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# Sociological Foundations of Legal Education and Legal Communication... as Mechanism for the Formation of Communicative-Legal Culture of a Person in a Modern Social and Cultural Society

## Abstract

The article is devoted to the consideration of sociological foundations of legal education and legal communication as mechanisms of the formation of communicative-legal culture of a person in a modern social and cultural society.

The analysis of the formation of the system of legal education in various periods of the development of a sociocultural society, starting from the XVIII century, is presented. During this period, the Slavic-Greco-Roman Academy introduced a course entitled "The teachings of justice, both spiritual and worldly", the implementation of which involved the application of various Western legal literature in practice; this required skills to translate law books into Russian, in other words communication skills in the legal field. It also indicated that the atmosphere of spiritual crisis caused by various systematic transformations at the end of the XX century, that is, reforms, affects the level of a modern educational system. Various courses in legal education are described, during which the formation of communicative and legal culture of an individual takes place.

In addition, the paper notes practical recommendations that contribute to the formation of communicative and legal culture (legal propaganda in the process of communication; legal training and education by means of language and speech; legal communication practice; communicative and legal self-education and re-education through communicative dialogue in the legal field).

To summarize, there are conclusions that legal education and legal communication positively influence the formation of a person with communication and legal culture, that is, the basis for building a democratic legal country, a socio-cultural society.

**Keywords:** communication and legal culture; law and communication, legal information, legal communication and legal education, legal training and education; sociology of communication; sociology of law; sociology of culture.\*

## Relevance of the Research

In modern conditions of the globalization and transformation of the society, characterized by low level of its legal culture, manifested in an intolerant attitude towards the subjects of legal interaction, legal nihilism, legal illiteracy, the development of the basics of legal communication is becoming increasingly important, since the success in solving various kinds of communicative-legal tasks and goals is only possible if you have communication skills.

The aim of the research is to study the foundations of the formation of communicative and legal culture of an individual through legal education and legal communication in a modern society.

## Research Methods

The study includes a theoretical analysis and generalization of literature on the research problem, as well as some practical recommendations that contribute to the effective formation of communicative and legal personality culture based on the material studied.

## Statement of the Main Material

The formation of the basics of legal communication is possible through educational activities, in particular legal education at educational institutions of various levels, as well as by means of legal informatization by state authorities, public and religious associations, media and other legal education organizations, called upon to bring information to citizens about the rights and obligations of an individual.

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Education is an institution that reproduces spiritual, moral, ethical and legal values. For this reason, the entire educational system is designed to spread and instill these values as fundamental into the consciousness of a modern sociocultural society.<sup>1</sup>

Modern education, being a cultural tradition, is an integral system, including the reproduction of spiritual values using specific educational and educational tools and methods (Zubova, 2010, p. 130).

Famous Russian teacher K.D. Ushinsky singled out the formation of spiritual and moral qualities and the entry of a person into the atmosphere of spiritual values as the main goal of education. This process, in his opinion, is possible through spiritual practice and moral activity (Ushinsky, 1950, p. 494).

From the philosophical point of view, education has several functional orientations:

1. integration of a personality in the modern world;
2. acquisition by a person of his own image;
3. reproduction of spiritual and moral principles.

Based on the above, it is possible to highlight the philosophical meaning of legal education in the context of the development of legal culture and the formation of the foundations of legal communication, which includes:

1. integration of an individual in the communicative, legal and political world of laws and legal norms;
2. knowledge of the value component of law and communication in a modern democratic society;
3. acquisition by a person of his own status as a citizen;
4. reproduction of spiritual and moral relations in a society.

