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**THE CURRENT STATE OF LEGAL CONSCIOUSNESS: FORMATION  
CHARACTERISTICS AND IMPROVEMENT PROBLEMS**

This article researches the problem of self-consciousness in today's society, the characteristics of factors that influence on the formation of legal awareness and analysis of government action for improvement of legal consciousness in current conditions.

**Keywords:** legal consciousness, legal culture, legal education.

**Problem statement.** Increase the level of citizens' legal consciousness is absolutely necessary and important factor in the process of integration of modern Ukrainian society into the European legal space. But most importantly, there is a direct link between the current level of spirituality of the society and the legal consciousness with the level of criminality in it. Legal consciousness is the highest level of reflection of socio-economic relations of the people as expressed in the laws of society. Formation of legal consciousness of man is relevant to the construction of an independent Ukrainian state – with its own state order, social relations, and the legal system.

**Analysis of recent research and publications.** A lot of attention to the legal consciousness is devoted in the studies of modern Ukrainian scientists. Among them: V.D. Babkin, M.I. Kotsiuba, V.A. Kotiuk, P.F.Martynenko, A.R. Mashchok, I.V. Nazarenko, P.M. Rabinovych, V.M. Selivanov, S.A. Tykhonova, V.L. Vasyliiev. At the same time, there are no clear ideas on how to improve it at the present stage of social development in the literature to date.

**Paper purpose** is to analyze scientific views about legal consciousness, describe the factors of formation legal consciousness, and give a general description of state actions to improve legal consciousness in the modern world.

**Paper main body.** There is no phenomenon that affects the law, if it has not reflected preliminarily in legal consciousness [1, p. 294]. Law, as a social phenomenon, causes one or another attitude of people, which can be positive (the person understands the need and value of law) or negative (person considers law unnecessary). People in one form or another express their attitude to everything that is covered by the legal regulation and which is associated with the submission about the law: to the laws and other legal acts, to the operation of courts, to the behavior of members of society within the action of law. Every person has an opinion on the law in the past, to the law that is now and a law that he would like to see in the future. This attitude can be rational, reasonable and emotional, on the level of feelings, moods. One person, a group of people or a community of people may have one or another attitude to law and legal phenomena in the society.

Legal consciousness is a kind of filter through which pass all the factors that affect the law, it is an integral part of the law, and this is due to the fact that right is a regulator of relations between people endowed with will and consciousness, and so the process of realization of law in life is usually conscious volitional human activity.

Legal consciousness is the sum of views and ideas expressing the attitude of people toward current law, its goals, tasks, means and methods of regulation, to assess of the lawfulness its rules and representation about the further legal system and its individual elements. It can be said, that this aggregate of views and feelings that reflect people's attitude to law and legal phenomena in social life. Russian legal expert I.A. Ilyin saw in legal consciousness not just a tool that provides external control on people's behavior, but the individual's subjective condition of individuals, which is formed on the basis of years of spiritual experience. [2, p. 31]

Legal consciousness does not usually exist in "pure" form, it is interconnected with other forms of understanding of reality. Thus, the legal

consciousness is often intertwined with moral convictions. People measure law and legal phenomena from the standpoint of moral qualities of good and evil, justice and injustice, and others. The attitude to the law is often determined by political views, but this does not allow fully understand the gist and role of law in society.

It is obvious, that with the development of international political relations, threat of the destruction of mankind as a result of environmental disasters or warrior, there is a growing importance of law as the most effective regulatory system of the world order. That is why, the need to improve legal consciousness as the condition for normal existence of an individual, group or society comes to the fore [3, p. 305].

Being a form of social consciousness (side by side with the policy, morality, art, science, and so forth), legal consciousness obeys the same regularities as the public consciousness; in general, it may reflect not only the condition of social relations but their development trends. Anticipatory reflection of social relations depends on the degree of knowledge of objective regularities. But as social relations are different by dynamism, evolving contradictory, their anticipatory reflection in legal consciousness could not be adequate. This is typical for a period of revolution and changing of the ruling regime.

