

Interest as a Structural Component of Individual Legal Consciousness

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Abstract:

The article substantiates a position that has not received the support of most scientists: along with feelings, emotions, experiences and other elements of the legal psychology of individual legal consciousness, which reflect the attitude to law, interest is one of the constituent components. The author emphasizes the necessity and prospects of studying legal psychology and its elements, since they are not always of secondary importance in relation to legal ideology.

Keywords:

legal consciousness; legal ideology; legal psychology; interest; feelings; emotions

I. Introduction

The relevance of the designated topic of the scientific article is due to the following circumstances. Firstly, the insufficient attention of domestic theoretical scientists to interest as one of the psychological aspects of individual legal consciousness. Secondly, the role played by interest within the framework of legal consciousness and the subsequent lawful behavior of the individual [1].

II. Research Methods

When preparing a scientific article, the following methods were used:

1. General philosophical (dialectical-materialistic), which is used in all social sciences;
2. General scientific (analysis and synthesis, logical and historical, comparisons, abstractions, etc.), which are used not only by the theory of state and law, but also by other social sciences;
3. Special methods (philological, cybernetic, psychological, etc.), developed by special sciences and widely used for the knowledge of state and legal phenomena;
4. Private scientific (formal legal, interpretation of law, etc.), which are developed by the theory of state and law.

III. Discussion

3.1 The Concept of Interest in the Humanities

In the humanities, the content of the concept of has not received a generally accepted interpretation. The concept of interest is used in philology, philosophy, sociology, economics and jurisprudence. In the context of this article, the interpretation of interest in philosophical science is noteworthy: as the causes of the actions of individuals, social communities (class, nation, professional group), which determines their social behavior.

In the philosophical encyclopedic dictionary, interest is understood as share, share, attraction to something, inclination to something, and interesting is something that excites and holds our attention [2]. In another source, interests (lat. interest - matters, important) are presented as needs that arise in people - individuals and members of various social communities and associations [3]. In philosophical literature, interest is considered in two ways: on the one hand, the concept that characterizes the objectively significant, necessary for the individual, family, team, class, society as a whole; on the other hand (from the point of view of psychology) - a positive emotional attitude towards the object, focusing attention on it [4]. Economists recognize the importance of understanding interest as the relationship of the subject of interest to the surrounding economic, material conditions in order to meet the needs of the subject. The subject interests are determined by his position in social production. "Interest is a historically specific form of the attitude of a social subject to his needs" [5]. Economists consider interest as a means of discovering patterns of stimulation and motivation of business entities. In sociology, social groups appear as the subject of interest, and is analyzed in its relation to interest. Human needs are considered as needs, expressing the necessary connection, the dependence of man on nature and society [6].

To understand the category of interest, psychologists draw attention to the subjective orientation of a person to achieve goals; a prerequisite for the emergence of interest in a person is a need. In psychology, the subject of interest is the personality, its cognitive activity.

3.2 The Concept of Interest in Legal Sciences

In legal psychology, interest is understood as a selective attitude of a person to an object due to its vital significance and emotional attractiveness. Interests arise on the basis of needs, but are not reduced to them. The need expresses the need, and the interest expresses a personal disposition, the desire for some kind of activity. Interests are an active cognitive orientation of a person to a particular object, phenomenon or activity with a positive emotional attitude towards them. The interests of a person are determined by the socio-historical and individual conditions of his life. They encourage people to acquire knowledge, broaden their horizons, make them look for ways and means of in-depth knowledge, overcome difficulties and obstacles [7]. The described views do not contradict each other, since almost all point to the needs of the subject as the basis for the emergence of interest. In jurisprudence, given that the content of the legal relationship is the subjective rights and legal obligations of the parties, the legal relationship is understood as "the need of the subject, which is of a public nature and manifests itself in the activity of establishing, changing, terminating, protecting subjective rights and obligations in legal terms using legal means to achievement of the set goal" [8]. Scientists rightly emphasize that between the need and the act of a person in most cases there is also an interest, which is understood as a person's awareness of both his needs and the general conditions and means that contribute to their satisfaction. Alexander Semenovich Shlyapochnikov argues that "it is the interests that underlie the motivation of an activity, determine its goals, as well as the world of values and orientation inherent in a given person or group of persons" [9].

Vladimir Nikolayevich Kudryavtsev wrote that understanding the essence of interest, which consists in satisfying a need, is not entirely accurate, incomplete, since interest includes an awareness not only of a need, but also of the long and difficult path that must be passed to the stage of its satisfaction. This path depends on the nature of the need, the social status of the individual, external and internal conditions of behavior, and many other factors [10]. Konstantin Yuryevich Totiev notes that "in the literature, by law, one can find a judgment about the existence of a special legal interest (legal interest), which consists in a legal relationship, the

emergence (change or termination) of which the subject of law seeks, as well as in legal facts, on the basis of which this legal relationship arises (for example, in a decision of a jurisdictional body related to a disputable legal relationship)” [11].

