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**SIMILARITIES AND DIFFERENCES IN THE FORMATION AND CONTENT OF LEGAL AWARENESS  
IN AN INTERGENERATIONAL PERSPECTIVE**

Abstract

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The problem of the role of legal awareness in forming lawful behavior and limiting social deviations is permanently in the scope of attention of lawyers, sociologists, politicians, and legislators. Nowadays, on a global scale, we are witnessing a continuous increase, diversification and complication of offenses and their most serious manifestation - crime. The level of some forms of criminal activity, the high resistance of a number of phenomena such as the growth of crime among minors and juveniles, lowering the age limit for starting criminal activity, high level of recidivism, etc., is particularly high, and this makes the issue of effective countermeasures very significant. In this context, EU policy is primarily aimed at expanding prevention, as well as at the combined application of legal and extra-legal (alternative) methods to limit social pathology, which makes research on the formation and content of legal consciousness particularly relevant.

The relevance and significance of research on legal awareness and its dynamics over time is also related to a number of EU regulations and directives, and of particular importance is the created completely new model of legal security and protection of citizens' rights, which meets the requirements of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHRFF)<sup>1</sup>.

In legal-sociological theory, legal consciousness is usually considered as a connecting link between law (the requirements of legal norms) and legally relevant behavior in legally significant situations. The ratio between lawful and unlawful behavior depends on its content and effect. That is why research and finding ways to form legal consciousness with sufficient awareness and a positive attitude towards the observance of laws is of key importance for society and for the maintenance of social order.

In the current developments dedicated to legal awareness, there are not many studies in theoretical and empirical terms that make it possible to reveal the functional features of legal awareness of persons belonging to different generations. And the outlined social situation, the needs of social practice, show how necessary it is to study in depth the problem of intergenerational differences in the formation and functioning of legal consciousness. Despite the considerable number of serious studies, the legal-sociological aspect of the problem of the formation of legal consciousness in an intergenerational aspect has not been the subject of analysis in the theory and practice of the sociology of law. That is why the research proposed in this dissertation is an upgrade of the previous research practice, especially since the dissertation has an interdisciplinary character, uniting the positive with the sociological analysis.

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<sup>1</sup> See also Directive 2012/29/EU of the European Parliament and of the Council of 25.10.2012 establishing minimum standards for the rights, support and protection of victims of crime and replacing Framework Decision 2001/220/JHA of the Council, published in Official Journal of the European Union, OJL 315/57 of 14.11.2012)

The aim of the dissertation is to establish and analyze the similarities and differences in the formation and content of legal consciousness between different generations, in which it was formed in a different socio-cultural context and with the use of different mechanisms.

For the realization of this goal, it is decomposed into several tasks:

1. To make a critical analysis of the existing classical and modern concepts of legal consciousness.
2. To construct a theoretical model adequate to the specific research objectives and to operationalize it with a view to its application in an empirical study.
3. To conduct an empirical study, through which to collect information about the content of the components of legal awareness of three age groups - young people between 18 and 35 years old, their parents and grandparents.
4. To reveal the functional relationship between the legal consciousness of the researched persons and their behavior in the legal sphere.
5. To find out whether there are differences in the legal awareness of the three age groups, in which components they are, in what content they are expressed.
6. To identify the agents and mechanisms of legal socialization and outline their role.

The object of research are three age groups, representatives of three generations - young people (18-35 years old), their parents and their great-grandparents.

In fact, these are groups whose legal consciousness was formed in a different social environment – the youngest form their legal consciousness nowadays. The parents' generation (approximate age 45-55 years) formed it in the beginning of the transition, and the generation of the great-parents (approximately 65-70 years) - in the conditions of socialism.

The subject of research is the formation and content of legal consciousness.

In the course of work, the following methods are used:

- research and analysis of scientific developments;
- secondary analysis of already conducted empirical studies on legal awareness and legal socialization;
- own survey among the three age groups indicated.

