

The limits of the concept «professional legal awareness deformation» from the psychological and legal perspectives

Los límites del concepto «Deformación de la Conciencia Jurídica Profesional» desde las perspectivas psicológicas y jurídicas

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ABSTRACT:

The term "professional legal awareness deformation" is actively used in scientific literature on psychology, sociology, and jurisprudence. However, a unified approach to understanding the presented category has not been formed yet. Professional legal awareness deformation can be viewed from various aspects as a process consisting of a set of stages, as a result of formation of rational-ideological, socio-psychological, and behavioral elements, and as a complex phenomenon with an internal structure.

Keywords: Legal awareness deformation, professional legal awareness, legal awareness, stereotyping, efficiency of law, efficiency of legal activity.

RESUMEN:

El término "deformación profesional de la conciencia jurídica" se utiliza activamente en la literatura científica sobre psicología, sociología y jurisprudencia. Sin embargo, aún no se ha formado un enfoque unificado para comprender la categoría presentada. La deformación profesional de la conciencia jurídica se puede ver desde varios aspectos como un proceso que consiste en un conjunto de etapas, como resultado de la formación de elementos racional-ideológicos, sociopsicológicos y de comportamiento, y como un fenómeno complejo con una estructura interna.

Palabras clave: Deformación de la conciencia jurídica, conciencia jurídica profesional, conciencia jurídica, estereotipos, eficacia de la ley, eficacia de la actividad jurídica.

1. Introduction

The modern concept of legal awareness as a specific function of a specially organized matter

(human brain) opens the potential for its study in the context of psychological and legal doctrines (Blumberga & Ziedina-Lagzdona 2014).

Today, when selecting personnel, assigning duties to perform certain types of professional activities, the diagnosis of the state of legal awareness, revealing the deformation of its rational-ideological, socio-psychological, and behavioral elements, is not widely spread.

The psychological features of a person significantly affect the quality and result of his or her professional activity, especially assuming the existence of a legal result.

The efficiency of labor of an introvert, engaged in intensive counseling of the population, will be noticeably lower than that of a pronounced extrovert. A choleric will have issues when qualitatively (without compromising internal comfort) performing monotonous routine work. The inconsistency of the psychological features of a person with the functions performed, along with the attendant factors, leads to the legal awareness deformation, which generates a negative result, both for this person and for the society.

The concept of "professional legal awareness deformation" has not yet received its permanent place in the categorical apparatus of jurisprudence. The term is understood in various contexts, most often as "defects in the perception of law". Meanwhile, legal awareness deformation determines the quality and content of various types of legal activity, the state of the legal system of society, causes legal conflicts, collisions, and gaps. This concept is more extensive, more significant for science and practice than it seemed before.

2. Materials and methods

The empirical foundation of the study is the professional experience of the authors in the field of education and jurisprudence. The authors apply a wide range of general scientific methods, content analysis (quantitative and qualitative analysis) covering the research of a bulk of textual information, identifying patterns, and developing general conclusions.

Materials for constructing hypotheses and achieving results are data from diverse sociological surveys, scientific literature.

3. Results

The authors interpret professional legal awareness deformation as anomalies in the development of rational-ideological, socio-psychological, and behavioral components of the legal awareness of certain subjects who professionally carry out legal activities. In a broad sense, professional legal awareness deformation is a doctrine within the framework of the general theory of law about such anomalies.

The following specific properties of legal awareness deformation are distinguished: i) distorted perception of law, deviating from established patterns of behavior; ii) correlation from the economic, social, political conditions of society; iii) dynamism; iv) dependence on the mental characteristics of a person; v) the way a person adapts to an unfavorable environment; vi) manifested in the behavior of the individual (the act is the unit of behavior analysis); vii) difficult to measure (to evaluate the deformation of rational-ideological, socio-psychological, behavioral components, different methods are needed); viii) have unfavorable consequences for the development of the legal system and public order in the short term.

According to the basic provisions of general psychology and jurisprudence, the authors attempt to construct a dynamic model of professional legal awareness deformation (Smith 1982).

The paper depicts the following stages of professional legal awareness deformation by the example of lawyers: 1. The presence of prerequisites for professional legal awareness deformation. 2. The discrepancy between expectations from the profession and real legal practice, as a starting mechanism for the deformation of rational-ideological socio-psychological, behavioral elements of legal awareness. 3. The appearance of stereotypes and monotony of legal activity. 4. The inclusion of psychological defense. 5. The commitment of actions (a unit of the behavior analysis). 6. "Occupational (emotional) burnout", an internal personal conflict. 7. The resolution of the internal conflict (overcoming the professional legal

awareness deformation elements or adaptation to an unfavorable environment). 8. An unfavorable result for a person and (or) the society.

