Legal Consciousness and Legal Culture as Components of Social Health

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Abstract: From the socio-philosophical perspectives, the legal consciousness and legal culture of individuals and society are analyzed in terms of their role in shaping the social health. The concept of social health, its aspects (including socio-legal) are considered. The specifics and mechanisms of the impact on the health of the population of the legal traditions existing in society, legal culture, and legal awareness are shown. It is noted that the most complex processes of worsening social and legal health are observed during periods of instability of society, active transformations that do not coincide with the sociocultural foundations of human life, as well as in the era of globalization. Recommendations for improving public health, including through the development of moral and legal relations, as well as quality general and special legal education, are proposed.

1. Introduction

The health of a person and society is an unconditional value on which the fates of many people and this or that society depend [5; 6; 9]. A. V. Reshetnikov and O. A. Shapovalova emphasize, “Health is a natural, absolute and lasting life value that occupies the highest step on the hierarchical ladder of values, as well as in the system of such categories of human being as interests and ideals, harmony, beauty, meaning and happiness of life, creative work, program and rhythm life activity. <…> Health acts as one of the necessary and most important conditions for an active, creative, and fulfilling life of a person in society” [11].

In this article, from a socio-philosophical perspective, we examine socio-legal health as a phenomenon of modern social life, which cannot be achieved without an appropriate level of legal consciousness and legal culture of the population. The purpose of the article is to consider the social and legal health of the population as an important part of social health, due to the level of legal awareness and legal culture of a person and society. From the goal, the following tasks follow: (1) considering a general and social understanding of health; (2) revealing the importance of legal awareness and legal culture of the population as factors that largely determine the legal aspects of public health.

2. Material and Methods

This article relates to the socio-philosophical level of understanding the problem. The material is the results of studies by authors dealing with issues of social health of a person and society, legal consciousness, and legal culture of contemporary society, as well as the impact of social, legal, and other factors on individual and public health. The methods of system-philosophical and concrete scientific analysis of health problems, comparative studies, synthesis of results on the questions posed in the article are used.
3. Results and its Discussion

First, we turn to a common understanding of social health, and then to its legal aspects. Unfortunately, a lot of people, especially young people, initially think very little about their health while they are there but catch on when their problems begin [12]. The main indicators of the health (and unhealth) of the population are considered such as morbidity, mortality, life expectancy, physical, mental, spiritual, moral, socially adaptive development of the population. Health is a very important and changing socially individual phenomenon. Moreover, “even if a generalized health index is formulated, it is unlikely to be able to comprehensively and fully reflect the state of health. The requirements for health indicators are as follows: 1) data availability; 2) completeness of coverage; 3) quality; 4) versatility; 5) computability; 6) acceptability; 7) reproducibility; 8) specificity; 9) sensitivity; 10) validity [11]. In other words, the health problem has enduring value and relevance.

Health can be considered in various aspects. In general, health is an individual-personality phenomenon. Another approach to health is in the form of its main components (physical (bodily), mental, spiritual, and moral health). Health can also be viewed as a social phenomenon that manifests its features in different areas of society (political, legal, educational, sociocultural, etc.). We will pay attention to the public, social health. In the social aspect, even the special term “capital of human and society health” appeared. On this occasion, E. Mettini and N. V. Prisyazhnaya write the following. “Health capital is a supporting structure, the basis for human capital in general. Investments in health, its protection are aimed at reducing diseases and mortality, prolonging a person's able-bodied life” [10].

Social health is the broadest aspect of understanding human health, the country's population. The disclosure of the meanings of social health can be carried out from more particular, sociological positions and from more general, namely socio-philosophical. In the first case, with a sociological approach to health, its antithetic understanding is also common. “Healthy society” is that society where the level of “social diseases” is minimal (I. N. Gurvich). In the second approach, broader definitions are used [13]. According to P. G. Vorontsov, N. V. Nalivaiko, E. V. Ushakova, “Human health in the social aspect, as an organic part of society, is the most general concept. At its core, it contains medical, pedagogical health, but is not limited only to them, including also its following types: spiritual and moral health, coming from the best traditions of the people, from a culture of religion, art, morality, patriotism; civil (socio-political) health with the organizing idea of the life of the Motherland (native ideology) and the person in it; ecological health, determined by the ability and art to preserve and ennoble the natural environment of Mother Earth” [13].

