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RFC: ATII20618V12

Revista Dilemas Contemporáneos: Educación, Política y Valores.

<http://www.dilemascontemporaneoseducacionpoliticayvalores.com/>

Año: VII Número: 2 Artículo no.:91 Período: 1ro de enero al 30 de abril del 2020.

TÍTULO: El papel de la socialización legal como base para el desarrollo e implementación de la condición jurídica de la persona y el ciudadano.

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RESUMEN: La investigación sobre el papel principal de la socialización legal basada en la actividad humana legal sugiere, que dentro de su marco existen procesos complejos y contradictorios de implementación por parte de una persona de estatus legal constitucional y legal general; además, a nivel de autogobierno local y dentro de la comunidad territorial se argumenta que estos procesos tienen una gran importancia constitutiva e institucional al implementar un impacto directo en la formación del estado de derecho, y la creación de un modelo liberal-democrático de la relación entre la ley y el estado, construyendo un modelo nacional de autocontrol local gobierno, y dentro del marco de estos procesos tienen un efecto multiplicador y efectividad.

PALABRAS CLAVES: legal status of a person, legal socialization, status of a citizen, legal activity.

TITLE: The role of legal socialization as the basis for the development and implementation of the legal status of the person and citizen.

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ABSTRACT. The research of the leading role of legal socialization, based on legal human activity, suggests that within its framework there are complex and contradictory processes of implementation by a person of his constitutional legal and general legal status, moreover at the level of local self-government and within the territorial community. It is argued that these processes have great constitutive and institutional significance by implementing a direct impact on the formation of rule of law, the creation of a liberal-democratic model of the relationship between law and the state, building a national model of local self-government – and within the framework of these processes they have a multiplicative effect and effectiveness.

KEY WORDS: legal status of a person, legal socialization, status of a citizen, legal activity.

INTRODUCTION.

An important constitutive and prognostic role in the development of legal consciousness and legal behavior of a person (personality) is performed by its legal socialization – that is, the process of assimilation of human system of legal knowledge, values and norms, due to which its successful adaptation to social and legal life occurs.

In the praxeological sense, this process can be expressed as the process of integrating an individual into the system of legal relations of a given society based on the assimilation of the entire legal culture of the given society. The most profound doctrinal developments of socialization are contained in the works of representatives of sociological science (Baimuratov et al., 2018). Thus, the well-known sociologist M. Weber, focusing on a particular person, identifies socialized associative, mostly voluntary, institutional framework within this concept, and institutional socialization carried out through the introduction of the norms accepted by society through social promotion and enforcement (Weber, 1990). So, based on the socialization process include personality and its individual consciousness that is influenced by the surrounding society and responsive to such impacts through the formation or change their individual behavior.

This approach is confirmed by the position of T. Parsons, who understands socialization as a process of functional adaptation of the individual, which is, adapting his existence and life in the conditions of society by building appropriate behavior. Such behavior is formed depending on the performance of a specific social role by the subject (Parsons et al., 1955).

Another well-known representative of the sociological doctrine E. Durkheim also focuses on the subject factor of socialization, but priority is given to its inheritance, linking the concept of "socialization", primarily with problems of the functioning of the collective consciousness, and, above all, with the transfer from generation to generation of social norms and traditions (Durkheim, 1991).

In addition, it should be noted that most modern sociologists consider socialization as a process of interaction between individuals who develop their own strategies in society (individual criterion – Auth.) and the norms and values systems accepted by society (collective conditions – Auth.). Therefore, for example, G. Rocher defines socialization as “a process in which a person perceives and assimilates the socio-cultural elements of his environment, integrates them into the structure of

his personality under the influence of significant social factors and thus adapts to the social environment among which he/she has to live (Sirois at all, 1998); that is, here we are talking about a complex and contradictory process of interaction and adaptation to the individual moral values of local society (groups), whereby it will provide the optimal mode of existence and functioning of the local community.

Materials and research methods.

