

#### **4. LAW SOCIALIZATION AS MEANS OF THE PERSON IDENTIFICATION**

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Law socialization as process of mastering of standards by individ of law behavior is analysed in the article that allows it to become the actor of law reality. Law socialization is directed to the person identification with certain social (real and nominal) group. It promotes stereotypification and causal attribution by the person of law reality according to social law experience of group. Commission of law actions by the person depends on the individual and social system of law values, the relation to them of the individ and society (social group), legal status of the personality and the social function which is carried out by it. The correlation of interpretation of law norm and justice created in the course of law socialization figures prominently in this process.

**Keywords:** law socialization, law-awareness, law reality, law enforcement, law behavior.

**Introduction.** The law reality represents the multilevel system of the law phenomena defining process social including law, interaction between the individual, social group and (or) society in general and the state in a concrete space-time continuum. Being polystructural education, the law reality can be considered at several levels: law-making, law realization, law behavior and law-understanding (Skorobogatov A.V., Bulnina I.S., Krasnov A.V., Tyabina D.V. 2015).

Such approach to this phenomenon assumes account not only objective, but also subjective factors, including interpretation by the individual, local community and society in general of law reality and the place in it. For understanding of a subject role in law reality a problem of law socialization, during which there is "entry" of the individual into the law sphere, its integration into precepts of law, values and society installations or local community, gains great value.

Law socialization became an independent object of a research since the beginning of the 1960th. However mainly not lawyers, but psychologists and sociologists addressed it, seeking to study influence of the right for formation of the person consciousness. So, French scientists of C. Kourilsky-Augeven (Kourilsky-Augeven C. 2007.), N. Malewska-Peyre (Malewska-Peyre H., Tar R. 1991) focused on theory and practice of law socialization, seeking to reveal national features of model of socialization. American authors R. Burgess, R. Akers (Burgess R., Akers R. 1966), E.S. Cohn, S.O. White (Cohn E.S., White S.O. 1990), J.L. Tapp (Tapp J.L. 1991) addressed, first of all, to studying of a problem of age crises, features and factors of their overcoming by the person. Interest of the Russian scientists M. Arutyunyan and O. Zdravomyslova (Arutjunjan M., Zdravomyslova O., Kourilsky-Augeven C. 2008), V.N. Gulyaikhin (Guliaikhin V.N. 2014) concentrated mainly in the field of a spiritual component of law socialization.

**Results.** Law socialization represents objective and subjective process of inclusion of the individual in law reality as socially active subject (actor), assimilation by it of precepts of law and values of society (social group), their transformation in own norms and

values determining the content of law behavior. Its purpose is formation of the law person acting strictly in the law framework on the basis of realization of law norms. There is a law identification of the subject and its adaptation to law reality in the course of socialization. Genesis of the person as the actor assumes, that its legal actions are characterized by independence, creativity and responsibility for results both concerning themselves, and concerning other subjects interacting with it in the course of law communication (Van Hoecke M. 2002).

The process of law socialization connected with assimilation by the individual of law norms and law values means its entry into law reality. This process, beginning with the childhood, consistently proceeds during all human life. Valuable orientation of this process causes orientation of the individual to identification only with a certain social group or adaptation in law reality on the basis of an all-civic stand (Matantseva M.S., Ledovskikh N.P., Matantsev D.A., Piterskaya A.L., Tchinaryan E.O. 2018). The nature of this process depends on degree of focus of law socialization, on a role of the state in this process.

We consider process of law socialization in a broad sense, leaning not only on a legal and psychological, but also valuable (sociocultural) component. The last one allows to allocate in law socialization two stages significantly different according to contents, purposes, institutes and agents of socialization (Berger P.L., Luckmann T. 1966, p. 150). There is a transfer of social law experience to the individual by development of law knowledge and values which are specific for society and (or) social group, with which it identifies itself by origin by it, at primary law socialization. The secondary law socialization directed to mastering the individual of the law knowledge, values and skills necessary for it in professional activity is more difficult. Actually it is about law identification of the person with social group. Unlike primary socialization, at secondary one the main means of development of new knowledge and values is individual law experience. In this regard secondary law socialization has more subjective character and is connected with aspiration of the subject not only to become the member of a certain group, but also to carry out at the same time vertical mobility.

Valuable distinctions of two stages of law socialization define distinctions of a vector of

formation of justice sense. If at primary socialization there is an ordinary law-awareness providing success of social life of the subject, then secondary socialization is connected with formation of professional justice sense. To a lesser extent it is possible to track transition to doctrinal sense of justice. However taking into account, that the individual can undergo secondary law socialization at each case of change of its social role both horizontally and vertically, one may say, that formation of doctrinal sense of justice happens on the basis of the same regularities.

Assimilation of new norms and values at secondary law socialization causes transformation of the personality: already socialized person adapts to new conditions, is integrated into new social group (Guliaikhin V., Galkin A., Vasilyeva E. 2013). Secondary law socialization, being focused on adaptation of the individual in law reality, most promotes formation in its consciousness of all-civil values, promoting harmonization of intra group and intergroup law interaction.