The thesis of the dissertation is: since legal socialization takes place in a different social environment and in a different way (with a changed configuration and role of the socializing agents) in different time periods, significant changes in it over time produce differences in the cognitive components of the legal consciousness, in the value systems and orientations and from there - in the psychological and behavioral components and generally result in substantial

cognitive differences, in a different attitude to the current law and its application and in a certain aspiration of the youngest generation to achieve certain goals regardless of whether specific actions are lawful or not. Both similarities and differences in the formation and functioning of legal consciousness, however, do not lead to a gap between generations, but build a stable model of intergenerational continuity and development over time.

The proposed dissertation is structured in an Introduction, three chapters, a Conclusion, a List of References and an Appendix containing the map used in the survey.

## **First chapter**

### **CONCEPTUAL BASIS OF RESEARCH**

#### **OF LEGAL AWARENESS**

#### **1. Legal consciousness as a social phenomenon and as an object of scientific research**

##### **1.1. Conceptual framework of the study of legal consciousness**

The issue of legal consciousness as a specific social phenomenon cannot be fully understood if it is not placed in a broader conceptual framework. The delineation of the conceptual framework in the study of legal consciousness is the initial methodological base on which to build the entire construct of the analysis - both theoretical and empirical.

The conceptual framework can be considered in a broad and narrow sense. In a narrow sense, this is the delineation of the parameters of the study of legal consciousness within the framework of positive legal theory. In a broad sense, it is the determination of the parameters of legal consciousness research through a methodology that goes beyond legal normativism and is based on the sociology of law, which examines the relationship between legal consciousness and effective law and legally relevant behavior in the context of society as a whole system.

With the dominance of the legal-dogmatic approach, normativism (legal positivism) has priority in delineating the conceptual framework in the study of legal consciousness. The examination of legal consciousness, its formation and development, as well as its role as an essential regulator of behavior, carried out through the specific methods of the sociology of law is the most adequate and applicable conceptual framework possible, making it possible, on the basis of the general theoretical statements about the phenomenon of "legal consciousness", to derive its specific characteristics and to empirically study them. The adoption of a complex approach, combining the achievements of sociology and legal science, provides an opportunity for a comprehensive study and assessment of the phenomenon, to achieve versatility and maximum depth.

In the search for an initial conceptual base methodologically applicable to the research problem, one should take into account the achievements of many theorists and analysts of the role of

legal consciousness in the formation of its various manifestations in reality, incl. and related to differences in generations, since in an evolutionary plan each of the concepts contributes to the development of the idea of that social contract, which, although legally imperfect, corresponds to the basic moral values of the human race and preserves its existence even in complex and periods in its development filled with destructiveness and disorganization.

In modern Bulgarian legal theory, there is a relatively large variety of conceptual concepts and theories, which from a different point of view analyze the complex issue of conceptual boundaries in the study of the relationship between law and legal awareness. These are seminal works by leading authors in the field of the theory, philosophy and sociology of law<sup>2</sup>. These authors, overcoming the extremes of dogmatic thinking through an in-depth study of separate, important segments of the relationship between law and legal consciousness, gave rise to the essential part of modern jurisprudence. However, Bulgarian legal theory still lacks a unified and comprehensive study dedicated to the legal-sociological discourse of legal consciousness in an intergenerational perspective.

Sociology of law as knowledge of law (understood not only as effective law, as a set of norms, but as a subsystem of society), places it in the context of social phenomena and processes that exist independently of it, but are reflected in it. It is the sociology of law that is able to give a complete and adequate interpretation of the issues that come to the fore not by chance regarding the role of legal consciousness as a valuable phenomenon and especially the problem of the recently growing dysfunctionality in the activities of the institutions called to create or implement law (the so-called institutional pathology), which are the object of attention in every civilized society.

The key to the successful solution of the tasks lies in the study of legal awareness at the same time as the distinction between the legal and sociological approaches and the unification of the heuristic possibilities of the two approaches.