Influence of legal consciousness on the organization of social life is large enough. This explains its inclusion in the mechanism of legal regulation as a tool to influence on social relations. A specific feature of legal consciousness, as a component of the mechanism of legal regulation, is that its role isn't limited by the stage of legal influence. Legal consciousness is included in the work on the stage of law creation and implementation. In one way or another it is present in all parts of the mechanism of legal regulation – legal norms, legal relationships, implementation of the legal acts. Legal consciousness has the most significant role at the stage of implementation of law, in the process of legal rights and responsibilities realization in life. Thanks to it, such things as lawfulness and legal order emerge in the state. The life of man clearly demonstrates that consciousness,

thoughts, images, willpower really control the behavior of people, initiate and regulate his actions and deeds in all spheres of life, including legal. [4, p. 303]

In the legal literature they started to use the term "legitimacy of law", which means determination of the existing system of law by the majority population. This recognition is realized through legal consciousness both on the rational and emotional levels [5, p.100]. The term "loyalty of legal consciousness", which is understood as its qualitative characteristics, the properties of its individual elements to ensure the legitimacy of behavior of participants in society's legal life, active use and protection of their subjective rights, conscious execution of duties, participation in social control of legal reality, also enters in use [6, p.15].

What will be the behavior of the individual in society – legitimate, illegitimate or socially useful, socially harmful and dangerous – largely depends on the level, quality, character, content of legal consciousness.

In general, the human spiritual development is essential for building independent state with its own social relations and legal system.

The process of transition to a market economy, which has started in Ukraine since independence and is still continuing, is inconsistent and controversial. The definition of private property and development of new private forms of management causes definite deformations in the economic sphere of the Ukrainian society, which create deformed consciousness, lack of spirituality and arbitrariness in different areas of his life. Such trends are especially dangerous for state development, creation of its economic, political and spiritual base.

An effective way to combat these negative phenomena is to create a positive mass and individual legal consciousness in society. High moral principles, aesthetic tastes, political culture of the individual are formed in close connection with obtaining the necessary amount of knowledge regarding the legal norms, so the most important and effective way of formation of legal consciousness of society's members is the assimilation of the foundations of law in the learning process and also during their professional activities.

Difficult socio-political and economic situation has generated powerful social, socio-psychological, economic and social-everyday factors destabilizing the legal consciousness of all sections of Ukrainian population. Nowadays, in society and in the minds of Ukrainians, radical transformation is undergoing. Many moral values that had a significant influence on the formation of legal consciousness of several generations of people today lend themselves to reinterpretation and reevaluation of people.

In the mass consciousness there is a change in representation about the limits of what is permitted in social behavior, about the rules and norms of behavior in society. The negative dynamics of mass legal consciousness in the society conditioned by the fact that, on the one hand, the older generation has not yet fully adapted to new conditions of economic and political development of independent Ukraine, and on the other hand, appears an increase of the legal nihilism and illiteracy among the youth, that happens on the basis of methodological and methodical problems of lag in legal education. And this problem consists in absence of holistic and effective system of people's legal education, which is one of the reasons for the low level of society's legal consciousness. About mentioned is showed by the quantitative increase in crime in general.

The incandescence of the situation in the sector of legal education is associated with social, economic, political crisis processes. It is obvious, that in the present conditions, when takes place a determination and strengthen on legislative level of principle of humanism, takes place reorientation of education on personal development, priority of human values affirms, particular importance gets the problem of legal education, the formation of legal culture. Exactly legal education is intended to provide legal socialization of the person through the system of legal knowledge and the development of legal thinking, attitudes of people to the legal norms as the internal value. The process of formation of legal culture includes a conscious perception and assimilation of legal knowledge as personal values and transformation them into legal behavior [7, p.113].

To increase the level of legal consciousness, it is necessary, first of all, to form in everyone understanding of how important the law in the life of everyone. At the same time, the law should be understood not as a formal prohibition, and as a guideline for action, a compass to make the right decisions in any situation (correct from the standpoint of society and from the perspective of present and future of a particular individual).

In the future, it is necessary to convince and to inculcate the habit to correlate own actions to the requirements of the law, having developed the right attitude to it as an important value. In other words, it is important that the legal knowledge has become a firm belief that legal norms are needed, fair and therefore should be followed in all circumstances and in every situation.

