

UDC 340.12

DOI: 10.56215/naia-chasopis/1.2025.18

The role of the concept of “legal awareness” in the study of delinquent behaviour

Vira Tymoshenko*

Doctor of Law, Professor

National Academy of Internal Affairs

03035, 1 Solomianska Sq., Kyiv, Ukraine

<https://orcid.org/0000-0003-2947-5627>

Abstract

The relevance of this study is determined by the urgent need to eliminate factors contributing to the distortion of legal awareness and unlawful behaviour. This article aimed to examine the relationship between the concepts of “legal awareness” and “delinquent behaviour” and to initiate a scholarly discussion on the theoretical foundations of effective approaches to addressing the distortion of legal consciousness and preventing delinquent behaviour. The methodological framework of the study is based on sociological, phenomenological, and synergetic approaches, as well as formal-logical, systemic, and structural-functional methods. The study explores how the interaction between an individual’s inherent characteristics and the social environment determines the level of legal awareness and, consequently, the nature of human activity, including legal activity. The formation of delinquent behaviour is largely influenced by the combination of internal factors, such as an individual’s moral and psychological state and distorted legal consciousness, and external factors, including motives, causes, and conditions. Legal awareness and an individual’s value orientations are examined as factors in fostering legal activity and legally significant behaviour. These elements constitute a distinct set of personal attitudes shaped by motives, goals, and needs. The study theorised the role of conviction in the necessity of complying with existing legislation as a key determinant of legal behaviour and its relationship with other components of legal culture. It is demonstrated that legal behaviour depends on and can only develop based on legal knowledge and a high level of legal awareness. Given this interdependence, delinquent behaviour prevention is considered concerning such concepts as human and citizen rights and freedoms, social inequality and injustice, and corruption. The practical significance of the article lies in its provision of specific, scientifically grounded proposals and recommendations that can be applied in empirical research on delinquent behaviour prevention

Keywords:

crime; offence; law; legal attitude; distortion; motive

Introduction

The protracted reformation of the socio-political system in post-Soviet states, coupled with socioeconomic crises across Eastern Europe, has placed significant strain on populations and democratic institutions. Corruption remains rampant in post-Soviet countries

(In Ukraine, the second..., 2024), accompanied by economic decline, socio-economic inequality, and human rights violations (NISS, 2024). The crisis within the social sphere contributes to the formation of a conflict-prone environment (Kizilkaya, 2021). All of these

Article’s History:

Received: 10.12.2024

Revised: 26.02.2025

Accepted: 25.03.2025

Suggest Citation:

Tymoshenko, V. (2025). The role of the concept of “legal awareness” in the study of delinquent behaviour. *Law Journal of the National Academy of Internal Affairs*, 15(1), 18-26. doi: 10.56215/naia-chasopis/1.2025.18.

*Corresponding author



Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

factors provoke the distortion of legal awareness and delinquent behaviour, which undermines national security and poses a substantial threat.

A perspective exists that delinquent behaviour may stem from a complex interplay of factors, including individual, group, and societal legal awareness, social contradictions, and more. However, this assertion requires further theoretical substantiation and empirical validation, particularly in light of the crisis of classical approaches to understanding the origins of crime. The claim that preventing the consequences of offences necessitates the elimination of their causes and motives sparks debate, especially regarding the feasibility and effectiveness of completely eradicating such factors in contemporary societies. Within theoretical discussions, considering these factors in law-making, law enforcement, and preventive activities can be understood as contributing to the optimisation of the formation of a rule of law state, ensuring national security, and realising human rights. To prevent such expectations from becoming overly idealised, given the complexity of social processes and the limitations of existing legal regulatory tools, a theoretical verification of the conceptual foundations of these discussions is necessary. These conceptual foundations are the concepts of “legal awareness” and “delinquent behaviour”. Further research is also needed into the relationship between the understanding of prevailing societal attitudes and the ability to predict offences, as reflected in the articles of certain scholars, such as T. Raymen (2016). A systematic analysis of the factors influencing crime could potentially yield practical benefits, although its effectiveness and comprehensiveness remain debatable.

The driving factors behind deviant, including delinquent, behaviour have been analysed by G. DeAngelo *et al.* (2017), who substantiated the idea that in combating such behaviour, policies aimed at influencing social norms may be more effective than sanctions. The relationship between violence, deviance, and crime was investigated by J. Regalado *et al.* (2022), who concluded that crime and violence create stressful conditions and induce changes in human behaviour. Deviant behaviour in the workplace was analysed by I. Načinović Braje *et al.* (2020), who identified personality traits and examined the organisational culture within institutions and enterprises that contribute to deviant behaviour. A relevant example of research into the causes of criminal behaviour in the context of socio-environmental and psychological factors is the study by Ž. Bjelajac (2024). The impact of social factors on the behaviour of offenders was also analysed by T. Yanovska (2023) and R. Abhishek & J. Balamurugan (2024), who concluded that to reduce crime, it is necessary to create conditions that facilitate the satisfaction of basic human needs and enhance legal awareness. Personality traits indicating a risk of committing offences were identified by

N.K. Tharshini *et al.* (2021), including psychopathy, low self-control, and difficult temperament.