In the process of research, general scientific and special research methods were used, in particular: theoretical generalization, comparison and morphological analysis – in the process of forming the conceptual and categorical research apparatus; system analysis – for the formation of the conceptual framework of the process of socialization and legal socialization, identifying the main elements of legal socialization in the institutional formation and development of the legal status of a person and citizen; comparative analysis – the identification of differences, positive and negative aspects of legal socialization, promotes understanding of man (personality) of their legal capacity in society (the local society at the local government level), thanks to the presence in it of the legal status (public and constitutional); logical–semantic analysis – the identification of the legal conditions of a person (person) in the presence of his respective legal status (general and constitutional), in order to determine its modifications regarding citizenship, foreign lands, bipatrism, refugee, etc.; social and legal monitoring – to assess the compliance of the institutional and regulatory environment that arises in society, primarily at its local level, thanks to the implementation of legal socialization processes and the formation of the legal status of a person (personality).

Results and discussion.

The study of the problems of legal socialization is highly relevant in modern jurisprudence, because it provides an opportunity not only to evaluate the legal acculturation processes of the whole

society, but also of each of its members. Another important issue is the legal socialization of the constitutional law of the state, as a single and main branch of national law, the subject of which is the fundamental social relations arising between man, society and the state.

Hence, the teleological dominants of legal socialization, as this scientist notes, are achieved when individuals achieve the type of behavior in which they want to act the way they should act as members of a given society. They should be willing to do what is necessary for society (Baimuratov, Gryshova & Akhmetova, 2018).

Therefore, the result of legal socialization is a systemic complex of consequences that directly affect a person and make him a conscious member of the human community, namely:

- a) The individual's perception of a part of the cultural and legal heritage, which is relevant not only for his social interests, but also for the whole socio–historical process of which he is a subject (an individual as a subject of perception of historical and legal experience and the heritage of human civilization. – Auth.).
- b) The involvement of the individual in the regulation of the life activity of his social group (the individual as a subject–object of the relevant public order and its purposeful influence. – Auth.).
- c) The emergence of so–called “Legal Premonition”, when a person begins to show a negative attitude to any deviations from the existing social and legal attitudes and participates in opposing destructive forces whose actions are directed against the existing social order (an individual as a subject separator of social relations and an evaluator of social reality. – Auth.).
- d) Obtaining the necessary legal skills and abilities to settle relations with other members of society, a person can not only interact productively with them, but also consolidate, change or even improve their social (including legal) status, mode, condition – successfully fulfilling the social role (an individual as a subject of communication and an active subject of creation, change

and realization of his social status, mode, state through the formation of his own individual legal consciousness. – Auth.).

- e) The presence of ideas about the right leads to the knowledge of the right by the individual and the occurrence in her of the opportunity to use the relevant legal norms to realize their interests, life aspirations, attitudes and needs, that is, to realize their legal status – a set of rights, freedoms and obligations established by law (as a subject – an active user of their legal status. – Auth.).

Hence, it can be noted that such a process of legal socialization is a predicate of the action of the right to an individual (in the general philosophical aspect – Auth.), a functional component, an organizational and regulatory component, an important element of legal regulation (in the normative aspect. – Auth.), and causes a person to respond to such an impact by, firstly, the corresponding model (positive, negative, indifferent) legal behavior, and, secondly, through the functional implementation of rights (duties) of rights and obligations within the framework of its legal status.

In structural understanding, legal socialization acts as a component of a single process of socialization. Socialization is the development of the culture (norms, values, ideas, rules, behavior and stereotypes of understanding) of the community. It is not only associated with the development of personality, but is also a kind of spiritual coding of a person, producing her typical (that is, well-recognized and predictable) social reactions and forms of activity. The functional significance of this situational separation is that the formation of an individual's abilities, skills and knowledge makes it possible to prepare people for contacts with other members of local society, for their close coexistence, to ensure their future communicative interaction and mutual understanding.

Therefore, on the one hand, socialization allows an individual to acquire the baggage necessary for him to function effectively in the society that educated him (information-activity criterion. – Auth.), and on the other, it teaches him to use such baggage in accordance with his interests and obligations

that an individual carry in society (individual behavioral criterion. – Auth.). To this end, in particular, the individual must learn certain rules of behavior inherent in his social group (behavioral–group attitudes. – Auth.), learn household skills adopted in it (domestic attitudes. – Auth.), food addictions (foodstuffs. – Auth.), to adapt to life in a certain climatic zone, which is the geographical habitat of its group (climatic–geographical indications. – Auth.).

