

Legal Culture as the Determinant of Value Orientations in Youth in the Society of the Transition Period (Philosophical Analysis)

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ABSTRACT

This research is devoted to the philosophical analysis of legal culture as a determinant of value orientations in the transition period society. The purpose of the study is to discover the essence and specificity of legal culture as a determinant of value orientations in a transition society from the philosophical perspective. In accordance with this purpose, the following objectives were set: to conduct a comprehensive analysis of the accumulated material in social theory and practice, which is related to the subject at hand; to investigate the essence and specificity of legal culture as a social phenomenon; to substantiate theoretically the interaction between legal culture and moral culture. The main methodological principles of the research are unity of induction and deduction, the empirical and the theoretical, the historical and the logical, the abstract and the concrete, and comparative analysis. The conclusion is that value orientations develop when a person gains social experience and masters the social, political, moral, and ethical ideals and immutable regulatory requirements to him or her as a member of society. The development of legal culture requires neutralizing the effect of negative influence of the micro- and macro-environment on young people, achieving maximum correspondence of moral and legal values in society at all stages of their socializing functions, facilitating the synchronization of knowledge and personal convictions, enhancing the control of the mind over feelings and emotions, and making more important the regulatory role of such complex socio-psychological components as attitudes and value orientations.

KEYWORDS

Value orientations, legal status of an individual, transition society, social transformations, moral and humanistic guidelines

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Introduction

Current processes of the transition period take place during the reformation of the society. The creation of new economic market bonds, a complicated reorganization of production, and the development of an independent state are characterized by a collapse of existing ideals and moral values in the transition society (Ilyasov, 2011).

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The conditions of a post-totalitarian society that took the path of democratic development and declared its intention of building a legal state, require a thorough reconsideration of previous theoretical ideas of the social and legal status of a person and the balance of legal and moral culture (Alekseyev, 1994). This concerns not only the abandonment of ideology-driven and politicized conclusions regarding the formation, development, and functioning of a person's consciousness, which were forced upon the society for decades, but also the affirmation of truly scientific and realistic approaches to their interpretation.

The impact of the totalitarian heritage will be felt for a long time, but it is especially noticeable during the current transition period, when radical deformations in the moral and legal culture of most Kazakh young people become evident (Tolen, 2014). At present, a significant proneness of this part of society to immoral acts and delinquency is being found, along with an expanding conformism, and a wide gap between a person's knowledge level and convictions, social attitudes and value orientations. Moral and legal disorders in the society went so far and became so threatening that they turned into a bottleneck for economic, social, political, legal, and other transformations (Ilyinsky, 2011).

Under such circumstances, the role of law in the society, the role of legal means and mechanisms, and the role of the legal culture overall becomes especially important. It is a crucial factor and an integral part of a legal state. Without legal culture, actual freedom and security of a person and civic engagement, including in the economy, are impossible. The legal culture is a barrier against the self-will and subjectivism of persons, who control the mechanisms of power and management, production and distribution of material wealth. A legal state can be based only on a solid legal foundation that ensures the supremacy of law during the evaluation of people's actions, and universal law-abidingness. These are both features of a legal state and an indicator of the actual legal culture of the society (Novichenko, 2013).

Literature review

The socialization of the young generation in the 1990s coincided with radical transformations of the previous socialistic system, which affected all essential elements of the latter (Altynbekov, 2015). One of the defining characteristics of the current public consciousness is the disappointment in politics and politicians, and the possibility of rapid democratic transformations. During the collapse of the previous way of life and the growth of distrust in authorities, the trends of a person's alienation from politics tend to increase (Chuprov, 1991). This also concerns young people. While acknowledging and generally supporting the need for changes, the young generation does not relate itself directly to a specific contribution to and active participation in such changes (Mustafaeva, 2014).

