

## Legal awareness as a factor in preventing illegal (deviant) behavior

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### ABSTRACT

This article examines the problem of deviant behavior of individuals in society through their consciousness, namely through one of its types - legal consciousness. The purpose of the research is to establish the relationship between a person's deviant behavior and the appropriate level of his legal awareness. A significant number of methods were used in the study. One of these methods was: the method of analysis, which helped to examine the views existing in science on the main parts of the problem and to draw a conclusion about their mutual influence; the method of deduction helped to determine the ways of solving the problem of deviant behavior proposed in the article by establishing a connection between the components of the problem. With the help of these approaches, the essence of consciousness, the concept of legal consciousness, as a separate type, was determined. The ontology and types of deviant behavior were analyzed, one of which is illegal behavior. The connection between legal consciousness and illegal behavior was determined. Ways to eliminate illegal behavior through changing the legal consciousness of individuals were proposed. The result of the study was the identification of ways to overcome deviant behavior through increasing the level of legal awareness.

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### Introduction

The question of crime is quite popular in criminal law as a branch of legal science. At the same time, the actual vision of crime was formed in a number of applied sciences. In particular, criminology as an applied science serves as an auxiliary source of information for the development of criminal law and determines that the issue of crime is common to society. That is, crime will always take place in society, even under the condition of class equality in society. Therefore, crime is insurmountable. Despite this, the identification and research of factors affecting the occurrence of crime does not lose its relevance.

This topic is quite popular, which is indicated by a significant number of studies on this topic. However, in our opinion, the issue of the mutual influence of the level of legal awareness in society, namely specific individuals, on the occurrence of criminal behavior is not sufficiently researched in the scientific literature. Based on this, the question arises of the need to find out the mutual influence of the level of legal awareness on the occurrence of deviant behavior in society.

Therefore, the purpose of this study is to determine the dependence of deviant behavior on the level of legal awareness in society. Does the level of legal awareness affect the occurrence, decrease or increase of the level of deviant behavior? The tasks set for the study of the defined purpose of the article are the analysis of the quintessence of legal consciousness, the definition of the concept of deviant behavior, the establishment of the relationship between legal consciousness and deviant behavior.

During the research, a set of methods of scientific knowledge was applied at both the general scientific and special scientific levels. By using a set of differentiated methods of scientific knowledge, a full-fledged,

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comprehensive and general consideration of the chosen topic was achieved and the scientific concepts outlined in the conclusions were established.

The dialectical method of scientific knowledge was used. The dialectical scientific method of knowledge derives from dialectics, which in turn consists in establishing the truth through discussion. The dialectical method of cognition is a subspecies of the scientific method, namely observation. The difference from the usual activity, this method is characterized by the goal, the means of knowing the object of research. Therefore, with the help of this method, the research of the key components of the scientific topic was carried out, which made it possible to define the concepts of consciousness, legal consciousness and deviant behavior in the context of the development of views on the definition of primary concepts. Having considered the debatable definitions of the main definitions, a single quintessence of the main terms was proposed.

With the help of methods of scientific analysis and abstraction, diverse views regarding the quintessence of legal consciousness and deviant behavior were comprehensively considered due to their essential content. In the course of the analysis of the main components of the researched topic, the main meaningful component of scientific questions was highlighted and unified concepts were given to the key elements of the scientific topic.

With the help of the system-structural method, the relations of mutual influence and existence of the main key elements of the scientific question, namely consciousness, its connection with legal consciousness and the connection of legal consciousness with the emergence and existence of deviant behavior were established.

Using the comparative method, the essence of the category of consciousness was determined in comparison with legal consciousness, and the place of criminal behavior in the definition of deviant behavior was established by comparing the signs of criminal behavior with the types of deviant behavior. The modeling method was used in the formation of the main concluding provisions, which became the basis of scientific proposals regarding the researched issue of the topic.

## **Methodology**

During the research, a set of methods of scientific knowledge was applied at both the general scientific and special scientific levels. By using a set of differentiated methods of scientific knowledge, a full-fledged, comprehensive and general consideration of the chosen topic was achieved and the scientific concepts outlined in the conclusions were established.

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### Recent research and findings

The issue of reasons for committing illegal behavior has been studied by many scientists. They wondered about the reasons for committing crimes, factors affecting individuals, etc. But each of them considered only the quintessence of the reasons for the emergence and existence of this phenomenon. Agreeing with the views of scientists regarding the existence of deviant behavior in society, the article presents a broad analysis of this issue based on the views of many scientists and, based on this, suggests ways to overcome it.

