

IMPLEMENTATION OF LEGAL RESPONSIBILITY IN LEGAL CONSCIOUSNESS AND LEGAL CULTURE

Alexander V. Malko^{1,2}, Dmitrii A. Lipinsky², Roman S. Markunin³

¹ *Volga Institute of the All-Russian State University of Justice (RPA of the Ministry of Justice of Russia), Saratov, Russia*

² *Togliatti State University, Togliatti, Russia*

³ *Saratov State Law Academy, Saratov, Russia*

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The subject of the study of the article is the legal foundations of the institution of legal responsibility and the features of its interaction with legal consciousness and legal culture. The goal is to substantiate the need for effective legal regulation of legal liability, taking into account the existing forms of interaction with legal consciousness. The work carried out a comprehensive general theoretical analysis of the institution of legal responsibility and its role in the process of formation and development of the legal consciousness of citizens. The team of authors in the process of studying the place and role of legal liability in the legal system came to the conclusion that there is a relationship between the category under consideration and legal consciousness in the process of implementing legal acts that provide for measures of legal liability. The problem of a low level of legal culture can manifest itself not only in legislative and law enforcement activities. Shortcomings in the implementation of the official interpretation of legal norms and execution of the relevant act in some cases can also cause unlawful consequences, among which are: unlawful prosecution, exemption from liability in violation of established procedures, etc. In the course of the study, a whole set of methods of scientific knowledge was used, among which one can single out: the for-

mal-legal method, the method of comparative legal analysis, systemic, dialectical and others. As a result of the research, it was found that there is a direct connection between the signs of positive responsibility and legal consciousness. In the absence of a high level of legal awareness, which would include both intellectual (views, ideas) and psychological (emotions, feelings) aspects, the implementation of the positive aspect of legal responsibility becomes impossible. It has been proven that positive responsibility, together with legal consciousness, contains volitional and intellectual aspects. The team of authors put forward an opinion according to which the positive responsibility of the individual can be represented as a mental attitude in the form of a sense of duty and the need to fulfill the existing duties to the required extent. Such a sense of duty will be available to the subject only in the absence of a struggle of motives, which is excluded in the developed general legal culture of the individual and society as a whole. Assimilation of the requirements of the law is a prerequisite for the presence of responsible behavior and legal awareness. Based on the results of the study of legal responsibility and legal culture, a conclusion is made about the close interaction of these categories and the need for the legislator to take into account such a connection when exercising his law-making powers. A brief description of positive legal liability with the establishment of its characteristic features is also given. Thanks to the study of the relationship between legal responsibility and legal consciousness, it was revealed that the level of culture will grow if the ideas of social justice, democracy and the rule of law are reflected in law.

1. Introduction

Over three years, the research team made of doctors of legal sciences, professors Dmitry Lipinsky, Aleksander Malko, Nikolai Makareiko and Candidates of Legal Sciences, Associate Professors Aleksandra Musatkina, Igor Kuzmin, Roman Markunin, Elena Chuklova and Aleksey Stankin have been conducting a research within the project "Legal responsibility in the legal system of Russia: the concept of interaction, interrelationships and elimination of contradictions with other elements of the legal system" supported by the Russian Foundation for Basic Research (RFBR). Two major tasks were set within the project: firstly, to determine the interaction of legal responsibility with the legal system of law, the implementation of the law and legal relations that are the core elements of the legal system; secondly, to identify the possible elements of unity, difference and contradiction between legal responsibility, legal consciousness, and legal culture. Despite the fact that two fundamental studies [1, 2] and a considerable number of articles have been published within the project, there is a need to outline the results of the study regarding the interactions, interconnections and contradictions of legal responsibility and legal consciousness. At the same time, the article does not duplicate the published studies as the authors attempt to generalize at a completely different level and put aside the details and contingencies, which implies the identification of consistent patterns.