In order to feel adequately and comfortably among the members of his group, he needs to organically, sometimes to an automatism, master the totality of the norms, values, symbols, behavior patterns, traditions and ideologies inherent in this group (axiological group criterion. – Auth.). In addition, in the process of socialization, an individual performs social self–identification, that is, he finds it possible to show members of his and others groups that he shares the values, traditions and behavioral models of his group and does not share others (Berger, 1995) (axio–teleological criterion. – Auth.).

In the process of socialization, a person firstly enters into communicative interaction with the team of people who surround him (in practice, this is primarily a group of people living with him in the relevant territory, that is, within the territorial community – this group of people is the territorial community , wherein its different quantitative and qualitative measurement – a) micro group (family, friends, school class); meso–community (labor collective, etc.); macro–community (population of village, town, city); secondly, person himself actively acts in such a local society, absorbing from his members and from him in general corresponding behavioral attitudes based on collective–individual intentions, interests, aspirations and needs, having above all an existential nature and orientation. Hence, a local society can be defined as the main social space in which the socialization of a person (individual) takes place, that is, such a space where he acquires knowledge of society, the fundamental tendencies of its functioning, the basic requirements for a person to be in such a society, as well as personality traits a person that has already perceived relevant social

values and attitudes and is an active participant in social interaction, and consequently social relations, some of which, despite their particular importance for society and states, in turn, are regulated and regulated by legal norms (Grevtsov, 2003).

Hence, legal socialization, as an important type and segment of general socialization, plays a large communicative role in the interaction and construction of optimal relations between man and law. That is, it can be stated that the discussion here is not so much about the legal behavior of the individual, as about its legal life within the society and in the conditions of its state organization – existence in the conditions of law and the state that gives rise to such law. Therefore, we can agree with the above author that legal socialization – it is really a multi-faceted complex process mediated by interaction of the person with legal culture, legal values, institutions and norms of society, at a certain level of legal development. In the course of such interaction, a person gradually masters the skills of operating with legal categories and concepts, self-orientation and acting in the legal environment within a given social role and in the interests of achieving the desired goal (mobilizing the possibilities of law for their own development), including independent influence on social legal environment with a view to its positive transformation (Grishova et al., 2017).

We believe that such a doctrinal approach has a significant methodological potential, because, first, it is characterized by a multi-pronged approach; and, secondly, it is distinguished not only by polyobjective, but also a multi-level approach to understanding the socialization process itself.

So, this author in fact:

- a) Distributes the legal process of socialization of the entire legal space that exists in society and the state.
- b) Focuses on the role of a particular individual in this process.

- c) Emphasizes not only its passive form of behavior, but also its proactive and active legal behavior, that is, on behavior regarding self-fulfillment and the use of legal guidance, through the conduct of the conduct that is expressly mentioned in such instructions.
- d) Relates the appointment of legal socialization with the need to perform the personality of the respective role positions in society, provided for in legal norms and implemented in the legal sphere.
- e) Indicates that the process of legal socialization is essentially the process of training the personality of the legal principles of the organization of society and state.
- f) States that due to this form of socialization, the individual learns to independently navigate and act in the legal environment.
- g) Furthermore, particularly observed that she was going to exist and operate within a particular social role (pupil, student, worker, family member, territorial community, member of a public organization, political party, etc.).
- h) Concludes that due to such creative personality behavior the desired goal of legal socialization is achieved – mobilization of the possibilities of law in the interests of own development;
- i) Attention is paid to the fact that the part of such a goal is the independent influence of the individual on the social and legal environment with a view to its positive transformation.

However, be aware that the teleological dominant of legal socialization has a high level of philosophical support and security; it is here carried out the replacement of foreign mandatory rules, based on coercion, on the inner compulsion of law, which is based on normative social and legal settings; that is, we are dealing with complex processes of law transformation from an external factor, which takes place in society, into a complex internal human need (with all the components and criteria signs of such a transformation occurring within the local society). Moreover, it should be noted that such positive socio-legal attitudes are the most important internal source of the legal

activity of an individual (person, personality) and are expressed in a fundamental spiritual focus on the values of the legal culture of society.

Project management in the context of legal socialization.

Therefore, it can be considered that in the process of legal socialization there is a powerful influence of objective factors of legal reality on the subjective individual thinking and consciousness of a person, with the goal of perceiving them of legal values (ideas, concepts, principles, norms, etc.). (Jarmuševiča et al, 2018a; Jarmuševiča et al, 2018b; Petrova & Hristov, 2018; Linde& Petrova, 2018).