For example, the concept of consciousness was considered in the work of Shandra B. B. "Philosophical and legal principles of the concept of consciousness", where the researcher came to the conclusion that consciousness, due to its evolutionary development, is not homogeneous: it is closely intertwined with the subconscious and superconscious, forming a single whole (Shandra, 2004).

Comprehensively researched the issues of the causes of crimes and the consciousness of the people of Bede. V.V. in his work "Legal Psychology" where he noted that the essence of the reason for committing a crime is motivation (Bedy, 2004). Motivation comes from the consciousness of individuals. In his work, the essence of consciousness is defined separately in the context of legal psychology and the causes of one type of deviant behavior are established.

Kucherenko S. in her work "Methodological approaches to the study of self-awareness of persons, teenagers and young men" laid out a set of techniques and means, ways of knowing the consciousness of persons in the context of its peculiarities. Thus, the author emphasized that the identity of the self-awareness of the individual as an I consists in the spatial and temporal I, correlating them with the physical I, the actual I, the dynamic I, the existential I (Kucherenko, 2009).

Determining the diversity of a person's behavior through awareness, Terletska, L. G. in the monograph "Mental health of individuals. The technology of introspection" also supported the view of the self-concept of a person (Terletska, 2003).

### Results of the study

Law is a source of regulation of social relations, which arose in order to reconcile the contradictions that exist between members of society. It is with the help of legal norms that formally expressed, universally binding rules of behavior are established, which serve as a means of establishing unified dogmas of coexistence. Considering the legal norms, we can come to the conclusion that there are several types:

- 1) norms-permits that establish measures of possible behavior;
- 2) norms-obligations that establish measures of required behavior;
- 3) authorizing norms establishing the measure of authorized behavior and
- 4) norms-prohibitions establishing the measure of appropriate behavior.

It is thanks to the influence of different types of norms on social relations that shape the appropriate behavior of a person in different types of situations and legal relationships that a system of legal regulation is formed. Based on this, it can be argued that legal norms have an influence on the consciousness of individuals and educate it. Therefore, it is necessary first of all to consider the issue of people's consciousness and determine the importance of legal consciousness in society.

#### *The quintessence of consciousness as a basic concept.*

The definition of the term "consciousness" has been studied by many scientists. Analyzing a significant amount of scientific results in the study of this concept, the following points can be made. The question of consciousness can be considered from different angles. Thus, in psychology, this concept is understood as mental activity that provides such factors as: a generalized and purposeful reflection of the external world; reconciliation of new information with already existing experience, the individual's selection of himself from the environment and opposition of himself as a subject to an object, purposeful activity, control and management of behavior. Since the object of consciousness is not only the external world, but also the subject itself, therefore one of the important moments of consciousness is self-awareness. (Shandra, 2013) That is, from a psychological point of view, consciousness is a person's ability to understand himself and the world around him, as well as to analyze data. On the basis of general philosophical principles, methodological principles are distinguished that help to investigate the phenomenon of consciousness (Bedy, 2014). Therefore, this principle consists in the influence of various factors on the formation of human consciousness, such as: the environment, namely, the social environment, which forms the needs of the individual, value orientations, and social dogmas. That is, based on this principle of consciousness, if we consider its formation

within the borders of the state, then for the existence of law and order in society and the absence of crimes, it is necessary to correct legal consciousness first of all in those persons in whom it has already been formed and in parallel to form it in other people in whom it is not yet sufficiently formed in the absence of negative influence. For example, to carry out high-quality re-education of those persons who have already been convicted of committing offenses, starting from the moment they get to the police, investigators, being in penal institutions and ending with patronage. Given that the purpose of applying punishment for committing an offense is to educate a person and prevent further offenses, the punishment should be comprehensive, i.e. include measures to influence the consciousness of the person with the aim of changing his legal awareness, raising his level. This can be done by conducting classes with convicts, for example, explaining to them the importance of compliance with the country's legislation, as well as the positive consequences of its implementation within the framework of the legal order. It is possible to discuss the criminal behavior of each convict from the point of view of the other party, if they had not decided to commit an offense in a certain situation and resolved the situation that arose legally. Of course, it takes a lot of work and long discussions to convince people to act within the law.

Unconsciousness, as scientists note, is something that a person cannot understand, or it is quite difficult to understand. It is possible that unconsciousness cannot be changed, but it is the basis of consciousness, which can undoubtedly be influenced, the main thing is that this influence is effective, that is, it is carried out with the aim of cultivating respect for the law and in the spirit of compliance with legal norms.