The authors' research approach is to define legal responsibility from a wide perspective that implies the existence of positive and negative elements of legal responsibility (in another terminology defined as positive and negative aspects of its implementation). There is a mixed attitude towards the concept of positive legal responsibility in the legal science that varies from full acceptance to complete denial amplified with far-fetched arguments about its harm not only for the theory of state and law but also for practice. The criticism of positive legal responsibility is often based on its identification with such elements of the subject's inner world as motives, goals,

emotional state, a sense of legal duty, etc. As we have mentioned many times, these elements of legal responsibility are a subjective content of positive legal responsibility, and they can externally objectivize into lawful behavior that vary from compliance with bans and performance of obligations to the actions based on legitimate interest that can evolve into overfulfillment of requirements. Therefore, the objective and subjective aspects of positive legal responsibility are traditionally differentiated. In legal research, there is a tendency to define the characteristics of subjective aspects of positive legal responsibility in a simplified way: awareness of the legal norm requirements based on one's will and the development of a certain mental attitude, including motivation, as well as the struggle of motives. Then it is followed by the objectification of positive mental attitude into the subjects' lawful behavior, which is considered as a result of positive responsibility and a way of its manifestation. At the same time, such positive mental attitude is a priori considered to be "positive" and is correlated with different types of lawful behavior depending on the combination of motivational and conative components. It is possible that we will provide the grounds for criticism from the opponents of positive responsibility. However, this approach is one-dimensional and can be viewed as a mechanical one, which does not consider the diversity of internal and external parts of positive legal responsibility and lawful behavior. Such problem statement is largely determined by the fact that a new type of lawful behavior, which can be called formal, emerges during the period of reforms. It is based on the mechanical fulfillment of the requirements of legal norms without assessing the social benefit resulting from the actions. In many ways, this kind of lawful behavior is typical for state and municipal employees who implement the strategic directions of development at the national, regional, and local levels or within a specific area of economic activity.

Without going into details of all the statistics that are publicly available from the Federal State Statistics Service, it can be argued that no economic miracle has happened over the past 20 years, the standard of living has not risen significantly, and the

population of Russia has been decreasing again for a number of reasons: low birth rate, high mortality rate, and migration to more prosperous countries. At the same time, the activities of ministries and departments responsible for the implementation of the programs aimed at solving the issues within the powers granted, various programs, road maps, instructions were carried out. In this context, it is difficult not to dwell on rule-making of various government departments that was carried out not to implement laws, but to maintain the functioning of the state apparatus itself. The bottom line is quite simple: the more uncertainties, prohibitions and requirements that are challenging to implement, the easier it is to find endless violations made by the accountable structures and to justify the request for funding to develop new requirements, update regulations and forms of reporting, standards (including educational ones). It is covered up with the need for modernization and optimization of social and economic development. On the formal side, subjects endowed with appropriate powers act within their framework, and if we approach the understanding of positive legal responsibility mechanically, their actions can be seen as responsible. However, from the subjective side, the true underlying motives can vary and include careerism, vanity, reporting, abuse of the granted rights, etc. Moreover, the government departments' rule-making that does not meet the goals of social development or imitates it also presents a danger because the formal implementation of the norms by the controlled entities represents their reasonable response to an increasing number of requirements. As a result, the officials involved act for the sake of reports without realizing the social significance or benefit of their actions.

What was said in the introduction does not mean that positive legal responsibility does not exist or is dissolved in other categories of jurisprudence or psychology. On the contrary, these circumstances emphasize the fact that positive legal responsibility exists in complex interconnection, contradiction and interaction with various components of the legal system, which indicates the need for further research in this area. Therefore, the notion of positive and negative legal

responsibility also requires an adjustment because the 'black or white' approach is no longer appropriate in modern conditions. This is due to the existence of its transitional forms that can be related to positive legal responsibility only based on their external manifestation and are characterized by a low level of legal culture and legal consciousness from the inside.