In a broader, onto– epistemological sense, there is a more complex process, built on the phenomenology of intersubjectivity, as the properties of the experience about the world of various subjects, which is related to the objectivity, independence of this experience from personal characteristics and situations. The problem of intersubjectivity arises as an attempt to answer the question of how an individual consciousness comes to the experience of another “I” and through this to the universal horizon of experience (Intersubjectivity).

So, in the context of the problems that we explore, appears a complex, initially chaotic, and then a system–forming complex of social phenomena, based on the complex interaction of their objective and subjective nature – thus, law, its norms, principles, legal axioms, presumptions, fictions, etc., act in society as an objective phenomenon, purposefully influences the individual legal consciousness of the individual, which is subjective and modifies it in accordance with legal regulations. In this context, the legal consciousness of an individual begins to reflect legal attitudes that are objective in nature – or rather, they are objectified, because first, at the stage of law formation, the rule of law as rules of social behavior, social relations are purely subjective, because they reflect only the will of their participants, and only then – when such relations are actualized and become of relevant importance, and then obligatory for the society, by recognizing them or

authorizing them by the state, do they acquire objective character. Therefore, it can be argued that in the process of legal socialization, a complex procedural–procedural chain is built and manifested, which has deep philosophical roots and can be displayed as follows:

- From the subjective symptoms will rise to rights, the rule of law, which assumes an objective character.
- Its subsequent teleological influence on the subjective legal consciousness of the individual.
- And as a result – a legitimate subjective behavior of the individual, which corresponds to objective legal regulations.

If we apply these provisions to the role and importance of legal socialization as the basis for the realization of the legal status of a person and citizen, the procedural chain can be extended, since the legal status of a person and citizen, as a set of rights, freedoms and duties of a person (personality), enshrined in the legislation of a particular state (general legal status) or a set of rights, freedoms and obligations of a person (personality), enshrined in the constitution of a particular state (constitutional legal status) – act as the regulatory framework of legal socialization, which will not only create the conditions for its implementation, but also contain appropriate institutional and legal mechanisms to ensure the implementation of such a status. Undoubtedly, in this process, the social activity of the individual is of great importance, as well as its internal motivation for the realization of potential opportunities created by law and are contained in the constitutional legal and general legal status of a person (personality).

Hence, we can talk about the presence in the process of legal socialization of a complex conglomerate of social, individual, group, class, religious, national, historical, geographical, biological, mental, psychological and other interests that a person (personality) produces under the influence of its relationship with society and state influence on its legal conscience with the help of law – the result is the lawful behavior of a person modified in accordance with legal prescriptions

(legal socialization occurred with a positive result – Auth.) or the formation and manifestation of anti-legal (nihilistic or antagonistic) behavior of a person (person) (legal socialization took place with a negative result. – Auth.).

At the same time, it should be noted that in both cases a person (personality) has regulatory opportunities to implement their legal status established by the Constitution and legislation, since it is legal socialization that acts as a “triggering mechanism”, a normative social springboard for the start of relevant profile activities person (personality) in the legal sphere.

This process is not only complicated, but also verified by the fact that each person acts in it in three main social roles-states, which determine its primary biological, supporting social and acquired legal characteristics – person, individual, citizen – and, socialization in general, and legal socialization as its specific and objectively necessary form affect each of them.

Proceeding from this, it should be noted that the legal status of an individual, which is determined by legal theorists, as legally significant properties or system properties of a person established by legal norms or legal models, at a certain moment or period of time determines the occurrence and (or) permission or possibility of and (or) changes the legal situation (Gruzdev, 2016) – are actually a universal concept, which at the same time provides an understanding of the degree of development of legal socialization and is an indicator of the development of the legal status of a person (personality) in its multi-faceted relations with the state, which are carried out with the help of law.

Therefore, considering a person (personality) as a subject-object of legal socialization, we must simultaneously consider its other characteristics as such, that is, as a person and a citizen (and depending on the type of political and legal connection with the state – a foreign citizen, stateless person, bipatriote, refugee, etc., and in connection with the relevant legal status established by the

constitution and legislation of the relevant state), who constantly and without exception accompany the person (person) in her life activity spine in a state–organized society.