There are other views on this issue. In particular, scientists define consciousness as an evaluation of reality from the point of view of emotions, which results in planning, monitoring and directing one's own actions based on the emotional coloring of reality, as well as predicting consequences from the point of view of emotion. Consciousness is also interpreted as an ideal form of reflection, reproduction and generation of reality (Kucherenko, 2009). Consciousness as a kind of model of reflection of existence with the help of objectified in the word, socially produced knowledge, is also a way of regulating people's behavior, activities, actions, which is manifested in the purposeful nature of actions - in the ability to predict the result of one's action as a conscious goal and plan the actions themselves according to it (Terletska, 2003). Consciousness is knowledge about the other, focused on the entire objective world (Varii, 2008).

Therefore, consciousness is a person's ability to be aware of the surrounding world, to analyze the received information, comparing it with existing experience, and also to determine one's place in society. Therefore, the society that surrounds a person and the information he receives are extremely important, since the surrounding society, influencing a person, forms his views, ideas, etc., which is manifested in the behavior of the person. Proper education of every citizen (person) in the state, forming a legal culture in it, is a guarantee of minimization or complete absence of deviant behavior in society. For this, each person must have legal awareness at a sufficient level. To determine this component, it is necessary to examine the concept of legal awareness.

*Legal awareness as an integral element of the absence of deviant behavior.*

First, let's review this issue from the point of view of the scientific interpretation of this term. Legal consciousness is a set of views, ideas, theories, ideas, feelings of people (classes, society, collectives) regarding law, existing and desired (Babiy et al., 1974). Legal consciousness is a form of social consciousness that reflects the attitude of the subjects of legal relations to the current law and legal phenomena derived from it (Shemshuchenko, 2003). Legal consciousness is a set of views, ideas that reflect the attitude of individuals and social groups to law, legality, justice, their idea of what is legitimate or illegitimate (Honcharenko, 2004).

So, speaking about legal awareness from the point of view of scientific views, which are presented in dictionaries, we can conclude that legal awareness is a person's attitude to the law, legal norms.

In addition, there are other studies on this issue. Some scholars of the modern period claim that legal consciousness is a system of concepts, views, perceptions and feelings about the current or desired legal law, as well as the activities related to law (Rabinovych, 2005). From the point of view of scientists, we are talking about the consciousness of the representatives of the authorities, which is manifested in a special attitude to the purpose, component and form of the rules of conduct, which are sanctioned by the state. In addition, the possibility of the existence of legal consciousness in all other persons, except for those persons who directly implement legal norms in the form of law enforcement, is not excluded.

In addition, there are other views according to which legal consciousness is a type (form) of social consciousness, which contains a set of views, feelings, emotions, ideas, theories and ideas that characterize

the attitude of a person, social groups and society as a whole to the current or desired right and activities related to it (Kelman, 2008).

Analyzing the above views, we can conclude that legal consciousness is a form of social consciousness that is inherent in a person, a group of persons or a society, which, through a set of views, beliefs, ideas, feelings, characterizes the relationship to legal norms and legislation as a whole. Therefore, in order to form the correct attitude of individuals and society to legal norms and legislation in the state, it is necessary to influence the consciousness of individuals in order to form respect for the law and the idea of the need to strictly adhere to legal norms in the state. This influence can be achieved through the use of a combination of persuasive techniques and methods that would confirm the importance of compliance with legal norms. Such methods should include preventive conversations with persons of preschool, school age, students and other age groups. Such meetings should be interactive in nature with the use of techniques to influence the human psyche. The methodology for conducting such meetings should be developed in cooperation with lawyers and psychologists.

In addition, the mass media have an important impact on the formation of human consciousness and, as a result, the formation of public consciousness. In the case of constant information campaigns aimed at conveying the idea of the effectiveness of the legal system and certain facts of effective law enforcement in the field of combating crime (as this topic is the most interesting and understandable to the population), society will gradually be convinced of the need to comply with legal norms based on proven cases of negative legal consequences for their violation.

Paying attention to the significant role of legal awareness in terms of influencing the systematization of society, scientists note that it is implemented in the system of legal regulation as a means of influencing social relations. But not all means of influencing social relations are effective in completely eliminating deviant behavior in the actions of individuals. Therefore, in order to determine the possibility of improving the level of legal awareness in society and in order to eliminate cases of deviant behavior, it is necessary to investigate the issue of deviance. Having considered the issue of the quintessence of deviant behavior through the assessment of factors influencing its occurrence, it is possible to determine the possibility of reducing its level by increasing the legal awareness of the population. Just as consciousness shapes a person's behavior through his ideas, views, etc., and legal consciousness is one of the forms of consciousness that characterizes the attitude of individuals to law through the same factors (feelings, thoughts, etc.), therefore, the necessary influence on a person's consciousness through persuasion to act in accordance with the prescriptions of legal norms, can positively affect the reduction of deviant behavior.