2. Need for Broad Approach to Understanding Legal Liability

At the beginning of this section, it is important to pay attention to the actualization of positive legal responsibility while building the rule of law and civil society as it follows directly from the principle of mutual legal responsibility, which is one of the fundamental principles of the rule of law. The significance of legal responsibility also lies in its focus on protecting the constitutional values of the state, which the Constitutional Court of the Russian Federation¹ has repeatedly pointed out in its positions. At the same time, there is no unity on the issue of the number of legal responsibility functions in the scientific literature, which largely results from the narrow understanding of legal responsibility based only on its retrospective aspect. In particular, the supporters of the retrospective understanding indicate the presence of punitive and restorative functions that deny the existence of a regulatory function because its recognition per se means an agreement with the existence of positive legal responsibility. However, neglecting the presence of the regulatory function puts them in a methodological deadlock because legal responsibility as an institutional formation exists before the fact of illegal or lawful behavior and is aimed at regulating social relations. The latter is consistent with the formal side of the essence of law that is present in all its structural components.

While exploring this issue, Vladimir Baranov argues about the existence of law enforcement and repressive functions [3, p. 646]. It is difficult to agree

¹ Constitutional Legal Protection of Entrepreneurship: Current Aspects (based on the rulings of the Constitutional Court of the Russian Federation 2018-2020) / The document has not been published. Access from informative legal system ConsultantPlus

with this approach to determining the number of functions as we believe that legal responsibility is much more complex. Other researchers share our approach. For instance, Anatoly Shaburov distinguishes the following functions of legal responsibility: penal, preventive, educational, law restoration and regulatory [4, p. 420]. Igor Kuzmin, points to the regulatory potential of legal responsibility that provides a protective barrier and ensures the security of the entire system of law [5, p. 8]. We believe that nowadays it is necessary to overcome the restrictive approach to the perception of the functional significance of legal responsibility to deeper understand its essence. At the same time, it is necessary to single out positive legal responsibility as an independent type that has a number of additional functions. For example, the educational function contributes to the elimination of the individual selfish and frivolous impulses when exercising his rights and obligations [6, p. 118]. Legal responsibility is able to correct the citizens' value orientation thanks to the educational function.

Considering responsibility in a positive aspect is long practiced in other sciences. For example, psychology sees the responsibility of the individual as his awareness of the consequences of his actions and his readiness to answer for them in various social structures [7, p. 144]. In practice, positive responsibility manifests itself in the unity of the objective and subjective aspects. Its objective and subjective elements act as the most essential legal and psychological components. This composition of the structural components is in dialectical relationship between subjective rights, legal obligations and lawful behavior with a number of psychological components in the form of will and consciousness. The latter elements are inextricably linked with the subject of legal responsibility.

When talking about rights and obligations, it would be a mistake not to mention legal relationship through which the practical implementation of positive responsibility takes place. Legal relationship, in turn, can exist only in the unity of the subjective and objective sides, where consciousness and will are present as integral characteristics.

Positive legal responsibility meets the

modern requirements and fulfills the main goals of the category of reliability. This type is permanent, voluntary, and the person's awareness is applicable both to the present and the future [8, p. 15]. In particular, sociological surveys of scientists found that the respondents see the prevention of future criminal acts as the main goal of responsibility and not the punishment for illegal behavior [9, p. 324]. This goal is of major importance for positive legal responsibility. Alexandr Markin in his work emphasizes that legal responsibility is always positive, since it is subject to legal consolidation as a special value by the state [10, p. 95].

We proceed from the fact that legal responsibility in general, and positive responsibility in particular, act as an authoritative regulator of the subject's behavior while the punitive and restorative roles are in the background. Its main goals are the regulation of social relations and the prevention of offenses through various legal means, such as duties, prohibitions, permissions, and incentives. It is assigned an integrating role in the existing system of the social relations regulation. Thus, on the one hand, it helps to ensure the effectiveness and efficiency of legal norms, and on the other hand, it is itself enshrined in the legal norms. Finally, it is reflected on the level of a particular subject, in his psyche. In this regard, it is objectified outwardly in non-conflict social relations that can conditionally be called relations of responsibility (positive not negative ones). On the inside, the mental attitude to the legal norms can be of a conflict nature and characterized by the subject's internal rejection or negative attitude, and sometimes by the realization of the lack of social utility of the implementation of a particular legal norm. Legal responsibility is a multifaceted phenomenon that has two dialectical opposites: positive and negative aspects. Like any paired phenomena they are characterized by the presence of certain transitional forms that transform from positive to negative and from negative to positive.

