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Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"  
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# Competencies in education through the development of the individual's legal awareness in the conditions of a modern society

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*Svitlana Kryshchanovych* \*

*Taisiia Ratushna* \*\*

*Nataliia Chubinska* \*\*\*

*Myron Oleksiuk* \*\*\*\*

*Oleksandra Kachmar* \*\*\*\*\*

*Yevheniia Yemelianenko* \*\*\*\*\*

## Abstract

The main objective of the article is the study of competence formation in higher education through the development of the individual's legal awareness. The process of the research involved the use of methods of analysis of the main aspects of competence formation in an institution of higher education. Legal consciousness is one of the most important forms of a person's consciousness, along with political consciousness, morality, art, religion, science and philosophy. For sustainable existence and development, it is not enough to expect everyone to behave correctly. There must be trust, which is created by the legal system, consisting of binding laws, rules and principles in force, which regulate the rights and obligations of citizens. As a result, the key aspects of competence formation in higher education through the development of legal awareness were characterized. The authors conclude that the ability to comply with the requirements of law and morality, should be considered as

\* Faculty of Postgraduate and Correspondence Education, Lviv State University of Physical Culture named after Ivan Boberskyj, Lviv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-2147-9028>. Email: [svitlana.kryshchanovych@gmail.com](mailto:svitlana.kryshchanovych@gmail.com)

\*\* Department of Sociology Zaporizhzhia National University, Zaporizhzhia, Ukraine. ORCID ID: <https://orcid.org/0000-0001-7351-6647>. Email: [ovdjik11@outlook.com](mailto:ovdjik11@outlook.com)

\*\*\* Department of Pedagogy and Innovative Education, Lviv Polytechnic National University, Lviv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-4803-2453>. Email: [Chubinska.edu@gmail.com](mailto:Chubinska.edu@gmail.com)

\*\*\*\* Department of socio-behavioral, humanitarian sciences and economic security, Lviv State University of Internal Affairs, Lviv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-4837-0620>. Email: [pavlov460@ukr.net](mailto:pavlov460@ukr.net)

\*\*\*\*\* Department of Professional Methods and Primary Education Technologies, Vasyl Stefanyk Preparation National University, Ivano-Frankivsk, Ukraine. ORCID ID: <https://orcid.org/0000-0002-2002-4603>. Email: [Ooleksandra75@ukr.net](mailto:Ooleksandra75@ukr.net)

\*\*\*\*\* Department of Philosophy, Zaporizhzhia Polytechnic National University, Zaporizhzhia, Ukraine. ORCID ID: <http://orcid.org/0000-0001-5271-7677>. Email: [piddu906@ukr.net](mailto:piddu906@ukr.net)

a product of the conscious attitude of adolescents towards the recognition of their civic duty and compliance with legal norms.

**Keywords:** competencies in education; legal consciousness; modern society; legal order; studies of legal subjectivities.

## Competencias en educación a través del desarrollo de la conciencia jurídica del individuo en las condiciones de una sociedad moderna

### Resumen

El objetivo principal del artículo es el estudio de la formación de competencias en la educación superior a través del desarrollo de la conciencia jurídica del individuo. El proceso de la investigación implicó el uso de métodos de análisis de los principales aspectos de la formación de competencias en una institución de educación superior. La conciencia jurídica es una de las formas más importantes de conciencia de una persona, junto con la conciencia política, la moral, el arte, la religión, la ciencia y la filosofía. Para una existencia y un desarrollo sostenibles, no basta esperar que todas las personas se comporten correctamente. Debe existir la confianza, que es creada por el ordenamiento jurídico, constituido por leyes vinculantes, normas y principios vigentes, que regulan los derechos y obligaciones de los ciudadanos. Como resultado, se caracterizaron los aspectos clave de la formación de competencias en la educación superior a través del desarrollo de la conciencia jurídica. Los autores concluyen que la capacidad de cumplir con los requisitos de la ley y la moral, deben ser considerados como un producto de la actitud consciente de los adolescentes hacia el reconocimiento de su deber cívico y el cumplimiento de las normas legales.

**Palabras clave:** competencias en educación; conciencia jurídica; sociedad moderna; ordenamiento legal; estudios de las subjetividades jurídicas.

### Introduction

One of the structural elements of law is legal consciousness, which can be defined as a system of knowledge, assessments and ideas that express people's attitudes towards positive and ideal law. Since legal consciousness is a component of the ability of moral judgment, its germs are inherent in

man from birth. This should be understood in such a way that a person is able to intuitively distinguish between good and evil, legal and illegal, just and unjust. However, intuition alone is not enough. A developed legal consciousness has a complex structure and is formed, in part, with the help of the volitional efforts of the individual, but to a large extent due to external influence in the process of socialization.

