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## SPONTANEOUS LEGAL SOCIALIZATION AND LEGAL EDUCATION: THE VERGE OF CORRELATION

For a successful functioning within a social group or society as a whole, a person must acquire a certain set of psychological mechanisms, knowledge, patterns of behavior, values, to acquire certain skills, habits, skills. The relevant knowledge, skills, habits of social interaction can be formed spontaneously – by perceptions of the most commonly encountered typical situations, in which the corresponding behavior is socially endorsed or condemned, and through formal, purposeful educational processes.

Law, as a type of social regulation, directly affects the processes of socialization, orienting individuals in a multidimensional social reality. Mastering the legal culture of society and socio-legal experience allows the subject to fully engage in legal communication, legal relationships, navigate in legal reality. In turn, the formation of a legal culture, raising the level of legal awareness and legal thinking in many respects depend on the processes of legal socialization and legal education. Although legal socialization and legal education have been actively investigated in jurisprudence over the past decades, scientists have so far failed to form an unambiguous picture of the correlation between these phenomena. Attempts to understand the relationship of legal socialization and legal education, the role of spontaneous and purposeful components of legal socialization of the individual, the relationship between spontaneous legal socialization and legal education leads to a misunderstanding in their

understanding of the significant divergence of positions of scientists on these issues. This complication of perception, in our opinion, is associated with the process of uncritical transfer of the legal heritage from the 70s of the previous century to modern scientific and educational legal literature. Thus, the theoretical development of the category of "upbringing" was carried out within the limits of pedagogy, psychology, and philosophy of the Soviet period, first moving to the Soviet theory of law, and then into modern legal teaching aids. However, legal education was previously considered in isolation from legal socialization. Currently, "legal socialization" and "legal education" occupy a key place in the categorical apparatus of jurisprudence. They are closely interrelated and are considered in the aspect of achieving close tasks. That is why studying their relationship is relevant and well-founded.

In theoretical literature today there are several approaches to the correlation of legal socialization and legal education. Proponents of the pedagogical concept, as a rule, determine legal socialization along with individualization as elements of the process of legal education, its mechanisms, which determine the content and methods of collectivist and individualistic education respectively. In this case, legal socialization ensures the entry of man into the community, groups and life in them, socializing its activities, means of work, lifestyle and thoughts. As a result, this person is formed as a representative of classes, other social groups



of social strata, as a carrier of a certain type of legal culture and a certain level of legal consciousness [1, p. 19–20]. Some scholars consider legal education and legal socialization as different, but closely related processes, legal education, while related to legal influence, and legal socialization – with the perception of the individual of this influence [2, p. 526] and its inclusion in the system of legal relations in society [3, p. 112]. Yes, O.P. Dzoban and Y.M. Manuilov defines legal education as the only real effective means by which the process of influencing on the individual and group level on the social environment, which defines legal needs and guidelines at the micro level, directs and thus determines the processes of legal socialization [4, p. 416]. Legal education, in this case, is considered as a means of legal socialization. Legal education can be understood in a broad and narrow sense. In a broad sense, it is a long-term process of influencing law-consciousness and legal culture, which includes the influence of the structure of social life, the current legislation, legal practice, the moral atmosphere and traditions of society, education and social education. In this sense, legal education is actually identified with legal socialization. In the narrow sense, legal education is a special, organized, purposeful impact on the person's legal consciousness, on raising the level of legal culture of man, group of people, society as a whole [5, p. 231]. In this case, legal education is an integral part of the process of legal socialization. This approach allows one to distinguish spontaneous and purposeful legal socialization, where the latter will be a legal upbringing [6, p. 32]. The relation between legal socialization and legal education, both between the whole and the part, is dominant today in academic and scientific literature.

Recognizing the distinction between legal education within the framework of legal socialization, it should be noted that the criteria for such a distinction are not clearly defined, and often, at the the-

oretical level, these concepts are mixed. It is thought that an important criterion in distinguishing spontaneous legal socialization and legal education is the specifics of the subjects of the educational process. Purposeful, systematic influence on the objects of education (individuals, social groups, society as a whole) can be carried out by a certain circle of subjects. Among the subjects of legal education are state bodies, public organizations, social groups, officials and citizens, who direct their activities to the development and implementation of activities related to legal education.

Note that in spontaneous legal socialization, subjects influencing the psychosocial evolution of a person are defined as agents. For example, V.M Gulyain distinguishes five main agents of legal socialization, which play the most significant role in modern society. He refers to them: 1) a family in which, through socio-economic transformations, the negative tendency of reducing the traditional role of the father, which personified the order, discipline and law of the child, is increasing; 2) a school fulfilling the social order of the state on legal education and training of the younger generation; 3) the environment of peers who often “experiment” with the law and therefore are in opposition to parents, school and state legal policy; 4) media that play a controversial role on the one hand, an important institution of legal education, but, on the other hand, because of its desire for commercial success to replicate the scenes of violence, lawlessness and fear, adversely affect the human consciousness; 5) public organizations that act as institutions of civil society, and have a significant impact on the processes of formation of the right culture of citizens [7, p. 143–149]. Characteristically, unlike the subjects of legal education during the consideration of legal socialization to clearly distinguish a specific list of subjects of influence is problematic, one can only talk about agents of legal socialization. This is due to the peculiarity of the factors



influencing the process of socialization, which include, including: the mental peculiarities of society; system of legal traditions; understanding of own mistakes and events of your experience, both positive and negative; life experience of people who are around; own abstract ideas of a person about the right, state, society, etc. [2, p. 524].