Another dimension of the discussion is presented in the research of Ya.S. Bohiv (2022), who examined the role of legal awareness in building a rule-of-law state. The study concluded that legal consciousness is an ideological category that underpins the guarantee and observance of human and citizen rights and freedoms, the protection of legitimate interests, and the unconditional fulfilment of legal obligations.

The study of this author is a significant contribution to the development of theories that assert that positive results in curbing criminal behaviour can be achieved through rational social policy. In the empirical realm, it should be noted that the level of research on these specific factors is currently insufficient.

This research aimed to conduct a general theoretical analysis of legal awareness as a factor in delinquent behaviour, as well as the specification of ways to overcome the distortion of legal awareness, as one of the ways to prevent offences. The research objectives were:

- to identify the main approaches to understanding legal awareness in the context of the study of delinquent behaviour;
- to analyse the theoretical and methodological problems that arise in studies of legal awareness and its impact on delinquent behaviour;
- to assess the current state of research on the problem and identify prospects for its further development.

The methodological basis of the article was comprised of hermeneutic and contextual methods. These methods were applied to elucidate the essence of the constructs “legal awareness”, its components, the essence of “delinquent behaviour”, its distinction from “deviant behaviour”, and its connection to other concepts. The utilisation of the laws of formal logic, primarily contradiction, identity, sufficient reason, etc., contributed to the definiteness, consistency, and validity of the conclusions. The systemic method was employed in the process of analysing the components of the concept of “legal awareness” in contemporary scientific research, as well as the phenomena and processes that are identified as factors influencing each component. The phenomena and processes under investigation are considered in their interconnection and interdependence with the surrounding environment against the backdrop of which the system functions. The systemic approach required, in the analysis of system elements, an emphasis on their significance for the system as a whole, on the functions that the elements perform in the system, and on the connections and relationships between the elements of the concepts. At the same time, the conceptual framework of this study is shaped by the principle of the priority of the whole over the part (Tymoshenko, 2024), aligning with a sociological approach rooted in the principle of social determinism.

Defining the scope of the concepts of “delinquent” and “legal awareness”

The term “delinquent” (from the Latin *delinquens* – one who commits an act) refers to a subject whose “deviant behaviour, in extreme manifestations, constitutes criminally punishable actions” (Shapar, 2007). The consequences of such behaviour affect the life of an individual and society, hinder the sustainable development of the country, violate existing legislation, create obstacles to the realisation of human and civil rights and freedoms, undermine the authority of the state at the international level, and pose a threat to national security.

The concepts of “delinquent” and “delinquent behaviour” are employed in general Legal theory, Criminology, Sociology, Pedagogy, Psychology, Social pedagogy, and other fields of knowledge. Initially, the term “delinquent” was used with meanings such as “a person who has committed an offence”, “a person who fails to fulfil a legal or contractual obligation”, and even “a rebel”. Later, it began to be used more broadly, also denoting persons with any unacceptable, unlawful, or culpable behaviour. This term is also used as a “neutral” or “politically correct” alternative to avoid synonyms with negative connotations (such as criminal, thief, or fraudster) if they are perceived as discriminatory or overly derogatory (Blaha, 2019). Examples of delinquent behaviour include administrative offences, disciplinary infractions, and criminal offences, which are divided into criminal misdemeanours and felonies. Delinquent behaviour differs from deviant behaviour (from the Latin deviation – *deviation*), which encompasses acts that contradict the rules of conduct that have developed in a particular community (customs, traditions, moral norms), and significantly deviate from generally accepted standards and norms. That is, the concept of “deviant behaviour” is broader (Tymoshenko & Korolchuk, 2023).

Legal awareness is an attribute, a component of the legal life of society, and the most important category of legal culture. Law and legal awareness are phenomena that are inextricably linked. Being a correlate of law, legal awareness acts as a form of awareness as a specific phenomenon of social reality and an “equivalent for the legitimacy of law” (Horák *et al.*, 2021). Legal awareness can be considered as a system of knowledge about law and the proper order of legal regulation. It is also a reflection in people’s minds of legal phenomena and ideas about the proper legal order, a psychological reflection of state-legal reality. At the same time, it is also a consequence of such reflection. It can be said that “legal awareness is a belief in the values contained in humans about the law” (Haitao, 2022). Legal awareness is also a person’s attitude to existing law, people’s attitude to the behaviour of other people, and people’s attitude to their rights and obligations. Hence the multi-level nature of the spheres of its implementation, which include both legal knowledge and legal assessments, as well as the specific historical practice of implementing

legal relations. At the same time, legal awareness is part of the theoretical triangle “legal awareness – legal values – legal behaviour” (Nelken, 2017), in which it occupies the place of intellectual, as well as emotional and value perception of information about legal reality.