3. Place and role of legal culture and legal consciousness in the process of legal regulation

An insufficient level of legal culture can give rise to such negative phenomena as legal nihilism, a low level of positive responsibility, an increase in crime, etc. Its development is facilitated by the

imperfection of the legislative framework and law enforcement activity, and such a low quality of the adoption and implementation of legally significant documents is associated with the low level of legal culture of the legislator and law enforcer. The legal culture of these subjects is an integral part of the legal culture of the entire society [11, p. 25]. Thus, we can observe the inseparable connection and interdependence of legal culture, nihilism, and legal responsibility.

In the course of the study, the team of authors came to the conclusion that a high level of legal awareness and legal culture is necessary for the subject of law-making activity, since he needs to adequately understand the environment, correlate it with the needs of modern society and reflect this in regulatory legal acts that contain specific measures of legal responsibility [12, p. 28]. The next step is the transformation of legal norms that establish legal responsibility in real-life relations that ideally should look like the lawful behavior of the subjects of specific legal relations. Thus, there is a process of transition from what is due to what exists in practice. The transformation process will be successful if law enforcers and other participants of legal relations have an adequate level of legal culture. If the legislator has an insufficient legal consciousness his will is not perceived properly by the subjects of law but interpreted with the distortions inherent in a particular subject that is characteristic of nihilism. Such deformations of legal consciousness contribute to the commission of offenses and the implementation of a retrospective type of legal responsibility. The position of the relationship between the level of trust in the activities of the authorities and the general level of legal consciousness of the population is worth investigating [13, p. 90].

The issue of the low level of legal culture can manifest itself not only in legislative and law enforcement activities. Shortcomings in the implementation of the official interpretation of legal norms and execution of the relevant act can also, in some cases, cause unlawful consequences that include unlawful prosecution, exemption from responsibility in violation of the established procedures, etc. It should also be emphasized that

in the process of interpretation, it is not so much the qualitative design of acts that is important, but their correct perception by the subjects they were addressed to. Ensuring such an adequate understanding of the official interpretation also depends on the legal consciousness of individuals.

The level of the citizens' legal culture may also depend on the policy of the employer that is able to determine the basic rules for communication with people, society and officials through local legal regulation. Therefore, even the representatives of the private sector of the economy can be involved in the process of raising the level of legal awareness of employees and at the same time create the conditions for the development of positive responsibility of their employees [14, p. 118].

It is well known that the main task of the state is to streamline social relations with the help of law as a special regulator [15, p. 27]. In society, there will always be subjects with other goals that may differ significantly from both the state and public ones. Such a situation can lead to an increase in crime and its uncontrollability that affects the society in a negative way [16, p. 227]. In this case, a possible conflict can be prevented by educational work carried out by the state aimed at the development of the general level of legal awareness among such subjects. The reason for the emergence of conflicts is partly the activity of the state itself, namely its legislative bodies that consolidate ideals and requirements that do not coincide with the values of the subjects of society through law-making functions. In this case, we can observe a kind of provocation to a conflict on the part of the state.

The low level of legal culture causes highly detrimental consequences in the relations between society and the state. Representatives of the ruling elite become subject to corruption and begin to promote the values that are not characteristic of the majority of the society members. As a result, a gap and misunderstanding between the state mechanism and the civil society institutions is appearing. Trusting relationships cease to exist, which contributes to the development of a crisis in the communication between the subjects.