The formation of the system of legal and communicative education, which is one of the main mechanisms for the formation of the communicative and legal culture of the population, dates from the oldest period in the development of a society. Thus, at the beginning of the XVIII century, legal education began developing. During this period, the Slavic-Greco-Roman Academy introduced a course entitled "The teach-

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<sup>1</sup> Federal Law "On Education in the Russian Federation" dated December 29, 2012 No. 273-FZ (as amended on July 26, 2019). Article 5. item 1. Meeting of the legislation of the Russian Federation, 12.31.2012, No. 53 (part 1), Art. 7598. [online] Available at: *Official'nyj internet-portal pravovoj informacii*. URL: <https://base.garant.ru/70291362/4c3e49295da6f4511a0f5d18289c6432/> (accessed: 20.09.2019) (in Russian).

ings of justice, both spiritual and worldly” (Kukushkina, 2018), the implementation of which involved the application of various Western legal literature in practice; this required skills to translate law books into Russian, in other words, legal communication skills (Tolstoy, 2009, p. 12). This statement necessitates the formation of the foundations of legal communication as one of the aspects of the communicative and legal culture of citizens.

In the time of Peter I, this process became more widespread; this led to the emergence of their own schools of legal education through communicative interaction (Kukushkina, 2018).

During the reign of Catherine II, the issue of legal education remained unchanged, while the process developed. At the same time, the principle of interaction of legal and moral norms was introduced (Kukushkina, 2018). Catherine II, in her philosophical and legal treatise “Order”, published in 1767, in Chapter X noted the following: “Crimes will not be so frequent, the more people the Code will read and understand. And for that to order all schools to teach reading and writing from church books and from those books which contain legislation” (Tomsinov, 2007, p. 63). From the aspect of the problems we are studying, this code of law differed from the Western European in the elevated style of the legal language, which itself is the basis for the development of communicative and legal culture. Analyzing the Western European literature containing legal precepts, we may confidently state that the special legal language, mainly Latin, incomprehensible to ordinary people, was used in it; this was the factor that caused low communication and legal culture. Moreover, comparing the language of the Russian legal literature with the Western European one, it should be noted that in Russia, the language of legal communication was not so narrow-minded – in other words, it represented the ordinary speech of the majority of population. The justification that the language of legal communication, the laws in Russia corresponded to the language of art, ordinary written and spoken language, are the words of S.E. Desnitsky. “In Russia, in native language, every public news was published and in Russian decrees there were never such difficult and obscene words as are noted in the laws of feudal rules” (Paparigopulo and Pokrovsky, 1959, p. 162). Furthermore, the content of the code of laws entitled “Order”, developed by Catherine II, confirms this point of view, since aesthetic pleasure arises when reading it – same as when studying fiction. A similar feeling arises due to the fact that at the same time when she compiled the code of legal norms, Catherine II posed her moral idea, in which there was no violent language – in other words, the language of legal communication aimed at the formation of communicative legal culture.

Based on this, in 1849, the education system included a course under the title “Jurisprudence”, which covered the basics of civil and criminal law and legal pro-

ceedings covering the basics of civil and criminal law and legal proceedings, aimed at the formation of communicative legal culture. This course was studied for 12 hours, and Religious Education for 6 hours. The teaching methodology of "Jurisprudence" was absent and included only the mechanical memorization of texts. In this regard, in 1864 this course was canceled due to the lack of qualified teachers and special teaching materials (Kukushkina, 2018; Kunitsyn, 1966).

Subsequently, the first Soviet Constitution of 1918 was adopted, pursuant to which the teaching of law was resumed. In 1937, a course under the title "USSR Constitution" was introduced, and it lasted until 1975. Then the discipline „Fundamentals of the Soviet state and law" appeared, which was criticized, and cancelled in the late 1980s. In the early 1990s, law education was cancelled, but in 1996, it resumed again (Kukushkina, 2018, p. 144).

Thus, the modern system of legal education began its formation in the 1990s. At this stage, society, and in particular each individual, were not able to realize the existing communicative-legal problems and interpret them in a new way. In this regard, various courses to improve knowledge in the field of law and communication and legal interaction skills were developed and implemented in the system of legal education. One of those was the course entitled „Human rights", which contributed to the development of skills to implement rights and protect them in a legal form through legal communication.

