

BASES OF LEGAL CULTURE

APAKHAYEV N. ZH & KALKAYEVA N. B

Abai State University, Almaty, Kazakhstan

ABSTRACT

The lawful behavior is defined by level of sense of justice which means the relation of the person to the law in force and again adopted legal acts. It is closely connected with level of moral consciousness. Views, ideas of the right pass from father to son, are brought up in the course of training, in a family.

KEYWORDS: Culture, Right, Individual Legal Culture, Society, People, Self-Education, Sense of Justice, Promotion

INTRODUCTION, BASIC DEFINITIONS, AND RELATED WORK

Legal culture– it isn't simple this or that relation to the right, but first of all respect for its norms.

The legal culture is based on property of the person "to normalize" the relations with world around and people. *In narrow sense*– it is system of standard human relations or their organizations, created in the course of the social interaction, regulated by the fixed norms obligatory for execution and protected by the state. In a broad sense – it is set of legal knowledge, belief and the installations of the personality realized in the course of work, communication, behavior, and also the relation to material and cultural wealth of society.

Specialized level of legal culture is presented by the right, law, system of protection of a public order and regulation of legal relations, ordinary – morals, moral, public opinion. The right and morals are necessary for existence of the person in society. They, as well as policy, govern the relations between the state, social groups and certain people therefore their action extends on all major spheres of public life.

The legal culture includes such elements as the right, the sense of justice, legal relations, legality and an order, legislative, law-enforcement and other kinds of activity in the sphere of functioning of the right in society, and has branched system of social institutes – legislature, court, prosecutor's office, police, penal institutions.

The right grows from custom, closely interacting with morals and religion. During different eras there were various forms of legal culture. *The modern legal culture* is based on the principles of equality, freedom and justice. So there are requirements to measure all people by one social measure, is balanced to combine their rights and a duty Arbitrariness and willfulness though each person has the right freely express their right and conduct their own line of behavior. It is possible only at correlation of the freedom with recognition of freedom of other people.

Specifics of Legal Culture

Any culture – it, first of all a civilized image of activity, system of intellectual, cultural, psychological and behavioral values of the individual, social groups and society as a whole. Specifics of *legal culture* as special sphere of the general culture consist in a special form of activity of the state and all civil servants, and also all legal entities. In other words, it is that part of the general culture of society which is related to legal system and directs legal process. The legal system without legal culture doesn't work. Knowledge and deep understanding of a role of the state and the right

in society lives, readiness to follow this knowledge, conformation of the daily behavior with the law in force, respect for the saved-up legal values – all these *characteristics* of legal culture.

Any society, any state, any community of people have the legal culture. The legal culture, on the one hand reflects realities of state and legal reality of the country existing earlier and existing in this period, with another – has on this reality impact. If it is true culture, embodies all progressive, valuable, socially justified in the political and legal sphere, promotes improvement of the organization and state activity, improvement of quality and efficiency of the law in force, strengthening of discipline, a law and order and legality, strengthening of protection of the rights, freedoms and legally protected interests of each personality.

Legal Culture and Sense of Justice

The legal culture is closely connected and constantly interacts with legal consciousness which represents an assessment and the representations existing in society and expressing criticism of the law in force, forming certain hopes and wishes to the legal sphere. The legal culture relies on legal consciousness the same as legal consciousness – on legal culture.

As well as in legal consciousness, in legal culture taking into account its carriers it is possible to allocate subspecies. The widest phenomenon is the *legal culture of society*. Certain characteristic feature is the *legal culture of the people* reflecting specifics of national sense of justice, and also *legal culture of social groups* of the population of the country, for example youth, citizens of advanced age, inhabitants of the cities, rural areas, the groups allocated on educational, professional signs possesses. The education got by the person, professional accessory, the relation to religion, accommodation makes influence on *individual legal culture* in rural areas, the household environment, including possible communication with the lindens serving sentence for a crime in places of imprisonment. So, mass and group, individual legal cultures – it is realities of modern society.

Conscious social and legal activity of the personality, i.e. use of legal knowledge by it for legality and law and order strengthening – the highest expression of legal culture making positive impact on mass legal culture. Width and real security of natural and other rights and personal freedoms – one of the first and important signs of the most legal culture.

In legal culture it is possible to allocate four main levels (state):

- Ideological (legal ideas);
- Standard (rules of law);
- Behavioral (legal acts);
- Objectified (the legal establishments consolidating results of legal activity).

From these positions the legal culture of society appears as the kind of public culture reflecting a certain level of sense of justice, legality, perfection of the legislation and legal practice and covering all values which are created by people in the field of the right.

Legal culture of the personality, being a component of legal culture of society and size dependent on it, reflects degree and nature of its progressive development anyway providing lawful activity of the individual. It is connected with education of the person and depends on his legal knowledge.

The developed mass sense of justice, mature legal activity of certain citizens is a basis of the rule of law in a civilized society, the base of the constitutional state. Therefore education of sense of justice of citizens – necessary part of prevention of offenses, fight against crime in modern conditions.