Considering these semantic boundaries, within contemporary legal theory, legal awareness partially encompasses legal psychology and legal ideology. Legal psychology is the collection of feelings, moods, emotions, experiences, skills, and habits through which various social groups, as well as individuals, express their attitudes towards legal phenomena. This includes, for example, a sense of justice, attitudes towards arbitrariness, lawlessness, crime, corruption, and so on. Legal psychology, as the lower level of legal awareness, is formed spontaneously, under the influence of people’s direct life experience, the actual practice of legal relations that arise from the inevitable encounter with legal phenomena. The legal knowledge acquired at this level is disorganised and unsystematic.

Legal ideology, which aligns with the theoretical level of legal awareness, constitutes a framework of legal ideas, viewpoints, and theories that either justify the necessity of specific legal norms or demonstrate their illegitimacy (Martyniuk, 2019). This extends beyond mere spontaneous knowledge to encompass a value-driven system that facilitates a profound comprehension of legal phenomena, elucidates the internal mechanisms of legal regulation, or substantiates alterations conducive to the practical realisation of particular value orientations (Adam & Sen, 2021). At this echelon, a complex of legal sciences is formulated, and empirically validated recommendations are devised for legislative and law enforcement agencies. As astutely observed by A. Halpin (2013), any legal theory purporting to expunge ideological content from legal practice is merely a veiled manifestation of an alternative ideological paradigm. It is imperative to underscore that the dichotomy between legal psychology and ideology exists solely within the realm of abstraction. Analogous to the intrinsic unity of emotions and intellect, the structural constituents of legal awareness, predicated upon these foundations, are intrinsically and dialectically interconnected.

An individual’s legal awareness manifests its substantive content through legal, or legally significant, behaviour (Savchenko, 2020). The behavioural, practical components are predominantly evident in individual legal awareness, which harmonises the fulfilment of an individual’s needs in specific life scenarios with legal norms. The behavioural components of legal awareness that influence an individual’s legal conduct encompass legal attitudes, personal value orientations, convictions, goals, and motives.

An attitude is conventionally defined as the primary, initial response of a subject to the influence of a situation necessitating problem formulation and

resolution, reflecting a readiness to act in the presence of an immediate need and an objective situation. Attitudes can be either conscious or unconscious. Legal attitudes, as a structural element of legal awareness, are manifested through active engagement with the law, directly characterising the cognitive-evaluative and regulatory-formative mechanisms of legal awareness. Serving as a crucial target orientation, they stimulate legal activity, prompting legal subjects to engage in legally significant behaviour.

“Legal attitudes are the basis for legal value orientations” (Shulga, 2022). They possess a complex structure encompassing emotional, rational, and behavioural components. However, a legal attitude can only function as an effective internal driver if it is grounded in legal knowledge, positive legal sentiments, skills, and competencies. Collectively, these elements ensure readiness to engage in activities aimed at realising the law. A legal attitude can manifest as either a reluctance on the part of the subject to assert their lawful rights or a deliberate violation of existing legal prohibitions. The subject may acknowledge the illegitimacy of their actions, the social conditioning of laws, their objective expediency, and their alignment with personal interests, in addition to societal interests. Nevertheless, an individual’s internal intuition, akin to their system of moral values, may not consistently orient towards socially beneficial conduct.

Value orientations constitute a unique complex of personal attitudes, formulated based on an individual’s motives, goals, and needs (Kyslynska, 2015). Value orientations are manifested in conjunction with a worldview, enabling individuals to formulate a subjective stance towards their surrounding reality. It is these personal value orientations that dictate an individual’s disposition towards legal reality. In this context, the law may serve as an instrumental value for an individual. In other words, under specific circumstances, it is valued because it facilitates the realisation of other personal values, such as material well-being. The law may also possess intrinsic value for subjects, as it fosters the stability of social relations and the proper realisation of human and civil rights and freedoms.

The primary factor influencing the formation of lawful behaviour is the conviction in the necessity of adhering to existing legislation, which is formed based on legal knowledge and a high level of legal awareness. Legal convictions are internally perceived and assimilated legal views that generate a readiness to act. “Awareness of the law and following the rules are two factors that contribute to law-abiding conduct. The emergence of legal consciousness stems from people’s abstract concepts of the equilibrium between desired order and peace. There is a strong association between legal awareness and other values, including those of a social, political, economic, and legal nature” (Dong & Zeb, 2022). The formation of legal knowledge is one of

how the level of education influences the reduction of crime rates (Hjalmarsson & Lochner, 2012).

Human legal awareness and legal behaviour, through a sociological approach, are linked to the concepts of “social justice/injustice” (Kearns & Sarat, 2009). The substantive basis of social injustice is formed by unjust, primarily unequal, social relations that provide advantages to certain individuals or communities, thereby degrading the human dignity of other individuals and communities and violating human rights. Important determinants of social injustice include the immorality of subjects’ behaviour, egoism, aggressiveness, the dehumanisation of power, legal, political, and economic relations, low levels of social responsibility, and the understanding of freedom as a personal license. In general, the phenomena of justice and injustice at the level of individual consciousness and behaviour are extremely contradictory, a complex interplay of positive and negative aspects, vulnerability and human resources. The foundations for understanding injustice can be ideological or purely emotionally motivated, based on the set of values and orientations characteristic of an individual, a specific group, or society as a whole.