In the same period, a new concept of civic education was laid, which provided the preparation of people for responsible life in a modern democratic legal state and society.

But, by the beginning of the XXI century, teaching legal foundations is becoming more relevant, and moves along the way from primary to higher education. The legal course is becoming more informative, consistent and logical, based on the basic norms and rules of communication and legal interaction. It has provided the possibility of a thorough study of legal issues in the system of general, secondary and higher education.

The development path of the modern holistic system of legal education was long and accompanied by difficulties.

Various disciplines have been introduced into this system, the main purpose of which was to study the features of the communicative-legal regulation of life in a modern society. Initially, legal teaching and methodological manuals were created, the system of training and retraining of legal education employees was improved. Subsequently, the basics of legal knowledge and skills, which were compulsory for legal education, were developed; all this required communication skills in the field of law. Therefore, it is necessary to include information on the social structure in the system of legal education; information for the application of subjective rights and

performance of duties in a family, team, society, since knowledge in the legal sphere is the basis for the formation of a right-cultural personality, capable of effective communication and a legal dialogue.

Legal education as an integrated system of legal training and education aimed at the formation of communicative legal culture should include the study of the main categories and conceptual apparatus of modern law and communication:

1. definition of the terms “law”, “communication”, “legal communication”, and their significance;
2. essence, content and types of laws, and their correct communicative interpretation;
3. features of the legal status of an individual in the modern communicative-legal field;
4. essence of human rights and freedoms enshrined in the Constitution of the Russian Federation;
5. concept and essence of guarantees of rights and freedoms of an individual;
6. features of the legal regulation of civil, labor and criminal relations, and the ability to protect rights and interests through a communicative-legal dialogue.

The need for a unified legal education program, including the formation of the foundations of legal communication and legal norms, was determined by the country's social-economic reform in the 1990s. Since there was a change in the legal system of Russia, this influenced the update of the legislation. In the framework of this reform, on the basis of the rule of law, rights and freedoms of a man and a citizen began to be recognized as the highest value, whereas the role of courts as independent guarantors for the observance of human rights was strengthened. In addition thereto, the public became interested in the practical meaning and interpretation of law and legal institutions. The demand for legal literature and the prestige of a legal profession increased, and need for legal information of the population arose.

In the current sociocultural period, we can state that in the minds of people, language and law are not of core value. In the conditions of updating legislation with the advent of a law enforcement practice, the gap between the new democratic legislation and the level of legal awareness of the population is becoming more apparent, which indicates lack of formation of the foundations of legal communication and culture. In a modern society, a low level of legal education, legal communication, and, as a result, communicative and legal culture is revealed. This is due to the fact that a society is indifferent to the basics of law and legal communication, and completely denies their value (Belikova, 2006, p. 87).

Based on the foregoing, one can note the priority of state policy in the field of legal education, including education and training in the basics of law and legal communication.

The subjects of legal education, endowed with the powers of communicative and legal impact, are:

1. government authorities;
2. officials of various levels;
3. employees of the state administration apparatus and law enforcement bodies;
4. lawyers, sociologists, political scientists, linguists and philologists;
5. teachers of legal disciplines at different levels of education (schools, colleges, technical schools and universities) (Kukushkina, 2018, p. 120).

At the same time, the level of effectiveness of legal education, communication and legal culture in a multicultural country depends directly on such criteria as: competence, professionalism, culture and education of the subjects of communicative and legal influence.

The object of communicative and legal influence in the system of legal education is human consciousness, including spiritual life and inner world.

The legal system is a process of training and education, in the course of which communicative and legal culture is formed by instilling legal and communicative value orientations of modern society, including:

1. respect for the rights and interests of everyone, irrespective of affiliations (linguistic, racial, religious, social, etc.);
2. attitudes focused on the value of law and language in a modern society;
3. skills that contribute to the protection of legitimate rights and interests of a citizen.

