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LEGAL ETHICS AS THE BASIS OF LEGAL CULTURE

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Abstract. *The methodology of philosophical and legal research of legal culture of the modern socio-cultural paradigm, its essence, structure and functions in conditions of democratic transformations of society is considered.*

The problems of formation and functioning of legal culture and its genesis have been marked. Priorities for building its structure have been determined. In the hierarchy of legal culture, the requirements of legal ethics for public institutions should be decisive.

Keywords: *legal culture, democratic transit, legal ethics.*

Introduction.

The need for democratic restructuring of society in the contemporary socio-cultural paradigm has an impact on modern thinking about legal culture. The principles of the interaction of power and civil society are traditional for Western models of development. They reflect in types of legal culture based on the values of individual freedom and human rights.

The modern type of legal culture involves the formation of its holistic concept and understanding of the role for the socialization of the individual in the legal civilized evolution of society. Legal culture is a specific way of human existence in the field of the law and legal practice of public servants. It expresses the inner, mental and spiritual side of the legal system of society. The aspects of legal culture in a democratic society that have partially studied include the genesis of its structure, the definition of priorities in the structural hierarchy of its elements, and its relation to its ideological component – the principles of law.

The legal culture consists of a set of legal phenomena – positive law (legislation), legal relations, the rule of law, legal conduct, law-making and law enforcement practice. This category is semantically close to the understanding of their behavior as lawful. However, in the legal sphere they are active by two antipodes. It may be formally lawful and unlawful (offence). Therefore, the



lawfulness of behavior as an indicator of legal culture varies within the concept of «legally significant behavior» [1, p. 936-940].

The criteria for the inclusion of socio-legal phenomena in the content of the concept of «legal culture» not clearly indicated, as well as the hierarchy, priorities of its elements. Legal positivism included the legal awareness of society, the rule of law, the state of legislation, judicial practice, lawful conduct, etc. [2, p. 150-151; 3, p. 152; 4, p. 323-337; 5, p. 95]. Similar elements also mentioned in recent studies [6, p. 79; 7, p. 127; 8, p. 111].

Modern legal reality actualizes the connection of legal culture with ethical requirements, «etization» of the activity of institutions of power in the spheres of civil society. Ignoring the imperatives of legal ethics by the legislator and the subjects of realization of the right deprives professional legal culture of meaning and turns them into a destructive factor of the legal system, and legal culture reduces to its antipodes, anti-culture and growth of its dysfunctions.

The moral framework of legal activity is mandatory in all areas and especially in public administration. This led to an examination of the relationship between legal culture and legal ethics [9]. In the era of the Internet, information and communication technologies (ICT), social networks, electronic public management, «digitalization» inevitably raised the issue of their influence on legal consciousness and legal culture [10, pp. 52-54].

Humanization of public spheres actualizes the content and forms of activity of civil servants, which is connected with invasion of private life of citizens, where there is no reason to abolish ethical rules. This is demonstrated by the codes of professional ethics, both in the public sphere (ethics of civil servant, judge, prosecutor) and in private law (ethics of contract, business, etc.) [11, pp. 7-9; 12, pp. 129-135; 13, pp. 60-67]. For the functioning of legal culture, the first condition is the priority of ethical and legal principles as the basis of relations between the authorities and civil society, the growth of the influence of moral potential on the formation of constructive, public opinion and, as a consequence, ensuring and maintaining of law and order.



Legal ethics studies the manifestation of norms of morality in legal activity, investigates the ethical basis of the professional activity of officials, the activity of citizens in the legal sphere. It promotes the creation of a system of ethical requirements for the legal profession and other public entities, analyses the ethics of professional relations in the legal sphere. On the moral component of legal culture depends qualitative and effective performance of public-legal functions by the institutions of power; preservation of honour, dignity, business reputation of the person as the supreme value. Derogation from the principles of law, law, any misinterpretation and application thereof are contrary not only to legal norms, but also to the principles of morality [14, pp. 88-90]. Legal ethics - meaning-forming principle and value criterion of legal culture. It views law as a way of realizing the moral ideals of society.

Conclusion.

Analysis of the phenomenon of legal culture is relevant in the paradigm of democratic transit of society, the rule of law. There is a need to update the methodology of its philosophical and legal research - its essence, structure, functions, social role and genesis of structural components. Axiological analysis of principles as indicators of its development strengthens urgency of the problem, which needs interdisciplinary analysis, joint efforts of legal theory, philosophy of law, social philosophy in functional interaction with legal ethics.

It is not correct to keep outside the legal culture such components as legal doctrines, professional legal practice, all legal activities, both private and public law, as well as legal information. The latter insists on intensive informatization of the legal sphere of society. The structure quite naturally include the system of legal values, results, services of society in the legal sphere, legal theory.

The changing forms of social life influenced by information and communication technologies, social networks of the Internet, digitalization of relations between government and society. This encourages the study of forms of legal communication in which legal communication takes place. It is also important to examine the relationship between legal culture and legal ethics as a genetically conditioned



content. This is actualized by the modern trend of «etization» of almost all spheres of relations between public authority and society [15, pp. 15-17].

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