The continuing economic crises have a negative impact on the formation of legal awareness. Analyzing numerous statistical data, one can discover a regularity: the deterioration of economic conditions of life entails an increase in the criminalization of the society, and as a result, an increase in legal awareness deformation (including the professional one).

4. Discussion

The paper studies the limits of the concept of legal awareness deformation from the psychological and legal perspectives.

On the one hand, this allows seeing legal awareness deformation as a negative phenomenon, a threat to the society and the hierarchy of moral values; and on the other hand, it allows determining its main features and assessing the prospects for its further study.

Professional deformation is formed under the influence of external and internal factors.

Professional legal awareness deformation is a part of the general deformation of a person, which psychologists study (Druzhilov 2000). The professions that involve intensive communication with other people, proceed in a situation of permanent stress are most susceptible to changes in the elements of the legal awareness.

Professional legal awareness deformation can be combined with chronic fatigue, occupational burnout, and apathy. Ultimately, this can lead to a loss of professional skills, a decrease in the ability to communicate effectively.

Professional legal awareness deformation changes the structure of a person, the quality and effectiveness of his or her professional activity, and can manifest itself in everyday social (routine) activities as inconsistency with the norms of professional ethics, as a certain offense.

According to psychologists, one of the most common prerequisites for professional deformation is the specificity of the social environment, with which a specialist interacts, as well as the content of his or her activities. On the one hand, the division of labor and increasingly narrow specialization improve skills and knowledge, but on the other hand, they form stereotypes, habits, and determine the style of thinking and behavior (Zeer & Simanyuk 1997).

This aspect is noted by psychologists (A.K. Markova): age-related changes, professional deformations, professional fatigue, monotony (a mental condition that occurs in conditions of monotonous work, manifests itself in boredom, a weakening of interest in labor, and a decline in labor productivity); prolonged mental tension is due to complex working conditions, and crises of professional development (Derkach, Zazykin & Markova 2000).

It can be stated that long-term performance of the same activity by well-established methods can lead to the development of professionally undesirable properties of specialists.

In view of the above, the experience of individual commercial companies, which develop an individual curriculum of professional development for each employee, seems to be promising.

Such curriculum includes advanced training courses, which the employee can take at the expense of the employer, a list of professional and leisure activities (conferences, team building events), selection of professional and fiction literature in accordance with the interests of the employee. Also, in the framework of the collective agreement, the employer finances measures to restore the psychological and physical health of the employees (for example, partial payment for a sanatorium, installation of sensory rooms at the institution, etc.).

In Japanese organizations, horizontal and vertical staff rotation is applied, but in Russian companies this method of expanding professional skills is poorly applied.

E.V. Rudensky identifies two elements in the structure of professional deformation; they are

the initial propensities, and the deformation itself (Rudensky 1995).

Initial propensities are characteristic features of a person peculiar to representatives of a particular profession.

The professional deformation is a change of personal characteristics as a result of training and work (everyday ideas are replaced by specialized ones, a new paradigm is formed).

Psychologists often view the professional deformation of a person as changes (positive and negative), while legal lawyers emphasize the negative consequences of such changes.

In the author's opinion, the structure of professional legal awareness deformation includes:

- 1. A carrier of the professional legal awareness – a subject carrying out legal activity.*
- 2. The content of legal awareness (quality and condition of rational-ideological, socio-psychological, and behavioral components).*
- 3. Factors – external and internal circumstances that cause negative changes.*
- 4. A psycho-emotional and (or) volitional process of transformation of elements of professional legal awareness.*
- 5. An action as a unit of the behavior analysis.*
- 6. Negative result (direct or indirect) for a person and / or society.*

In the process of legal awareness deformation, the behavioral elements are essential; they are a set of legal patterns from which the legal orientation of a person is formed.

The legal patterns depend on the hierarchy of values that the subject of law is building up.

In general psychology, Erich Fromm singled out the *productive* and *nonproductive* orientations of human, which are quite applicable to jurisprudence and explain the root causes of many Professional Legal Awareness Deformations (Fromm 2000).

