

Scientific Approaches to Understanding and Essence of the Legal Socialization of Minors

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Abstract—The institute of socialization is an important form of adaptation to the conditions of life, as adoption of social experience forms individual capabilities of a person. Analysis of works by prominent scholars in various fields of science who turned their attention to studying the issues in personal legal socialization leads to a conclusion that the personal legal socialization has unique traits, as the institution of the socialization assumes a special attitude to the field of law and legal relations, serving as an important prerequisite to adaptation of a person to legal life. There are primary and secondary legal socialization. The primary legal socialization takes place at a young age and its main agents are family members, relatives, neighbors, etc. The secondary legal socialization takes place throughout the whole life. This article considers various scientific approaches to understanding and the essence of the legal socialization of minors.

Keywords—individual; person; legal socialization; minor; law; legal nihilism

I. INTRODUCTION

The problem of developing personal traits in an individual, in particular, a minor, correlates with various aspects, forms and methods of influencing the individual, aimed not only at apprehension of social norms and values, but also at adoption of socially-useful experience. This process gives a special importance to upbringing and education as justified forms of preparing minors to take on a social role in the future. The institute of socialization is an important form of adaptation to the conditions of life, as adoption of social experience forms individual capabilities of a person.

It should be clarified, that the term *socialization* with respect to formation of personality was coined by F. Giddings, an American sociologist, in his work *Theory of Socialization* (1897) [1]. *Socialization* means the process of establishment of a personality, acquisition of language, social values and experience (norms, directives, behavior patterns) and culture characteristic of a given society or social group on behalf of

the individual, their reproduction and enrichment of social links and social experience[2].

On the basis of this definition, the legal socialization and its nature are impossible to understand without first turning our attention to works produced by authors in various fields of knowledge, as today the issues of socialization of minors and its aspects are studied by philosophers, sociologists, psychologists, political scientists and exponents of other sciences. Thus, to reveal insights into the concept of the legal socialization of minors, we shall consider all the possible meanings of the concept. To that end, we will first try to systematize the social and philosophical views of socialization issues, and then turn our attention to other sciences studying this phenomenon, and finally, take a look at socialization as a legal phenomenon.

1.2. LITERATURE REVIEW

Social and philosophical analysis of the issue of legal socialization assumes covering one of the main questions: relations between a person and the society that is, determining relations, dependence of human nature on social and legal factors [3]. In this relation, the Philosophical Encyclopedic Dictionary defines socialization as “the process by which a human individual acquires a certain system of knowledge, norms and values allowing them to function as a fully-fledged member of society”. Socialization is a two-way process. The first side of the process is aimed at acquiring the social experience – it is a characteristic of environmental influence onto a person, the second side is the personal influence onto the environment by means of relations, activities and communication [4]. Through the environmental influence, the person not only perceives and acquires the social experience, but also actively transforms it into their own values, directives, position, orientation, into one's own view of the social relations. However, according to I.A. Nuriyev, currently, there is not universal approach to understanding the process of socialization [5]. We are of the same opinion, as by now

science has not yet developed the concept of socialization in its final variant. Speaking of philosophy, as we noted above, this science defines socialization as “the process by which a human individual acquires a certain system of knowledge, norms and values allowing them to function as a fully-fledged member of society”.

Besides, the process of socialization of a person is a subject not only for philosophy, but also for psychology, as the issue of socialization has been always causing interest in exponents of various schools of psychology. “There are almost no schools that avoided this issue in their studies” [6]. Meanwhile, socialization gets various representation in the psychological science. For example, L.S. Vygotsky held that “socialization is a process and a result of the process by which an educatee grasps the social norms, values and behaviors existing in the society” [7]. He understood socialization as absorption of individual and social experience, the whole human culture. B.T. Likhacheva and A.M. Stolyarenko note, that “socialization is formed from both formation of individual experience and absorption of social experience; in its content it is a process of establishment of minor's personality that materializes in three areas: Activity, communication, self-consciousness” [8]. A.L. Svetsitsky is of opinion that “socialization is a process by which an individual becomes a member of society, absorbing its norms and values, acquiring certain social roles” [9]. This process is characterized by the author as interactive, where, first we are talking about interaction of representatives of different generations, older and younger, both direct, in the form of face-to-face contacts, and indirect, facilitated by mass communication. Thus, if philosophy sees socialization as a person-society relations, psychology defines the process of socialization as a method for an individual to get into society. In this context, the successful adoption of social norms and values and their transformation into social experience may serve as a “useful tool” to the individual, turned to the benefit of personal and social interest.

