

*Zarichanskiy O.A.,
professor IFUL, t. Ivano-Frankovsk, Ukraine
Zarichanskaya N.V.,
senior lecturer VGPU, t. Vinnitsa, Ukraine*

FUNCTIONS OF LEGAL CULTURE OF FUTURE LAWYERS

The article deals with the basic functions of legal culture of future lawyers. It's has been proved that the interaction of legal culture with other forms of social consciousness should be considered as vertically - the relationship with the basis of society , as well as horizontally - relationship with other forms of social consciousness and views. In the organic integrity and dynamic coupling of all forms of social consciousness there is a continuous process of improving legal culture of future lawyers.

Key words: legal culture, legal consciousness, function of legal culture, social awareness, future lawyers.

*Заричанский О.А.,
доктор философии, профессор, член-корр. МАНПО,
заместитель директора НИИ
Ивано-Франковского университета права,
г. Винница, Украина
Заричанская Н.В.,
кандидат педагогических наук,
ст. преподаватель кафедры иностранных языков
Винницкого государственного педагогического университета,
г. Винница, Украина*

ФУНКЦИИ ПРАВОВОЙ КУЛЬТУРЫ БУДУЩИХ ЮРИСТОВ

В статье рассматриваются основные функции правовой культуры будущих юристов. Доказано, что функция взаимодействия правовой культуры с другими формами общественного сознания необходимо рассматривать как по вертикали - взаимосвязи с базисом общества, так и по горизонтали - взаимосвязи с другими формами общественного сознания и видами. В органической целостности и динамической связи всех форм общественного сознания происходит непрерывный процесс повышения правовой культуры будущих юристов.

Ключевые слова: правовая культура, правовое сознание, функции правовой культуры, общественное сознание, будущие юристы.

Statement of the problem. Scientists who studied legal culture indicated that it performs several functions, but these functions separately haven't been thoroughly analyzed. The functions of legal culture haven't been studied, particularly in relation to of the future professionals of legal specialties.

In the components of legal culture functioning, some scholars include: educational function of conscientious attitude to law; function of legal regulation; informational function; function of legal behavior. Proponents of this position point out that the law as a specific regulator of social relations operates in two ways: first, in conjunction with other social mechanisms, it is ideological influence; and, secondly, a specific way, giving the parties legal rights and obligations.

Analysis of existing research and unresolved aspects of the problem. Analysis of features of legal culture devoted his research E. Agranovskaja [1], A. Semitko [4], V. Tumanov [5, p. 56-58], F. Hayjek [6], and other scientists. Their contribution to the expansion of scientific knowledge about the function of legal culture is very significant and has methodological significance in relation to the study of functions of the legal culture of the future experts of legal professions, as conclusions and regulations made by the researchers mentioned above, though differing, but they are easy to synthesize and can be applied to defining the functions of legal culture in the methodology of jurisprudence.

The purpose of the article - to analyze the main features of legal culture of future professionals of legal specialties.

The main material of research. Modern legal culture has such quality features as decisive importance of human rights and civil rights in legal organization of public life; approving a mass sense of justice and respect for law enforcement, ideas and values of the rule of law; practical implementation of the principles of constitutionalism and the rule of law; consistent and efficient operation of all sources of positive law and all branches of government; Legal active citizens and their associations in the exercise of their rights and performance of their legal duties; active legislation, human rights and law enforcement of all parts of the state mechanism; extensive system of legalized forms, methods and procedures for civil society's impact on the state and control of its activities [3, p. 275].

According A. Semitko, legal culture has a number of fairly significant features, including separately defined informative feature, educational, and regulatory. In some people's practice one often faces not only the text of the law but its interpretation of public mainly by the group of justice. This perception of legal information, according to A. Semitko, after the active support of subjects of legal culture it is profound by educational and, finally, the regulatory impact on a person in a positive direction by adjusting his behavior [4].

According to E. Agranovskaja, legal culture is an indirect link between legal reality and behavior of individuals. Corporate culture serves as the coordination of public and private interests, goals and motives human activity.

Whereas taking into account one's own needs, interests and evaluation, a man guided by individual legal culture, consciously agrees on behavior to the requirements of law or has only superficially legitimate actions that are not based on intrinsic motivation, and it deviates from the proposed legal standard norm of behavior [1].

In our opinion, the current conditions, which is Ukrainian society experiencing, the most important is the regulatory function. It is this feature implemented through legal provisions that require the assimilation of everyone and, first of all - the future professionals of legal specialties. The regulatory function of legal culture creates a situation where the main legal requirements are transformed into daily habit of activities within the law. The effectiveness and efficiency of the regulatory capacity of legal culture is largely caused by the use of the regulatory process of not only legal, but also other kinds of social norms, and above all moral. This is because the right is organically linked with morality and means of realization of moral and humanistic ideals of society without morality are impossible. Right - is reduced to a moral law (which is the main idea of good and bad). As rightly noted by V. Tumanov, "right in all its forms ... must be infused with morality. The internal morality of law – is one of the important conditions for its effectiveness " [5, p. 57].

Society can not be indifferent to the state of the interaction and relationship between certain social norms as peace or war between them affect the nature of the social, legal, political and economic conditions in the society. Conflicts between people and their social formations and even between states, start with a conflict of social norms. In modern conditions the effect of this rule becomes extremely important, because the vast majority of currently existing bloody conflicts have started with the fact that the interaction of social norms was broken and there was initially opposition to political, religious and legal norms. In this struggle, political, religious and corporate standards association outweighed the legal rules of legal culture.

