of socio-economic relations [11].

As it was established in the course of the research, the formation of legal consciousness in the information society is a complex social and legal process due to the development of information and telecommunication technologies and the consequences of such development, including the awareness, understanding of the norms of law and other related phenomena; the formation on this basis of legal ideas, concepts, ideas; expression of certain legal feelings and emotions.

Based on the foregoing, legal consciousness as a regulatory and information and communication component of society is characterized by multi-layered and dynamic processes of informatization (developing on the basis of legal information obtained mostly through information and telecommunication technologies) and is disclosed in society through legal norms, views, theories, ideas, as well as reflected in the behavior of people and their ideas about law.

Analyzing legal consciousness as a special category in the theory of state and law, one should first of all note that jurisprudence has a lot of theoretical material regarding such legal categories as "legal culture", "legal consciousness".

The practical benefits and significance of the legal consciousness of a citizen do not give rise to doubts about themselves. The law affects not only the material and legal aspects of people's lives, as the spiritual part of the life of citizens, where certain stereotypes of behavior and values are formed.

Considering the legal consciousness of citizens in the theoretical and legal aspect, it can be noted that it is inextricably linked with legal culture. This thesis can also be supplemented by the fact that science has well developed the categories of "legal consciousness" and "legal science" as objective factors of people's legal life, at the same time, all this work allows you to turn to the inner world of a person and determine its subjective component in behavior.

Behind the scientific elaboration of the concepts we have highlighted, it should be noted that there are different approaches to them.

There are also various approaches to understanding legal consciousness and culture. So, they are defined, on the one hand, as a legal environment for people, a set of texts ever legitimized as legal, and a mechanism for their creation, storage and transmission, [12] a special social mechanism through which it is ensured in accordance with the achieved the level of legal consciousness, the production, preservation and transmission of legal values,

information, traditions that contribute to the lawful and socially active behavior of people; [13] as a constantly improving process, and on the other, as a set of results achieved in the field of law as a whole [14]; as an expression of the state and legal experience of specific social communities and individuals in material and spiritual processes, products of life, in skills and values that affect their legally significant behavior [15].

All this finds its practical embodiment both in legal consciousness, as the level of legal education of a citizen.

In view of all that has been said, it seems possible for us to define **legal culture** as a set of material and spiritual achievements in the legal life of society, and **legal consciousness** as a property that unites legal culture in a single individual. It acts as an integral part of the category "legal life", which includes mainly positive legal values. Collective lawful behavior, expressed in legal culture, can fully manifest itself when a certain level of social progress is achieved. We are talking about such a state of society when the needs of people are maximally satisfied, the spiritual component of each individual person does not fall under the bad influence due to negative external and internal factors (for example, dissatisfaction with the state or certain aspects of life).

A person's education is close to the named concepts. Culture, in contrast to education, is characterized not only by knowledge, but also by different abilities to apply this knowledge, i.e. certain skills and abilities. Thus, **personality culture** is a broader concept in comparison with education, which includes not only certain ideas, information, but also the ability of a person to apply them in real life, with their help, continue to raise their general educational, cultural and legal level, and develop intelligence.

In Uzbekistan, much attention is paid to increasing the legal culture and social activity of citizens. Much attention is paid to the educational role of the mahalla. On these

traditions, deeper principles of democracy are brought up [16].

Legal consciousness in the context of all that has been said can be defined as the level of a citizen's readiness: 1) not to commit an offense; 2) consciously and with an interest in fulfilling the norms of the law; 3) actively contribute to the implementation of the goals of reforms and government programs; 4) the desire, and not following the duties, to fulfill the requirements of the law so that the legal practice of the state's work with people is effective.

Forming a high legal consciousness among citizens in the context of the development of an information society, it is very important to pay attention also to the psychology of a person as a person who has his own category of needs in life. Very often one has to admit that a person is ready to adapt to certain rules of life (including the norms of legislation) if certain comfortable conditions are created for him (for his development). There is a system of mutual consideration of the interests of the state and society. Achieving a balance in this work will make it possible to more effectively propagate the values of law among society, explaining law and the entire system of legislation, primarily as incentives to ensure citizens a dignified and prosperous life. In this case, it is very important to distinguish between the concepts of "conditions" and "incentives", since in society there is always a multiple understanding of words that have multiple meanings. The incentives should be benefits, improvements in material or other situation, an appeal from society to help strengthen the rule of law. Conditions should be formed based on the state's ability to ensure a decent life for its citizens. Taken together, all these factors would make it possible to constantly raise the legal consciousness of citizens, starting from an early age.