In this context, it should be noted, and a position that is substantially teleological fullness and defines the strategic result of legal socialization. In his epistemological sense, a positive legal activity is the result of the assimilation of the person with legal requirements, transforming them into the habit and the need to comply with the law. Nevertheless, here we must understand that the formation of the need to comply with the law is not a fundamental feature of positive legal activity; with its help, a person first of all forms his / her opportunities for the realization of the legal status that is provided to it by legislation.

To clarify the internal processes affecting human behavior is important to study the mechanisms of formation of legal attitudes. Attitude (eng. Attitude – attitude, installation) is the inner state of a person's readiness for action, preceding his behavior (Bilonozhko, 2009). Attitude is formed based on prior socio–psychological experience, on conscious and unconscious levels and regulates human behavior.

In its form, the person attitude may be legal (lawful and unlawful). Therefore, justified here is the increased interest in the peculiarities of the legal education of a person, the formation of his active life position not only in the philosophy of law, but also in a number of other branch sciences. Because one of the main regulators of human behavior is their attitudes. The general factors influencing the formation of legal attitudes include the level of development of public legal consciousness, the system of spiritual values of society, the existing legal system and a number of others, because it is impossible to predict exactly what will affect a person under certain conditions. At the same time, it should be emphasized the great form–forming behavioral and normative potential of these legal attitudes – precisely because of their manifestation in social practice, the behavioral guidelines of mankind are formed and standardization of social relations is carried out,

their normalization and the subsequent norm–designing with norm formation, which are important not only for a particular person (personality), but also for the human community, especially the local society, at the level of which the life of a particular person is realized and all its life intentions, attitudes, interests, needs, aspirations, that is, in fact, its legal status is realized, depending on its legal status.

Hence, the role and significance of the space of local self–government grows significantly, for it is the natural social space of the formation of human attitudes – the sphere of local self–government functions at the level of the existence of a local society, and within it there is, functioning and developing a local human community – a territorial community. It is within the boundaries of a territorial community that man manifests his intentions, producing and realizing his interests, life aspirations and needs, therefore, forming his diverse and multilevel attitudes.

It is interesting here, that in the process of its activity within the framework of the territorial community of person, forms diverse interests and needs that lead to the life of the attitude not only of the legal but also non–legal nature, that is, those that are associated with the realization of social relations that are behind within the framework of regulatory and legal regulation of the state and appear more in the framework of civil society, as the answer of such a society to the abnormal intentions of person.

Consequently, it can be argued that within the territorial community, functioning at the level of local self–government, not only produce regulatory attitudes, but also non–regulatory, the practical implementation of which leads to various consequences – regulatory actions are carried out within the state, at the expense of state–legal regulation and regulation, and have legal consequences, non–regulatory leads to the emergence of social relations, the implementation of relevant interests and needs that have non–regulatory nature and are located within the civil society.

In the process of implementing regulatory attitudes, their concrete actions, a person realizes the rights, freedoms and responsibilities – that is, realizes its legal status. This is a very important conclusion, since it should be understood that concrete actions of a person to realize his legal status, including his constitutional and legal status, are carried out and implemented within the territorial community as its member – a resident of the corresponding territory of the state (regardless of whether the person has or legal status – citizenship, foreignness, statelessness, refugee, etc.) at the level of local government.

Hence, local self-government is the normative space in which the legal status of a person is predominantly realized on the territory of the state (Nenkov&Petrova, 2015; Uteubayev et al, 2018; Nenkov et al, 2016; Petrova et al, 2018a; Nenkov et al, 2017; Koval & Pukała, 2017; Kurmanov et al, 2019).

We believe that a person-citizen comes into direct contact with the state only in a few cases stipulated by the Constitution of Ukraine – in the relationship of citizenship; in relations concerning property and its legalization; in fulfilling the duty to protect the homeland. All other legal relations, one way or another, concern the constitutional and general, sectoral, individual legal status of a person and a citizen – they are carried out within the framework of local self-government.

Moreover, it is within the framework of local self-government that a person experiences the impact of the law, she responds to this influence by developing and forming the appropriate regulatory guidelines in individual, and then group and collective behavior. Therefore, the sphere of local self-government also serves as the main sphere of the human legalization.