This is proven by the level of acknowledgement and acceptance of new ideas, values, and standards by young people. Practice shows that young people lived through the collapse of the previous ideology in a more balanced and calm fashion when compared to the older generation. It is no coincidence that the former include many active supporters of democratic transformations and the transition to the market economy (Absattarov, 2009). There is every reason to believe that the new type of person, which will dominate and develop in the future, is being formed in the youth environment. Young people are the social

foundation of the new democratic society, the indicator that allows predicting, with a certain level of accuracy, the values of future life.

The relevance of developing the legal culture is especially distinguished in the policy documents regarding the development of independent Kazakhstan, promulgated on behalf of the people by the President of Kazakhstan. In his message to fellow citizens, President N. A. Nazarbayev noted that the assurance of Kazakhstan's development as a sovereign state is a top-priority long-term objective. In general, the development strategy of Kazakhstan up to 2030 is imbued with ideas of forming a legal state and a civil society. One of the effective factors in the conduction of reforms is the improvement of legal culture. Only the values of humanistic culture can inspire social optimism in the people's consciousness (Absattarov & Rau, 2012).

A direct relation exists between legal culture and the economic reform that is being conducted in the country. The presence of legal culture allows comprehending and implementing the following principle: people are free to do as they like unless expressly prohibited by law (Zhansulu, 2013). The development of legal culture is an important condition for the full realization of citizens' rights and freedoms and a necessary prerequisite for their performance of obligations in a holistic system of other means (socioeconomic, political, etc.) of reorganization of social relations (Universal human and national values change in the society, 1997).

All this predetermines the intensive scientific development of youth-related problems and the problems of importance of legal culture for the formation of value orientations, in particular. They are especially important for the comprehension and optimization of the course of political, legal, and spiritual transformations in the country (Asiya, 2014).

It is possible to indicate certain value orientations without attempting to strictly subordinate them. The contradiction between the pace of changes in the public life and the pace of changes in the types of social activities of various youth categories on the one hand, and between the critical assessment of the situation by young people and their relatively low level of public activity on the other hand (Arganovskaya, 1998).

Such a setting of the question implies a discussion of the presence and expansion of the creatively gifted youth's and young intellectuals' field of activity, which requires assessing the model of current socioeconomic reforms from the perspective of their conformity to the interests of young people (Bauyrzhanuly, 2015).

The specificity of the problem of forming value orientations consists in distinguishing the two aspects of this phenomenon: adaptation to the conditions of a market reform, and implementation of innovation (Uzakbayeva, 2015). This approach allows determining the principles of relations in the society and its integral part – the youth – during the building of a legal state in the Republic of Kazakhstan.

Aim of the Study

The aim of the study is to investigate the philosophical aspects of the essence and specificity of legal culture as the determinant of value orientations in youth in a transition society.



Research questions

What is the essence and specificity of legal culture?

How do moral and legal cultures interact?

Methods

The theoretical framework of the study included the works of classical authors of world and Kazakh philosophy and legal theory. The methodological framework included policy documents on the development of independent Kazakhstan towards the building of a legal state and civil society, in which the legal culture factor plays an important role.

The main methodological principles of the research are unity of induction and deduction, the empirical and the theoretical, the historical and the logical, the abstract and the concrete, comparative analysis, etc.

Data, Analysis, and Results

Modern concepts and paradigms of legal culture

The essence and specificity of legal culture

The word “culture” derives from the Latin word “cultura”, which originally meant the cultivation of soil. Afterwards, this term was transferred onto the human being and assumed the meaning of upbringing and education, i.e. the “cultivation of an individual”. Over the course of history, this term underwent a complex evolution.

The modern dictionary of foreign words provides eight definitions of the term “culture”. The following definitions should be emphasized: “a historically determined level of development of the society, creative powers and abilities of people, expressed in the types and forms of organization of human life and activities, in their relations, and in material and spiritual values, created by them”, i.e. material and spiritual culture, in a narrower sense, the term relates to the spiritual life of people; “the characteristics of certain historical eras (for instance, ancient culture), peoples and nations (for instance, Russian culture); “the level of public, intellectual, and moral development, inherent in somebody” (Modern dictionary of foreign words, 1992). In its broadest meaning, culture includes education, material security, life, living conditions, etc., i.e. in essence, the way and conditions of life.