The offense is rooted in the disagreement of specific individuals with the legal order established in the state or its particular elements. Occasional

situations of this phenomena are quite normal in view of the wide variety of subjects with unique characteristics of their subjective and objective plan (difficult childhood, bad environment, character traits, etc.). However, when a massive violation of legal prohibitions takes place in the society with low level of antisocial attitudes, one can conclude that the accepted rules of behavior do not correspond to the interests of the majority. As a result, the category of public interest that combines state and public interests is not formed [17, p. 5].

A sociological study was conducted within the project that showed the citizens' skepticism towards legislative acts as effective regulators of public relations. This is partially associated with the lack of feedback from the state and society when adopting basic regulatory legal acts related to the regulation of significant aspects of legal life (the retirement age, the components of insulting the authorities, etc.) [18, p. 60-65]. The survey also showed that the main motive that deters subjects from committing illegal acts is habitual behavior and fear of punishment rather than respect for the current legislative framework. In the future, it may cause an increase in the marginalization of society that will lead to more dangerous consequences.

It is difficult to overestimate the role of legal awareness in society since the law that does not include a psychological assessment by the subject is not able to effectively fulfill the role of a regulator of social relations. An emotional attitude to legal requirements is the key factor for an individual to choose a behavior pattern. Respect for legal values is a prerequisite for a high level of legal consciousness that creates a solid foundation for the full implementation of the subject's positive responsibility.

4. Interaction of Legal Responsibility, Legal Culture and Legal Consciousness

Within the framework of the project, the relationship between legal culture, legal awareness and legal responsibility were explored. The study included the determination of the factors of these phenomena's positive impact and the minimization of their negative effect on each other. In most studies, legal culture, legal consciousness and legal responsibility serve as independent objects of

research. We consider the analysis of the relationships between these categories and the establishment of the most effective models of their interaction to be the most relevant area of scientific research.

There are connections of a different nature between the categories of legal consciousness and legal responsibility [19, p. 35-38] and historical experience confirms it. Throughout the history of the state's existence, the issues of implementing measures of legal responsibility and finding ways to efficiently educate the society members remain an essential area of legal thought. The degree of compliance with the rules of conduct established by acts directly depends on the society's legal culture level. The individual develops a sense of duty manifested in his law-abiding behavior that is useful for the evolution of social structures only provided he has a significant level of legal awareness. Legal consciousness itself consists of two components:

- 1) legal psychology that can include the individual's desires, experiences and formed habits;
- 2) legal ideology that is represented in legal knowledge, the system of values that the individual adopted from his environment and the evaluation indicators of law the subject uses to analyze the environment [20, pp. 2922-2934].

The state is able to influence the second component of legal consciousness through a systematically designed legal policy and develop it to the required level. The tools applied include ideological work among young people, the promotion of patriotic values and the establishment of trusting relationships between the state mechanism and civil society institutions.

A properly built system of values will contribute not only the individual's positive attitude towards the current legal regulations, but also ensure his desire to perform the actions approved by society and the state [21, p. 168].

When considering the category "attitude" as a kind of reflection of a mental phenomenon, it is important to emphasize its individual nature - subjects may have different attitudes to social values adopted by the community, legal norms, and other factors of reality. Attitude can range from respectful to negative or neutral. In the process of analyzing such phenomena, including legal ones, a subject with

a high level of legal consciousness develops a correct system of values that favorably affects the development of society and the rule of law strengthening. The developed legal consciousness indicates the qualitative assimilation of various ideas, principles of law and rules of conduct adopted in society by the individual who in this case is able to fully bear responsibility for his actions.

The individual's legal culture contributes to the development of a positive mental attitude to legally significant phenomena and the formation of proper motives and goals when exercising his rights and obligations. The research has shown the dependence of the legal norms that establish the values of legal responsibility on the general level of legal awareness of law-making authorities. If legal consciousness is insufficient, the legislative body can manifest its negative anti-cultural character within the framework of its activities [22, p. 16]. Therefore, the law-making subject should maintain the level of knowledge on the use of technical and legal tools and constantly strive to improve his skills [23, p. 46].