Legal education represents purposeful and systematic impact on consciousness and culture of behavior of members of the society, carried out for development of feeling of respect at them to the right and habits of observance of the right on the basis of personal belief. Thus the most effective result is reached through conscious assimilation by the individual of basic provisions of the right.

Means of legal education treat: legal training; legal promotion; legal practice; self-education.

Legal training consists in transfer, accumulation and assimilation of knowledge, the principles and rules of law, and also formation of the corresponding relation to the right and practice of its realization, ability to use the rights, to observe a ban and to fulfill duties.

Certainly, this form of education can't be acceptable for each individual. It would be utopian to try to make of each citizen of the lawyer, but to overcome legal illiteracy and legal nihilism – one of conditions of development of legal culture. Constant public and state efforts at propaganda, enlightenment level are required. Forms of such work following: lectures among the population, promotion and education in mass media, a lecture hall of legal knowledge; special series of lectures in labor collectives, teaching of fundamentals of jurisprudence in general education educational institutions, colleges and no legal higher education institutions; occupations in professional development system. All of them are directed on distribution of certain legal ideas and values, visually urge to observe rules of law, explain contents of laws.

Effective form of education is *legal practice*. How many forces and means spent the state for promotion and training if activity of judicial authorities, prosecutor's offices and their decisions have unfair character, people can't be convinced that the right needs to be observed and it is favorable. Legal nihilism as conscious ignoring of the right from authorities and abuse of the right, circumvention of the law, neglect the rights of citizens harmful affect culture level as a whole.

Formation of originally state sense of justice is connected with overcoming of narrow departmental, national and religious interests. In the center of a problem there has to be a citizen as spiritually free, creative person who needs the help and protection from the state.

The most effective form of education is *self-education*. It consists in formation at itself deep respect for the right, requirement strictly to follow legal instructions by self-training, the independent analysis of legal reality and personal practice, relies on understanding and voluntary assimilation by the individual of basic provisions of the right. This form of education for professional lawyers along with special preparation acts as way of prevention of deformation of consciousness and the personality, maintenance up to standard professionalism.

The modern it is market the focused relations of subjects in the modern state, in particular, when the legal (legislative) framework is exposed to systematic changes, knowledge of bases of legal culture of separately taken personality becomes an inevitable factor of development of civilized legal society. Now the mankind is faced by questions of acceleration of different adoption of decisions. Processing of considerable volume of legal information demands certain knowledge. Therefore structurally level of knowledge of a legal entity gets irreversible process.

The legal culture of the person is based on knowledge of the right. The right as set of the rules of behavior (norms) authorized by the state definitely regulates behavior of people and their collectives, fixes and develops as obligatory, protected by the law those public relations which are equitable to their interests. Besides that ruling classes have to constitute the force in the form of the state (the state – a political form of the organization of life of society), they give to the will general expression, building it in the law which contents always is given by the relations of this class [1, page 6].

Existence in the society of knowledge of the right means that the considerable circle of the public relations accepts nature of legal relationship, i.e. the relations whom participants act as carriers of the legal rights and duties. Set of these legal relationship forms a public law and order. As the system of legislative and other regulations the right is in indissoluble communication with movement of the diverse legal relationship developing in society.

Important aspect of the right are the rights, freedoms and duties of citizens (in this regard speak about the subjective right unlike the objective right - system of rules of law). Eventually, existence character and volume of these rights and freedoms (for example, the right for work, the right for education, a freedom of worship, etc.) are defined by a social and economic system of society, position of the person in the course of a social production. However for real implementation they have to be fixed by the law and are provided with legal guarantees [2, with. 6].

The legal culture, knowledge of legal culture is one of aspects of the universal culture, embodied in the right and the legal practice, one of obligatory elements of civil society, the constitutional state. It includes also legal culture of the population, and legal culture of officials and various public educations both in the state, and beyond its limits. The legal culture makes the internal, mental and spiritual party of legal system of society and deeply penetrates sense of justice. The condition of legal culture of any state is an important exponent of a maturity of concrete historical legal system. It fully belongs and to modern Russia. Level of progressive and legal development of society is reflected in its legal system as in a mirror reached at the turn of the century and the millennia. The legal culture mediates all main spheres of legal life of society: law-making and the legislation, sense of justice and right realization, the subjective rights, freedoms and duties of citizens, political and legal institutes, society and state establishments, defining their special qualitative state which can be expressed concept of legal culture.

THE MAIN POINT AND THE PROPOSED SOLUTION

Conversation in this article goes about a question of need of training of mankind to legal bases. Abilities of use of rules of law at various situations. Eventually, about literacy of the personality in legal aspect.

Formation of legal statehood, strengthening of system of the government is inconceivable without appropriate level of legal culture.