It should be noted that during the spontaneous legal socialization of a person, the individual is the subject, because the acquisition of social qualities for a person is a vital condition of its existence, it is, so to speak, “in its interests”. Man acts as an active participant in the process of socialization. In the process of the same legal education, the individual is regarded as an object of legal activities from the side of society, to those “who are educated” [1, p. 23–24].

Legal education is usually defined as the consistent, systematic and purposeful legal impact on the individual, social group and society with the help of special forms, means and methods with the purpose of assimilation of their legal knowledge, raising their level of legal awareness and legal culture, and developing an orientation towards a socially active lawful one. behavior [8, p. 113]. At the same time, objects of legal influence are not only individuals, but also individual social groups and society as a whole. Legal socialization as a process of entering into the legal life of a society or a community of people concerns exclusively individual individuals.

Concretization of subject-object relations in legal education, in contrast to spontaneous legal socialization, provides for the possibility of a clear theoretical elaboration and practical implementation of the principles and methods of legal education. In legal literature, the principles of legal education are divided into general and organizational-functional. The general principles include: objectivity, locality of the mechanism of legal education, concreteness, scientific, legality, publicity. To organizational-functional – rational organization, complex-

ity and co-ordination of the mechanism of legal education, feedback, personification, organization of the mechanism of legal activities, selection and placement of personnel. Methods of legal education – a collection of methods and methods of legal activities that ensure the implementation and achievement of the goal of legal education. These include convictions, punishment, visibility, a positive example, the resolution of legal incidents, encouragement, criticism and self-criticism, imitation, etc. [1, p. 32–35, 38].

Unlike targeted legal socialization, that is, legal education, spontaneous legal socialization is associated with the influence of uncontrolled processes, therefore, an individual can acquire not only samples of proper behavior, but also those that are not desirable, but are distributed in a particular social environment, perceiving them mistakenly as proper. This is the so-called “association”, which is defined as the process of assimilating certain anti-social, and social norms, principles, negative roles, attitudes, stereotypes of behavior which objectively lead to deformation of social ties, to the destabilization of society [9, p. 55]. Legal education can not be a negative a priori, except for antidemocratic or totalitarian regimes, when the system of legal influence is constructed and implemented contrary to the basic ideas and principles of law.

In the theory of legal education, traditionally distinguish forms of legal education, as specific ways of organizing the educational process. Today, the main forms of legal education are: legal training, legal propaganda, legal practice, the immediate realization of law and legal self-education [2, p. 522–523]. Legal studies, legal propaganda and legal self-education are a systematic and purposeful process of influence of subjects on objects of legal education (the feature of self-education is that the subject and object of legal influence will be one and the same person). Legal practice and direct realization of the right have





no relation to legal influence, clear consistency and purposefulness. In fact, due to legal practice and the immediate realization of the right, influence on the legal consciousness and legal behavior takes place through the accumulation of legal experience, knowledge through the perception of the relevant legal information on the activities of law enforcement bodies, through the participation of individuals in law enforcement activities, through independent legal actions, compliance with prohibitions, use of permits, performance of duties. In this case, to a greater extent, we are talking about the means of spontaneous legal socialization, than the forms of legal education.

Another aspect of legal education and spontaneous legal socialization is the goal.

Legal literature expresses different points of view on the goals of legal education. It is believed that legal education is aimed at: 1) assimilation of legal knowledge, the development of legal beliefs, the formation of a respectful attitude to the legal requirements and the need for their observance; 2) instilling the skills of lawful behavior, creating a habit of observance and enforcement of legal norms; 3) the transformation of political and legal ideas and requirements of the right to personal convictions of citizens; 4) formation of socially active personality in the legal sphere [10, p. 256]. Often, the process of legal education is divided into certain stages with their own tasks and goals. At the first stage there is an accumulation of legal knowledge, legal information (the immediate goal). The second stage involves the transformation of the accumulated information into legal beliefs, habits of lawful conduct (intermediate goal). At the third stage, there is a willingness to act, guided by legal convictions (the ultimate goal) [10, p. 260; 11, p. 178]. All of these tasks and goals are manifestations of the legal culture of the individual. As a result of the analysis of various interpretations of the goals of legal education, the following conclusion is typical: “the purpose

of legal education is to lay the foundations of the legal culture of the sprouts” [10, p. 260]. With the fact that the strategic goal of legal education is the formation of a legal culture, many specialists in legal education agree. It is no coincidence that in most definitions of legal education, this goal is highlighted as the most important [2, p. 522; 6, p. 69; 11, p. 178].