External circumstances, such as poverty and social inequality, also influence legal awareness and legal behaviour. According to the World Bank, the world is currently experiencing the largest increase in global inequality and poverty since the Second World War (Topchii, 2023; Abramova, 2023; Due to the war..., 2023). Social inequality and injustice are one of the causes of delinquent behaviour (Anser *et al.*, 2020). High levels of poverty and unemployment tend to increase crime rates in a country (Stasiuk, 2022; Kostenko, 2023). The material situation of a legal subject is important, as is the social and (real or perceived) marginalisation of the population, especially those who have served sentences of imprisonment (Bedaso *et al.*, 2020). The main role in the mechanism of unlawful behaviour belongs to individual legal awareness, which is a collection of legal and moral ideas formed over time with the decisive participation of a person’s personal qualities.

Goals and motives are important components of individual legal awareness. A goal is what one strives for; it regulates human activity. Goals are formed when there is a need and interest. A goal, as a behavioural component of legal awareness, is a mental model of a future outcome. A motive is an incentive, a reason for any action. In the sphere of individual legal awareness, a motive is an internal impulse that evokes a readiness for activity. Motives can be positive (e.g., the realisation of rights) and negative (e.g., the desire to enrich oneself by committing a crime). Personality traits, such as a tendency to solve problems violently, a lack of empathy for others, and narcissism, are conditions of unlawful behaviour. In particular, narcissism, according to E. Jauk & P. Kanske (2021), is “associated with both grandiose

self-assuredness and dominance, as well as vulnerable insecurity and reactivity".

Legal awareness is of particular importance for the realisation of rights and freedoms, as the internalisation of the necessity to comply with legal norms, which becomes an internal attitude of the individual, is a factor that deters a person from unlawful behaviour and becomes an important element in crime prevention (Cheung & Jia, 2024). The forms of expressing legal awareness can vary: recognition, respect, compliance with legal norms, views and beliefs that aspire to be implemented in legislation, criticism of existing legislation, objections to certain provisions, protest that escalates to rejection and even resistance (if existing legislation violates human rights). This latter form falls under the category of distorted legal awareness.

Distorted legal awareness refers to a complex of negative changes in an individual's consciousness, views, beliefs, and ideas regarding the law, which are conditioned by the surrounding legal reality (Melnyk, 2019). Under its influence, the bearers of legal awareness develop ideological and psychological stereotypes that express a negative, biased attitude towards existing law, which manifests in behaviour. Distorted legal awareness can be a driving force in the formation of delinquent behaviour, which is most dangerous to society because it contradicts legal norms. In general, certain factors cause the behaviour of a legal subject to become delinquent, namely: external natural conditions of the environment in which a person lives and is influenced (these are influenced by climatic, geographical, and ecological features); social factors formed by the community to which a person belongs (this includes the influence of education, nationality, moral atmosphere in society, political processes in society and the state, etc.); internal biological characteristics of the individual that determine the strength and nature of a person's reactions to any environmental influences (gender, age characteristics, health status, etc.); personal psychological characteristics of a particular individual, such as impulsiveness, recklessness, etc.

Overcoming distorted legal awareness

There are several well-known types of distorted legal awareness: legal fetishism (a biased attitude towards the law and its role in solving the problems of the state and society); legal infantilism (lack of information in the field of law); legal dilettantism (a careless attitude towards the law and legal values without mercenary or criminal intent); transformation of legal awareness (this is the maximum change and perversion of legal awareness, which involves achieving a criminal goal); legal nihilism (a conscious disregard for existing legislation, uncertainty in the ability of the law to fulfil its main task – the regulation of social relations) (Mukhin, 2007). A common form of distorted legal awareness is legal nihilism. This is a direction of socio-legal thought

that denies the social value of law, cultivates a negative attitude towards it, especially intensifying during crisis periods of social development. The most negative result of distorted legal awareness, which manifests itself in concrete actions, is the commission of a crime. Therefore, activities to raise the level of legal awareness, to educate a person in attitudes of respect for the law and the law, will be an effective component of a comprehensive approach to the prevention of offences.

One of the most crucial directions in overcoming the distortion of legal awareness is raising the level of legal culture within the population, cultivating an internal need to comply with legal requirements and fostering socio-legal activity. The term "legal culture" denotes "a system of spiritual values created by the activities of legal subjects, functioning as a form (method) of implementing the progressive legal development of individuals, humanity, and the social conditions of their lives" (Makarenko, 2019). Essentially, it represents the qualitative state of legal life within a society, manifested in the corresponding level of development of legal reality, law-making, law implementation, and law enforcement (Szilágyi, 2023). Simultaneously, it is a value-normative system oriented towards legal convictions and perspectives that facilitate the understanding of the law and the ability to implement it correctly. An individual's legal culture comprises legal education, legal awareness, a profound understanding of legal principles, and confidence in the justice of laws, legal rights, and duties. A high level of legal culture contributes to achieving peace, stabilising the socio-political situation in a country, and success in combating corruption, particularly in ensuring the punishment of corrupt individuals.