The connection between legal responsibility and legal consciousness is most apparent if the rules of responsibility do not allow an accurate conclusion about the legal consequences of a legally significant action. In this case, we can talk about gaps, contradictions and inaccuracies [24, p. 128].

In the course of the study, it was found that, from the inside, the individual's positive responsibility can be represented as a mental attitude: a sense of duty and the need to fulfill the existing duties to the required extent. The subject has such a sense of duty only if there is no struggle of motives, which is possible provided there is a developed common legal culture of the individual and society.

Positive legal responsibility is inextricably linked with the degree of awareness and assimilation of legal requirements by the subject of legal relations, which in turn will depend on the level of the individual's legal awareness and legal culture. Legal awareness contributes to the understanding of the legal prescriptions of regulatory legal acts and, as a result, the

development of the individual's full-fledged positive responsibility. In contrast to its retrospective form, positive legal responsibility is mainly based on the legal consciousness and legal culture of the population and not on coercive measures [25, p. 35]. Responsibility in its positive manifestation ensures compliance with legal norms and serves as a means to prevent illegal acts and maintains the necessary level of legal awareness [26, p. 23-25].

Positive responsibility acts as an external (visible) part of legal culture while legal consciousness occupies the internal (invisible) part of the category. Meanwhile, negative responsibility is reflected in legal anti-culture. Culture and anti-culture form a dialectical relationship that is in constant conflict. The higher the level of legal culture, the less common anti-culture is in society and vice versa. At the same time, the manifestation of anticulture cannot be completely eradicated in society. Under modern conditions, the state policy should focus only on its minimization.

The features of the positive legal responsibility manifestation were also demonstrated using the example of public officials. The studies have confirmed that the general level of legal culture of officials and the compliance of their activities with moral and ethical standards are indicators of the effectiveness of positive legal responsibility. At the same time, the requirements for the moral and ethical compliance of officials are not reflected in the current regulatory legal acts. In the Federal Law No. 79-FZ "On the State Civil Service of the Russian Federation" of July 27, 2004, the requirements are defined only for the level of education, work experience and the titles required to take certain positions. In this regard, the authors consider it right to transfer some moral and ethical requirements to the legislative system to increase the general level of the officials' legal culture and legal responsibility.

When analyzing the place and role of legal responsibility in the legal system, the authors concluded that there is a relationship between the category under consideration and legal consciousness in the process of implementing legal acts that provide for measures of legal responsibility. Their effective application results in the establishment of the rule of law which leads to the strengthening of trusting state-society relations and

an increase in the level of legal awareness. This dependence also works in the opposite direction as well. In case the legal acts that regulate legal responsibility are imperfect or there are problems associated with the implementation of responsibility measures, legal consciousness is also subject to the process of deformation. Therefore, we can conclude that the imperfection of legislation has a detrimental effect on the general level of legal consciousness. Such a problem cannot be solved by the influence of interpretative acts of the Supreme Court of the Russian Federation or in any other way, except for long-term and systematic law-making work [27, p. 63].

The inextricable link of legal consciousness and positive responsibility is also confirmed by previous studies. Vladimir Eleonsky believes that positive legal responsibility includes the awareness of the requirements of legal norms and compliance with them [28, p. 73]. Pavel Fefelov considers the individual's awareness of his duties as a component of the subjective side of responsibility [29, p. 61]. Vladimir Kudryavtsev singles out the following components of responsibility: a sense of duty, awareness of one's duties and an incentive to fulfill an assignment [30, p. 100].

The statements outlined above prove the enormous influence of legal consciousness on the development of the full-fledged system of the subject's positive legal responsibility. This conclusion sounds convincing, since being the main regulator of social relations, the law is always addressed to the subject who is characterized by a certain level of legal consciousness and legal culture. Furthermore, the goals that can be achieved through positive responsibility are derived from legal consciousness [31, p. 36]. The category of the subject's awareness is used in legal science when determining the subjective side of the offense represented by intent and its forms. However, when considering positive legal responsibility, awareness is used by the subject not in relation to his illegal acts, but in relation to his lawful actions that lead to socially beneficial results.