There is an increasing need for studying culture, based on a comprehensive (systems) approach, which includes the study of its relation to all aspects and processes of social life.

The concept of “legal culture of the society” is used in social and political sciences in various meanings due to both objective and subjective factors. Consequently, there are different interpretations of the “legal culture of the society” concept.

Legal culture, as a type of general culture, is of social nature, i.e. it is an integral part of social life and is inseparable from the individual as a social being. This culture helps to unite people, form bonding or other similar social qualities and traits. The factors of legal culture ensure solidarity in the society or social group. These qualities of legal culture are expressed through its main components.

The functioning of legal culture ultimately is determined by the system of economic relations. However, this familiar connection is mediated by the system of social-class and legal relations, which directly determine the nature of this culture. For instance, the functions of legal culture are the main manifestations of legal culture, which show and characterize the level and effectiveness of the state's legal life, the level of development and value orientation of legal system elements.

All knowledge, skills, and experience should serve the future generations. The system of knowledge transfer is a crucial aspect of culture and, of course, legal experience with all its pros and cons. The goal of every generation is to enrich this knowledge in the social sphere and professional activity, which affects the system of public relations in the society.

Philosophic works note that the “correlation between society and culture is a correlation between the whole and a part, between a whole and its quality” (Spiritual life of society, 1980). Therefore, the legal subsystem of society – a legal superstructure and legal culture – relate to each other as the whole and its quality. This means that legal culture characterizes the qualitative state of the legal superstructure, which is expressed by the level of development of both the legal reality and its individual components. Legal culture is not a part or area of the legal superstructure, but, as a qualitative characteristic, is inherent in all fields of society's legal life, concerns all these fields, and is an environment (for instance, an environment of law-abidingness, legal freedom, social justice, and respect for law) of life in this society. The level of development of legal consciousness in general and its individual elements (knowledge of law, legal attitude) is determined by means of assessment with regard to the socially required target state of these components and their development. This assessment is also used for all other elements of the society's legal life and legal activity in general, the level whereof is an actual subsystem of legal culture, where each element of this actual state corresponds, to a greater or lesser extent, to the required level of development, i.e. the element of the target state of legal culture (Universal human and national values change in the society, 1997).

It is worth noting that the legal culture of society is a qualitative state of the society's legal life, which is determined by the socioeconomic and political structure of society, and is expressed in the achieved level of development in legal activity, legal consciousness, and the legal development of an individual in general. At the same time, it characterizes the level of state-guaranteed freedom of personal conduct in conjunction with his or her responsibility before the society.

Interaction between legal and moral culture

The formation of a legal state is related, firstly, to the elevation of the law's authority and its strict abidance, which does not imply a simple improvement of the old state model by enhancing law supremacy. This model and its subsequent practice was adapted primarily to the administrative command system and aimed at a law-abiding citizen. It did not take into consideration the citizen's legal initiative and active impact on social processes.

In its genuine sense, the legal state is a higher level of organization and functioning of state authorities, which prioritizes universal human values, while

not only is the entire legislative activity confined to strict statutory boundaries, but also, most importantly, the person becomes the main object of all legal transformations and governmental care.

V.N. Kudryavtsev (1978) considers law enforcement a complex process that includes the following links: conveyance of the content of the legal act (law, decree, rule, etc.) to citizens, officials of governmental institutions, and public organizations; their decision making, based on this act; implementation of made decisions; monitoring of their implementation. The optimal functioning of each link requires a high level of legal culture, which often does not correspond to basic requirements, for example, the knowledge of law. V.N. Kudryavtsev notes that a significant drawback in the execution of laws in effect is the flawed practice of informing citizens and officials of the content of laws.

A legal state is possible only when it has good legal culture, since another equally important function of law, besides regulation of human relations in various fields, consists in the legal mediation of the state's governmental authorities. In a sovereign state, power is always concentrated in the hands of certain people, vested with power granted by the will of the people, although this power often becomes unlimited. Hence, if the governmental activity is subject to law, the law itself should have good culture. Both fair distribution of power and fair performance of their functions by the authorities for the greater good of all people and each individual will depend on the level of legal culture and its civilization.

