



American Journal of Research in Humanities and Social Sciences

ISSN (E): 2832-8019

Volume 13, | June, 2023

LEGAL CONSCIOUSNESS: STRUCTURE, COMPOSITION AND TYPES

Khakimova Dilnoza

Samarkand State University named after Sharaf Rashidova

PhD Student

ABSTRACT	KEYWORDS
<p>In this article, the question of the consciousness that forms the basis of society and the legal consciousness that has one fear of it is philosophically conceived. A brief pause is made on the content, structure and types of legal consciousness. Today, it is difficult to tassavur a Democratic state with a legal unconscious, for this reason, the study of the essence of the content of legal consciousness is an important issue.</p>	<p>consciousness, legal consciousness, individual consciousness, law, normative, Real, ideas, norms.</p>

INTRODUCTION

Based on the general approaches that exist in modern science, the legal consciousness of young people as a subject of legal relations is the ability to reflect existing theoretical ideas, views, norms, representations, as well as Real processes taking place in the legal sphere.

Today, the problem of consciousness occupies a central place not only in philosophical, but also in the sciences of psychology and sociology. Human consciousness arises as a result of labor in the process of social activity, for this reason it is considered a product of Social Development. It is in the process of Labor, the production of work tools and the process of dealing with nature that a person realizes the properties of objects in the environment, reveals its meaning. Through this, he expresses his attitude towards the environment, people, society and its laws.

Philosophers studied the issue of consciousness, arguing that consciousness is the highest form of reflection of reality, a continuous mental process, both a way of thinking and a way of thinking, a system of relations .

In the history of philosophy, Aries ideas about the human mind were formed. Dj. Locke found that the main purpose of consciousness is to regulate human behavior and activity, while society makes demands on the content of consciousness of each of its members. G. Leibnis proposed the concept of "self-awareness", and E. Durkheim, on the other hand, spoke of the existence of a " public (supra-individual) mind". T. According to gobbes, the formation of consciousness occurs in the process of communication with other people. Hegel observed the development and transformation of consciousness in the process of anthropogenesis and emphasized the need for practical activity to form it. French materialists recognized the integral connection of consciousness with its biological substance — the brain-and argued that the main function of consciousness is an adequate reflection of the surrounding reality ¹.

¹ <https://cyberleninka.ru/article/n/pravovoe-soznanie-struktura-soderzhanie-vidy/viewer>

Legal consciousness is the attitude of people towards law, based on knowledge of law and emotions. That is, the subjective perception of legal phenomena. It is one of the forms of social consciousness, which is a system of legal views, theories, ideas, ideas, beliefs, assessments, moods, emotions that express the attitude of individuals, social groups, the whole society to the existing and desired law, legal phenomena, behavior. people in the field of law. Legal consciousness is a set of ideas and feelings that represent the attitude of people to rights and legal phenomena in social life.

Legal consciousness is a set of ideas, theories, feelings, emotions, views, moods, attitudes and values that represent people's attitudes towards law and legal phenomena. Legal consciousness is one of the forms of social consciousness. Legal consciousness is closely related to other forms of social consciousness – moral views, political views, philosophical concepts, ideological theories, reflecting national, religious, everyday and other characteristics².

The social basis of law is the recognition of the autonomy of the individual, individual freedom. Understanding law as a measure of freedom, a form of freedom in Real relationships, shows the possibility of revealing the priority of the human personality in the complex structure of social phenomena³.

L.I.Petrazhisky's contemporaries put forward ideas about the social and socio-psychological roots of law. S.A.Muromsev system of social protection of law, N.M.Korkunov, on the other hand, distinguish the interests of people, B.I.Sergeevich understood as the harmony of a certain complex of social phenomena. Sergeevich believes that the law should be considered in connection with religious beliefs, church dogmas, folk morality. He laid the foundations for legal fetishism, as he proposed linking modern law with past legal institutions. E.N.Trubeskoy opposed a certain legal ideal for real law, the development of which constitutes the profession of the era⁴.

It should be borne in mind that social classes and individuals have a certain sense of Justice corresponding to their interests. “Legal consciousness is one of the forms of social consciousness of a particular class (in sociology. society in the era of large-scale construction of communism-the whole people), eventually conditioned by the material life conditions of this class (the whole people)”⁵.