In the case of certain subjects (lawyers), the nonproductive orientations can be defined as follows:

a) *Receptive orientation*: the subject receives satisfaction from outside factors. Such lawyers cannot make decisions without outside assistance; they tend to seek a mentor who would provide them with the necessary information, resources, benefits, instead of making efforts and achieving a legal result on their own.

b) *Exploitative orientation*: the satisfaction is in the external environment, the main task of a lawyer is to achieve a result at any cost, using both legal and non-legal methods, even if the subject himself is provided and objectively does not need these goods and resources.

c) *Hoarding orientation*: this orientation makes lawyers have little faith in the fact that they can get something new, useful from the external world, their task is to preserve those resources that already exist; security is identified with the economy of thoughts, ideas, goods. Such lawyers are not ready for full and open communication with other subjects, the environment is perceived as a threat. A constant "No" is an almost automatic reaction; stubbornness is the answer to the threat of an attack from the outside.

d) *Marketing orientation*: a lawyer considers him or herself, his or her powers and capabilities as a commodity alienated from him or her. With this orientation, the lawyer develops only such skills and competencies that can be realized in the labor market with maximum benefit. Such lawyers do not have an internal core: they do not have moral, ethic, legal guidelines that should remain unchanged, since a conflict with the market is possible. For this reason, the personality of a lawyer is free from any individual characteristics. In modern society, this orientation has become widespread.

Many legal scholars examine in detail the external forms of manifestation of legal awareness deformation without paying attention to the content of the term itself: "The contemporary legal science recognizes legal awareness deformation in the forms of legal nihilism, idealism, and demagogy" (Chaika & Boichevska 2017).

In legal science, the authors also examine professional legal awareness deformation in regard to its types: "In the theory of law, experts traditionally distinguish three types of legal awareness deformation... However, it is obvious that such classification (legal infantilism, legal nihilism, and rebirth) is completely inappropriate for law enforcement

officers" (Zakhartsev & Salnikov 2013).

The explanatory dictionaries define the word "deformation" as any change in something, which is a deviation from the norm, the accepted notion of someone, something (Kuznetsov 1998).

The dictionaries of synonyms consider the deformation as abnormality, deviation, evasion, anomaly, error, lack (Abramov 1999).

Scholars offer a variety of interpretations of this concept.

S.A. Kovalev defines legal awareness deformation as a negative social phenomenon, for which such changes in state are typical that distort the real social and personal legal reality, and express negative attitude to the current system of law, law and order in general (Kovalev 2009).

Professional legal awareness deformation can be connected with the internal conflict of the individual.

R.K. Merton explained the causes and mechanisms of deviant behavior as follows: "Depressive moods, passivity, and obedience eventually manifest themselves in the mechanisms of salvation, which ultimately lead the individual to "escape" from the requirements of society. This is a consequence that arises from the continuing inability to achieve the goal by legal means, and from the inability to accept the illegal route because of the bans imposed. But the idea of achieving the goal, which is associated with success, is not left by the individual. Such a conflict is resolved by eliminating both elements of the goal and the means. Then the escape is over, the conflict is eliminated, and the individual is socialized" (Merton 1938).

Merton believed that when frustration comes from the inaccessibility of effective mechanisms to achieve economic or any other recognized "success", the subject will adapt to the situation according to the developed types II, III, and V (innovation, ritualism and rebellion). The result will depend on a particular person (and in the modern sense on his or her legal awareness) and the surrounding cultural environment (Merton 1938).

Psychologists (S.A. Druzhilov) also note the connection between the professional deformation and internal conflict: "A person's values are determined by his or her dominant orientation. A person with the marketing orientation (according to Erich Fromm) replaces the ethics of a professional (as a moral norm) by the ethics of pragmatism. In conditions of moral and psychological conflict (competing) between the values of professional morality and the values of benefits, the latter is preferred; the destructive values win" (Druzhilov 2011).

The psychologists call stereotyping as another sign of professional deformation (Granovskaya 1984). In professional activities, the emerging stereotypes can improve the efficiency of work, but when the decisions begin to be based solely on stereotypes, and the legal situation is perceived in a simplified manner, then there is a deformation of rational-ideological, socio-psychological, and behavioral components, manifested in excessive confidence in the correctness of the legal means used, decrease of intellectual abilities for complex analysis.

In limited application, the professional stereotypes demonstrate a sufficient level of competence to solve monotonous, routine tasks and functions, repeatedly apply the same knowledge and skills. So, there is a certain automation of professional skills and competencies.

The professional stereotypes are built from the leading qualities necessary for a particular work activity. However, when the behavior of a specialist is primarily covered by stereotypes, this leads to the transfer of stereotypes from the business sphere to personal one, which adversely affects both the work and the communication skills of the person.

5. Conclusion

The deformation of lawyers' professional awareness is "interrelated negative changes in a lawyer's personality and his or her professional capabilities" (Kartashova 2016).

Thus, professional legal awareness deformation is manifested primarily in behavior. In the classical sense, behavior is an outward manifestation of mental and social activity. Inadequate behavior has a negative impact on professional activities, interpersonal relations, which can manifest itself in the reassessment of the competence by the law executor, the reduction of control over the implementation of behavior programs. The main matter in the professional behavior is the attitude towards the established regulations. The unit of behavior analysis is an act.

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