In contrast to the law , the observance of which is ensured , if necessary by force of state coercion and persuasion , moral norms are based on public opinion and influence the legal beliefs, traditions and habits . Action of moral standards finds expression in deeds of man, in his relation to society, family, work, other people. It is, so to speak, the traditional rules that constitute universal moral values.

Value orientation serves as a criterion in determining the filter of man's relationship to the material and spiritual values, of attitudes, of upholding the principles and beliefs. It provides a positive or negative value for the objects of the world to society and to an individual and is not determined by their properties as such , and their place and the presence of human activity interests and needs, social relations, criteria and methods to assess this value, expressed in moral principles and norms, ideals, values and goals.

Values are certainly the phenomenon which is most closely associated with the area of human needs, as a system of values embodied, and is subjectivized in certain specific phenomena related to appropriate forms of life, which is carried out in mastering values, their gradual transformation phenomenon of "external" in thing "for themselves", and is the transfer from public property to the value of the subjectively meaningful to the individual [2].

However, as the centuries-old history shows, the sheer moral and religious norms were unable to provide the moral behavior of people without the help of law, legal culture. Not surprisingly, religious leaders when offenses happened among believers or as it came to church property sought help in law enforcement, that is the secular law.

The relationship between legal culture and other social regulators is that they function and operate in the same direction, the same way governing social relations. The rules and other regulators coincide in their regulated areas, their relations are very similar, and sometimes identical to the nature of their prescriptions. As a result this interaction features of legal culture and other social norms are desirable human behavior for society both as provided by the law and other regulations.

It defines the main subject conditionality, cardinal direction of the impact of legal culture, that is the manifestation of its functions.

In this regard, to determine the functions of legal culture the following should be done: to be clear about the scope in which legal culture finds its expression; to identify the main lines to display performance of the role and purpose of legal culture in determined social environment; to characterize the specificity of the properties and methods of the main areas that give the qualitative determination of the functions of each legal culture.

In its manifestations features of legal culture are inseparable from each other. They are in close relationship and interaction, and are to some extent a single process operating legal culture in the legal reality. Since the function of law-making, regulation, legal education, the development of legal science in its social nature are due to and aimed at a joint service and highly specific subject matter for them, as a legal reality, and in the process of manifestation are in close unity and dynamic relationship, because they are united and act as a tool of legal culture in the legal service of social development [6].

At the same time, legal culture is closely and intimately bound up with the general culture and other forms of social consciousness makes influence and itself feels their impact. Therefore, the legal culture should be made as a function of interaction with other forms of public culture (political, moral, aesthetic, etc.).

An essential feature of the interaction of functions of legal culture with other forms of culture is its expression not only in the spiritual realm. Social justice is directly linked to the legal development. And this relationship holds no justice in isolation within their internal functions or a predetermined range

of legal knowledge. Social justice communicates with superstructural phenomena in a single system of all the spiritual realm. Thus, the function of the interaction of legal culture with other forms of social consciousness not only limits its manifestation in consciousness. Through this interaction, justice communicates with the economic, legal and all other social phenomena. Therefore, the function of the interaction of legal culture to other forms of social consciousness should be considered as vertically - the relationship with the basis of society and across - the relationship with other forms of social consciousness and types of culture.

Conclusions. So, legal culture of future professionals of legal specialties must perform the following functions: function of interoperability of legal consciousness, law and other social regulators, especially - with the norms of morality; function of educational conscious attitude to the law, the applicable law, especially - in the legal relations; law regulative function, whereby the behavior and activities of future lawyer are performed within the law; informative and transformative functions that allow future lawyers to turn their knowledge into their own beliefs, habits, forms the habit of legal thinking; communicative function that allows to correctly orient future lawyers in the legal space and act in a way that does not cause harm to others and the environment; prognostic function by which a lawyer can predict the future development of the current legislation, respectively - and their activities.

Bibliographic list

1. Agranovskaja E.V. Legal culture and rights guarantee of a personality: Thesis of Doctor of jurisprudence / Agranovskaja E.V. M., 1988. 145 p.
2. Beh I.D. Parenting Personality: In 2 books .Book 2: Pupil-oriented approach : scientific and practical principles . – K.: Lybid, 2003. – 344 p.
3. General theory of the state and law: teaching manual / G.A. Vasilevich, A.F. Vishnevskiy, V.A. Kuchinskyj, L.O. Murashko, A.G. Tikovenko; under the editorship of A.G. Tikovenko, – Minsk: Knizhnyj Dom, 2006. – 320 p.
4. Semytko A.P. Legal culture of socialistic society: essence, contradictions progress. – Sverdlovsk: Ural P.House, University Press, 1990. – 172 p.
5. Tumanov V.A. Legal nihilism from historical and ideological angles / / State and Law. 1993. № 8.
6. Hayek F.A. Law, legislation and liberty: A new statement of the broad principles of justice and political economy: in 3 volumes ; Per. with the English. –K.: Scope, 2000. – Vol. 3. : The political system of free people. – 487 p. 1.

© Заричанский О.А., Заричанская Н.В., 2015