Socialization is the process of gradual inclusion of the individual in the social life of society. Legal socialization, respectively, represents the process of inclusion of the individual in the system of legal relations of this society [3, p. 112], i.e. entering into legal life. Accordingly, the objectives of legal socialization are defined through the categories of adaptation, integration, and identification. However, this approach does not give an idea of the mechanism of legal socialization, does not allow to answer the question: what makes it possible to enter into legal communication, which defines a line of legal behavior of a person and allows him to be a full member of society.

Legal socialization, like socialization in general, is often viewed through the category of “experience”. For example, socialization is “the process of assimilating and further developing an individual’s socio-cultural experience: labor skills, knowledge, norms, values, traditions accumulated and transmitted from generation to generation, the process of incorporating an individual into a system of social relations and the formation of his social qualities” [12, p. 441]. Y.M. Oborotov determines legal socialization, as a continuous process of formation of individual legal experience on the basis of assimilation and transfer of social and legal heritage (experience), succession in the law [6, p. 31–32]. It is emphasized that socialization in the first place contributes to the transfer of experience from generation to generation, which gives people the opportunity to interact with other people.

If you turn to the category of legal experience, in spite of the obvious signif-





icance of using the jurisprudence of this category, its theoretical development in the legal literature is practically absent. Fragmentary attempts to characterize one or another party to the legal experience most often related to individual (objectified) his parties. For example, as separate aspects of legal experience are considered the outcome of legal practice, legal traditions, accumulated in society, normative material, etc. The personal legal experience is defined as the system of legal “scripts” that are kept in the long-term memory of an individual, reflecting the social-legal situations of real reality, as well as the fixed knowledge, skills, skills, habits, etc. acquired by it in the process of education, education and practical activity [13, p. 5]. Analyzing this definition, V.M. Kartashov examines legal experience as a summary of human rights processes. He notes that legal experience “is formed throughout the life of a particular person in the process of its socialization, as a result of communication with other actors and the independent exercise of legally meaningful behavior. Man, taking part in different legal relationships, acquires new knowledge, develops and sharpens legal skills and abilities” [13, p. 5]. In his opinion, having sufficient personal legal experience, the subject not only knows precisely the purpose and tasks of legal activity, but it can also clearly determine how in a particular situation it is possible to influence the object of regulation most effectively and efficiently in order to obtain the necessary result. The essence of experience is to accumulate the most expedient, instructive and useful for the social and legal life of information, which is fixed in the memory of the individual [13, p. 5–6].

S.I. Maksimov and S.B. Zhdanenko views through the legal experience the stages of the mechanism of legal socialization. First, it is a translation of social and legal experience from society to the individual. This experience consists in the assimilation of a person of a set of knowledge about cultural and legal norms and values, types of legal behav-

ior, both socially preferential and deviant, such as are contrary to social norms. It includes not only conscious, purposeful, controlled effects, but also spontaneous, spontaneous processes that have a direct and indirect effect on the development of personality. Secondly, subjectivity, that is, comprehension and assimilation of the cultural and legal experience of the individual (such a process is called internalizations). At this level, a comparison of the cultural and legal experience perceived from the social environment with its own personal values and legal guidelines, its filtration is carried out. As a result, some of the acquired knowledge, transforming, is transformed into internal regulators of justice and behavior, while the other part may be rejected categorically or neglected. Thirdly, objectivization of the personality of the individual experience of social and legal actions. Here we are talking about the fact that acquired and assimilated legal knowledge, skills, habits, etc. appear in the activity of the subject of law, in his relations with other subjects [1, p. 20–21].

Thus, it can be argued that if the purpose of legal education is the formation of a legal culture, then the purpose of legal socialization of the individual, its key task is the formation of individual legal experience.

The article deals with variants of the correlation of legal socialization and legal education. An understanding of legal education as part of legal socialization is offered. The main features of the elemental and purposeful (legal upbringing) legal socialization are highlighted.

**Key words:** legal socialization, legal education, legal culture, legal experience, aims of legal education, goals of spontaneous legal socialization.

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tures of the elemental and purposeful (legal upbringing) legal socialization are highlighted. Special attention is paid to the analysis of the strategic goals of these phenomena. It is concluded that if the purpose of legal education is the formation of a legal culture, then the purpose of legal socialization of the individual, its key task is the formation of individual legal experience.

У статті розглянуто варіанти співвідношення правової соціалізації і правового виховання. Запропоновано розуміння правового виховання як частини правової соціалізації. Виділено основні грані співвідношення стихійної й цілеспрямованої (правове виховання) правової соціалізації.

В статье рассмотрены варианты соотношения правовой социализации и правового воспитания. Предложено понимание правового воспитания как части правовой социализации. Выделены основные грани соотношения стихийной и целенаправленной (правовое воспитание) правовой социализации.

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