## **1.2. Law and legal consciousness in traditional legal positivism**

Legal positivism took shape and dominated legal scholarship especially in the second half of the 19th and early 20th centuries. With his characteristic formalism, as N. Nenovski points out, and as a result of his characteristic dogmatization of theoretical constructions, he occupies a permanent place in jurisprudence and quite successfully gives it concepts and constructions that

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<sup>2</sup> It is primarily a matter of research devoted to the complex problem of the limits of legal knowledge in its entirety. See e.g. Valchev, D. From Apology of the Legal Norm to the Theory of the Legal Order. Sofia: University Publishing House "St. Kliment Ohridski" and Publishing House "Jurispress", 2003; Valchev, D. The problem of justice and law in the teachings of Aristotle. - Contemporary law, 1998, volume 5, pp. 1-15; Stoilov, Ya. Normative functions of legal principles. In: Scientific readings in memory of Venelin Ganey and Nikola Dolapchiev. Sofia: UI "St. Kl. Ohridski", 2017, p. 218-230; Kolev, T. Law and rights as a cultural phenomenon. Sofia: Siela, 2015; Boychev, G. Methodology of jurisprudence. Sofia: University Publishing House "St. Kliment Ohridski", 2010.



possess indisputable logical order, conceptual harmony and clarity. Legal science within the framework of legal positivism focuses on the interpretation of positive law, always proceeding from the understanding of the state as its only source.

When, at the end of the 19th century, the need for a middle-level theory arose due to the fact that the various branches of law were rapidly swarming and the lawyers themselves felt the need for fundamental and more general concepts in order to "catch up" with the changing legal reality, in the legal theory and practice, the term legal sense appears, which for a long period of time replaces the philosophical category legal awareness. Classical jurisprudence cannot fully respond to the need to study newly appeared phenomena within the framework of legal reality and seeks new approaches and methods for their study and explanation. It was then that the first empirical studies began within the framework of individual branches of law, which, due to their scientific originality, turned a new page in jurisprudence, tracing the path of legal-sociological knowledge.

### **1.3. The legal-sociological approach in the study of legal consciousness**

The identification of sociology as an independent science and its development extend the application of the sociological method to the study of law. In the works of the founders of sociology - M. Weber, E. Durkheim, V. Pareto, the element of law is invariably present. Gradually, new sociological constructions fill the gap between the "pure" philosophical and the "pure" legal interpretation of law. In the long history of the dispute over the formula state - law (positive law), the philosophy and sociology of law marked a certain success, offering a philosophical and sociological interpretation of the essence of law not as a system of norms sanctioned by the state, but as a specific social phenomenon embodying the idea of justice.

For a clearer definition of the subject of sociology of law and for distinguishing it from other sciences, the main methodological importance is the consideration of law as an element in the sociological structure of society, possessing its own internal structure and interacting with other elements of the social system. It is the sociological theory of law that creates the model of the legal domain of public life, as opposed to the concept that is narrower in content "law" and thus defines the institutional framework of legal-sociological knowledge.

Insofar as the subject of sociology as a science is society as a functioning and self-developing system, its structure, the specific regularities of its functioning and development, individual social structures, processes and phenomena are studied precisely through the prism of these regular interrelationships and interactions. In this sense, the law and resp. legal consciousness as a phenomenon is considered in the context of lawful interactions between the structural elements of society.

The legal field of public life occupies a specific place in the overall sociological structure of society. This situation, the prototype of which we find mostly in the representatives of the

structural-functional analysis, is today perceived by the representatives of legal-sociological thought as the most applicable model in determining the subject, content and boundaries of the sociology of law. What's more - only by taking into account its social essence, law can be brought to such a level that, in the words of one of the founders of the American sociology of law - Selznick, finally allows jurisprudence to focus on research and an analysis of those social interests, values and principles, without which even the most perfect legal system from a formal-legal point of view could not produce the necessary social results<sup>3</sup>.

Within the sociology of law, legal consciousness is seen as the link between law and behavior. In this sense, the sociological approach makes it possible to analyze this complex social phenomenon, such as legal awareness, in its completeness and multifacetedness both theoretically and empirically. The sociological study of legal awareness has its methodological and methodical base, its traditions, but at the same time specific current needs also appear. The problem of generational differences can also be attributed to these new moments of studying legal awareness, which becomes particularly relevant against the background of the constantly changing social environment and legislation, which are perceived differently by different generations.

#### **1.4. Historical traditions and modern perspectives in the study of legal consciousness from sociology**

The term legal consciousness appeared in the literature relatively recently as a private scientific category. The representatives of jurisprudence from the 19th century did not use this term, and at that time the term legal sense was widespread, popularized mainly by the representatives of the German legal school.