Reducing the level of distorted legal awareness will also be facilitated by social and normative education, which is a comprehensive process that includes, in addition to legal education, moral, labour, physical, and aesthetic education, aimed at forming a harmonious, comprehensively developed personality as a key unit of society. It also involves stimulating the active position of the individual, developing in them a sense of positive legal responsibility, which helps to resist nihilistic attitudes in society and defend their own civic position. Social and normative education is not limited to the legal aspect. It also includes moral, labour, physical, and aesthetic education, which together contribute to the formation of a holistic understanding of values, norms, and rules of behaviour in society. Legal education is an integral part of social and normative education. It involves the formation of legal culture, respect for the law, and awareness of their rights and duties among citizens. Legal education contributes to the development of critical thinking, the ability to analyse legal situations, and make informed decisions. Moral education is aimed at forming moral values in a person, such as kindness, honesty, justice, and responsibility. Moral values are the foundation of legal awareness, as they

determine a person's attitude towards the law and their willingness to abide by it. Labour education fosters diligence, responsibility, and discipline. These qualities are important for the successful socialisation of an individual and their integration into society. Physical education aims to strengthen a person's health and develop their physical abilities. A healthy person is more active, energetic, and able to resist negative influences. Aesthetic education fosters a sense of beauty and develops creative abilities. Aesthetic education helps a person see beauty in the surrounding world and strive for harmony. An important aspect of social and normative education is the stimulation of an individual's active position and the development of a sense of positive legal responsibility. A person who is aware of their responsibility for their own actions and is willing to participate in society is less prone to delinquent behaviour. Social and normative education helps a person resist nihilistic attitudes in society and defend their own civic position. It contributes to the formation of an active life position, a willingness to fight for their rights and interests, as well as for the interests of society as a whole.

The specificity of legal awareness in offenders lies in the absence of generally accepted moral concepts and the presence of exclusively negative attitudes. An offender's knowledge of legislation is unsystematic and chaotic, based on personal experience or the experience of those in their social circle. By their behaviour, an offender denies a specific legal norm or group of norms that protect the social relations they have violated (Shimotsukasa *et al.*, 2019). In this case, the preventive role of the law does not achieve its intended goal. Even if an offender perceives the existing legal norm under which they were convicted as "correct" and "just" in an abstract sense, they still consider the sentence unjust in their own case. It is the defects in legal awareness in the sphere of perceptions about criminal law that determine an individual's unlawful behaviour. Any defect in legal awareness, regardless of the sphere in which the offence is committed, is determined by an individual's attitude towards the law. Deviations in the legal awareness of offenders are most evident when they choose a particular course of action in a conflict. Moreover, antisocial groups have effective mechanisms for rewarding offenders, which reduces internal tension and allows them to feel part of something larger, achieve certain successes, and self-actualise. Criminal methods of self-actualisation, actively reinforced by the antisocial group, become the norm of behaviour, which is the final stage in the formation of a criminal personality. The chosen mode of behaviour demonstrates a distorted value system, in which legal principles are far from taking priority.

Legal education contributes to raising the level of legal awareness and preventing delinquent behaviour by reinforcing behavioural models in people's minds that need to be followed and respected (Adamski &

Florczak, 2022). Legal education of the population in a criminological context is a targeted process organised specifically to achieve law enforcement goals. At the same time, it is a system of measures carried out by the state, citizens, and other organisations to form a positive legal awareness and legal culture of the individual and society as a whole. The goal of legal education is usually to raise the level of legal awareness and legal culture of an individual, public organisation, and society as a whole. That is, the goal of legal education integrates personal, social, state needs, and interests. In general, legal education of the population is carried out in the following main forms: using the capabilities of the mass media; working with small social groups; individual work with a citizen and their microenvironment (family). Methods of legal education can be: persuasion, assistance, encouragement, education, suggestion, and creating situations that promote education. Individual legal education measures are designed not only to eliminate or correct negative personality traits, to provide the necessary knowledge to ensure their own safety and reduce victimisation, but also to gradually form qualities that can ensure consistent adherence to social norms and rules.

Individual legal education is typically carried out for the following categories of individuals: persons with increased victimisation due to their behaviour, lifestyle, or physical or mental characteristics; actual or potential victims of crime; persons who systematically consume alcohol; pensioners, minors, people with disabilities, and certain other vulnerable categories of the population; schoolchildren and students; homeless people; minors detained in special institutions; persons who have been brought to administrative or criminal responsibility, persons who violate their duties to raise children; the social microenvironment of the above categories of persons. To obtain positive results from the process of legal education, it is necessary to consider the relationship between law and legal awareness. It is also important whether society or a specific individual treats the law as a value.