As a result of the research, it was found that there is a direct connection between the positive responsibility signs and legal

consciousness. If the individual does not have a high level of legal awareness, which include both intellectual (views, ideas) and psychological (emotions, feelings) aspects, the implementation of the positive aspect of legal responsibility becomes impossible. It was proved that positive responsibility along with legal consciousness contain volitional and intellectual aspects. The assimilation legal norms is a prerequisite for responsible behavior and legal awareness.

The study of the relationship between legal responsibility and legal consciousness revealed that the level of culture will grow if the law reflects the ideas of social justice, democracy, and the rule of law. It was also proved that the level depends on the general cultural level of citizens, the cultural values, and the availability of high-quality higher education. A similar dependence is shown on the example of European countries where the crime rate is very low.

5. On Contradictions of Positive Legal Responsibility with Legal Consciousness and Legal Culture

As a result of the research, it was found that the excessive regulation of social relations causes a significant number of prohibitions and duties, often absurd ones, which negatively affects the legal consciousness of subjects. Moreover, the reasons for such a lack of perception even by the individuals who are not generally characterized by negative personality traits, lie in several planes. Firstly, human consciousness has certain boundaries and properties limited to neurophysiological capabilities – certain time is needed to process legal information and understand it. It is quite clear that the norms based on the generally accepted rules of human society are learned and adopted in the process of socialization. However, the modern system of law as a whole and, in particular, its subsystem of subordinate regulatory legal acts are replete not with general requirements, but with special rules of conduct that and are subject to constant change. One can refer, of course, to the presumption of knowledge of the law. However, its historical roots go back to the Roman law when laws were not so numerous, and changes were not made at the current speed of the “legislative printer”. The requirements of the norms of legal responsibility are designed for conscious and volitional behavior that simply cannot be formed in such a vast array of

regulations. Moreover, excessive rule-making of government departments, and sometimes the legislative one, entails excessive regulation of relations and negatively affects legal consciousness. The natural result of such rule-making is the growth of the bureaucratic apparatus. Moreover, the survey revealed that this circumstance is one of the factors contributing to corruption and, consequently, the irresponsibility of the subject. The authors conclude that the optimal number of legal acts can be determined based on the law-making policy of the state, including that aimed at reducing the number of government officials.

The next contradiction between the values established in the legal responsibility norms was revealed by the sociological research. The sample included three categories of respondents: ordinary citizens, people with a legal degree and employees of publicly funded institutions who are not government officials. The survey showed that 70% of the respondents do not have negative attitude towards legal acts as the regulators of social relations but are skeptical in this respect. It is predetermined by the fact that some regulatory legal acts reflect the interests of privileged groups or contain frankly populist decisions that are obviously impossible to execute. This attitude also results from the rare use of a wide discussion procedure. The survey also showed the emerging trend of marginalization of the citizens' consciousness: only 20% comply with the legal norm requirements based on the motives of respect, the remaining citizens do so governed by the motives of fear of punishment or conformity along with habitual behavior. Meanwhile, the majority of the respondents answered affirmatively regarding the need to establish real (not declarative) legal responsibility of public authorities and the officials, including the responsibility for major strategic miscalculations, the achievement of virtual rather than real indicators, the manipulation with numbers and the distortion of the statistical data that serve as the basis for making decisions about their activities. In addition, it was revealed that "the respondents, regardless of the group, consider punishment and prevention of offense as the main aspects of legal responsibility. It was also found that the restoration of social justice as the

goal of legal responsibility is more associated with the inevitability of punishment by the respondents of the "lawyers" and "employees" groups while the "non-lawyers" focus on the severity of punishment. A sufficiently large percentage of the respondents in each group do not see the restoration of social justice without a compensation for the harm caused. The survey revealed a low level of respondents' confidence in the judicial and law enforcement agencies due to the cases of deviation from the principle of equality before the law and the court [18, p. 60].

