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TÍTULO: Conciencia jurídica y cultura jurídica de los ciudadanos rusos: formulación teórica y jurídica del problema.

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RESUMEN: Este artículo está dedicado a la comprensión de la esencia de la conciencia jurídica y la cultura jurídica de los ciudadanos rusos desde la perspectiva de los enfoques conceptuales que se han desarrollado en la ciencia de la teoría del estado y el derecho Ruso a fines del siglo XIX hasta la actualidad, formulando definiciones del autor de "conciencia jurídica", "cultura jurídica" y "educación jurídica". Se utilizaron el método dialéctico de cognición, el principio de amplitud e historicismo, y métodos científicos generales modernos y privados de cognición lógica. El artículo concluye el papel de la política estatal en el aumento del nivel de alfabetización jurídica, la conciencia jurídica y la cultura jurídica de la población y la participación de los ciudadanos en la vida social y jurídica del estado.

PALABRAS CLAVES: conciencia jurídica, cultura legal, educación legal, alfabetización jurídica, Rusia.

TITLE: Legal consciousness and legal culture of Russian citizens: theoretical and legal formulation of the problem

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ABSTRACT: This article is devoted to the understanding of the essence of legal consciousness and legal culture of Russian citizens from the perspective of conceptual approaches that have been developed in the science of the theory of state and law of Russia at the end of the 19th century till present time, formulating the author's definitions of "legal consciousness", "legal culture", and "legal education". The dialectical method of cognition, the principle of comprehensiveness and historicism, modern general scientific and private scientific methods of logical cognition were used. The article concludes the role of state policy in increasing level of legal literacy, legal awareness and legal culture of the population and involvement of citizens in the social and legal life of the state.

KEY WORDS: legal consciousness, legal culture, legal education, legal literacy, Russia.

INTRODUCTION.

In the context of global scientific and technical achievements of the Millennium, the development of powerful information flows affecting the human consciousness, social and legal transformation of the Russian society and the complex political and legal situation of modern reality; the most important indicator of the reasonableness of mankind is the degree of development of the law of the state, personal and social morality, citizens` morality, the level of their legal consciousness and legal culture.

The Commissioner for Human Rights in the Russian Federation notes that the profound civilizational changes that are clearly taking place in the modern world, both at the global and national levels, largely depend on the essential understanding of the protection of human and civil rights and freedoms, developed throughout the course of the historical development of society and enshrined in international documents and norms of national law [2].

Throughout human history, the law has strengthened the public order of any state, contributed to the formation of the legal consciousness of society, and was the main driving factor in the formation of law-abiding behavior of citizens, respect for the laws, foundations and public order.

Nowadays, one of the priorities of the modern state policy in Russia is the formation of a high level of legal culture of the population, traditions of complete respect for the law, law and order and court, decency and conscientiousness as the predominant model of social behavior. At the same time, special attention is paid to the formation of legal conscientiousness and legal literacy of the younger generation.

Speaking about the legal culture of Russians and the age at which it should be inculcated in, President of the Russian Federation Vladimir Putin said ten years ago, that it is necessary to start with kindergarten, to use the appropriate means and methods of working with children. Elementary literacy is taught in kindergartens, culture is introduced for the first time. Therefore, "if the level of

legal literacy is not very high, it is not the citizens who are to blame, but the state itself: it means that we did not pay due attention to this side of activity, and this is our incomplete work, our mistakes" [16].

In addition, in his Address to the Federal Assembly of the Russian Federation on March 1, 2018, the Russian President stressed: "in order to move forward, to develop dynamically, we must expand the space of freedom, and in all areas, strengthen the institutions of democracy, local self-government, civil society, courts, be a country open to the world, new ideas and initiatives" [17].

In this regard, the legal consciousness has a special significance for the Russian state and society; it contributes to the formation of the legal culture of citizens, allows to strengthen the public consciousness of people, statehood. And the process of increasing legal awareness is a permanent and dynamic process, which has no boundaries in its development at every historical stage of the state.

DEVELOPMENT.

Research of methodology.

The methodological basis of the scientific work was the dialectical method of cognition, the general principals of origin, formation and development of state-legal phenomena.

The principle of comprehensiveness and historicism was applied in the study of the essence of the content of the concepts of legal consciousness and legal culture in the modern state from the standpoint of conceptual approaches that have developed in the science of the theory of state and law of Russia in the late 19th century to the present. General scientific methods (analysis and synthesis, induction and deduction, definition, classification and comparison, analogy and generalization) and private scientific (comparative-legal, formal-legal) logical methods of cognition were used in the study of state policy of the Russian Federation in the sphere of development of legal literacy, legal awareness and legal culture of citizens.