The basis of the legal socialization of a person becomes its civic initiative, the activity of a particular person in the use of the rights and freedoms provided. That is, the more active a person is within a territorial community at the level of local self-government, the more active it is in the use of their rights and freedoms – and, therefore, it is more socialized within the framework of

understanding the law, which is aware of its normative content and the possibilities of using it to solve its interests, achieve its vital (existential) aspirations, and fulfill its needs.

Considering on:

- a) The local nature of the manifestation and formation of intentions, interests, aspirations, human needs.
- b) The possibility of the immediate implementation of regulatory systems within the local society.
- c) Finding on the same local level an appropriate material or ideal product or service to satisfy the intentions, interests, aspirations and needs of a person — it is local government that is the most optimal place for legal socialization of a person.

The legal activity of citizens can be defined as an energetic activity in the field of law and legal relations. At the same time, many representatives of legal doctrine determine the presence of not only positive, but also negative features in such activity. We believe that in this way specialists place emphasis on the purely psychological, internally determined nature of such a person's legal activity, which can lead to negative consequences, in the form of relevant offenses that are associated with fetish rights, abuse of law or legal nihilism (Strielkowski et al, 2017).

At the same time, it should be noted that the positive legal activity of a person is characterized by a number of criterion indications that are directly related to the sphere of local self-government, and which include the following:

- Firstly, it should always be free lawful behavior. Freedom to choose the options for such behavior is a necessary condition and an inalienable property of a person; moreover, only if it is possible, the normal existence of the individual, the disclosure of all its creative possibilities. Such a state of freedom is formed and realized only in the conditions of local self-government, which acts as a powerful stimulus of democratic legal statehood.

- Secondly, the analyzed category is characterized by active interaction with the law, which manifests itself in the systematic participation in the law-making activity of public power through the realization of each of its subjective right to elect and be elected. The presence at the level of local self-government of all possible models of democratic participation of a person in the management of social affairs through the mechanisms of direct, representative, participatory, deliberative, aggregate and agonistic democracy actively influences the collective consciousness of members of a territorial community and forms the corresponding level of their legal socialization.
- Thirdly, legal activity consists in psychological readiness for realization of the right at the level of the formed positive setting. Proceeding from the fact that such installations are formed because of communicative interaction within the territorial community, local self-government is an inherent element of the mechanism of legal socialization. Indeed, this element is unthinkable without the presence of a corresponding general and legal culture in the society, legal consciousness, legal education and legal education – all of these elements can only be realized in the local community within the territorial community at the level of local self-government.
- Fourthly, legal activity is closely related to the axiological orientation of law – therefore, any activity of the individual should be compared with universal values. Understanding such values comes first at the stage of socialization of the individual, and then on legal socialization, and again, at the level of local self-government.
- Fifthly, legal activity is unthinkable without the restoration of social optimism by the majority of the population whose loss, unfortunately, is one of the most serious losses of all recent years due to the post-Soviet past and a deep crisis in the economy, politics, ideology, which accompanies the processes of building an independent statehood. Indeed, the restoration in a society of high moral and psychological tone, the revival of people's confidence in the future, the satisfaction of

people with their material position, legal protection, relations with the authorities and local self-government, professional activities, family status, personal health is possible only in the process of general and legal socialization, accompanied by active processes of reforming all spheres of state and social life, which are manifested, first of all, within the framework of the territorial community at the level of local self-government. The successes in these areas will mark the positive level of legal socialization and determine the internal motivation for the social and legal activity of people at the place of their residence within the territorial community (Kopylenko et al., 2018; Gryshova et al., 2016; Adamisin et al., 2015; Geldiev et al., 2018; Petrova et al., 2018b; Petrova et al., 2018c).

Consequently, we consider that the marked signs of legal activity are guiding landmarks in the process of legal socialization, which is carried out primarily within the framework of local self-government.

CONCLUSIONS.

Within the framework of legal socialization, based on the legal activity of a person, the complex and contradictory processes of realization of her constitutional legal and general legal status take place at the level of local government and within the territorial community. These processes are of great constitutive and institutional importance, carrying out a direct influence on the processes of forming legal statehood, creating a liberal-democratic model of the relationship between law and the state, and building a national model of local self-government — and they have a multiplicative effect and effectiveness in the framework of these processes.

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RECIBIDO: 8 de diciembre del 2019.

APROBADO: 18 de diciembre del 2019.