Besides, socialization is one of the fundamental concepts of sociology, as the very term was initially actively used and interpreted within the framework of this science. In sociology, socialization is defined as a process by which people accumulate experience and social directives corresponding to their social roles. A more extensive definition is given in the Reference Dictionary in Sociology, where socialization is characterized as a process by which an individual absorbs *social norms* and cultural *values* of their society throughout the individual's life. The socialization takes place on the basis of education and upbringing, adoption of social roles; as a result, the person becomes a member of contemporary society. From this definition, it follows that socialization is an important factor in person's adaptation in the society, where not only their biological essence is subjected to influence, but the very introduction of the individual into the social environment takes place, including social cognition and communication, acquisition of practical skills from influence from the totality of social functions, roles, norms, rights, obligations, etc..

Moreover, socialization is not just a formative process of the individual, but also a method of personal development by

means of a duly fulfillment of all the social functions, roles, norms, rights and obligations. More accurately, we may use the words of I.V. Yermakova that it is not just linked to evolution of the person, but is a certain spiritual encoding of a human being, during which typical social reaction and forms of activity are engraved. As a whole, this is an important process that exerts external influence onto extension of the person's social activity demanded by a relevant society, appearing mostly through its activity in the application of social and psychological phenomena (adaptation, identification, integration, individualization, etc.) [10]. In recent years, the issues to some extent connected to the process of socialization of individual were brought up in a number of scientific studies considered with political socialization of various social groups. In this regard, the researchers developed a definition of political socialization that is understood as a two-way influence that the state and the society exert onto the individual with the objective to include them into existing system of political relations and selective adoption of the political norms, values and directives on behalf of the individual. It should be added, that it is the process of active reproduction of the political experience, a certain system of norms, values and directives of political activity and political relations on behalf of the person [11]. More specifically, it is such a two-way process, where the person, on the one hand experiences the influence from the main political agents, and on the other hand, influences the political life of the society. While developing the essence of the political socialization, «political socialization reproduces in every new generation the formed stereotypes of perception of the political world. The political upbringing is aimed to adapt the person to conditions created by each era or its stage and is linked to keeping the system in balance. Political education, together with the conservative component (bringing it together with the political socialization and political upbringing), includes an element of innovative breakthrough and supposes development of intellectual, critical capabilities of individuals». Actually, today the political socialization is a key element in the conditions of social modernization. It is defined as a process where the individual adopts the values, directives, behavior patterns of the individual's society [12].

II. RESULTS AND DISCUSSION

Legal socialization taking place within the framework of general socialization has certain specific attributes, as the institute of socialization supposes special attitude towards the law and legal relations, which serves as an important prerequisite for person's adaptation to legal life. Thus, studies of socialization of adolescent in such a complex sphere of life as legal appear as theoretically and practically important, as it will allow not only for a more complete understanding of this sphere and evaluating its development prospects, but also for making predictions covering development of society as a whole.

The legal socialization of minors, as a variety of general socialization of minors not only has its features, but is interrelated with other directions of socialization and being combined with them actively facilitates adoption of social and legal knowledge, skills in exercising one's right. This is determined by the fact that the legal socialization by its