In our opinion, it is in adolescence, which is a period of spiritual and moral formation, that the foundation of life values, self-projection of the personality is laid. We believe that the educational work of the public association is the platform for working with adolescent children. At present, the problem of educating adolescents is becoming increasingly important and relevant, since the development of youth and the country as a whole depends on its solution.

The content of legal consciousness is determined by the conditions for the formation of the idea of social reality as legal, the perception of the phenomenon of law in society as such. This process is significantly influenced by legal ideas, covering the awareness of law, the sense of law, the legal ideal and legal reality. A system of legal concepts produced by a particular society has a significant impact on the content of legal consciousness.

Legal consciousness is a set of views, ideas, ideas, as well as feelings, emotions and experiences that express people's attitude to the current or desired law and other legal phenomena. We are talking about how people understand and perceive the law, how they understand it and how they want to see it ideally.

The problem of the formation of the legal consciousness of young people is that involvement in the criminal world, its illegal norms in modern conditions occurs at a very early age, which leads to a very stable pattern: the earlier a person embarks on a criminal path, the faster he reaches the level of a dangerous recidivist.

Legal education is a purposeful, everyday and systematic influence of the state and its bodies, public associations and organizations on the minds of people in order to educate them in an appropriate level of legal consciousness, legal culture and exemplary lawful behavior.

The main purpose of the article is the formation of competence in higher education through the development of the legal consciousness of the individual in the conditions of a modern civilized society.

## **1. Materials and methods**

The research methodology is based on dialectical, systemic and institutional approaches, according to which the formation of competence in

a higher education institution through the development of legal awareness of a person in the conditions of a modern civilized society is considered as inextricably linked and cause-and-effect. In the course of the study, general scientific and special scientific methods of competence formation were used in the institution of higher education through the development of legal awareness of a person in the conditions of a modern civilized society.

The interpretation of the main categories and concepts is based on the use of methods of analysis and synthesis, induction and deduction, abstraction, analogy, theoretical generalization and modeling for the formation of competence in a higher education institution through the development of legal awareness of a person in the conditions of a modern civilized society. All this allows you to achieve the goal set in the article.

## **2. Literature review**

As most authors point out, legal consciousness is a system of ideas, ideas, emotions and feelings that express the attitude of an individual, a group, society to the current, past and desired law, as well as towards law-related activities. The key point of legal consciousness is people's awareness of the values of natural law, human rights and freedoms and evaluation of the existing law in terms of its conformity with universal human values, which are enshrined in international documents on human rights. Legal consciousness is an important element of law enforcement, little studied in modern science, and therefore requires further study to overcome its ideological nature and to further explain its impact on the essence of the principles of Ukrainian law and modern jurisprudence. (Kryshtanovych *et al.*, 2022; Leheza, 2022).

According to most scientists, the legal culture of a society is a qualitative criterion for its development. The formation of a democratic legal culture determines the successful solution of important processes of the state. Finding out the essence of legal culture, it is important to analyze its main characteristics, represented by numerous definitions of this concept. The phenomenality of political culture, its role and functions in political life are clearly manifested in the study of this issue.

It is necessary to reveal the structure and characterize the structural components of political culture, in particular, such as political knowledge, assessment of political phenomena, political behavior and political actions, etc. It is also important to analyze the criteria and types of political culture proposed by scientists, the conditions for their formation and signs (Nikonova, 2020; Querci, 2021).

In literature (Matviichuk, 2022; Pohosian, 2021), law is a fundamental category, because it is it that acts as a means of streamlining the social environment, the basis of the rule of law. Law is of great importance for societies at all stages of its development. The paradox is that both in the past and in the present, humanity is in a special state, it balances between good and evil, between justice and injustice, between truth and falsehood.

Under these conditions, law is an important tool that ensures the ability to maintain a balance of these characteristics. The problem of studying law is one of the eternal ones, since law is a very complex and multifaceted phenomenon and, unfortunately, legal scholars have not been able to unambiguously investigate its essence. There are still white spots that need to be explored. One of them is the establishment of the role of law in ensuring human life.

### **3. Research Results and Discussions**

Student youth as a separate social, age and socio-professional group is an independent subject of group (collective) legal consciousness. In the structure of legal consciousness, the legal consciousness of the student youth of Ukraine, in our opinion, occupies a special place, since the young educated generation is the basis and future of our state. It is up to him to solve the main tasks of public development in the coming decades. After all, it is people with higher education who will objectively occupy command positions in all branches of economic activity, the humanitarian, cultural sphere, etc. in the future. The deformation of the legal consciousness of the students is one of its estates.