It is worth dwelling on the question that arose in the times of Hegel. It concerns the differentiation between morality and ethics. Its solution may be based O.G. Drobnivsky's (1977) idea of relation between the two most important functions of morality: behavior regulation and worldview orientation. "Since the second function is a development of the first one, the question in hand probably concerns not just the differentiation between the two spheres of morality, but also the discovery within morality, as in a disjointed wholeness, of various levels and forms, regulations and ideas". In accordance with this reasoning, an idea of a three-component structure of morality emerged and came into general use in modern ethics.

The philosophical problem of interaction between moral and legal education in the society was analyzed by G.A. Golubeva (1989). Golubeva investigated the interaction of moral and legal education as a dialectically contradictive unity, as a process that is determined by multilateral impacts of a number of objective and subjective factors, as a unity of interconnection, interpenetration, interdependence on the one hand, and mutual repulsion, delimitation, and divergence on the other hand. This approach is methodologically acceptable, since, indeed, alongside the common objectives of law and morality, their contradictive unity is expressed in interaction.

Thus, the focus on moral values during the solution of social problems, inherent in a transition society, will facilitate the most effective performance of regulative functions by the law.

Legal consciousness in Kazakhstan is a set of opinions and ideas that express the attitude of the people, social groups, and classes to law, lawfulness, justice, and their ideas of what is and what is not lawful. The legal consciousness of the Kazakh people includes the knowledge of the laws in effect, their basic principles and demands, but it is not limited to just that. Evaluation

and behavioral attitude is also important for their legal consciousness (Mustafaeva, 2014).

Sociocultural foundations of value orientations in young people during the transition period

The theory of value orientations

The collapse of the axiological foundation inevitably leads to a crisis (this concerns both the person and the society in general), the solution of which is only possible through the acquisition of new values. This obviously concerns the current situation in the Kazakh society, which is divided into groups, and deprived of a single uniting fundament. This division is a direct result of the axiological crisis, which developed after the collapse of the totalitarian ideology that assumed the presence of a uniform system of values for the entire population and successfully formed these values via the country-wide system of ideological education and propaganda.

Axiology was one of the ideological foundations (alongside psychology, cultural theory, pedagogy, and hygiene) for the educational theory and practice. The Marxist theory of “formation of an integral, all-round, and harmonious person” included axiological ideas of the model person and society. However, the practical educational program that was based on it remained only in the form of instructions for governmental institutions and party leaders, who mostly worked towards opportunistic political and ideological goals. This is why the general theory of values did not find its “niche” in school pedagogy. The dominating opinion was that values are objects, phenomena, and their properties, which satisfy human needs. However, a value is not a thing or phenomenon in and of itself, without relation to the person. Values are objects, directed at the person. In this sense, a value is not the object itself (tangible or intangible, natural or artificial, real or imaginary), a value is the object in its relation to the person, from the perspective of its importance to the person. Therefore, some scientists claim that a value is characterized by a known dialectic duality: it is an object – subject, the resultant of the object and the subject.

This is why a value should not be mixed and equated to evaluation – another axiological term. A value is objective, while an evaluation is a subjective act of the human consciousness, a subjective reflection of an objective value.

With the first approach, the understanding of the concept of “good” is considered the most adequate expression of the human nature, which is assumed to be primordial and unchanged in terms of its main characteristics. In this case, true good is understood as the correspondence to the nature human needs and the guarantee of their fullest satisfaction.

The second approach also considers human nature, but proceeds from the acknowledgement of its establishment, change, and high-to-low movement in both the development of society and the life of an individual. This approach allows actions on the part of a public subject that are aimed at abandoning certain qualities of primary nature (for instance, elementary desires) to acquire other, higher ones. The latter can be assumed either absent from primary human nature altogether or presented therein in the form of certain prerequisites.