Secondary socialization is not limited by education, though the last plays a significant role in it. The great place in it is given to a problem of law identification of the individual.

In the course of secondary law socialization the individual masters standards of law behavior that allows it to become the actor of law reality. It becomes capable not only to realize law knowledge and values, but also to reproduce them by individual and social law experience, having an impact not only on legal actions of group with which it identifies itself, but also in relation to other subjects with which it is in law communication.

Assimilation of precepts of law and values at secondary socialization has invariant valuable and semantic contents. The person acts as the active subject of socialization. It not just reproduces new norms and values, but also, passing them through a prism of individual law experience, seeks to satisfy own interests and requirements as much as possible. However the leading role at the same time belongs not to interests, but readiness of the subject for transformation of the primary installations. There is a process of stereotypification, attributing to all members of the group of similar characteristics (identical law knowledge and values), irrespective of existence of differences between them (Schneider D.J. 2004).

There is not only a deepening of knowledge by the individual of law reality in the course of

secondary law socialization, but also cognitive designing of internally consistent new law reality meeting precepts of law and values of social group is carried out. Despite the mental nature of designing, the new law reality acts not only image, but also reality. The social role of the socialized individual is higher, the more it is capable to render merge on transformation of external reality of subjects with which it carries out law communication horizontally and vertically. Causal attribution, that is connected with one is a process and result of subjective (intersubjective) interpretation of the reasons and motives of law behavior of other people and own acts (Stiensmeier-Pelster J., Heckhausen H. 2018), their compliances to both law norm and the image of law reality designed by this group, irrespective of its correlation with reality or a mythologization.

Secondary socialization has dual character. On the one hand, the socialized individual seeks to identify itself with a certain professional group, accepting and reproducing its precepts of law and values cognitively and functionally. On the other hand, need of group reproduction causes its aspiration to acceptance of new members. First of all, it is about broadcasting in their law-awareness of intersubjective stereotypes and attributions of this group also

orientation of the potential member to their reproduction. Due to the bilateral nature of socialization, people, having identified itself with a certain real and (or) nominal group, seeks not just to reproduce its norms and values, but also to carry out their broadcasting in the outside world.

Secondary law socialization can be carried out in different forms: law adaptation is the individual's adaptation to external living conditions, development and functioning of a certain social group, an interiorization is assimilation of the external law activity characteristic of group with which individual identified itself, law acculturation is noncritical perception of law values of a certain society or local community.

At secondary socialization the individual identifies itself both with nominal professional community and with real group. It is promoted by law adaptation of the individual to group living conditions. The individual forms installation on implementation of the actions contributing to reproduction and the development of professional community having apprehended verbal and nonverbal symbols of activity of group. Interiorization at the same time represents not only assimilation of processual and procedural rules, but also

their reproduction in practice taking into account balance of the individual and group interests. It is promoted by perception by the individual of law values of professional community during law acculturation.

As a result of secondary law socialization at the individual the professional law-awareness is formed. Content of professional sense of justice is made not only by law precepts and values of a certain group, but also knowledge of the law norms regulating a certain type of activity, and certain procedures, and also installation on commission of the law actions directed to implementation of these rules. Due to one, professional activity of the person becomes development of its sense of justice. It promotes identification of lawful and law behavior of the individual both cognitively functionally. At the same time the large role is played by correlation of interpretation by the individual of law norm and justice which are organically combined in professional activity both procedurally (in the course of decision) and materially (in the text of the formulated decision).

Due to specific purpose of legal activity, the professional law-awareness of the groups involved in this sphere is capable to have an impact not only on the relations in group, but

also on the content of sense of justice and law behavior of representatives of other social groups. Representatives of law community form installation of the subject on commission of the actions favorable and pleasing to the state establishing the rights and the individual's duties in the course of law enforcement.

Law enforcement provides not only implementation of the powers conferred by the state by adoption of individual instructions, but also leading of a specific vital case under the general law norm and the decision on its basis of a real law situation, i.e. acts as binding means between the law-making level of law reality based on standard regulation, and the right realizable level based on individual, substandard regulation, and through it is capable to have an impact on law behavior of the individual.

Installation on all-civil law values and interpretation of law norms in this direction at implementation of external law communication allow the state not only to proclaim the corresponding position standardly, but also to embody in real law policy. The more professional law communities will be focused on carrying out in life of these ideas and values, the more it is

possible to speak about efficiency of the law policy directed to formation of the constitutional state and civil society.

**Conclusion.** Thus, the law socialization representing process of identification of the individual with a certain social (professional) group not only influences formation of professional sense of justice. It promotes stereotyping and causal attribution by the individual of law reality. The correlation of images of law norm and all-civil law values figures prominently in this process. Law socialization is a necessary condition of definition of a role of the person in law reality. The more process of law socialization will be purposeful, the more law identification of the subject and harmonization of law reality will be successful.

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