Development of society, N. M. According to korkunov, it is determined not by ideas about the past and the present, but by ideas about the future. The formation of the ideals of the future device is only a mental phenomenon. The more Society developed its ability to create ideals, including legal ones, the more progressive it is. Law was understood as one of the highest values of human life⁶.

Legal consciousness is the basis of the legal life of civil society. In the life of the state, socio-political, economic and cultural factors influence the formation and development of legal consciousness as one of the forms of social consciousness. Legal consciousness is knowledge of the law, assessment of the current law, thoughts and ideas about the necessary changes in the law. Legal consciousness also acts as a means of influencing the entire legal system of the state. A person born in society studies the

² Жигарев Е. Последствия социализма как причина кризиса духовности и нравственности в обществе // Право и жизнь. Жигарев Е., Жеребенков В. 2003. №2. С. 18-20

³ Борисова Е.К. Возраст как один из признаков субъекта преступления // Наука, образования и культура. Научно – методический журнал № 5 (40), 2019. – Москва: Издательство «Проблемы науки», 2019. С. 93- 95.

⁴ Медушевский А. Н. История русской социологии. М., 1993. С. 212–225.

⁵ Zatonkiy V.A. The legal activity as a qualitative condition of legal life / V.A. Zatonkiy // Legal policy and legal life. - 2003. - №3. - P. 6-14.

⁶ Кареев Н. И. Основы русской социологии. СПб., 1996. С. 123–142.

values created by all previous generations in the process of socialization, therefore, in the process of historical development of society, legal consciousness is objectified.

I.A.Ilin about the sense of Justice is as follows. In his famous work "on the essence of legal consciousness", he writes that "normal legal consciousness can be described as a special way of life in which the soul lives, objectively and faithfully experiences the law in its basic idea and in its individual modifications (institutions)"⁷. And then he adds: "This mental life system is, of course, an ideal thing, but not in the sense that this "ideal" is impossible. On the contrary, this way of life has already been given to each of the people and it depends on each of us to understand, develop and strengthen in ourselves"⁸.

In the last decade of the twentieth century, the problem of disagreement of normative and Real legal consciousness became more acute. The first to pay attention to this fact were sociologists and social psychologists. So, O.A.Gulevich was born to French social psychologist S.In accordance with the concept of social representations developed by Moskovisi, the legal consciousness of his students was researched. He studied social ideas about crimes and their interrelationships. Legal consciousness o.A.As one of the phenomena of social cognition, Gulevich is understood as "knowledge of the social world, knowledge of the everyday reality of his own life by an ordinary person, an ordinary person"⁹. Socialization of law. It is the process of mastering and organizing ideas and knowledge about the legal system in the human mind, the formation of behavioral skills corresponding to the norms of the law. Content of legal socialization of the individual:

1. Ability to independently select, analyze and evaluate legal information;
2. The inherent qualities of a person, their commonality, make a person persistent, aware of his actions, able to fight for his rights without violating the rights and freedoms of other people;
3. Preparation for the protection of a certain social thought and one's own position.

In the process of socialization of law, a person develops a sense of Justice.

The content of legal consciousness. Legal consciousness is a system of views, ideas, assessments of people or an individual about the current law and how it should be. In the legal mind, it is also necessary to highlight such an important moment as a person's understanding of himself as a full-fledged bearer of rights and freedoms or a person who is violated, limited in some rights and freedoms. Legal consciousness affects legal activity, that is, the actions of a person in order to protect their rights and freedoms.

There are several perspectives on the content of legal consciousness. Thus, some authors include legal norms in it, since they are formalized elements of legal consciousness. The normative nature of law is one of the important aspects of assessing the quality of this social phenomenon. At the same time, law is understood as a special type of social legal relations. The relationship between legal consciousness and law is complex. On the one hand, legal consciousness precedes the law, since the other represents the views and attitudes that exist in society. On the other hand, the legal system developed in this society serves as one of the most important factors affecting legal consciousness.

⁷ 5. Martyshin O.V. The moral basis of the theory of state and law / O.V. Martyshin // State and law. - 2005. - №7. - P. 189

⁸ 5. Martyshin O.V. The moral basis of the theory of state and law / O.V. Martyshin // State and law. - 2005. - №7. - P. 189-190

⁹ Гулевич О. А. Теоретический анализ и опыт эмпирического исследования правосознания как системы социальных представлений о преступлении // Мир психологии. 1999. № 3. С. 120–131.