Legal education should be treated taking into account its social nature, as a necessary component of the citizen's education. Legal education can not be reduced to the task of crime prevention. However, the preventive element in the structure of legal education contains, and in many cases has important significance for the formation of active life position of every member of society, skill and ability to struggle with any negative deviation from social norms. But legal education does not reduced only to prevention, but is directed, first and foremost, to providing with its specific tools to achieve the common goals of political and moral education.

Formation of legal consciousness occurs under the influence of all aspects of social activities and public relations. Along with this, there are specific methods of targeted legal education. These include various forms of studying law, informing and explaining the rights with all media, influence on the individual, applying legal practice, which he observes, and personal involvement in law enforcement activity.

But we should remember, that ensuring of knowledge as required under the law is not the goal but a means, to reach understanding of human his rights and its principles, affect his willingness to follow the law, contribute to his high legal activity in everyday life, to the ability to compare own behavior with the principles and specific requirements of law.

It is very important in the process of legal education to show that the social content of legislative regulation is related to the realization of the idea of justice. It is realizing, for example, in the same approach of the law to all members of society, considering personality traits of man and the situation that let maximally differentiate the act of enforcement, to correlate the decision of the investigator, prosecutor, court to the specific identity of guilty, the conditions of his upbringing and of life, of choice of the motivation choice of criminal variant of behavior. Based on the analysis of law texts, content of the legal principles, institutions and norms, it is necessary to show, that the law protects justice.

During the legal education, the respect must pay not only to the age-old social-psychological peculiarities, but also to the specific situation of a person, the uncertainty of the future, disorder in nowadays, associated with the economic crisis, which is facing our country now. But the learning of legal requirements, that have in a concentrated form the great experience of our society, make much easily to control own behavior and to form the civil position.

The task of legal education is to develop in people the belief that deficiencies of education, economic hopelessness do not justify a man, who chose option of unlawful activity, that under any circumstances, the offender will bear personal responsibility before the society and will be obliged to redeem his guilt. Legal education of all members of society includes such forms of educational activities as: debates, meetings with law enforcement officials, visits of courts, prosecutors, and police.

It is obvious, that the person's legal consciousness in Ukraine, requires certain adjustments of model of education of pupils and students in institutions, improvement legislation, which regulates the issues of legal and economic security of the population and creation of the State program of formation of citizens' legal culture, through the development of population's legal education and legal upbringing.

In the context of various transformations, that are taking place in contemporary Ukraine, the value of legal education of citizens, increases

significantly. Sophisticated transformation processes, that affect all aspects of society, make negative effect on this process. The economic crisis, the consequences of which lead to the impoverishment of the population, ineffective policies of state authorities regarding its overcoming, political instability, failure of election promises by politicians, the dominance of corruption at all levels of public authorities only aggravate the situation in the legal sphere and accelerate the process of losing both moral and legal reference points for Ukrainian citizens. This, in turn, leads to deformation of legal consciousness, worsening of the criminal situation in the country, non-compliance with legal regulations of the population, which acts as a factor of social instability. The value of legal education in these circumstances is not reduced, but instead, substantially increased. Of course, without the possibility of applying complex actions, concerning the solution of various public and social problems, the effectiveness of legal education will be low, but this work is designed to warn against the degradation of citizens' legal culture, as well as contribute its increase. In modern scientific literature, there is a lot of researches concerning the problems of legal education (V.I. Andreytsev, S.E. Demskij, V.P. Kolesnik, L.A. Marchenko, S.V. Matveev, A.A. Orlov, L.M. Pavlov, A.V. Petrishin, S.P. Pogrebnyak, S.G. Seregina, Y. Smischuk, V.J. Tacij, J.M. Todyka, etc.).

In the study of the problems of legal education, we must depart from the fact, that it serves as a dynamic process, which for achieving effective results should be continuous, gradual and stable, which is especially important in the transformation period of society when there is changing social relations, new circumstances causing social tension and instability. Therefore, in these circumstances, legal education is obliged to keep pace with the changes that occur in society.

An analysis of Ukrainian legislative base, concerning improvement of citizens' legal consciousness, allows emphasizing the following legal acts.