The systematic approach provides for the consideration of society as a holistic system with its natural structural-dynamic and system-ecological organization, in which people are living, conscious of being, cells of a given social organism. We can consider public health as a combination of the following components: 1) the health of its constituent “social cells”; 2) healthy functional relations of a sociosystem, or optimal social interactions (social relations); 3) optimal social structure, vertical-hierarchical and horizontal (public organization), which supports the integrity, balance, social homeostasis of the social system; 4) healthy environmental relations and a safe natural and ecological social environment for people and the social system as a whole.

In a healthy society, an appropriate attitude towards the world and activities in the world are formed. At the same time, S. A. An, L. G. Sandakova, E. V. Ushakova note not only a holistic worldview but also “appropriate peacekeeping as a corresponding purposeful activity of people and their communities. It [activity] is that both individual individuals and social communities realize a number of relevant goals. Peacekeeping of such a spiritually rational worldview has creative potential. Protecting, restoring, and creating (on a new noosphere basis) human activity develops both in bio-landscapes (rational nature management, conservation, and restoration of biological landscape diversity), and in sociological landscapes (humane attitude to people, general constructive activity, peaceful coexistence). In society, every citizen needs the following: bodily, psycho-spiritual, and social health, reason in a rational form, humane attitude to the World [1].

In the language of social and socio-legal relations, as well as the everyday consciousness of the population, a healthy society is such a society, a country where social justice and the resulting social good, as an adequate and necessary standard of living of the people, are largely realized. From a scientific and philosophical perspective, social justice is a complexly organized social balance in the country's active social
system at the level of its structures (legal, managerial, social), dynamics (domestic policy), hierarchy (vertical social organization), external relations of the social system (foreign policy, foreign legal and other external social interactions, as well as environmental relations).

A society can be healthy only when all its cells are healthy in it, i.e., people forming its population and people. The cells of a social organism are bodily-spiritual organisms endowed with a social and individual consciousness. As a whole, they should understand and accept what in the country, social power exercises based on law, legislation. In other words, the population must have developed and healthy legal awareness. Such legal awareness, on the one hand, provides understanding and approval by the people of the constitutional and general legislation on the basis of which the government acts, social management is carried out, and all spheres of public life in the country are regulated. But on the other hand, existing law as a healing factor should bring relative peace, understanding of the fair caring attitude of the authorities towards citizens of creative work, their families, and confidence in the present and future life.

The main conditions for achieving such a level of the healthy individual and public (i.e., widespread, nationwide) legal consciousness, we can consider the following. First, the focus should be on the full-featured, multifaceted, systemically organized activity of the state, providing a sufficient and necessary for the people (not excessive and not critically low) level of various social benefits. To the latter, we can attribute such benefits and commons of society as housing, productive labor and public economy, educational, general cultural, political, legal, environmental, filled with a life-affirming idea and ideology of life for the whole population, as well as environmental conservation. Second, one should inevitably consider the full bodily and spiritual development of each social cell, i.e., the person in society. Only a physically healthy person with a developed consciousness and high psycho-spiritual qualities can, on the one hand, adequately interact with society and its management, and on the other, independently solve many issues of personal and public life. Only a person with a developed legal consciousness and a sufficient level of legal culture, based on domestic traditions, is able to behave in a complexly organized modern society adequately. Finally, the balanced legislation as a unity of constitutional and general (in different areas of activity of people and society) law is a prerequisite.

Under the conditions noted, the individual and public legal awareness and legal culture of ordinary citizens, professional lawyers, and representatives of power structures rely on a decent, life-sustaining legal ideology of society for all citizens. The legal consciousness of a person becomes full but different for different citizens and social and professional groups. It depends on the level of preparation of the individual, professional training, and social status. At the same time, it should correspond to normal, healthy socio-legal relations.