Given the structure of legal consciousness, they usually talk about legal psychology and legal ideology, which have a simple and theoretical legal consciousness. Ordinary legal consciousness is inherent in people in their ordinary practical life (legal psychology). In everyday consciousness, rational and emotional spheres are distinguished. In the rational sphere, the results of a person's personal, individual experience are collected. The emotional sphere is a psychological attitude to the facts of legal reality, manifested in emotions, mental experiences, relationships. However, ordinary legal consciousness does not go beyond the individual experience, so it seeks to a greater degree of generalization of objective social laws defined in its development, i.e. is theoretical. In theoretical legal consciousness, there are three layers: professional legal consciousness of lawyers, real legal theory and legal ideology. Theoretical legal consciousness is the same as a system of scientific concepts that morally reproduce the current and developing legal system.

There are different types of legal consciousness, which can be classified according to several grounds: Structure (Legal ideas and legal feelings), level (scientific, professional, everyday), subjects (mass, group, personality), etc. The consciousness of society includes legal ideas, views, opinions, theories that exist in a particular society and reflect the typical characteristics of its legal reality.

Thus, scientists turn to the main elements of legal consciousness: ideas about law, norms of law and employees of law enforcement agencies, motivation to work in these bodies, legal attitude (attitude to the law), self-realization as a full-fledged carrier of rights and freedoms. Legal consciousness includes legal psychology and legal ideology.

In the most general sense, legal consciousness is the attitude of people towards law. Legal consciousness is a system of values that, along with moral standards, regulate the behavior of members of society. One of the important components of legal consciousness is the awareness of people about the values of Natural Law, Human Rights and freedoms, and at the same time the current positive law, how it responds to the needs of society, its perception of legal and universal ideals and values¹⁰.

I.A.Krasnopolsky studied legal consciousness within the framework of socio-psychological research of the jury trial, finding that the idea of Justice penetrates into legal consciousness and is its core. Social justice must be considered in three ways: distributive justice, procedural justice, and motive justice, such as belief in a just world. The legal consciousness of judges, from its point of view, should become a real subject of research¹¹.

Thus, a positive attitude towards law can manifest itself not only in the form of legal realism, but also as a form of legal idealism, legal conformism and legal fetishism. The negative attitude towards the law is manifested in the form of legal skepticism, legal cynicism and legal nihilism.

List of References Used:

1. Beznosov D. S. Consciousness: attitudes, relations, norms. SPb., 2007. C. 3-15.
2. Zhigarev E. Consequences of Socialism as a Cause of Crisis of Spirituality and Morality in Society // Law and Life. Zhigarev E., Zherebenkov V. 2003. №2. C. 18-20
3. Borisova E.K. Age as one of the signs of the subject of crime I// Science, education and culture. Scientific and methodical journal № 5 (40), 2019. - Moscow: Publishing house "Problems of science", 2019. C. 93- 95.

¹⁰ Митькин А. А. О роли индивидуального и коллективного сознания в социальной динамике // Психология сознания / Под ред. Л. В. Куликова. СПб., 2001. С. 358–374.

¹¹ Романов В. В. Юридическая психология. М., 1994. С. 253–254.

4. Medushevsky A. N. History of Russian sociology. M., 1993. C. 212-225.
5. Zatonkiy V.A. The legal activity as a qualitative condition of legal life / V.A. Zatonkiy // Legal policy and legal life. - 2003. - №3. - P. 6-14.
6. Kareev N. I. Fundamentals of Russian Sociology. SPb., 1996. C. 123-142.
7. Martyshin O.V. The moral basis of the theory of state and law / O.V. Martyshin // State and law. - 2005. - №7. - P. 189
8. Gulevich O. A. Theoretical analysis and experience of empirical research of legal consciousness as a system of social representations about a crime // Mir psichologii. 1999. № 3. C. 120-131.
9. Mitkin A. A. A. On the role of individual and collective consciousness in social dynamics // The psychology of consciousness / Ed. by L.V. Kulikov. SPb., 2001. C. 358-374.
10. Romanov V. V. Legal psychology. M., 1994. C. 253-254.<https://cyberleninka.ru/article/n/pravovoe-soznanie-struktura-soderzhanie-vidy/viewer>.