Thus, it is possible to say that the conception of true good and ways of life that are capable of bringing true happiness are forced upon the person, to a certain extent, by the values of the society's culture. However, this does not imply historical determinism and complete subjection of the individual to society. Certain ways of achieving happiness become more effective in certain historical conditions. However, they also correspond to the subjective intensions of the individual him- or herself and his or her aspiration for a more comprehensive feeling of life.

The youth environment is most susceptible to the transformation of social standards and traditions, since, due to the specificity of its age and attitude to life, it is quicker to adopt new values and more than other groups requires sociocultural identity and the "embeddedness" of a person in a certain cultural space (Novichenko, 2013).

Initially, youth is just a potential that is ready for any undertaking, which is why "it will contribute to the life of society in the scope and nature of the spiritual potential – the system of ideas, values, knowledge, and moral qualities – that is imbued in it by society" (Ilyinsky, 2011).

The variety of values determines necessitates their classification and division into groups. Values are divided into life values and cultural values. The difference between life and culture is obvious. Life is given to a person by nature, while culture is created by people. Life is a real foundation of culture, while the latter is created by living people. Life, health, happiness, communication with one's fellow humans – all this is a holistic and special group of values that are not limited to cultural values.

Cultural values are further divided into material and spiritual ones. The meaning of this division is that material culture is aimed at satisfying the bodily human needs, while spiritual culture is aimed at satisfying spiritual needs.

The division of values into material, sociopolitical, and spiritual ones, based on the respective division of the main fields of human activities, is not exclusive of the division of values into existential, target, and regulative.

Existential values also include the phenomena of social life and culture that have already been implemented and achieved. Existential values exist not only in the sphere of material life, but in all fields of human life and activity. They include all sociopolitical and spiritual values in those forms, levels and manifestations that were actually implemented.

Thus, value orientations are a product of a person's socialization, understanding of social ideals, evaluations, and immutable regulative requirements. Value orientations are predetermined internally; they form on the basis of the correlation between the personal experience and cultural models that exist in a society, express one's ideas of what is due, and characterize life claims and prestigious preferences. Value orientations are one of the most stable characteristics of a person in society.

The dynamic of value orientations of young people in a transition society

The discovery of motivations, with a view to determining the motto and goals of life, is different for western and soviet youth. Motivation of activity for most young people in western countries was affected by the main determining

stimulus – personal success – and aimed at solving the issues of personal wellbeing. For western youth, the mottos that show their true aspiration are “Family and lots of money”. “Peace, job, and enough money” was the motto of soviet youth, which showed its actual aspiration. Young people were primarily interested in the possibility of living in peace and working, and only then of earning money.

Nowadays, the younger generation of Kazakhstan does not believe in returning to the old ways. This concerns the ones who already “tasted” independent life and acquired certain experience of real transformations. Some young people are pessimistic regarding the prospects of social development; they believe that the prevailing model will be the one with the worst features of both socialist and capitalist societies; at present, it seems they are correct. The only advantage that was obtained from market relations was an abundance of goods at high prices, accompanied by unemployment and inflation; the remnants of socialism were bad service quality, poor discipline, and irresponsibility, while many social achievements were lost.

The current ideological position of the Kazakh youth is shown by the sociological survey, which offered a choice of various models of social development: a capitalist society, a socialist society of a previous type, a democratic society of humanistic socialism, and the combination of the best features of capitalism and the best features of socialism.

The survey results showed the following: the ideological positions of young people are mostly aimed at capitalism. The lowest level of orientation “at socialism” was found in the youngest group of respondents – schoolchildren and students of colleges and higher educational institutions. This is probably due to the targeted criticism of the country’s past in educational institutions; however, a certain part renounces the capitalist society. Most people prefer capitalism to socialism. However, a part of Kazakh young people believes that it is necessary to build a socialist society; this is caused by the social experience of people who took the heaviest blow from unemployment and living disorders. They are not confident that they will have a place to live in, they face many problems related to creating a family, childbirth, and career advancement. Most young people in Kazakhstan would like to build a society that would combine the best features of both systems. Thus, most respondents showed distinct proneness to an integrative society, which is currently presented as a socially-oriented market state.