3.3 Ignoring Interest as a Component of Legal Psychology

An analysis of the legal literature allows us to state that scientists, as a rule, ignore interest in characterizing legal psychology. The authors believe that psychology develops spontaneously, in the form of moods, feelings, experiences, which reflect the attitude to the current law [12]. Valery Vasilyevich Lazarev and Sergey Vasilyevich Lipen believe that legal psychology is assessments, feelings, emotions, moods of people in relation to legal reality [13]. Elizaveta Alexandrovna Frolova understands legal consciousness as a set of views, beliefs, emotions, moods, assessments in the field of law and the state [14] legal psychology distinguishes assessments, feelings, experiences, traditions, habits, emotions, moods of people in relation to legal reality [15]. A team of authors – Timofey Nikolayevich Radko, Valery Vasilyevich Lazarev and Lyudmila Alexandrovna Morozova - legal psychology includes assessments, feelings, emotions, moods of people in relation to legal reality; and the psychological elements of legal consciousness are understood as an attitude to knowledge about legal phenomena, their emotional perception [16]. Svetlana Vladimirovna Boshno in the content of legal psychology includes feelings, emotions, experiences, moods, habits, stereotypes that people have in connection with existing legal norms and the practice of their implementation [17]. Of particular interest is the position of Vasily Ivanovich Vlasov and Galina Borisovna Vlasova. They interpret legal consciousness in the form of a set of ideas, theories, feelings, views, moods, etc., through which people attitudes to the law in force, in force and desirable are expressed, and legal psychology is understood as a set of feelings, moods, sensations, ideas and illusions, related to legal phenomena existing in society [18].

It should be noted that with a certain originality of the considered position, the authors do not name the interest of the individual as an element of legal psychology. We believe that on the problem under consideration, some authors take an intermediate position, according to which interests are not taken into account as an element of legal psychology, but the connection of the latter with interests is emphasized. For example, Isaac Efimovich Farber wrote that legal consciousness “is a form of social consciousness, representing a set of legal views and feelings that have a normative character and include both knowledge of legal phenomena and their assessment from the point of view of class justice, as well as new legal requirements, reflecting the economic and political needs and interests of social development” [19]. According to Elena Aleksandrovna Pevtsova and Aleksey Gennadyevich Vazhenin, “legal psychology is characterized by spontaneity, connection with personal interests and values” [20]. Vladimir Ivanovich Chervonyuk in his works emphasizes that the legal awareness of reality (legal consciousness) is formed as a result of the legal need of legal interest [21], i.e., a conscious person of the need to use legal means to satisfy existing needs or to perform social and legal (lawful) actions [22]. Vladimir Mikhailovich Baranov, on the basis of an analysis of people attitudes to laws and other normative legal acts, identifies such elements in legal consciousness as informational, evaluative and volitional. With regard to the second component, the scientist argues as follows: having received information about a normative act, a person somehow relates to it, somehow evaluates it, compares it with his own values; on the basis of a person value ideas, the motives of his behavior in the legal sphere are formed; awareness of the value of law by a person contributes to the transformation of law from “foreign”, coming from external forces, from powerful social structures, into “own”, contributing to the solution of the goals and interests of a person [23].

3.4 Interest as a Component of Legal Ideology

In our opinion, it is necessary to support theorists, who are not so numerous, who single out human interests among the psychological elements of legal consciousness. So, Ruman Kharonovich Makuev is convinced that legal psychology is an attitude to law ... including: a set of feelings, emotions, moods, experiences, interests, habits that reflect people attitude to the law in force [24]. Dina Alexandrovna Potopeiko believes that legal consciousness is legal motives and interests [25]. Magomet Imranovich Abdulaev and Sergei Aleksandrovich Komarov believe that legal psychology expresses a psychological attitude to law and legal institutions, as one of its elements they call public interest, the motives for the activities of certain social groups arising from their place in the structure of society; [26]. The issue of the structure of legal consciousness was solved in an extraordinary way by Elena Andreevna Lukasheva, supported by other authors [27], who differentiated it into four groups of elements. The first includes a socio-psychological mechanism, which is a link between the economic factor and the activities of social groups and individuals, determined by objective needs, public interest, will, purpose, motives of activity. The second group consists of relatively stable elements of social psychology - habits, traditions, prejudices, beliefs. The third group is dynamic, moving elements: feelings, moods, affects. The fourth group - methods (mechanisms) of the formation of social psychology: influence, mutual influence, imitation, suggestion, infection, etc. The internal connection of these elements gives a relatively complete idea of the structure of social psychology to some extent [28]. We believe that in the position presented by the author regarding the elements of legal psychology, attention is drawn to the hierarchy of groups of elements and the allocation of interest as a component of the first group. The position of Rustam Suleimanovich Bainiyazov deserves attention: in legal psychology, internal and external legal motivation should be distinguished. The first one appears in the form of legal goals, needs, interests, motives, desires, aspirations, etc., immanently inherent in the individual, while the external one includes requirements and instructions emanating from the legal environment around the person [29]. The Russian writer and publicist Georgy Vladimirovich Pryakhin writes: "Now is the time for interests. Interests are much more capable, vital, live longer. Interest is interest, it drives everything [30].