Conclusions

Thus, in contemporary research, "legal awareness" is a concept understood as a conscious-volitional and intuitive (unconscious) environment in which the law is comprehended, and motives and impulses for legally significant behaviour are formed. Legal awareness is determined by external objective conditions and internal personal factors, individual psychophysiological characteristics, and the socio-cultural level of an individual. Research may conflate these levels, leading to inaccuracies in the interpretation of results. Value orientations, which reside within the structure of an individual's motivational sphere, play a significant role in this process, determining their activity in the legal system. The degree of actualisation of legal values at the

societal and individual levels is a determining factor in the dynamics of legal awareness and legal behaviour. Social inequality and injustice, as well as corruption, not only lead to a decline in the quality and standard of living of the population but also to an increase in the destructive and pessimistic potential of public consciousness, and distortions in value orientations and legal awareness. This poses a significant threat to the spread of delinquent behaviour and crime. Studies often focus on individual aspects, which complicates a comprehensive assessment of the impact of legal awareness on delinquent behaviour.

Research indicates that legal behaviour depends on the level and direction of legal awareness, which acts as a powerful behavioural regulator. The presence of distorted legal awareness is a significant risk factor for delinquent behaviour. The unity of natural characteristics and the social environment determines the level of legal awareness, and therefore the nature of human activity, including legal activity. Legal awareness is not a static formation; it changes under the influence of social, economic, and personal factors. Studies that do not take this dynamic into account may miss important aspects of the impact on behaviour. An important factor influencing the overcoming of delinquent behaviour is the conviction of the need to comply with the law, which can only be formed based on legal knowledge and a high level of legal awareness. An effective system for preventing delinquent behaviour is understood as one that should provide for the creation of conditions for the realisation of human and civil rights and freedoms, the formation of an effective, "just" system of sanctions

that stop and punish violations of existing legislation, raising the level of legal culture and legal awareness, and focusing on the legal education of the population.

In contemporary studies of delinquent behaviour, a close relationship is observed between the concepts of "legal awareness" and "justice", which shapes the interpretive frameworks of these studies. These interpretive frameworks are defined by analysing legal beliefs, social norms, and the mechanisms of socialisation of the individual within the context of law and order. Legal awareness is often equated with legal culture, legal attitudes, or value orientations. This blurs the boundaries of research and complicates the comparison of results from different articles.

New approaches to organising the prevention of delinquent behaviour by raising the level of legal awareness require not only additional theoretical substantiation but also the development of new applied and technological solutions that can be successfully implemented in law enforcement. Further research on the problems of delinquent behaviour should not only improve the systematisation and structuring of general theoretical knowledge but also integrate criminological issues into the general scientific context, and establish criminology as a full-fledged object of study within the methodology of science.

Acknowledgements

None.

Conflict of Interest

None.

References

- [1] Abhishek, R., & Balamurugan, J. (2024). Impact of social factors responsible for Juvenile delinquency – a literature review. *Journal of Education and Health Promotion*, 28(13), article number 102. doi: 10.4103/jehp.jehp.786.23.
- [2] Abramova, Yu. (2023). *How many Ukrainians live below the poverty line: The demographer said that Ukraine has gone back 20 years*. Retrieved from <https://surl.li/rhpgbx>.
- [3] Adam, B., & Sen, M. (2021). Estimating judicial ideology. *Journal of Economic Perspectives*, 35(1), 97-118. doi: 10.1257/jep.35.1.97.
- [4] Adamski, J.K., & Florczak, I. (2022). [Exploring the model of legal consciousness formation among foreigners working in Poland. Preliminary insights](#). *Studia Migracyjne – Przegląd Polonijny*, 3, 85-115.
- [5] Anser, M.K., Yousaf, Z., Nassani, A.A., Alotaibi, S.M., Kabbani, A., & Zaman, K. (2020). Dynamic linkages between poverty, inequality, crime, and social expenditures in a panel of 16 countries: Two-step GMM estimates. *Economic Structures*, 9, article number 43. doi: 10.1186/s40008-020-00220-6.
- [6] Bedaso, A., Ayalew, M., Mekonnen, N., & Duko, B. (2020). Global estimates of the prevalence of depression among prisoners: A systematic review and meta-analysis. *Depression Research and Treatment*, 26, article number 3695209. doi: 10.1155/2020/3695209.
- [7] Bjelajac, Ž. (2024). The origin of criminal behavior in the context of developmental risk factors. *Kultura Polisa*, 21(1), 18-42. doi: 10.51738/Kpolisa2024.21.1r.18b.
- [8] Blaha, A.B. (2019). [Delinquent](#). In V.I. Shakun & V.I. Tymoshenko (Eds.), *Great Ukrainian legal encyclopedia: In 20 volumes. Volume 18: Criminology* (pp. 103-104). Kharkiv: Pravo.
- [9] Bohiv, Ya.S. (2022). [Legal awareness as a basis for building a legal state](#). *Scientific Notes of the Lviv University of Business and Law*, 33, 196-202.
- [10] Cheung, Ch., & Jia, C.X. (2024). Law awareness and abidance and radicalism prevention among Hong Kong youth. *Applied Research in Quality of Life*, 19, 2267-2285. doi: 10.1007/s11482-024-10331-y.