*Ontology of deviant behavior, main aspects.*

When considering the issue of deviant behavior, it is possible to cite the views of scientists by analyzing the conclusions drawn regarding the essence and factors influencing the occurrence of deviant behavior. Having linked the conclusion made regarding the mentioned issue, a connection is established between the effectiveness of the influence of legal awareness of the appropriate level on the occurrence of deviant behavior. These conclusions can be used as a basis for a scientific statement regarding the way to eliminate the facts of deviance in society's behavior. This, in turn, can have practical application in the state and society in general.

In modern scientific literature, you can find different interpretations of the concept of "deviant behavior". Thus, this term is interpreted as: a deviation in moral development as the initial stage of the process of antisocial personality formation (Ivanov, 1995). Some scientists propose the term "deviant criminal behavior", justifying it with modern negative trends in social development (intensive primitivization of the consciousness of minors, increasing manifestations of cynicism, cruelty, aggressiveness), which cannot be considered delinquent only in view of the specifics of adolescence (Petrynin, 2001). Therefore, deviant behavior, in accordance with its external expression, tends to be criminal. Deviant criminal behavior is behavior that is carried out in violation of generally existing and accepted norms and has in its lowest form a manifestation of criminal behavior. Considering the quintessence of the term deviance, it is possible to define deviation (from the Latin deviation - deviation) as a system of actions and deeds of a person, social groups, which contradicts social norms or patterns and standards of behavior recognized in society. Deviant behavior includes delinquent, deviant and criminal behavior. Depending on the type of norms that were violated, deviant behavior can be divided into the following differentiation criteria: by crime (criminal, administrative) and immoral acts (drunkenness, prostitution); by the level or scale of deviation (individual or mass); according to the orientation of deviations on the external environment (family quarrels, violent crimes, etc.) or on oneself

(suicides, alcoholism, etc.); by belonging to one or another social group, gender or age. (Vered, 2013) Speaking from the point of view of the positivist position of deviant behavior, it is possible to establish a precise equation between deviant and criminal behavior. Some positivist approaches to determining the cause of deviant behavior consider biological factors (anatomical features, the presence or absence of certain chromosomal sets, the existence of specific hormonal imbalances, etc.). (Nikitin, 2004) Many scientists differentiate the two largest forms of deviant behavior: non-conforming behavior (non-standard, non-normative, but not destructive) and delinquent behavior (illegal, criminal). In legal literature, the term "criminal deviance" is often used. It is about behavior that manifests itself in socio-criminogenic forms and ways that contradict the legal norms and expectations officially established in a certain society. (Zobenko, 2012) Therefore, it can be argued that deviant behavior also manifests itself from the point of view of violation of legal regulations.

So, deviant behavior is a broad concept, the main quintessence of which is the presence of an act characterized by a violation of the established rules of coexistence in society, such as the norms of law, morality, religion, custom, etc. Delinquent behavior is one of the forms of deviant behavior that occurs when an illegal act is committed in the field of violation of the law. In addition, considering deviant behavior from the perspective of violation of the provisions of the law, it is possible to single out various classification criteria that specify its substantive component, namely, determine the degree of harmfulness of the act, the number of persons who committed it, etc.

The causes of deviant behavior are a number of factors that can affect a person's consciousness, both individually and collectively. Scientists include the following among these factors:

- a) biological - the reason for deviant behavior is considered to be the existence of organic deviations that a person has (pathological tendency to commit illegal acts);
- b) psychological - consists in disorders of the psyche of a person that lead to the commission of illegal acts (stress);
- c) social - a set of circumstances that arise in society around a person, which affect the person, which creates the basis for committing offenses (family problems, problems in communication, etc.);
- d) economic - financial problems that are a condition for committing offenses (lack of work, etc.).

Analyzing the set of factors that can influence a person's behavior and lead to the commission of a crime, that is, deviant (delinquent) behavior, we can conclude, however, that all factors influence the consciousness of a person, which leads to the commission of an illegal act. Therefore, in order to eliminate manifestations of deviant behavior of individuals, it is necessary to influence the consciousness of individuals, forming legal awareness at the appropriate level, which causes the absence of illegal acts. In addition, it should be noted that the factors influencing a person's consciousness that cause deviant behavior are individual in nature and are a means of motivation to commit illegal behavior. Thus, the studies conducted on this issue indicate that the social status of a person does not affect the tendency to deviant behavior. The relationship between social class and four indicators of deviance was studied in the context of educational institutions where upper, middle, and working class students predominate. The claim that there would be a significant relationship between social class and deviant behavior in schools with working class students rather than upper or middle class students was not confirmed. Furthermore, there was no evidence that working-class schools should have higher levels of deviance (Marvin et al., 1980).