Representatives of classical jurisprudence and the philosophy of law usually consider legal consciousness in the context of the theory of natural rights or connect it with the positive nature of norms. Proponents of the psychological direction in law adhere to the concept of "legal sense", emphasizing the presence of an appreciation of law, manifested as a sense of justice or legal intuition. One of the main representatives of this school - L. Petrazhitsky, developed a concept of "intuitive law".

In general, the review of the literature on the subject shows that, despite the existing differences in the given definitions, almost all authors are united on the issue of the main elements entering into the structure of legal consciousness<sup>4</sup>.

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<sup>3</sup> Selznick, Ph., The Sociology of Law. (In:) Sociology Today. Problems and Prospects. New York, 1959, p. 115-127.

<sup>4</sup> Vasilev, P. Theoretical-methodological problems of the sociological study of legal consciousness. - Sociological problems, 1970 No. 6, p. 37; Panev, B. Legal consciousness and crime. S., 1977; Ewick, P. Consciousness and Ideology. (In:)The Blackwell Companion to Law and Society, ed. A. Sarat. Madlen, MA; Blackwell, 2004, p.80-94.

If the evolution of the concepts of legal consciousness within the framework of its sociological study should be presented, albeit schematically, it should be pointed out that there are differences in the approaches and methods of researching this phenomenon in the European and American legal-sociological schools. The authors of an overview study on legal consciousness pay special attention to them, in which the existing theoretical and empirical studies<sup>5</sup> in this direction are tracked and systematized, pointing out the differences between the European and American schools. The main difference is expressed in the fact that most of the European authors, especially the French, base their research on the ideas of Durkheim, Max Weber, and Petrazhitsky<sup>6</sup>, while the American authors orient their research to the search for empirical indicators of the role of legal consciousness in the social realization of law as a complex system of norms<sup>7</sup>.

In the Bulgarian sociology of the second half of the twentieth century, the topic of legal consciousness was developed within the framework of the preparation of the large empirical sociological study "The City and the Village" from 1968. The merits of Radi Vasilev for defining legal consciousness, for developing its internal structure, and its connections with various elements of the social system are indisputable. To a large extent, these developments are used as a basis on which to build for further in-depth and detailed research on legal consciousness and its functions in society.

Empirical studies carried out so far in our country can be grouped into three main groups:

1. Research aimed at establishing the degree of legal awareness as an element of legal awareness;
2. Research aimed at establishing the attitude towards the current legal system or specific legal provisions (the psychological element of legal awareness);
3. Research aimed at establishing the functional relationship between the degree of legal awareness together with the psychological attitudes and value orientations towards the law and the practice of its application on the one hand and the behavior in legally significant situations - on the other (the behavioral element).

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<sup>5</sup> This comprehensive review of all theoretical and empirical research on legal awareness can be found in: Horák, F., Lacko, D., and Klocek, A. (2021). Legal Consciousness: A Systematic Review of its Conceptualization and Measurement Methods. *Anuario de Psicología Jurídica*, 31(1), 9 - 34. <https://doi.org/10.5093/apj2021a2>.

<sup>6</sup> Kourilsky Chantal - Augeven. Legal Socialisation: From Compliance to familiarization through Permeatio.- *European Journal of Legal Studies* „,2007, Vol.1 No1, pp 265-294. Also: Kourilsky C.-Augeven. Legal Consciousness, Social Anxiety and Cultural Models: Europe v. TheUSA", 1998. In this article Sh. Kurilski makes a very interesting parallel between the European and American schools in the field of concepts of legal socialization and legal consciousness. These differences are also shown in the joint study of legal awareness, conducted for the first time in 1991, with the participation of Bulgaria. See Naumova, S. Cited, p. 385 et seq. In French, the study is published in: Kourilsky, C.-Augeven, *Socialisation juridique et conscience du droit. Droit et Cultures*, 1991 (2)., pp. 33-56. Available at [www.reds.msh-paris.fr/publications/collvir/kourilski/kourilski](http://www.reds.msh-paris.fr/publications/collvir/kourilski/kourilski)

<sup>7</sup> Ewick, P., & Silbey, S. S. *The common place of law: Stories from everyday life*. University of Chicago Press, (1998); by the same authors "Narrating Social Structure: Stories of Resistance to Legal Authority", *American Journal of Sociology*, 108 (6), 2003

Insofar as the main goal of the current dissertation is an analysis and interpretation of the formation and functioning of legal consciousness in an intergenerational perspective, this makes it necessary to turn to some other categories that go beyond the legal field. They and their specificity are a prerequisite and a necessary basis for developing a model for the specific study.