The formation of the legal consciousness of citizens takes place in each country in its own way. And often this process is influenced by the historical features of the development of the state. But it is indisputable that every

society wants to live happily, and it is for this that it creates its own ideal of lawful behavior, the inner content of which is based on certain legal values.

As we know, from the first days of our independence and the revival of statehood, Uzbekistan has firmly embarked on the path of building a democratic rule-of-law state and civil society based on universally recognized and universal human ideals and values. At the moment, it is very important to develop research on civil society as a society of a stable order, supported not only by the force of state coercion, but also by the independent efforts of citizens [17] in constant correlation with the peculiarities of legal education and formation, namely: the legal consciousness of citizens.

Consequently, the success of the reforms largely depends on the level of legal awareness and legal culture of the people. The political activity of an individual, his truly civic position, and his susceptibility to democratic transformations are the most important factors in achieving the set goals. In this case, the Decree of the President of the Republic of Uzbekistan dated June 25, 1997 "On improving legal education, increasing the legal culture of the population, improving the system of training lawyers, improving work on the study of public opinion" should be highlighted.

The conviction should take root in the minds of people that only those who have legal knowledge and know how to apply them in practice can be considered cultural and educated. At the same time, the current state of development of society and the state requires an all-round increase in the legal consciousness of the individual, the legal literacy of all participants in legal relations. All these activities are aimed at creating an all-encompassing permanent system of forming a legal culture so that all segments of the population acquire legal literacy, achieve a high level of legal awareness, and can apply legal knowledge in everyday life [18].

Based on the need to ensure human rights and interests in the country, to create

conditions for the democratization of public life and the formation of the foundations of the rule of law, the National Program for Enhancing Legal Culture in Society was adopted on August 29, 1997.

The state policy in the field of formation and improvement of legal culture is based on such principles as: priority of human rights and freedoms; supremacy of the Constitution and the law; democracy; social justice; scientific character; continuity; continuity and universality of legal education; availability of legal information; unity and differentiated approach to legal education and education.

In general, a high legal culture, as a well-developed legal consciousness of an individual, is the basis of a democratic society and an indicator of the maturity of the legal system. In this regard, taking into account modern political and legal realities, it is important to ensure the creation of a targeted comprehensive program of measures aimed at dramatically improving legal education and enlightenment in the country, promoting legal knowledge in society. The implementation of this program should ensure the formation of a respectful attitude towards human rights and freedoms in the population, law-abiding behavior of citizens [19].

The formation of a legal culture requires an improvement in the quality of training of legal personnel. One of the ways to ensure the quality of legal education is to improve the educational process, modernize curricula and programs, and introduce new disciplines. It is also necessary to take into account new trends in the development of legal scientific disciplines, in particular, the trend of strengthening interdisciplinary contacts both between traditional and new disciplines, and between legal and non-legal disciplines. As the well-known legal scholar, Professor Akmal Kholmatovich Saidov rightly notes, "a high legal culture and a culture of human rights are an indicator of the maturity of the national legal system" [20].

Saidov A.Kh. proposes to take systemic and consistent measures to further improve the system of legal education in the country,

develop a continuous system for studying the Constitution and the foundations of human rights and democracy.

By the Decree of the President of the Republic of Uzbekistan "On measures to further improve the system of training legal personnel" dated June 28, 2013 No. PP-1990, specific goals and objectives aimed at reforming higher legal education, on the transition to fundamentally new standards and a system of assessing students' knowledge and a number of other factors. One of the most demanded professions in modern Uzbekistan is a lawyer, since the role and importance of jurisprudence in society is steadily increasing. Legal education also depends on the achieved level of legal culture, on specific historical conditions, socio-economic development of society, continuity of national and world legal values [21].