genesis is connected with philosophy, psychology, sociology, pedagogy and other sciences that provide separately or complexly applied methods and forms to influence the formation and development of a personality. According to V.N. Kudryavtsev and V.P. Kazimirchuk, «legal socialization, being an organic part of the general socialization process, is related to it as a part to the whole and serves as its specific manifestation in the sphere of formation and development of individual political and legal consciousness and legal culture, active involvement of citizen into social and legal relations». Speaking of evolution of the very nature of the legal socialization, it traces its roots to Antiquity, when philosophers had started linking effectiveness of legal norms with the laws of human behavior. However, the concept of socialization gained traction much later. As some scholars note, active studies of the political socialization as a separate scientific problem started in 1960s. In the late 1980s, the studies in political socialization started in the ex-Soviet countries, when scholars started researching various aspects of the legal socialization formation. Meanwhile, during the 1990s, the theory of the legal socialization finally gained a foothold as an independent research area with its own range of research problems and stable methodologies [13]. In the evolutionary context, a particular attention of 21st-century scholars is turned to studying the aspects of formation of national models of legal socialization [14, pp. 143-149], including that among youth. They study problems in management of the legal socialization of minors, increasing role of social institutes as its agents, monitoring of socializing functions of educational institutions, creation of modern technologies of penitentiary resocialization and determining positive factors that facilitate such developments. This is supported by the fact that studies of the legal socialization process stays one of the eternal questions of various domains of studies, including jurisprudence. Moreover, despite evolution and modernization, legal literature contains various approaches to studying the concept of the legal socialization. For example, Ye.I. Makhrova, while explaining the modern understanding of the socialization process as an interdisciplinary phenomenon, notes that the legal socialization is primarily understood as participation of an individual in the social life on the basis of acquiring the legal culture of this society and forming individual's legal consciousness [15]. D.L. Agranat and A.V. Tkachenko, expounding the results of the empirical study into the legal socialization of first year students in a higher education institution note that the legal socialization is a «process, where on the one hand, a person forms normative conceptualization, and establishes legal values and norms, and on the other hand, the skills of applying the norms to the real life are mastered». P.S. Samygin, who studied the features of the legal socialization in various groups of youth, believes that «the legal socialization is a component of the social process of socialization and is a mastering of legal norms and principles on behalf of the individual, their acquiring skills to regulate their behavior on the basis of legal directives». In the same work, the author notes that «at that, the personality interacts with the legal institutes of the society, masters the skills of operating and acting in the legal environment within the framework of a certain social role and with the objective of

achieving a desired goal» [16]. Yu.V. Kuznetsova and I.Yu. Salmina, being involved into social and philosophical understanding of the phenomenon of the legal socialization of youth in the context of formation of the civic society, note that «the legal socialization of an individual is a deterministic sum of legal phenomena, formation of cultural and morally mature member of the society, meeting the social requirements, capable of orienting in the legal system and acting with the full understanding of mutual responsibility of social subjects for their actions» [17]. A.S. Yevdokimova considers the legal socialization as an important two-way social process, that includes, on the one hand, personal adoption of social and legal experience by means of engaging with the socio-legal environments in the system of social relations, and on the other hand the process of personal reproduction of the social relations by means of the individual's active activity, attitudes and active involvement with the socio-legal environment and the legal life» [18]. Considering this concept in the context of a formative mechanism of personal legal culture, Z.N. Kalendarishvili thinks that «by its essential characteristic, the legal socialization is an important two-way social process, that includes, on the one hand, personal adoption of social and legal experience by means of engaging with the socio-legal environments in the system of social relations, and on the other hand, the process of personal reproduction of the social relations by means of the individual's active socio-legal activity, attitudes and active involvement with the socio-legal environment and legal life» [19, pp. 116, 121]. Analyzing the issues in the influence that family, media and school have over the process of personal legal socialization, O.A. Zachkovsky wrote that the legal socialization as one of the aspects of personal socialization has its own specifics, as it assumes transferral of a system of beliefs and conceptualizations of law and legal regulation of human activities to the individual being socialized, including the knowledge of specific legal requirements imposed by the state for its citizens and sanctions for non-compliance [20]. V.M. Sapogov, while explaining the content of the legal socialization of children without parental custody in a young offender institution, wrote that «the result of the socialization process is the socialization state that may be defined as personal facial features formed in accordance with the offered social status in demand with the relevant society». When characterizing the factors and conditions of successful legal socialization of pupils, L.V. Budkina wrote that «the legal socialization is understood as a process of specially organized and directed mastering of basic legal norms, formation of a positive attitude towards these norms, formation of a legitimate model of behavior based upon pupils' interiorization of legal values and development of their own civic position on this foundation» [21]. Meanwhile, an extended concept of the legal socialization is given by V.V. Kasyanov and V.N. Nechipurenko, noting: «The legal socialization serves as a component of an integral process of socialization. Socialization is mastering the culture (norms, values, ideas, behavior rules and stereotypes of understanding) of the society. It is not just linked to evolution of the person, but is a certain spiritual encoding of a human being that develops typical social reaction and forms of activity». From the foregoing it follows that law is a fundamental part of culture, integral for the process of

socialization, in particular that of the legal socialization of a person; this process is at the center of attention of philosophers, sociologists, political scientists and other scholars. Legal science, however, still has not finalized the development of the legal socialization concept, while there is some success in studies of socialization issues and theory. Thus, from the analysis it follows that the legal socialization is an important aspect of personal development and it proceeds by acquiring legal norms and values and involvement of the individual with the social life. The legal socialization may be characterized in the following way:

- as a two-sided process it includes formation of conceptualization on personal behavior norms and the correct application of such norms in actual social life;

- as a component of general socialization, it is oriented towards provision of social stability further social development;

- as a set of actual social and legal situations where it takes place, the legal socialization allows the individual to develop directives for conformance with the legal norms or to change oneself, depending on actual demands. As a whole, the legal socialization is a specifically organized process of mastering the legal norms and values, whose successful completion facilitates the legal interiorization of the individual. The latter is an important element in transition of the external values and norms into the personal consciousness[23].

In psychology, interiorization is regarded as formation of the internal structures in the personal psyche by means of mastering the external social activity, acquiring life experience, establishment of mental functions and development as a whole. The term interiorization is used in various branches of science, while for the legal science it is of principal importance. Law is a fundamental part of culture which is integral for the process of socialization, including that of the legal socialization. Interiorization, during which social norms are adopted, both verbally and behaviorally, is the main mechanism of the legal socialization of a person. B.G. Ananyev believes that formation of personality by interiorization – assumption of the products of social experience and culture during the process of upbringing and education is, at the same time, mastering of certain positions, roles and functions, whose sum characterizes its social structure [23]. The thing is, interiorisation in the legal sphere assumes not only adoption of the legal norms and values but also a certain degree of influence onto their implementation, which happens by completing legally meaningful actions of the individual. The phenomenon of individual interiorization in also characterized with the process of exteriorization, as according to researchers, the processes of exteriorization and interiorization are in a constant interaction throughout the whole human life. If the person is alive, they act as a system called “alive human”, meaning they interiorize and exteriorize various signs and phenomena, reflecting these processes in their state. That is, “the person forms their internal world by acquisition, interiorization of historically emerged forms of social activity”. Exteriorization is a process of causing exterior actions, utterances, etc, on the basis of transforming a number of internal structures having formed on the foundation of

interiorizing the external social activity of humans. Exteriorization of the personal experience is not only “remembrance”, “replaying” the past experience as a basic knowledge, as a level of actual development, this is an activity in understanding and re-understanding of available content of the fundamental knowledge on the basis of objectivation of its elements and components [24]. On the other hand, interiorization and exteriorization complement each other, and in the process of the legal socialization they extend large influence over the legal development of the individual, happening by means of acquiring legal knowledge and experience of legal communications by the person. This is the legal upbringing that reflects social and economic conditions in the society, the nature of the political system, state ideology, moral atmosphere and much more. Just like the identification process, socialization knows not final and continues throughout the life of the individual. Thus, it is quite natural to present such stages of socialization as childhood, youth, adulthood, old age. It is probable that each of these stages consists of several substages with their characteristic features in establishing and developing the personality. In this sense, childhood socialization as the first stage of formation of a person assumes a sum of process of ontogenesis (creation of life), personogenesis (social creativity) and culturogenesis (cultural creativity) in the context of adapting, acquiring and mastering the culture. The socialization during childhood is defined as primary and includes the age up to 14 years. The legal socialization in that period is characterized with ability to operate with facts and amass the elementary legal experience necessary for interactions with the world around. Meanwhile, systematic legal socialization starts in adolescence, as the foundation of the legal culture is laid down during this period. On the opinion of T.S. Panchenko, the adolescent legal socialization is characterized with social activity. Person expands its social boundaries, extends the number of performed roles, etc.. During this period, there are qualitative changes in the cognitive component of the legal consciousness: extension of knowledge, active interiorization of legal values, development of judgments on law and legal phenomena on the basis of practical legal experience. According to this author, this age is critical for establishment of the legal position of a person that is going to determine the individual's development throughout the rest of the life [25]. In youth, the secondary socialization takes place (personal integrity is formed). Socialization of adults covers people from 25 to 55 years of age. [26] More exactly, the period of maturity as discussed in science covers the period from 40-45 to 55-60 years. At the same time, science uses such concepts as maturity, adulthood and middle age as synonyms. The social maturity is defined as a stable state of personality characterized with integrity, predictability, social direction of behavior in all the spheres of activities. At that, the final period of socialization is related to the coming of old age of a person. According to M.V. Yermolayev, “the old age in psychology is the final period in the human life; its provisional beginning relates to the removal of person's direct involvement in productive life of the society and its is characterized by new developments, just as any other age”. In this context, the determining criterion of success in the legal socialization of elderly is, undoubtedly presence of what they