- [11] DeAngelo, G., Ferrell, P., & McCannon, B.C. (2017). Sources of deviant behavior: Contrasting alternative explanations in the laboratory. *Journal of Behavioral and Experimental Economics*, 71, 31-44. doi: [10.1016/j.socec.2017.07.003](https://doi.org/10.1016/j.socec.2017.07.003).
- [12] Dong, Y., & Zeb, S. (2022). Role of higher education system in promoting law abiding behavior among students. *Frontiers in Psychology*, 13. doi: [10.3389/fpsyg.2022.1036991](https://doi.org/10.3389/fpsyg.2022.1036991).
- [13] Due to the war, the level of poverty in Ukraine has increased significantly. (2023). Retrieved from <https://novi-rubezhi.com.ua/novyny/cherez-vijnu-v-ukrayini-znachno-zris-riven-bidnosti/>.
- [14] Haitao, N. (2022). Determination of behavior, principles and law abiding on business ethics. *Journal of Law Politic and Humanities*, 2(2), 76-84. doi: [10.38035/jlph.v2i2.87](https://doi.org/10.38035/jlph.v2i2.87).
- [15] Halpin, A. (2013). *Ideology and law*. In *The meaning of ideology* (pp. 147-163). London: Routledge.
- [16] Hjalmarsson, R., & Lochner, L. (2012). *The impact of education on crime: International evidence*. CESifo DICE Report, 10(2), 49-55.
- [17] Horák, F., Lacko, D., & Klocek, A. (2021). Legal consciousness: A systematic review of its conceptualization and measurement methods. *Anuario de Psicología Jurídica*, 31(1), 9-34. doi: [10.5093/apj2021a2](https://doi.org/10.5093/apj2021a2).
- [18] In Ukraine, the second biggest problem after the war is corruption. (2024). Retrieved from <https://www.ukrinform.ua/rubric-society/3843018-v-ukraini-drugou-najbilsou-problemou-pisla-vijni-e-korupcia.html>.
- [19] Jauk, E., & Kanske, Ph. (2021). Can neuroscience help to understand narcissism? A systematic review of an emerging field. *Personal Neurosci*, 28(4), article number e3. doi: [10.1017/pen.2021.1](https://doi.org/10.1017/pen.2021.1).
- [20] Kearns, R., & Sarat, A. (2009). *Legal justice and injustice: Toward a situated perspective*. In *Justice and injustice in law and legal theory* (pp. 2-19). Chicago: Michigan University Press.
- [21] Kizilkaya, Z. (2021). Conflict, poverty and human rights violations. In M.F. Davis, M. Kjaerum & A. Lyons (Eds.), *Research handbook on human rights and poverty* (pp. 521-534). London: Edward Elgar Publishing. doi: [10.4337/9781788977517.00048](https://doi.org/10.4337/9781788977517.00048).
- [22] Kostenko, V. (2023). *The ranking of countries in the world with high crime rates has been published: Ukraine is located next to the United States*. Retrieved from <https://surl.li/kzaomh>.
- [23] Kyslynska, D.M. (2015). *Value orientations: Theoretical review*. *Problems of Extreme and Crisis Psychology*, 18, 89-97.
- [24] Makarenko, L.O. (2019). *Theoretical and methodological aspects of knowledge and formation of legal culture*. (PhD thesis, V.M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, Kyiv, Ukraine).
- [25] Martyniuk, T.M. (2019). Legal psychology and legal ideology: Peculiarities of formation in Ukraine. *Bulletin of the Lviv University of Trade and Economics. Legal Sciences*, 8, 38-45. doi: [10.36477/2616-7611-2019-08-04](https://doi.org/10.36477/2616-7611-2019-08-04).
- [26] Melnyk, M.V. (2019). Philosophical and legal interpretations of deformations of legal consciousness in the 20th and early 21st centuries. *Bulletin of Kharkiv National University of Internal Affairs*, 87(4), 23-32. doi: [10.32631/v.2019.4.02](https://doi.org/10.32631/v.2019.4.02).
- [27] Mukhin, V.V. (2007). *Professional legal awareness: Concepts, features, functions*. (PhD thesis, National Law Academy Named After Yaroslav Mudryy, Kharkiv, Ukraine).
- [28] Načinović Braje, I., Aleksić, A., & Rašić Jelavić, S. (2020). Blame it on individual or organization environment: What predicts workplace deviance more? *Social Sciences*, 9(6), article number 99. doi: [10.3390/socsci9060099](https://doi.org/10.3390/socsci9060099).
- [29] Nelken, D. (2017). *Using the concept of legal culture*. In M. Mar (Ed.), *Legal theory and the social sciences* (pp. 269-294). London: Routledge.
- [30] NISS. (2024). *Manifestations of economic inequality of the population in Ukraine in the context of ensuring sustainability*. Retrieved from <https://niss.gov.ua/doslidzhennya/sotsialna-polityka/proyavy-ekonomichnoyi-nerivnosti-naselennya-v-ukrayini-v-konteksti>.
- [31] Raymen, T. (2016). Designing-in crime by designing-out the social? Situational crime prevention and the intensification of harmful subjectivities. *The British Journal of Criminology*, 56(3), 497-514. doi: [10.1093/bjc/azv069](https://doi.org/10.1093/bjc/azv069).
- [32] Regalado, J., Timmer, A., & Jawaid, A. (2022). Crime and deviance during the COVID-19 pandemic. *Sociology Compass*, 16(4), article number e12974. doi: [10.1111/soc4.12974](https://doi.org/10.1111/soc4.12974).
- [33] Savchenko, A. (2020). *Legal culture as an attribute of culture of society*. *Bulletin of the National Academy of Management Personnel of Culture and Arts*, 2, 32-36.
- [34] Shapar, V.B. (2007). *Modern explanatory psychological dictionary*. Kharkiv: Prapor.
- [35] Shimotsukasa, T., Oshio, A., Tani, M., & Yamaki, M. (2019). Big five personality traits in inmates and normal adults in Japan. *Personality and Individual Differences*, 141, 81-85. doi: [10.1016/j.paid.2018.12.018](https://doi.org/10.1016/j.paid.2018.12.018).
- [36] Shulga, A.M. (2022). A person's legal awareness as a prerequisite for his lawful behavior: Retrospective view, modern interpretation. *Law and Security*, 4(37), 45-58. doi: [10.32631/pb.2022.4.04](https://doi.org/10.32631/pb.2022.4.04).