The considered problem conceptually was developed even in works of known lawyers-jurists S. S. Alekseev, E. V. Agranovskaya, V. M. Baranov, P. P. Baranov, P. K. Blazhko, G. I. Balkzh, A. B. Vengerov, N. V. Vitruk, V. V. Golovchenko, G. A. Golubev, V. I. Goyman, N. L. Granat, B. L. Zhelezov, V. P. Kazimirchuk, D. A. Kerimov, N. M. Keyzerov, B. C. Каптарь, V. I. Kaminskaya, S. N. Kozhevnikov, B. A. Kistyakovsky, V. N. Kudryavtsev.

The current state of level of legal culture as a whole is shifted in more positive side. But the main stimulator increase of level of legal knowledge of society is only informing, thus, far not explanations (comments) of rules of

application of separate norms, and in shape "television shows"; "illustrations of trials"; "TV series" with application of rules of law in their plots.

Naturally such form of submission of rules of law won't deepen knowledge of people in the field of the right. Legal elements in civil legal relationship consist of a large number of the sub elements which ignorance leads to different quasi-agreements.

About 450 BC when in Rome there were Laws XII of tables, to legal education began to pay special attention. The knowledge of these laws was obligatory, and, therefore, there was a need for secular legal training.

Ideas of civil education with submission to the law, the right gained further development during an era of Modern times. So, Helvetius (1715 - 1771) proved interrelation of laws and education, having shown that perfection of education depends on level of laws. The doctrine of the German philosopher I. Kant (1724 - 1804) about the state and the right raised the question of education. It proclaimed "a categorical imperative" according to which it is necessary to arrive "so that rules of your behavior could become the principle of the general legislation". I. Kant, thinking of self-determination of the personality, I emphasized importance of a problem of formation highly-moral sense-a conscience voice. The thinker considered that "the personality can achieve reasonable life", having seized science and having found moral, a debt.

Centuries replaced each other, and questions of legal education on - former remained and remain actual.

The provided historical analysis entirely confirms need of preparation of society to bases of legal culture. Respectively, training of specialists by the right of (lawyers), if as future professional workers but as the citizen, able to apply legal knowledge in the sphere of the activity, would be a high contribution in modern the focused state is market.

Bases of legal culture have to be shined and be presented as obligatory open classrooms in school programs; at faculties technical and administrative; as increase of level of legal knowledge of various experts working with citizens, periodically with a certain frequency.

Agreeing entirely with N. A. Dukhno [3, with. 6] I call into question, the public opinion imposed by the state about a surplus of lawyers. Such position tries to reorient "violently" youth to refusal of law studying. Entirely I consider that a certain need for these or those professional experts is focused by the market. Anyway there will be a rejection of unnecessary experts, as occurred from the moment of introduction of market economy which resulted in need of receiving by citizens of the second higher, third higher education. To anything to the professional level correct and applicable in practice, except as own satisfaction about existence of two and more higher educations, it didn't bring.

From centuries existing two main faculties as economic and legal were formed such as faculties of management, management, cornerstone of tax business, accounting at the heart of which as a whole the general economy is. Began to train experts of a narrow orientation who aren't guided on the main basic knowledge of the same economy.

Knowledge of law in the modern it is market the focused state are necessary not only for lawyers and not only for work as the lawyer (by the way, that more lawyers), but also all without exception for other specialties for conducting the activity within the law (right), in particular in all changing working conditions.

And still visually we see that changing circumstances induce many to receiving legal education. Legal preparation became necessary everywhere: in a life, at work, in the solution of the property or land questions in banking, in any corporate governance, etc. Modern experts, heads and each person can't solve escalating and becoming complicated problems without legal knowledge. Realities of today demand knowledge and procedural character. Basic elements I ruled appeals to the court, submission of the complaint (the appeal, the cassation, etc.) are opportunity to protect or restore the violated rights.

With increase in the factors induced by a demand of experts with legal knowledge, the law appeared the unique tool in completion of gaps of the general and professional education.

The person, choosing law in professional education, not always seeks to become the lawyer. Many are attracted by other field of activity where not to do without legal preparation. The more at each person, the legal culture in society is stronger than legal knowledge and law and order level in the country (N. A. Dukhno) is higher. The law is applicable in all without exception branches.

CONCLUSIONS

The described comments once again confirm about the increasing need of increase of legal level of the population, about involvement of entrants and the people having separate specialties to studying of law. There is unresolved only a level and a form of training of specialists. And here it is possible to point to the general imposed thought of incompetence of the highest educational institutions in training of lawyers that leads to their reduction. Thus any of these statements doesn't tell about such reason not qualification of graduates as introduction of a remote form of studying of law, as well as other specialties. In my opinion, remote form of studying also influences an appropriate level. I consider necessary to reconsider such form of receiving specialization by introduction, at least, a correspondence and remote method of training (consulting).

REFERENCES

1. Marx K. and Engels F., Manifesto of Communist party, Soch. 2 prod. t. 4, page 443. [1, page 6]
2. Kerimov D. A. Philosophical problems of the right. M, 1972. [2, page 6]
3. Dukhno N. A. Neobkhodimost of development of forms of legal education. Electronic resource, 2009. [3, page 6]