may need: timely social services; the right for duly social security; the right for social guardianship, the right for immediate medical treatment; targeted social assistance, medico-social and psychological assistance, etc.

Besides, when organizing the works with elderly, the socialization agents use also various other forms and methods of the legal socialization. From the aforementioned, it follows that the listed social categories serve as the subjects of the legal socialization and they also may undergo the legal socialization on condition of favorable factors.

Thus, the guarantee of success in the legal socialization is creation of favorable conditions and factors that facilitate the positive influence onto human psyche. Under unfavorable conditions and factors, the legal socialization may fail, which may have deteriorating influence on the level of legal culture and will manifest primarily in cognitive, axiological and legal behavior areas of the action mechanism, possibly leading to deformation of the legal consciousness and legal culture as a whole [27].

On the other hand, successful completion of personal socialization is related to activities of the socialization agents. The agents serve as subjects in the socialization process; they may be individuals, groups of social institutions. Depending on the stages of the legal socialization, there may be agents of primary or secondary socialization. Family is among the most important agents of the primary legal socialization. It is the first and the closest social environment of a child, at that the family itself is a part of a more extensive legal social environment and bears its imprints. According to V.N. Gulyaikhin, "its main agent is the mother, who creates the primary socio-cultural environment. She is first to build the rules of behavior and principles of attitude towards Other in the consciousness of a baby". Here, separation of the institute of family as an important agent of the legal socialization is not a coincidence, as it is in the family that a person learns social roles, gets foundational education and behavior skills. The family is the most important institute for personal socialization. However, family may not always become the determinant for successful socialization of minors; there are also families with the deep defects of the legal socialization that provoke children to commit offenses and crimes, criminologists and psychologists call them troubled homes. As a result, an asocial personality is formed. Thus, an advantageous situation in the family, strong social contacts between the parents and their adolescent children and influence of other factors may significantly accelerate the process of socialization. In this context, the issues of personality formation within the family requires significant attention nowadays.

The primary legal socialization is formed in the family; basing on the norms of ethics and religion, parents provide their children with the first concepts of legitimate behavior. Taking into account the geographical position of our country (mainly mountainous and rough terrain), we may say that inhabitants of remote regions lack the ability to get the legal information in its entirety (heavy workload in personal husbandry results in lack of time necessary for additional education).

The secondary legal socialization is formed in people of older age. When a child goes to school and then to other educational institutions, their social environment changes (classmates, groupmates, teachers, instructors, etc.). The person not only gets new skills in social life, but also legal knowledge (lessons in Fundamentals of State and Law, meetings with representatives of state and local authorities of the Republic of Tajikistan). However, it should be noted that a positive attitude towards the law is not necessarily formed among the youth. There are individuals and groups of young people (informal groups, persons from dysfunctional families), who interpret the legal norms differently. An antagonism to the law itself arises, that is, a legal nihilism.

In addition to family, other agents of the primary legal socialization are friends, peers, teachers, coaches, etc. Each of them has the socializing function in the primary process of the legal socialization of an individual and their psycho-social evolution as a whole. The primary legal socialization lays the groundwork for transition to the secondary legal socialization, which explains the dynamic nature of the legal socialization. The secondary socialization is provided by individuals whose activity is related to formally public or privately business relations in the society. These agents are usually heads of institutions, organizations, official representatives of state authorities and various governmental bodies. According to P. Berger and T. Lukman, «secondary socialization is a very important subsequent process that allows socialized individual to enter the new sectors of the objective world in their society». Thus, school is not only the main institution, but also a core of successful completion of the personal legal socialization. Thus, the socializing role of school is undoubted in both primary and secondary legal socialization. Besides, other social institutes may serve as the agents of the secondary socialization: State, education, religion, science, jurisprudence, television, Internet, media, etc.