At the same time, it is important to pay attention to the fact that the deformed legal consciousness of students is opposite to the positive legal consciousness. Under the concept of “deformation of legal consciousness”, scientists understand “a social and legal phenomenon characterized by a change in its state, in which the carriers form certain ideas, ideas, views, knowledge, sensations, moods, experiences and emotions that distort the legal reality and express a negative attitude to existing law, law and order» (Van rooij, 2021; Shobonova, 2020; Reems, 2021).

The effectiveness of transformations in the socio-economic and socio-political spheres of society’s life depends largely on how consciously and, accordingly, how actively all social strata will participate in this process, including students as the most dynamic and energetic part of society.

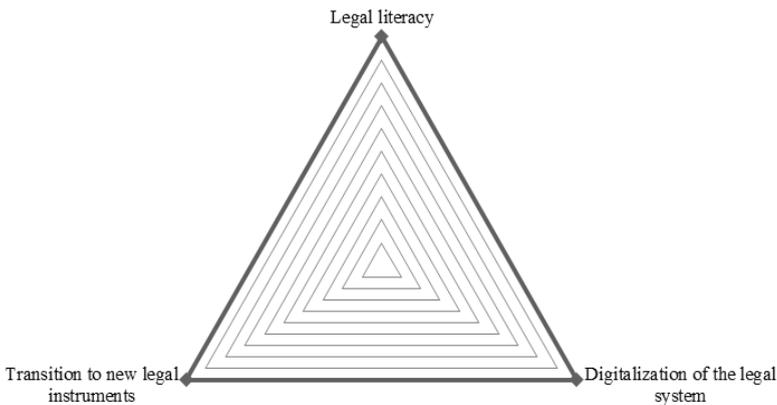
The dynamics of the development of legal culture and legal awareness and the development of young people’s legal thinking, adequate to social changes, are associated with the solution of many problems, one of which, in

our opinion, is the acquisition by young people of relevant knowledge about the social and spiritual values of law as phenomena of world civilization, as well as their awareness of the inseparable connection of civil rights and duties.

Most people do not yet possess the necessary minimum of legal knowledge. In addition, seeing non-legal ways in which government agencies and individuals apply laws makes people feel cheated and powerless to change anything. Alienation from imperfect law is compensated by the desire to circumvent the law. As a result, legal nihilism is becoming widespread, covering both the activities of the central administrative apparatus, and the initiative of local authorities, and everyday relations of people. Other manifestations of defective legal consciousness are legal infantilism, legal idealism and the “rebirth” of legal consciousness, etc. Legal idealism is an exaggeration of the real regulatory possibilities of a legal norm.

The main reasons for legal idealism are a lack of understanding of the laws of social development, ignorance of how social factors (including laws) interact in society. The most severe form of deformation of legal consciousness is the phenomenon of its rebirth. From legal nihilism, the reborn legal consciousness differs not only in the degree of social danger, but also in motivation. It is based on the conscious denial of the law on the grounds of benefit, greed.

The tripartite scheme for ensuring the development of the legal consciousness of the individual, presented in Fig.01.

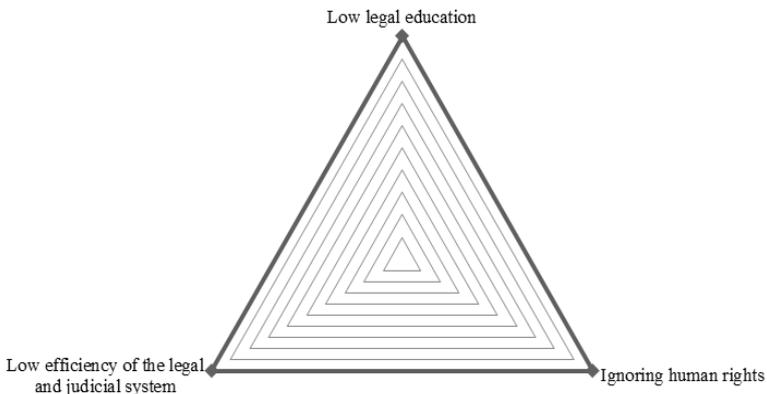


**Figure No. 01. The tripartite scheme for ensuring the development of the legal consciousness of the individual. Source: prepared by the authors.**

So, the objective need for the formation of legal consciousness and legal culture of students is explained by the following:

1. The process of formation and development of legal consciousness and legal culture of students is influenced by the current state of Ukrainian society - social tension, economic problems, disintegration, moral and psychological instability of society as a whole, etc.
2. Let us note that in our time, contradictions arise more and more sharply between: the amount of legal knowledge necessary for future specialists to work effectively in various areas of the growing socio-economic life and the real legal training of higher education graduates called to carry out this activity; new legislation and low level of legal awareness; the need of society for the legal preparation of each person for life in the new conditions and the lack of purposeful work in the higher education system in order to form the legal culture of students; an objectively existing need for the formation of a legal culture among students and insufficient awareness of this need at all levels of the education system (ministry, universities, teachers, parents).
3. Elements of a legal counterculture are rapidly developing among young people - legal nihilism and crime. Ignoring these phenomena, the delay on the part of the state and society with the development and adoption of measures aimed at correcting this situation, create quite big problems for the development of the state and civil society.

The tripartite scheme of the main threats to the development of the legal consciousness of the individual, presented in Fig. 02.



**Figure No. 02. The tripartite scheme of the main threats to the development of the legal consciousness of the individual. Source: prepared by the authors.**

Legal awareness is an integral phenomenon that illustrates the results of the processes of mass legal socialization of citizens, the state of law and order in society, regulatory requirements of a formal legal and non-legal nature, the need to change individual elements or the entire system of established law, acting as the most important criterion in lawmaking and law enforcement. The structure of a person's legal consciousness includes ideological (value), behavioral (rational) and psychological (emotional) components, each of which can be artificially changed if there are effective mechanisms of formative influence.

This creates an objective opportunity to change and improve the legal culture of Ukrainian citizens by directing influence on all components of legal consciousness in order to stimulate the self-conditioning of lawful behavior. The legal culture and the content of the legal consciousness of the individual mainly depend on the knowledge of law, except for which they cannot be endowed with specific legal certainty. However, knowledge of the law is not a decisive factor in the lawful behavior of people, a comprehensive criterion for a high level of development of legal awareness and legal education. Therefore, the mechanisms for stimulating lawful behavior should include not only negative sanctions, legal education, but also an ideology that influences the formation of the legal attitudes of the individual.

Legal socialization is considered as a process and result of assimilation and active reproduction of social and cultural experience by a person, mastering the necessary skills of lawful behavior, and one of the main means is the legal education of the population. Filling with the content of the above-mentioned three stages of legal socialization takes place in Ukraine through the implementation of continuous legal education for the population, the mechanism of which is made up of domestic educational institutions (preschool, general secondary, higher and out-of-school education). An analysis of numerous legal indicators and socio-psychological aspects makes it possible to substantiate the definition of the legal behavior of a person realized in our society as socially significant from the point of view of the goals of social development, the conscious behavior of individual or collective subjects, which is provided for by the rule of law and entails legal consequences.

## **Conclusions**

Summing up, it should be noted that in the context of the development of legal awareness, the education of adolescents and the formation of their legal consciousness in the process of the work of a public association, it provides for: the study of laws by young people, increasing their legal

awareness, systematic informing about topical issues of law, because legal knowledge is the basis on which legal consciousness. Public associations help teenagers correlate their actions and the behavior of their comrades not only with well-known moral norms, but also with the requirements of laws, correct, change it in the right direction.

A significant part of adolescents, although they do not know specific legal norms, do not commit offenses. In our opinion, one of the main elements of the system of legal education is a public association. Its purpose is to address issues involving the acquisition by adolescents of the skills and abilities of lawful behavior. The habit and ability to comply with the requirements of law and morality should be considered as a product of the conscious attitude of adolescents to the recognition of their civic duty, compliance with legal norms.

Both rightful and wrongful behavior depend on certain motives. Some adolescents follow the law out of deep conviction; the second - because they are under the constant control of adults or fear possible punishment; still others try to achieve their selfish goals by decent behavior. Often this behavior is due to the habit of observing the rules of cohabitation. Any attempts to isolate adolescents from the negative, to keep silent and hide from them life's problems do not instill in them an irreconcilable attitude towards these phenomena, do not mobilize them to fight against them, do not produce immunity against their influence.

We believe that legal views should be based on general legal knowledge and ideas about the state and law, legal relations between people, constitutional rights and duties of citizens. It is important that this knowledge and ideas correctly reflect certain legal norms, otherwise legal views will be false. One of the most important components of legal consciousness is conviction - a person's awareness of the truth of worldview and moral concepts and his personal readiness to act in accordance with these rules and concepts. In the process of legal education, it is important to educate adolescents in higher legal feelings that would regulate their behavior (responsibility, justice, etc.), otherwise simple emotions (anger, fear, etc.) that entail situational behavior will become its main regulator.

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