The levelling of traditional values, related to morality or politics, leads to an establishment of vital and consumer values, which are non-ethical and non-historical, and, thus, less susceptible to transformations. Deviant behavior and amorality are “tolerated”, public and patriotic guidelines usually become distinctly utilitarian. Nowadays, the role of spiritual and moral factors is significantly inferior to the pursuance of material wealth and comfort, while economic and pragmatic determination brings to life the simplest values, related to the consumption of material goods (Bayeva, 2013).

The current situation is characterized by the fact that society faces an alternative path of further development. While accepting, in general, the ideas of social reformation, the young generation has not yet determined its specific place in these reforms, and has not found concrete forms of participation. Only a small part of young people identify as active participants of reforms. Most

assume a wait-and-see and indifferent stance in the struggle of political powers for winning over young people (Chuprov, 1991).

In its search for moral guidelines, the youth considers humanistic and life-meaning attitudes (“health”, “happiness”, “love”, “family”, “friends”, “interesting job”) the dominants of value consciousness. Most young people nowadays are committed to such principles as nonviolence. This is a “revolution of consciousness”, a path of peaceful overthrow of previous stereotypes, the path of conviction by the example of implementation of a new way of life and new relations, rather than a path of compulsion.

Thus, new conditions form new value orientations in youth, which are typical of a transition society. Changes occur in the balance between different factors that determine the content and mechanism of youth’s inclusion in the society. The investigation of the dynamic of value orientations is based on sociological studies, conducted in different years.

Discussion and Conclusion

Ye.A. Karpishena (2013) argues that value orientations form when a person gains social experience, learns public, political, moral, and ethical ideals and immutable demands to him as a member of society. In other words, value orientations are a product of a personal socialization. However, Ye.A. Karpishena does not go farther that this interpretation and does not explain the direction in which value orientations have developed or will develop. Therefore, it is necessary to consider that in soviet times, people were guided by ideals of collectivist forms of activity, by unconditional acceptance of political attitudes, etc., while in current conditions of establishing market relations and social democratization, people try and rely on their own forces in the context of growing disbelief in the positive role and activity of political authorities. Transition periods of social development are notable for an increasing number of marginal strata, the consciousness whereof is characterized by axiological devaluation, and social communities with radically different interests. While motives determine the involvement of a person in a certain activity, value orientations determine the direction of activity, its goals and main means of their achievement.

New conditions form a new type of young people with different value orientations. Changes occur in the balance between different factors that determine the content and mechanism of youth’s inclusion in the society. The scope and intensity of the influence of institutional determinants reduces, while the importance of the personal factor increases.

As for the effect of legal culture on the formation of value orientations in Kazakh young people in new conditions, this subject is far from closed. The investigation of its boundaries requires further research.

A forced transition to the market economy during the pervasive crisis of the Kazakh society requires constant scientific analysis of the youth’s adaptation to these processes.

Implications and Recommendations

The solution to the severe crisis that faces the Kazakh society implies the development of a new scientifically grounded strategy and tactics of actions, aimed at creating conditions for a natural and free development of youth, and

the satisfaction of its vital interests and needs. It is necessary to facilitate the recovery of its moral and legal consciousness, the freedom of the latter from deformations and distortions, which inevitably emerge in the turning period of social development. It is equally important to instill in youth the sense of civic consciousness and irreconcilability to violations. This is related to the development of legal culture, which should facilitate the formation and correct choice of value orientations by youth during the transition period and the formation of a legal state.

First of all, it is necessary, when possible, to neutralize the influence of micro- and macro-environment factors on youth. It is also necessary to achieve the maximum correlation of moral and legal values of society at all stages of performance of their socializing functions, to help synchronize a person's knowledge and convictions, to enhance the control of the mind over feelings and emotions, and to increase the role of such complex social and psychological components as attitudes and value orientations. It is equally important to search for the best influence of moral and legal beginnings on the development of a person's social activity, in the motivation of both legal and moral behavior.

Disclosure statement

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