## **Conclusion**

Based on the foregoing, it may be stated that the main objectives of the legal system in the context of the development of communicative and legal culture are the development of the theoretical foundations of legal awareness and legal understanding, legal thinking, legal communication and legal culture; as well as providing the necessary level of systematization of knowledge and understanding of the legal framework. Moreover, in pursuance of the goals presented above, it is necessary to instill the following skills:

1. ability to think and act in various legal situations, to analyze the rule of law in the current conditions;
2. ability to build effective communication and speech activity in the legal field;
3. ability to apply the rule of law in practice.

Legal education can also be understood as civic education, consisting of certain educational and pedagogic activities, having a primary purpose – upbringing of a citizen who is able to live in a modern democratic legal state. This suggests the presence of consciousness, which includes a certain mindset, free thinking and law-abiding. Based on this, it is possible to highlight the main tasks of legal education, which include:

1. instilling the population generally accepted value orientations, allowing them to live in a democratic state, and increasing the level of communication and legal culture;
2. formation of communicative-legal knowledge and values among students of all levels of education;
3. development of needs of students to live in a democratic state of law (Zubova, 2006).

At the same time, the main means aimed at the formation of communicative and legal culture of a society include:

- legal advocacy in the communication process;
- legal training and education by means of language and speech;
- communication practice;
- communicative and legal self-education and re-education through a communicative dialogue in the legal field.

Therefore, all of the abovementioned tools can improve the communicative and legal culture of a society through a transfer, transformation, perception and application of the provided legal information in real life.

Thus, from the above, the logical conclusion follows that legal education includes legal training and education based on the basics of communication, aimed at the formation of a person with spiritual, moral and ethical standards, and an increased communication and legal culture, which is the basis for building a democratic legal country and a sociocultural society.

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## Sociološki temelji pravne edukacije i pravne komunikacije kao mehanizma za formiranje komunikacijsko-pravne kulture pojedinaca u modernom socijalnom i kulturnom društvu

### Sažetak

Članak se bavi razmatranjem socioloških temelja pravne edukacije i pravne komunikacije kao mehanizama za formiranje komunikacijsko-pravne kulture pojedinaca u modernom socijalnom i kulturnom društvu.

Predstavljena je analiza formiranja sustava pravne edukacije u raznim etapama razvoja socijalnog i kulturnog društva, počevši od XVIII. stoljeća. Tijekom tog je razdoblja Slavensko-grčko-rimska akademija uvela tečaj pod nazivom „Učenja o pravdi, kako duhovnoj tako i svjetovnoj“, čija je provedba obuhvaćala primjenu brojne zapadne pravne literature u praksi, a to je iziskivalo vještinu prevođenja pravnih knjiga na ruski jezik, drugim riječima komunikacijske vještine na polju prava. Osim toga, ukazuje se i na činjenicu da je atmosfera duhovne krize

uzrokovane sustavnim transformacijama s kraja XX. stoljeća, što znači reformama, utjecala na razinu modernog obrazovnog sustava. Nudi se opis brojnih tečajeva pravne edukacije, koji dovode do formiranja komunikacijske i pravne kulture pojedinaca.

Nadalje, članak navodi praktične preporuke koje pomažu pri formiranju komunikacijske i pravne kulture (pravna promidžba u komunikacijskom procesu; pravna obuka i edukacija pomoću jezika i govora; pravna komunikacijska praksa; komunikacijska i pravna auto-edukacija i re-edukacija korištenjem komunikacijskog dijaloga na polju prava).

Nakraju se navode zaključci kako pravna edukacija i pravna komunikacija imaju pozitivan utjecaj na formiranje pojedinaca koji posjeduju komunikacijsku i pravnu kulturu. To predstavlja osnovu izgradnje demokratske pravne države te socijalnog i kulturnog društva.

**Ključne riječi:** komunikacija i pravna kultura; pravo i komunikacija, pravne informacije, pravna komunikacija i pravna edukacija, pravna obuka i edukacija; sociologija komunikacije; sociologija prava; sociologija kulture.

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