

**ВІЙСЬКОВЕ ПРАВО**

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DOI <https://doi.org/10.32842/2078-3736/2020.1-2.32>**SPECIFICS OF THE CONCEPTUALIZATION AND LEGAL CULTURE  
OF THE MILITARY SERVICEMAN**

The article deals with the legal culture of military personnel, it is indicated that in the legal culture of military personnel the system of spiritual and legal values, which find themselves at the level of development of legal consciousness, according to which a law-abiding way of life is formed, and the legal regulation of social relations, which establishes the regime of law and order in Ukraine, is understood. An important characteristic of the legal culture of servicemen is the state of law, which is the main instrument of social regulation and control and is able to actively influence all manifestations of legal culture; on the basis of which legal institutes are formed, which testify to the level of legal culture of servicemen, from it the system of deeds and relations, which should meet the main standards of legal culture of servicemen, is confirmed. It is noted that the legal culture of military personnel has a high motivation to lawful behavior, kind of employment. It should be noted that the important indicator of the legal culture of the military is the law of Ukraine. In the Armed Forces, law and order are in strict adherence to military disciplines, the exact fulfillment by military officers of their official duties and obligations. It is specified that the legal mentality of military personnel is at the basis of their group legal consciousness, behavior, activity, communication, which manifests itself in stereotypes of thinking, behavior, professional unity, provides the viability of armed Ukraine. It is highlighted that the legal culture of military personnel performs a communicative function; the military law strictly regulates the relationship between commanders and subordinates, the communication process also has certain features: signs and texts should be simple, understandable, especially when carrying out educational and combat tasks. Legal awareness forms certain value points and needs from military personnel. The communicative function of legal culture contributes to mutual understanding between servicemen, the formation of their traditions, skills, legal mentality.

**Key words:** *military law, legal consciousness, system of law, perceptions, legal culture, mentality, everyday legal consciousness, competence, titles.*



**Зверев С. М., Ігнатська А. І. Особливості правосвідомості та правової культури військовослужбовців**

У статті досліджено правову культуру військовослужбовців, зазначено, що під правовою культурою військовослужбовців розуміють систему духовних і правових цінностей, які виявляються на досягнутому рівні розвитку правової свідомості, відповідно до яких формується законослухняний спосіб життя і здійснюється правове регулювання суспільних відносин, яке встановлює режим правопорядку в Україні. Важливою характеристикою правової культури військовослужбовців є стан законодавства, яке є основним інструментом соціального регулювання і контролю та здатне активно впливати на всі прояви правової культури; на його підставі формуються правові інститути, які свідчать про рівень правової культури військовослужбовців, через нього затверджується система вчинків та відносин, які повинні відповідати головним стандартам правової культури військовослужбовців. Зазначено, що правова культура військовослужбовців має високу мотивацію до правомірної поведінки, роду занять. Слід наголосити на тому, що важливим показником правової культури військовослужбовців є стан законності в Україні. У Збройних силах законність, правопорядок виявляються в суворому дотриманні військової дисципліни, точному виконанні військовими своїх службових обов'язків та зобов'язань. Зазначено, що правовий менталітет військовослужбовців виступає в основі їхньої групової правосвідомості, поведінки, діяльності, спілкуванні, який проявляється у стереотипах мислення, поведінки, професійної єдності, забезпечує життєздатність Збройних Сил України. Виокремлено, що правова культура військовослужбовців виконує комунікативну функцію; військове законодавство суворо регламентує взаємовідносини між командирами і підлеглими, процес комунікації також має певні особливості: знаки та тексти повинні бути простими, зрозумілими, особливо під час здійснення навчальних і бойових завдань. Правосвідомість формує у військовослужбовців певні ціннісні орієнтири та потреби. Комунікативна функція правової культури сприяє взаєморозумінню між військовослужбовцями, формуванню їхніх традицій, умінь, правового менталітету.

**Ключові слова:** *військове право, правосвідомість, система права, сприйняття, правова культура, менталітет, побутова правосвідомість, компетентність, звання.*

**Problem statement in general form.** Specificity and purpose of the activities of the armed forces, high psychological and physical load in the performance of their duties, increased sense of duty associated with greater responsibility to the country, promote the separation of military personnel into a separate category and social community. This community is characterized by a system of own values, traditions and features of mentality, legal consciousness and legal culture in particular [1, p. 9].

The problem of consciousness is one of the most important problems in society. After all, it is the human consciousness, reflecting the objective needs of social development, is the regulator of human behavior. One of the forms of consciousness is the legal consciousness [7, p. 72].

**Analysis of recent researches.** In the jurisprudence, a wide circle of scientists revealed the attention to the phenomenon of legal consciousness, including well-known Ukrainian researchers

About Atoyán, Y. Kalinovskiy, S. Maksimov, M. Tsymbalyuk and others. However, such outstanding scientists were engaged in the study of this problem: V.M. Box, V.V. Pashutin, P.P. Baranov, V.L. Vasiliev, S.S. Slyvka, V.I. Temchenko V.M. Stolovsky, N.Y. Sokolov, I.P. Zelenko, O.V. Zemlyanska, P.M. Rabinovich, S.S. Alekseev, V.V. Kopeichykov, G.K. Efre-mova, O.F. Skakun, O.V. Agranovskaya V.P. Salnikov, S.R. Stanik and others. However, in the context of self-knowledge, the problem of legal consciousness by scientists has not been thoroughly developed [3, p. 266].



**Formulating the goals of the article.** The purpose of the article is to consider the approaches presented in the scientific literature to the study of legal consciousness from the point of view of the practical tasks of the legal self-knowledge of servicemen.