The formation of legal education directly depends on the level of legal education. From the point of view of legal scholars, there is a direct connection between legal education and legal training with an increase in the level of legal culture. Legal education and legal training are organically linked. As legal scholars rightly point out, legal education is, first of all, purposeful, systematic activity of the state, its bodies and their employees, public associations and labor collectives to form and improve legal consciousness and legal culture [22].

Considering the problem of increasing the level of legal education, lawyers-educators believe that the body of knowledge in the field of law and jurisprudence is the main means of forming legal consciousness and preparing a person for legal relations. Consequently, legal education activity is a legal pedagogical process.

Speaking about improving the system of legal consciousness, it should be noted that in this area there are a number of theoretical and practical problems. Further we will consider these problems and try to put forward some solutions[23].

We believe that legal education today should not be based on the principle of

requiring the subjects of the law of behavior, based on senseless high pathos and unsubstantiated ideas. In the practice of modern legal education, it is necessary to ensure that the norms of law evoke and stimulate lawful behavior and the realization of public and personal interests and needs in their close unity and interaction. At the same time, it seems to us, it is desirable to direct all educational efforts to the formation of such behavior, which would be given without an intense internal struggle between socially useful and personal motives, but would be the result of such a motive as consent and approval by a person of actions arising from legal norms [24].

We also believe that it is very important to introduce into all segments of the population the understanding of law as the most effective means of social regulation of relationships, social stratification of each and every one, a mechanism for coordinating various public interests, in the optimal activity of which the whole society should be interested [25].

Fostering a sense of civic engagement in citizens must be focused and practical. The entire system of legal education must be adapted to different social strata and groups, i.e. the category of the object of legal education should be determined by the modern social structure of society, which includes absolutely all categories of the population - from preschoolers to pensioners [26].

It should be added that the specifics of the legal educational activity of the state lies in the fact that it is organized, purposeful and controlled [27].

The next thing to pay attention to is that the work on raising legal awareness should be effective, which is characterized by the ratio and interdependence of the means of legal education and the practically achieved result, as well as usefulness, a positive role in meeting the interests of the state and society, justification and expediency [28].

In general, performance indicators can be the degree of achievement of goals, the time spent on obtaining a certain result, the amount

of organizational and material costs, the ability of citizens to apply the knowledge gained, etc.

The general criteria for the effectiveness of legal education are positive shifts in the structure of legal consciousness, which include the level of legal knowledge, the level of legal conviction, the level of social and legal activity, etc.

Turning to practical aspects, it should be noted that legal education should be aimed at fostering the lawful active behavior of the individual and respect for the law. Therefore, it is very important to introduce into all strata of the population a special understanding of law as the most effective means of social regulation of relationships, social stratification of one and all, a mechanism for coordinating various public interests, in the optimal activity of which the whole society is interested.

We consider it necessary to consider the following measures that will contribute to the development of legal education in Uzbekistan.

According to I.A. Krygina, the most vulnerable and prone to deviation is the environment of those who enter an active social life, i.e. environment of minors [29]. Therefore, the development and improvement of the system of legal education must begin with students of secondary and secondary specialized educational institutions.

The adoption of the Laws of the Republic of Uzbekistan on August 29, 1997 "On Education" [30] and "On the National Program for Personnel Training" [31] served as a solid legal basis for improving the system of legal education and raising legal culture in our society.

At the moment, the formation of a strong inner conviction in the need for lawful behavior is especially relevant. Thus, the effectiveness of legal consciousness will depend on how the beginnings of self-government are developed in society. At the same time, such a variant of legal behavior can be called legitimate, which, being socially necessary, desirable or socially acceptable, is carried out in accordance with legal prescriptions (does not go beyond what is

permitted by law) and is supported by the possibility of state protection [32].

The general mechanism for the formation of a citizen's legal consciousness consists of three interrelated subsystems - legal, psychological and social mechanisms.

Conclusion:

Summing up the results of the research done, we came to the following conclusions:

1. Legal consciousness is a kind of social consciousness. Hence the need to consider legal consciousness in the system of forms of social consciousness. Public consciousness in the scientific literature is defined as a special form of reflection of objective reality, carried out by a person. The forms of public consciousness are political, legal, ethical, norms of decency, customs, habits, etc.