Since the end of the 20th century, the problem of legal culture as a special area of research has been actively studied. So, M. G. Baumova gives the following definition of legal culture: “Legal culture is a kind of spiritual and material culture, which is a system of legal values that reflects the quality of legal phenomena and processes, the level of perfection of legislation, legal awareness and legal practice, the legal development of individuals, etc., which progressively affects the formation of all areas life of society” [2, p. 6].

Also, the author defines the main functions of the legal culture. The researcher identifies, firstly, the general social functions of legal culture (economic, political, social, ideological, environmental, demographic). Second, these are specially legal functions of the legal culture, such as the transformative, regulatory, axiological, the function of protecting the rights and freedoms of the individual, prognostic, right-socializing, communicative, as well as the function of transmitting legal experience [2].

The authors of this article believe that the legal culture is a holistic and at the same time diverse phenomenon [3; 4; 7; 8]. In this way, this phenomenon acts as follows: 1) as a form of public self-government and fair relations of people; 2) necessary in the field of knowledge of the legislation of the country and civil obedience; 3) it represents the ability to understand and correlate the moral and legal foundations of life in public self-government and the foundations of the country's legislation, especially the Constitution and the Civil Code; 4) carries the wisdom of assessing existing legislation from the perspective of optimal and non-optimal principles of social management based on legislation; 5) allows one to correlate the potential of traditional legal culture and modern social and legal life of people; 6) reveals the principles
of the correlation of national legal traditions with foreign cultures, as well as with international legal principles of social being.

Studies by the authors of the article showed that in addition to the idealized content of legal consciousness and legal culture in society, there are complex and changing forms, which are sometimes far from perfect. Especially, this is characteristic of transition periods in the life of society, when a breakdown of the established foundations of life, including legislation, is underway. In such transitional periods, social management is deformed, some managers lose their sense of social and legal responsibility for the growing difficulties in the life of the population, there is a deformation of legal consciousness and legal culture [3; 4; 7]. At this time, far from the optimal transformation of laws is taking place. Accordingly, during the transition period, work on laws does not stop even after their adoption. This is explained by the high social dynamics and, as a consequence, by the fact that after the approval of specific laws, the processes of adoption of amendments to legal norms, articles of laws and other legal short stories almost immediately begin. There are a variety of conflicts in the law that require speedy resolution.

Therefore, the laws themselves, and especially their parts, sections, articles, legal norms, are not uniform. Accordingly, we can distinguish “several types of laws (based on the prevalence of relevant legal norms and articles in them): 1. True, current laws or articles (defining mechanisms for managing social reality in accordance with the basic needs of the majority of civilians, generally optimizing public life). 2. Passive, non-applicable laws (formally proclaiming the basic rights of citizens, but not containing legal mechanisms for their implementation in certain areas of life and generally not transforming life). 3. Pseudo-laws, deforming social relations [8, p. 119].

As a result, during the transitional periods of the transformation of societies, and also in the context of their very rapid restructuring, for example, in the era of globalization, there is significant disorientation of people's behavior, expressed in the public and socio-legal consciousness of the people. A significant part of the population is losing the sense of social justice, disappearing faith and hope in the unity of legal, moral, legal, social, socio-cultural and spiritual-moral principles of being. “In transitional periods, there are special reasons that make laws highly unstable. At this time, there is an extremely high dynamics of social relations, in connection with which their legal basis does not have time to adapt to increasingly new conditions. If, however, we accept the principle of the rule of law (which can only act effectively in a stable, balanced society), then in the transition period, such a principle can aggravate the situation by increasing the imbalance between real social relations and their inadequate reflection in law” [8]. In such periods, public and socio-legal health weakens. Therefore, both the general legal education of the population and the professional legal education take on a special stabilizing and organizing role.

3. Conclusion

Thus, in this article, issues of legal consciousness and legal culture are investigated in the aspect of the social health of a person and society from the standpoint of social philosophy using a systematic approach. It is shown that the socio-legal component, reflecting the degree of justice of the organization of society, is significant in the general understanding and preservation of the public health of the country's population; idealized components of social and legal health, as well as its complex modifications, are identified. In the conditions of transition, the leading role of general legal education and public education, as well as professional legal education in strengthening the public and socio-legal health of citizens of the country, is defined.

References