3.5 On the Dominance of Legal Psychology in Relation to Legal Ideology within the Framework of Individual Legal Consciousness

We believe that the allocation of interests in the system of psychological elements of legal consciousness is quite justified, since it is they that determine the direction of the individual legal consciousness. Interest, in conjunction with other elements that form legal psychology, in legal consciousness is of a primary nature, since psychological elements arise before legal ideas. Interests, will, purpose, motives of activity, other psychological elements of legal consciousness permeate the process of realization of law, the mechanism of legal regulation as a whole, since all this is carried out, put into practice through the volitional activity of people who have their own interests and goals, guided by appropriate motives. Speaking about legal psychology as an assessment of the existing and desirable law, which is expressed in the form of emotions, clichés, stereotypes, and other psychological characteristics, Anatoly Borisovich Vengerov drew attention to the fact that the psychological structures of legal consciousness play a significant role in the formation and implementation of law. Approaching this problem dialectically, the scientist wrote: "This is either a powerful factor in legal development, progress in democratic transformations, or a brake, resistance to transformations and reforms. Moreover, the psychological structure is to a decisive extent formed by national psychology" [31]. Vitaly Viktorovich Sorokin, considering the problem of legal consciousness in a transitional society and paying attention to its psychological profile, writes: understanding of legal consciousness as an internal component of a changing legal system makes it possible to theoretically analyze the

deterministic connections between the goals and results of transitional legal development, to reveal the nature of the inclusion of consciousness, feelings of subjects in them rights. At the same time, attention is drawn to the fact that in the legal consciousness of a transitional society, a general conscious-psychological background, the spiritual climate of the legal system, accumulates [32].

Clarification of the concept, essence, social value, the role of legal feelings, emotions, moods and other elements of legal psychology is one of the promising areas for the development of the general theory of legal consciousness, since the psychological aspect of legal consciousness does not always play a secondary role in relation to legal ideology. This is most clearly manifested in the course of the implementation of regulatory legal acts. As Rustam Suleimanovich Bainiyazov writes, “there is a clash of legal ideology, legislative will with ordinary legal consciousness, with the mass psychology of citizens. Citizens do not always accept and understand laws, as well as the social significance of a normative act, since the latter may not correspond to the immanent legal expectation of people”[29]. It is not necessary, in our opinion, to identify legal psychology with ordinary legal consciousness, since the latter, to one degree or another, contains ideological elements (knowledge of law, its understanding, etc.), which are formed through official and unofficial channels, including through contact with various aspects of legal reality.

IV. Conclusion

In conclusion of this article, it should be emphasized that it can contribute to the further development of the general theory of legal consciousness be an impulse for future researchers of this complex phenomenon. Moreover, one should once again focus on the fact that a very significant group consists of scientists who should be supported, giving priority not to legal ideology, but to legal psychology. So, Svetlana Vladimirovna Boshno, speaking of the latter, argues that this is “the deepest sphere of legal reflection, hidden from direct perception, which ... gives such types of individual and mass reactions to law, legislation, which are able to cardinaly determine the success or failure of certain legislative programs... Ignoring legal psychology in the legal policy of the state more than once turned into a failure for certain state events ... [17]. Noticing that “the ideological structure of legal consciousness is sometimes created artificially”, and the psychological one plays a significant role in the formation and implementation of law, Anatoly Borisovich Vengerov believed that “it is either a powerful factor in legal development, progress in democratic reforms, or a brake, resistance to transformations, reforms” [31]. Focusing on the fact that psychology directly reflects the daily needs and character of people [33; 34], it is noted in the literature that this distinguishes it from legal ideology, which can be divorced from everyday ideas, indirectly reflects the needs of the development of society and law [35].

Vyacheslav Nikolaevich Zhukov substantiates the dominance of legal psychology in the structure of legal consciousness from a slightly different position, saying that ... legal psychology is a more significant part of legal consciousness than legal ideology. In justifying this provision, it is emphasized that “such a ratio is determined by the simple fact that the animal life of a person is primary in relation to his spirituality” [36]. One can also agree with the position according to which “legal psychology, arising under the direct supervision of the surrounding legal (state-legal — Vladimir Valentinovich Kozhevnikov) reality, is the first, the beginning of the empirical stage of legal consciousness”, because “it is from this level that the awareness of legal (state-legal) reality begins.” -legal-Vladimir Valentinovich Kozhevnikov) reality, initial acquaintance with it” [37].

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