Another contradiction is rooted in the conflicting relations of entrepreneurs (representatives of small and medium-sized businesses) with the existing system of values fixed in the Tax Code of the Russian Federation and in the Code of Administrative Offenses of the Russian Federation. Most of the norms of the Code of Administrative Offenses of the Russian Federation are of a blanket nature, and accordingly they imply the direct execution of various regulatory legal acts issued by the executive authorities. Entrepreneurs identify the following factors that negatively affect their activity: an excessive tax burden and formalism when various inspections are conducted. During inspections, the concept of insignificance of a violation is frequently not considered and entrepreneurs are punished for the violations that only formally fall under the signs of an administrative offence. At the same time, the amount of fines for such violations often exceeds the fines provided for by some articles of the Criminal Code of the Russian Federation. Furthermore, they may jeopardize the further implementation of entrepreneurial activities. Most entrepreneur respondents see the fines as unfair and contrary to the principle of the individualization of punishment. The Constitutional Court of the Russian Federation has repeatedly pointed out this problem in its Resolutions, but the reform of the legislation on administrative offenses based on the Constitutional Court's decisions had a patchwork character since the need to adopt a new Code of Administrative Offenses and a new Criminal Code is long overdue. Moreover, they should be developed and adopted simultaneously to be consistent. Moreover, the existence of such fines and formalism on the part of the inspection

authorities indicate the legal culture of both the legislator and the law enforcer. The subject's lack of respect for the law and his non-acceptance or compliance due to fear of legal punishment is the reaction to the law.

6. Conclusion

Summing up, we can make a general conclusion about the role of legal consciousness and legal culture in the process of implementing legal responsibility. An individual with a high level of legal culture successfully realizes the danger and harm of his illegal action, its negative nature both for himself and for society. Moreover, when legal consciousness is well developed, the psychological pattern to refrain from committing illegal actions is triggered due to the inherent law-abiding nature of the subject. In case of a low level of legal consciousness in the psyche of the individual, a struggle of motives arises, which can lead to illegal behavior in the future. However, legal culture and collective legal consciousness are complex phenomena. It is difficult to judge about the legal culture of ordinary citizens as the authority representatives do not have such a culture. However, it is well known that the authorities are the reflection of our society. It appears to be a vicious circle that can be "broken" only through mutual efforts and changes. In conclusion, it should be noted that the relationship between positive legal responsibility, legal consciousness and legal culture is not linear and simple because not all the subjects responsible from a legal point of view can act as a manifestation of legal culture. Legal culture is a phenomenon that is above positive legal responsibility and is based on a deep legal consciousness and respect for the law.

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INFORMATION ABOUT AUTHORS

Alexander V. Malko – Doctor of Law, Professor, Honoured Scientist of the Russian Federation; ¹ Professor, Department of State and Legal Disciplines; ² Professor, Department of Constitutional and Administrative Law

¹ *Volga Institute of the All-Russian State University of Justice (RPA of the Ministry of Justice of Russia)*

² *Togliatti State University*

¹ 55, Radishcheva ul., Saratov, 410003, Russia

² 14, Belorusskaya ul., Togliatti, 445056, Russia E-mail: alex25-58@mail.ru

RSCI SPIN-code: 5306-7069; AuthorID: 106349

Dmitrii A. Lipinsky – Doctor of Law, Professor; Professor, Department of Theory and History of State and Law

Togliatti State University

14, Belorusskaya ul., Togliatti, 445056, Russia E-mail: Dmitri8@yandex.ru

RSCI SPIN-code: 4145-7652; AuthorID: 368247

Roman S. Markunin – PhD in Law, Associate Professor; Associate Professor, Department of Theory of State and Law

Saratov State Law Academy

1, Vol'skaya ul., Saratov, 410056, Russia E-mail: markunin88@yahoo.com

RSCI SPIN-code: 5041-4265; AuthorID: 719821

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