2. Legal consciousness is a certain form of social consciousness, which, on the one hand, is subject to certain laws common to all types of social consciousness, and on the other hand, has certain features, which allows it to be separated from other forms of social consciousness.

This is because "legal consciousness usually does not exist in a "pure" form, it is interconnected with other types and forms of consciousness of reality and reality. So, quite often legal consciousness is intertwined with moral views

3. Legal consciousness influences the behavior of people together with the norms of law, along with them, and sometimes in spite of them. It all depends on the extent to which the existing norm is approved by legal consciousness and to what extent it fully regulates social relations. Therefore, we can talk about the regulatory impact of legal consciousness on social relations, if there is a gap in the law or the law itself allows the direction of the addressees of norms by legal consciousness in solving certain issues. A typical action of legal consciousness contrary to the norm is the case of obsolescence of the norm with advanced legal consciousness or, conversely, the backwardness of legal

consciousness when it resists a new, progressive norm.

4. Legal awareness is a reflection of the legal life of society, legal relations, the essence and role of legal institutions in the consciousness of society, social group, personality. Legal consciousness is knowledge about law, an assessment of the current law and thought, ideas about the desired changes in law, i.e. legal consciousness is not only the result of the reflection of an object, but also a means of influencing the object, the entire legal system of the state.

5. Legal awareness is a complex structural formation. The structure of legal consciousness consists of two main elements: legal psychology and legal ideology. At the same time, legal psychology has a primary character than legal ideology. The primacy of legal psychology is expressed in the fact that in its content it is broader than legal ideology. Legal psychology covers the entire set of various manifestations of the social psyche, which reflects legal reality. It reflects aspects of social life that is not reflected in the official legal ideology.

6. Based on knowledge about a particular society, it is possible to single out the criteria for the typification of legal consciousness. There are two generally accepted grounds for identifying the types of legal consciousness:

- a) specific carriers - subjects;
- b) the depth of reflection of legal reality.

According to the criterion of subjects (individual, social groups, society), legal consciousness is divided into individual, group and public.

By the depth of reflection of legal reality, legal consciousness is divided into ordinary, scientific and professional.

7. Building the rule of law requires respect for the law, laws and legal reforms carried out in the country. Consequently, legal culture is one of the defining conditions for the effective construction of legal statehood in Uzbekistan.

8. The Republic of Uzbekistan traditionally pays great attention and

importance to the formation of legal culture, legal consciousness and education of citizens in the spirit of respect for the law. This is evidenced by such normative legal acts as the Decree of the President of the Republic of Uzbekistan "On improving legal education, raising the level of legal culture of the population, improving the training of lawyers, improving work on the study of public opinion", Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On organizing the Center for Advanced Studies of Lawyers under the Ministry of Justice of the Republic of Uzbekistan", adopted by the Oliy Majlis of the Republic of Uzbekistan "National program for improving the legal culture of society" and a number of other acts.

9. Thus, solving important tasks in the field of strengthening national statehood, it is necessary to develop democracy and form a civil society, which involves raising the level of legal consciousness of the population and improving the forms and methods of legal education.

We will take as a basis for further presentation the classification of the lawful behavior of individuals depending on motives. With positive (as a rule, habitual) behavior, personality psychology is based on the routine observance and implementation of the requirements of the law. At the same time, not very different from positive, conformist behavior is passive, it reflects an indifferent attitude to the processes taking place in the state and society, or at most - passive observation and everyday discussion. This type of thinking is characteristic of the majority of the population of our republic. Among these types of thinking, marginal (sometimes called borderline) behavior is often characterized by an awareness of people's fear precisely because of the consequences of non-compliance with the law, where a person faces legal responsibility and complies with the law in order not to be punished or suspected of misconduct.

Thus, legal consciousness is a complex and multifaceted institution formed at the junction of psychology and the theory of law,

characterized not only by those legal realities that are formed in the process of lawmaking of the relevant state bodies, but also by the reaction of groups of individuals that occurs when their interests intersect with the norms of law.

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