Study results.

Based on the conceptual approaches developed in the science of the theory of state and law of Russia, the foundations of state policy in the development of legal literacy and legal consciousness of citizens can offer the author's definitions of the following concepts:

Legal consciousness is a form of public consciousness that represents a set of legal knowledge, ideas, ideas, views, feelings, emotions, contributing to the awareness of the value of law and forming an attitude to the current or desired law. The subject of reflection of legal consciousness are social relations, which are mediated by law and are associated with social development and phenomena of social and legal reality.

Legal culture is a kind of social culture, a certain way of organizing the life of society, which depends on the degree of development and use of legal knowledge, values (level of legal consciousness) by society and is expressed in the legal behavior of citizens. Legal directions act as a mechanism of internal instruction to commit acts, which generates a legal state of the subject in a legal or illegal form. Legal culture is determined by political, economic, social, spiritual and moral levels of development of the state and society.

Formation of legal consciousness and legal culture of citizens is carried out through the prism of legal education. Legal consciousness affects the level of legal culture of citizens, and if it is in harmony with the values recognized by the social group, it necessarily gives a positive psychological reaction in social and legal behavior and successfully affects the legal culture.

Legal education is a process of focused influence on the legal consciousness of citizens, which contributes to the improvement of moral and legal values, the development of legal literacy of the population, the formation of respect for the laws and public authorities. The result of legal education are legal attitudes that meet the interests of modern society, and legitimate behavior in society.

In our opinion, the modern state policy of Russia in the field of raising the level of legal awareness and legal culture of the population should be aimed not only at the legal education of citizens and their involvement in the social and legal life of the state, but also to resolve the problems already accumulated over the years. Among such problems are the following: weak protection of psychological, moral and spiritual health of the population; accumulation of negative social and psychological energy in people's minds; lack of legal experience. Unresolved problems have a negative impact on legal attitudes, views, beliefs of citizens and models of social and legal behavior, which is reflected in the level of development of their legal consciousness and legal culture.

Discussion.

There are various scientific approaches to the study of the essence of legal consciousness and legal culture. With the increase in the number of scientific researches in various fields of law, new theoretical and legal problems are opened, previously unnoticed gaps in understanding of legal consciousness, features of legal culture of society of the modern state are revealed.

In the conditions of information war fares, extremist movements, the growing spread of ideas of terrorism, the tasks of active confrontation with these phenomena are becoming increasingly important (A.S. Ovchinsky, S. O. Chebotareva, 2017). The development of legal consciousness and legal culture is an important element of this confrontation, as it directly affects the mass consciousness, being included in the cycle of either positive or destructive events.

I must say that in determining the concept of "legal consciousness" researchers have no categorical differences, despite the fact that the law as a scientific category involves many approaches to legal understanding, and consciousness, as a human ability, is perceived by representatives of various sciences is ambiguous.

Some questions of understanding of legal consciousness appeared in the scientific works of Russian scientists of the late 19th century. They considered the concepts similar to this phenomenon – legal belief and legal understanding (N. M. Korkunov, 2010, S. V. Pakhman, 1877).

According to N. M. Korkunov (2010) legal consciousness forms under the influence of social conditions, it arises and develops in time. Legal consciousness arises initially in private form, and the general concept of law embracing all its specific forms is relatively late. An ignorant person knows only certain rights, and the general concept of law is not available to him. Similarly, the separation of law from morality and religion is a relatively recent phenomenon. Initially, law, morality, religion, decency – all these phenomena are mixed together.

The first attempt to consider the problematic aspects of legal consciousness (the crisis of this phenomenon) was made by a well-known lawyer in Russia P. I. Novgorodtsev (1991, 1996). He believed that the crisis of modern legal consciousness is the phenomenon of the modern era, which arose as a result of the crisis of political and legal principles of the state; a crisis point, some shift or diversion from the old foundations, it does not mean the denial of progressive aspirations and a return to the past, but rather opens a new stage in the development of moral consciousness.

The outstanding Russian philosopher of law I. A. Ilyin (1993) studied legal consciousness as an inseparable unity of legal, state, moral and religious consciousness, which affects all social activities of a person. The state, law, power, society, personality, spiritual (divine) principles and legal consciousness were considered in interrelation.

After October 1917 and the establishment of Soviet power in Russia, the socio-economic and ideological foundations of the existing state system were replaced. The study of legal consciousness up to the mid-30s of the XX century took place with certain restrictions in the freedom of scientific thought and under the influence of Marxist ideology. Legal consciousness was considered as a class phenomenon conditioned by social existence and material conditions of life.