Firstly: the State National Program "Education" ("Ukraine of XXI Century"), which indicates that the formation of the legal culture is one of the parts



of national education's goal. [8] The formation of a democratic state, based on the evolution of spirituality, morality is impossible without a highly educated society with a developed legal culture and deep legal consciousness. Therefore, the formation of the legal culture is one of the main directions of development in education. [9, p.13]

Secondly: the National Program of Legal Education for the Population, approved by the President of Ukraine on October 18, 2001. The aim of this document is to increase the overall level of legal culture, both individual citizens and society in whole. [10] That is why, we are talking about improving the system of legal education of the population, the acquisition by citizens the required level of legal knowledge, the formation of their respect for the law, the legal humanist ideas of universal and national legal values (including by overcoming legal nihilism). The implementation of this document must improve the quality of legal education of the population (with the preservation and development of national traditions in this area), as well as raising the level of public legal familiarization.

The implementation of aim of the programme is provided by: the approval of high moral bases in social life; determination of the legal education of the population as one of the major factors in the formation of high legal consciousness and legal culture of individuals and society; active participation of the executive authorities, local authorities, citizens' associations, educational and cultural institutions, academic institutions, interagency coordination and methodical councils on legal education of the population, publishers and publishing organizations, the media in the organization and realization of events for legal education of the population, and combining complex of actions in the area of legal education, which is carried out by these authorities, organizations and institutions; ensuring transparency of legal information, access for all segments of the population to its sources, etc.

Based on the above program of Ukrainian President, in order to increase legal level and legal consciousness of the population, fostering respect to law, the creation of appropriate conditions for the formation of civil society, regional

councils approve the program of legal education for the population. For example, the Council of Odessa region has approved the program for the 2014-2018 years, in November 2013. Based on this, all district councils approve programs of legal education for population, respectively, for their districts for the stated period.

Considering the above provisions of the Programme, it can be concluded, that the main tasks of legal education in modern Ukraine are: a) increasing the overall morality of citizens; b) formation of a sufficient level of legal culture and legal consciousness of citizens; c) reduction of deviant behavior. All of this does not possible without scientific justification of state policy in the sphere of legal education, which, unfortunately, Ukraine has not yet. That's why, to improve the culture of its citizens, first it needs to develop a clear public policy in this area, which would include coordination of all government authorities in this process. It is also important, to fully use all positive experience, gained in our country over past decades. Moreover, it should be used creatively, because it's necessary to solve some issues in the sphere of legal education on a conceptually new basis, considering tasks of the current stage the development of Ukraine as a sovereign state, which aims to become a democratic and legal. At the same time, it must be remembered, that the realization of the task of forming a modern legal culture among citizens in the transition stage of society, depends not only on the state, but also on the efforts of the whole society, every citizen.

It should be remembered, that the state, together with all institutions of political and legal system, is able to increase the legal culture of society due to targeted and effective actions. Violation of law, ignoring the legal and ethical norms by the authorities, demonstration of double standards lead to legal nihilism, nullifying all the efforts aimed at improving the legal education of society.

**Conclusions.** Thus, legal consciousness is a definite system of feelings, opinions, ideas, theories and traditions that express the attitudes of citizens to the current legislation, law practice, human rights, freedoms and duties, as well as to the desired law. Legal consciousness is a prerequisite for the formation of civil society and legal state. That socio-political and economic situation, in which

Ukraine is today, has created serious social, socio-psychological, economic, socio-everyday factors of destabilization of legal consciousness in all sections of Ukrainian population.

Ukrainian State is obliged to develop a national policy regarding overcoming the deformation of legal consciousness. We believe, the following actions as high-priority: 1) overcome the political and economic crisis of the state in society; 2) ensure the quality of laws and regulations, which are accepting; 3) improvement of the system of law enforcement and, above all, judicial activities; 4) to overcome the distrust of the population to the work of law enforcement authorities; 5) to ensure the effectiveness of legal education that can improve the professional competence of officials; 6) improving information-lawful culture of citizens.

But it should be noted, that the success in the introduction of the mechanism, regarding the implementation of such policy depends on permanent cooperation, support and dialogue on key issues among major participants of this process: the central and local executive authorities, local self-governments, civil organizations, the media and other entities. In addition, we must take into account the features of historical experience of both Ukraine and foreign countries.

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