- [37] Stasiuk, N. (2022). Main criminalistic features of a person committing domestic violence in Ukraine. *Law. Human. Environment*, 13(2), 64-70. doi: 10.31548/law2022.02.008.
- [38] Szilágyi, H.I. (2023). Social legal consciousness or legal culture? *Public Governance, Administration and Finances Law Review*, 7(2), 5-39. doi: 10.53116/pgafnr.2022.2.1.
- [39] Tharshini, N.K., Ibrahim, F., Kamaluddin, M.R., & Rathakrishnan, B. (2021). The link between individual personality traits and criminality: A systematic review. *International Journal of Environmental Research and Public Health (IJERPH)*, 18(16). doi: 10.3390/ijerph18168663.
- [40] Topchii, O. (2023). *In two years, 63% of all new wealth in the world ended up in the hands of 1% of people – Oxfam*. Retrieved from <https://surl.li/rrsdkg>.
- [41] Tymoshenko, V.I. (2024). *Sociological theories of the state and law: History and modernity*. Kyiv: Publishing House of the National Academy of Sciences.
- [42] Tymoshenko, V.I., & Korolchuk, V.V. (2023). Causes and consequences of deviant behavior. *Scientific Bulletin of UzhNU. The Right Series*, 76(1), 73-78. doi: 10.24144/2307-3322.2022.76.1.11.
- [43] Yanovska, T. (2023). Awareness of guilt by juvenile criminals as a condition for successful resocialization. *Psychology and Personality*, 13(2), 159-179. doi: 10.33989/2226-4078.2023.2.288293.

Місце концепту «правосвідомість» у дослідженнях делінквентної поведінки

Віра Тимошенко

Доктор юридичних наук, професор
Національна академія внутрішніх справ
03035, пл. Солом'янська, 1, м. Київ, Україна
<https://orcid.org/0000-0003-2947-5627>

Анотація

Актуальність дослідження зумовлена нагальною потребою усунення факторів, що спричиняють деформацію правосвідомості та протиправну поведінку. Метою статті було дослідити взаємозв'язок таких концептів, як «правова свідомість» і «делінквентна поведінка», і започаткувати наукову дискусію щодо теоретичного підґрунтя ефективних напрямів подолання деформації правосвідомості й попередження делінквентної поведінки. Методологічною основою дослідження стали соціологічний, феноменологічний, синергетичний підходи, а також формально-логічний, системний та структурно-функціональний методи. З'ясовано, як поєднання природних особливостей людини та соціального середовища визначає рівень правової свідомості, а отже, і характер людської активності, зокрема правової. Вирішальну роль у формуванні делінквентної поведінки відіграє поєднання таких внутрішніх факторів, як моральний та психічний стан людини, її деформована правосвідомість, і зовнішніх факторів, тобто поєднання мотиву, причин й умов. Як фактор формування стимулювання правової активності, юридично значущої поведінки розглянуто правосвідомість і ціннісні орієнтації людини, які є особливим комплексом установок особистості, що утворюється на основі її мотивів, мети й потреб. Теоретизовано такі чинники правової поведінки, як переконання в необхідності дотримуватися чинного законодавства і його зв'язок з іншими складовими правової культури. Засвідчено, що правова поведінка безпосередньо залежить і може сформуватися лише на основі правових знань і високого рівня правової свідомості. З огляду на таку підпорядкованість, досліджено, як концептуально попередження делінквентної поведінки взаємодіє з такими концепціями, як права і свободи людини й громадянина, соціальна нерівність та несправедливість, корупція. Практична значущість статті полягає в тому, що в ній містяться конкретні науково обґрунтовані пропозиції та рекомендації, які можуть бути використані в емпіричних дослідженнях щодо попередження делінквентної поведінки

Ключові слова:

злочин; правопорушення; право; правова установка; деформація; мотив