P. I. Stuchka (1931a, 1931b) considered the problem of legal consciousness as an organic part of the whole problem of law. Under revolutionary or socialist consciousness of the scientist understand bourgeois consciousness, because of a consciousness neither "nature" nor in human performance did not exist.

For our part, we note that in the Soviet legal science such a view of legal consciousness was inherent in most scientists. Under this phenomenon was understood the legal ideology of the proletariat as a class that committed the October revolution in 1917.

From the mid-30s to the mid-50s of the 20th century for the first time in the domestic legal science considered the issue of the impact of legal consciousness on human behavior, its role in the education of public morality (M. P. Kareva, 1947). Legal consciousness in that period was regarded by scientists as one of the law-forming factors and an element of the ideology of class society, and not as a source of Soviet law (O. D. Maksimova, 2014). Under the sense of justice meant certain people's views on the right or attitude to the current law.

Scientific thoughts of researchers of the essence of legal consciousness in the period of development of the state and law from the mid-50s to the end of 80-ies of the 20th century allowed to understand under this phenomenon not only the category of law, but also consciousness. Legal consciousness was considered by them as a special form of consciousness, regulated by the rules of law.

I. E. Farber (1963) for the first time began to consider legal consciousness not only from the point of view of ideology, but also from psychology. He distinguished two sides in the structure of legal consciousness: cognitive (legal ideology); emotional-volitional (legal psychology). Legal consciousness, according to the scientist, is a form of public consciousness, which is a set of legal views and feelings that have a normative character and consist of knowledge and evaluation of legal

phenomena, taking into account justice and new legal requirements, which are expressed through various needs (economic and political) and interests of social development.

Since the mid 80ies of the 20th century and up to the present time, the problems of the structure of legal consciousness are continued to study, scientists offer a variety of similar definitions of legal consciousness.

Note that V. A. Sapun (1986) supports the non-standard understanding of legal consciousness. The scientist believes that legal consciousness is expressed through the subjective attitude of communities, social groups and individuals to the existing or desired law. This statement emphasizes the subjective aspect of justice. From our point of view, V. A. Sapun offers a very narrow definition of legal consciousness, and such an understanding contradicts the already established, traditional ideas about this legal phenomenon.

It is typical that after the collapse of the Soviet Union, many scientists and legislators are trying to rethink some of the previously voiced provisions relating to the concept, essence, structure, functions of legal consciousness.

So, S. S. Alekseev (1994) notes that legal consciousness is a phenomenon in principle purely subjective, it consists of people's ideas about law, from a subjective attitude to the phenomenon of law, its values, legal psychology.

At the same time, despite the large number and fundamental nature of the research, to date, among modern Russian scientists have not developed a unified view of the essence, properties, structure and nature of legal consciousness in the system of public consciousness; further considered their point of view.

V. S. Nersesyants (1999) drew attention to the fact that legal consciousness is a form of awareness of law as a specific phenomenon of social reality. The scientist saw the specificity of legal consciousness in the ratio of legal consciousness with other forms of consciousness (moral, moral,

religious consciousness, etc.) and noted its conditionality by the specificity of the law itself, for the expression of which legal consciousness operates with the corresponding feelings, images, representations, symbols, concepts and categories.

N. I. Matuzov (2004) also discussed the relationship of legal consciousness as a legal category with political, moral, scientific, artistic, philosophical consciousness.

V. V. Safronov (2004) believes that legal consciousness as a form of public consciousness is a set of psychological, ideological and behavioral components that express the attitude of individuals, social groups, society to the current or desired law, to the behavior of people in the field of legal regulation.

We describe the structure of legal consciousness by the example of legal consciousness of minors and juvenile convicts serving sentences in isolation from society, which is investigated in their writings by E. A. Pevtsova (2006), V. M. Sapogov (2010) and O. V. Leshchenko (2016).

E. A. Pevtsova comes to the conclusion that the legal consciousness of minors consists of three major areas: 1) the sphere of orientation – this area is leading, determines the level of legal awareness and legal culture and consists of three independent blocks (components): logical-normative, emotional-figurative and fundamentally-volitional; 2) the sphere of legal experience – allows you to evaluate having experience in various spheres of life; 3) the sphere of motivation – determines the motives and stereotypes of behavior.

A similar position is held by V. M. Sapogov, who in the study of the legal consciousness of juvenile convicts serving sentences in educational colonies, considers the following basic blocks of the functional components of the structure of legal consciousness: logical-normative (cognitive), emotional-figurative and fundamentally (behavioral)-volitional.

O. V. Leshchenko, studying the structural components of the legal consciousness of juvenile convicts, concludes that their legal consciousness should be considered as a complex system, which is represented by three structural areas: the first – the sphere of orientation, the second – the sphere of experience of social and legal activity, the third – the sphere of motivation of legal behavior.