**Presenting main material.** Any feelings as those that exist on the basis of concepts, ideas, ideas about the right, that is, reasonable, conscious legal experiences. Modern authors usually pay tribute to the irrational sphere of the legal psyche. To the structural elements of legal consciousness, researchers also refer to the legal will, the presence of which involves a deliberate and conscious implementation of the subject of his chosen form of legal behavior. The legal will in measuring legal values can have both a positive and a negative orientation. The functioning of the legal consciousness, its regulatory and regulatory influence on human behavior is ensured by the interrelationship and interaction of its cognitive, evaluation and regulatory components. A nodal moment, a sort of kernel of the mechanism of such interaction, can be considered legal values and value orientations. The scientific and psychological understanding of value is associated with motivation: value appears as the unity of two forms of motivation - the establishment of both sustained expectation and orientation as a strategic motivation. On the basis of values, value orientations of the person are formed and function. Evaluation of legal phenomena is carried out in accordance with the system developed by the legal criteria of the criteria. The fundamental criteria for legal evaluation are the idea of the right, which is reduced to the principles of justice, and legal meanings. Stable, repetitive, necessary relations between meanings are called axioms of legal consciousness [5, p. 238].

According to Skakun O.F. legal consciousness is a specific form of social consciousness, the content of which is a set of ideas, views, theories, representations, emotions and feelings that express the attitude of the individual, society to the current, past and desired law, as well as to the activity related to the right. The key point of legal conscience is the awareness of people of the values of natural law, human rights and freedoms, and the assessment of current law in terms of its conformity with universal human values found in international human rights instruments. Law consciousness not only affects the attitude of the individual to legal reality, but also directs her certain changes in the legal environment, predicts and simulates them [6, p. 46].

Under the legal consciousness of the military, they understand the system of knowledge, emotional-sensory and volitional states, which reflect the attitude of servicemen to the existing law, the requirements of military service [7, p. 12].

Consumer awareness – legal awareness of military personnel during work with the law in the process of military service.

The attitude towards law and order in the military environment arises at the spontaneous level and has its expression in emotions, feelings.

Professional legal consciousness – special legal teaching, skills, skills through which law enforcement activities are carried out. It should be noted that professional legal consciousness of servicemen has a complex relationship of specific, systemic, rational and sensory components. That is, there is a problem between the legal awareness and the everyday conscience of the servicemen [4, p. 70].

According to Article 2 of the Law of Ukraine «On Military Duty and Military Service», military service in the Armed Forces of Ukraine is a state service of a special nature. That is, the special nature of the servicemen is the specific purpose of the Armed Forces of Ukraine: servicemen are in legal relations, for which the principles of power and subordination are characteristic. Servicemen, entering the Armed Forces of Ukraine, take a military oath of allegiance to their people, that is, he acquires the full amount of official rights, and fully entrusts him with official duties, the non-performance of which entails disciplinary or criminal responsibility. In particular, the legal culture of a soldier is a combination or system of legal knowledge, skills, emotions, feelings, volitional components that are manifested in lawful activity and behavior.

The legal culture of an individual is expressed in its three main dimensions:

- a) legal cultural orientations;
- b) activities for their implementation;
- c) the results of the implementation of these orientations.



The first of these measurements involves the development by a person of knowledge, skills and abilities to use the law.

The second is the creative activity of a person in the legal sphere, in the process of which she acquires or develops her legal knowledge, skills. The third dimension expresses the internal potential of legal culture.

The legal culture of a soldier is characterized by the following components, such as:

- 1) legal knowledge and representation;
- 2) legal consciousness adequate to the legal system;
- 3) traditions, needs and skills to act in accordance with the law;
- 4) real action in the regime of legality, in accordance with legal principles and beliefs;
- 5) legal activity [2, p. 34].

Summarizing the listed components, it is easy to distinguish two qualitatively different levels of legal culture:

- 1) mastery of a certain amount of legal knowledge;
- 2) the perception of the need for law-based behavior as a personal conviction.

An extremely important factor that fundamentally affects the level of legal culture of military personnel is military discipline, its attitude to the performance of military duties. Military discipline is the impeccable and steady observance by all servicemen of the order and rules defined by military charters and other laws of Ukraine.

Legal culture as one of the most important components of a common culture should be inherent in every soldier of the Armed forces of Ukraine, because the rule of law affirms the principles of military construction, regulating civil relations, interaction in the troops, the problems of manning the army, training and education of soldiers, and the like.

The formation of a person's legal consciousness is due to the purposeful activity of the state, its bodies and institutions in the formation of legal knowledge, respect for law and law, and social and legal activity. Firstly, the formation of legal consciousness and legal culture affects the entire process of implementation and application of legal norms by state bodies. The practice of implementing legal norms extremely effectively affects the formation of legal knowledge, legal guidelines, positions and attitudes of the individual.

The formation of legal consciousness and the legal culture of an individual is most effectively affected by legal education, which provides for targeted, consistent, systematic activity of the state and its bodies, as well as public associations and organizations in the formation of a certain system of legal knowledge, skills, legal thinking, legal feelings – a feeling rights, legality, respect for law and law, to those social values that are regulated and protected by law and legislation. In other words, legal education is a system of state and non-state measures aimed at the formation of an appropriate level of legal awareness and legal culture among citizens. Including legal education of the population, various forms of advocacy, inculcation of respect for laws and their conscious implementation [4, p. 40].

**Conclusions prospects for further research.** Consequently, there is a need to investigate the intelligence of servicemen, because it serves as a sign of a democratic state, rules of conduct in society. The controversy and instability of legislation is the problem of our society. In our opinion, until every person or serviceman clearly identifies for himself what it seeks to have a level of legal awareness and legal culture, no changes in our society will occur.

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