Based on the above, a person's belonging to a particular social class is not a determining factor in the potential classification of a person as prone to commit illegal behavior. The main determining factor is the attitude of the person to the circumstances and the tendency of the person's psyche to change under the influence of negative factors that lead to deviant behavior. For example, physiological characteristics of a person are a significant factor that can lead to deviant behavior. For example, testosterone levels in men.

Another study, which used a large sample of males, on the influence of testosterone levels on the tendency to commit deviant behavior, indicates this. The study found a significant and rather strong influence of testosterone on deviant behavior among adults, which is largely mediated by the influence of testosterone on social integration and previous involvement in juvenile delinquency. This pattern supports the conclusions that testosterone is one of the significant factors that determine the overall latent craving for deviant behavior, and that its impact on adult delinquency is closely related to social factors (Alan, 1993). Thus, physiological, psychological and other characteristics of a person that determine or influence his or her worldview and, as a result, the formation of a certain reaction in a person, which is manifested in his or her decision-making or performance of appropriate actions, namely their potential for change under the influence of negative factors

(examples of illegal acts committed by others, public belief in the permissibility of illegal behavior, the facts of the absence of legal consequences for committing an offense, etc.

### **Conclusions**

Therefore, considering the issue of legal awareness as a factor in preventing illegal (deviant) behavior, having analyzed the entire set of views of the authors on each component of the identified problem, we can come to the following conclusions.

Every person has consciousness, as they can perceive and analyze the environment. Actions performed by her depend on awareness of reality, a certain situation, etc. Consciousness is defined as a person's ability to understand the environment, his place in it and analyze the received information by comparing it with existing experience. The formation of the consciousness of each person is influenced by the surrounding world, namely: society, events, etc. That is, exerting an influence on a person's consciousness, his views, thoughts, ideas, interests, etc. are formed, which has the consequence of committing a certain type of action.

Being under a negative influence, i.e. one that causes the commission of illegal actions, a person becomes a subject of deviant behavior. In the absence of facts of committing deviant behavior, it is necessary for a person to have a high level of legal awareness, which is a driving force in deterring illegal acts. Legal consciousness is defined as a form of social consciousness that, through views, ideas, interests, etc., reflects a person's attitude to law. Therefore, precisely thanks to a high level of conviction in the need to comply with legal norms, it is possible to achieve a reduction or absence of facts of deviant behavior.

Deviant behavior is the commission of an act that violates established rules in society. Deviant behavior can be manifested not only in the perspective of violation of legal prescriptions, the manifestation of this behavior also occurs in case of violation of moral norms. One of the varieties of deviant behavior is delinquent behavior, i.e. that which occurs when the prescriptions of the law are violated. Factors affecting the emergence of deviant behavior are personal, social, psychological, and economic. The basis of the influence of each of them on a person's consciousness is the incitement to commit illegal actions.

In order to overcome the facts of committing deviant behavior, it is necessary to raise the level of legal awareness of individuals and work with those individuals who have already committed an offense. It is possible to offer educational and psychological approaches to solving this problem, which consist in clarifying the negative consequences of circumstances caused by factors of negative influence and explaining to individuals the ways of taking lawful actions in the same circumstances. In addition, such measures should be used when working with offenders, alongside measures of restraint. It is also necessary to pay attention to the problems of law enforcement, which entail a negative impact on society and have the consequences of reducing the level of legal awareness of individuals, and even reducing the level of authority of the state and public trust in the state. This, in turn, also has a significant lever of influence on the commission of deviant behavior. Forms of manifestation of problems in law enforcement may be non-systematic application of legal norms, one-sided application of legal norms, selective application of legal norms, incompetent application of legal norms, etc. This, in aggregate and in each individual case, causes a negative impact on the legal awareness of society. When a government body, endowed with the appropriate competence aimed at managing society (through the creation, implementation, control, etc. of legal norms), itself does not adhere to the mandatory, formally expressed rules of behavior, violates them, does not fulfill them or does not professionally implement them, a demotivation arises in society for personal compliance with legal norms. Therefore, in addition to the above, to overcome deviant behavior in society, it is no less important, in addition to directly increasing the legal awareness of citizens, to minimize the facts of improper implementation of legal regulations by the authorities themselves, by directly raising their level of legal awareness and minimizing cases of information dissemination of these facts in order to prevent a decrease in the authority of the state and authorities in society.

### **Disclosure Statement**

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