So, based on the already established concept of the essence of legal consciousness, understanding of its structure, modern researchers consider it in the definition of individual socio-demographic groups, as well as in relation to the concepts of legal culture, legal education and other similar phenomena.

Legal culture, according to N. Y. Sokolov (2004), is a kind of general culture conditioned by the economic, political, social and spiritual level of development of society, which is a measure of the development and use of the legal values accumulated by mankind, transmitted in succession from generation to generation.

E. F. Usmanova (2015) believes that legal culture can be considered as a kind of social culture that reflects a certain level of legal awareness and legality, perfection of legislation and legal practice, covering all the values that are created by people in the field of law.

V.A. Shchegortsov (1981) talks right about the legal culture. He believes that the increase in the level of legal culture is most likely to be achieved in the consolidation of the motives of compliance with the law in the minds of individuals: internal belief and the development of the need to comply with the law; awareness of the public need to comply with the law and the conscious submission of their behavior to the requirements; following the habit developed due to awareness or fear of repression; awareness of group interests; legal conformism (because so behave others); unwillingness to lose the respect of others; fear of sanctions.

As a small digression, we note that considerable attention is paid to the problems of legal education in modern legal science; thus, according to T. N. Radko (2001), legal education is a complex, multifaceted process that solves important problems of formation of high legal awareness and high legal culture.

According to V. I. Kruss (2002), through the prism of legal education, the formation of legal consciousness and legal culture is carried out, which involves the solution of such important issues as the creation of theoretical, ideological and ideological, psychological foundations. This process is carried out through the dialectical unity of education, training and upbringing.

Of course, those authors who believe that legal consciousness affects the level of legal culture of citizens are right. For our part, we note that if the legal consciousness is in harmony with the values recognized by the social group, it necessarily gives a positive psychological reaction in legal behavior and successfully affects the legal culture.

Today, raising the level of legal conscientiousness and legal citizens` culture is a priority task of the Russian state. Modern society is on the way to the formation of a high level of legal awareness and legal culture. There is an increased interest in the institutions of the commissioners for the protection and restoration of violated human and civil rights and freedoms. A special role is assigned to the institutions of ombudsmen (ombudsmen) for human rights, for the rights of the child, as evidenced by their annual reports.

The state policy in this area is mainly aimed at increasing the level of legal literacy of the population and their involvement in the life of society. Fundamentals of state policy in the field of legal literacy and legal awareness of citizens, approved by the President of the Russian Federation on April 28, 2011 № PR-1168, are the basic normative legal document. Besides, a whole range of state measures are being implemented in this country, which focus the state's attention on a wide range of values and benefits of citizens, the importance of legal education of the population. This is

the state program "Justice" 2014, the state program "Patriotic education of citizens of the Russian Federation for 2016-2020", the Concept of state family policy in the Russian Federation for the period up to 2025, the national strategy for action for women for 2017-2022, etc.

CONCLUSIONS.

Legal consciousness is a form of social consciousness, which is a set of legal knowledge, ideas, views, feelings, emotions, contributing to the awareness of the value of law and forming an attitude to the current or desired law.

The relationship between legal consciousness and legal culture is obvious, so these legal phenomena determine the legal behavior of a person in society (legitimate or illegal).

Based on the conceptual approaches that have been developed in the science of the theory of state and law of Russia since the end of the 19th century to the present day, in understanding of the essence of legal consciousness and its structure, we consider it possible as criteria for assessing its structural elements, to use the following: orientation, motivation and socio-legal experience of legal consciousness.

Legal culture reflects the level of legal consciousness, is the degree of development and use of legal knowledge and values by society, due to the economic, political, social and spiritual level of development of the state and society.

The formation of legal consciousness and legal culture of citizens is carried out through the prism of legal education. Legal consciousness affects the level of legal culture of citizens, and if it is in harmony with the values recognized by the social group, it necessarily gives a positive psychological reaction in legal behavior and successfully affects the legal culture.

The Russian state considers raising the level of legal conscientiousness and legal culture of citizens as one of its priorities. The state policy is aimed at increasing the level of legal literacy of the population and their involvement in society.

The Basis of the state policy is the fundamental legal act in this area in the field of legal literacy and legal conscientiousness of citizens in 2011 (Fundamentals). The current state programs, national strategies and concepts are secondary normative acts in relation to the Basics; they emphasize the state's attention to the benefits and values of Russian citizens and emphasize the importance of legal education of the population.

Conflict of interest.

The authors confirm the absence of a conflict of interest.

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