Nowadays, humanity opened a new chapter of its progressive development, the globalization stage. Under its influence, many socialization institutes has transformed into new structures and a human being is seen as an active subject of the legal socialization, that creates both legal space and legal self. In this context, the legal socialization as a method of inclusion into the social and legal system of the society gets the dominating role in the paradigmatic directives of the legal behavior, leaving it within the limits of existing social practices of the legal reality. Success of socialization, especially when it involves interaction between a person and various social institutes, elements and organizations depends on focus, methodicalness and timeliness of this influence.

III. CONCLUSION

Thus, analysis of the concept of the legal socialization of youth in the context of its use in the jurisprudence, philosophy, sociology, political science and psychology, allows drawing the following conclusions.

First, the legal socialization as a legal phenomenon is an integral component of the general process of socialization that assumes involvement of the individual into the sphere of relations regulated by the legal norms and necessary for both duly legal development of the person that goes through the

acquisition of legal norms, values, role expectations, and for a skill to use this knowledge and values in social and legal reality. The process of the legal socialization of minors is a part of the general process of the legal socialization. As a process that develops with the age, it is aimed at establishment and advancement of the social and legal role of the individual. It also has an important role in providing a necessary level of personal socialization in the sphere of relations regulated by law and morals. From the objective point of view, the legal socialization of youth includes a number of moments, the most important of them are the stages of its formation, interaction of the adolescent with the macro- and microenvironment within a certain space over a certain period of time under a specific set of conditions, which shall be taken into account to present the legal socialization as an integral process. Speaking subjectively, it means not only personal perception and attitude towards the surrounding reality, but also includes the influence from a system of factors onto its formation and development.

Second, the legal socialization of minors proceeds under the influence of a multitude of factors, where the critical role is played by family upbringing, school, social environment, specific life situation and other factors influencing minors. Moreover, consideration of social, economical, political, legal, moral and other conditions is important for the legal socialization of minors, as they have positive influence onto formation of social and legal experience, legal development and formation of worldview, a system of moral and legal value orientations, selection of positive areas to apply their activity on behalf of the adolescents, etc. Stability of these conditions inevitably reflects onto success of the legal socialization.

Third, being an important instrument of personal adaptation to legal life, the legal socialization cannot be finalized and continues throughout the whole life of the individual. Taking into account socio-cultural features of the legal socialization, the following socialization stages are distinguished:

- 1) primary or early socialization (from birth to adolescence);
- 2) individualization stage, characterized by the individual's aspirations to distinguish themselves among others and to critically comprehend the social behavioral norms;
- 3) integration stage, reflecting the person's aspiration to find one's place in life, to become a part of the society;
- 4) labor stage;
- 5) post-labor stage.

From the perspective of this approach, the legal socialization of minors completely covers the primary socialization. It is evident, that the legal socialization of minors is related to certain processes, such as: a) learning and adopting the legal norms and values of the society; b) transforming them into personal values, interests, needs necessary for their application in the social and legal reality. In this process, a large influence may be extended by the agents

of the primary socialization: parents, siblings, grandparents, close and distant relatives, nannies, family friends, peers, mentors, coaches, doctors, leaders of youth groups, etc. Effectiveness of such influence appears primarily in formation of legal consciousness and legal culture of minors. Together, these phenomena facilitate formation of a positive human being.

Fourth, the legal socialization of minors, in accordance with their age-related features, characterizes a specific ability of the individual to perceive and transform legal and social reality into a form of activity necessary for the person. It serves as a specific way of identifying the role of the person and their social and legal activity in the social life. In this sense, the legal socialization of minors reflects only the primary stage of socialization and its typical axiological properties as moral and legal forms of interaction between the subjects and methods of their involvement with the social praxis. The latter becomes a standard of satisfying one's needs for the adolescent, a kind of a compass for the future, used to evaluate and master social and legal norms and values, thus enriching and utilizing them in their behavior.

A purposeful, transforming property of the legal socialization of minors manifests in this as a certain process that transforms the sum of the social and legal experience (including skills in their application) into the personal behavior. It has the main objective in establishing the person as a socially active subject. Thus, a vital need of today is persistent and consistent formation and development of various social activities of minors, including the legal one, as the formation of the legal consciousness of minors is given a high profile in the general mechanism of socialization.

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