Modern perspectives in the study of legal awareness in intergenerational discourse include an analysis of the complex relationship between the main elements of legal awareness on the one hand, and their "refraction" in different age groups, on the other. The intergenerational discourse in the study of legal consciousness requires some clarity about the concept of "generation" and its projection onto the overall analysis of legal consciousness. The generational model developed by Karl Mannheim is used as a basic starting point in the proposed research.

When talking about modern perspectives in the study of legal consciousness in an intergenerational aspect, attention should be paid to the existing classifications of generations in theory and from there to derive those points of reference that will serve as a basis for in-depth analyses, innovative positions and theoretical practical conclusions. Useful in this regard is the classification of the different generations into 4 age groups, which is particularly popular nowadays - Baby Boomers Generation (1946-1964), Generation X (1965 - 1980), Generation Y (1981-1996) and the generation (Generation) Z (1997-2010).

## **2. Nature and content of legal consciousness**

### **2.1. General characteristic of legal consciousness**

Legal consciousness is an element of the legal field of public life, which has specific characteristics and plays an essential role, both in the implementation of the control functions of law and in the mechanism of its social action.

There is a huge variety of studies on legal consciousness, and at the basis of each of them, as a rule, a definition adopted by the authors is placed, which is not always identical or even similar to that of other studies. According to some authors, legal awareness can be defined in a broad and a narrow sense. In a broad sense, six separate components<sup>8</sup> are included in its content, namely: general knowledge, skills, specific knowledge, attitudes, trust and identity.

Based on this definition, a widely accepted structure is formed, which includes three main components - cognitive (informative-cognitive), which covers the totality of legal knowledge; psychological - contains assessments, opinions, value orientations and psychological attitudes towards the law and the practice of its application; behavioral - expressed in the readiness for behavior in social interactions regulated by law, as well as the possible postulates *de lege*

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<sup>8</sup> Horák, F., Lacko, D., and Klocek, A. Legal Consciousness: A Systematic Review of its Conceptualization and Measurement Methods. *Anuario de Psicología Jurídica*, 2021,31(1), 9 - 34. <https://doi.org/10.5093/apj2021a2>.

*ferenda*. In other words, an empirical and theoretical study of legal consciousness means a study that covers the three main components mentioned.

Not only in a purely theoretical, but also in a practical plan, the structuring of legal awareness is important, and in another plan - the distinction between scientific-theoretical (specialized) and everyday (practical) legal awareness.

Each of the structural components of legal consciousness, namely cognitive, psychological and behavioral plays a specific role in the complex process of turning legal prescriptions into legally significant behavior. That is why clarifying their specifics is the main task of legal-sociological knowledge.

## **2.2. Cognitive component of legal awareness**

The first main component in the structure of legal awareness is cognitive - legal awareness, i.e. knowledge of legal norms and the practice of their application. It is the legal knowledge that forms the basis of the construction of the remaining two components - the psychological and the behavioral.

The theory also raises the particularly important and topical question of the degree of legal awareness that can be considered optimal. In this regard, a distinction is made between awareness of legal principles and awareness of specific legal norms. Usually, the optimal degree of legal awareness is defined as that which is characterized by the fact that every citizen has:

- a) the most general information about the law, i.e. to know the basic legal norms defining the state structure, the functions of the state, of the main state bodies (legislative, executive and judicial) and their powers, to have the most general orientation regarding the various branches of law and knows where authentic legal information can be obtained;
- b) information necessary in view of the social role performed by him;
- c) information necessary for decision-making.

## **2.3. Psychological component of legal consciousness**

The specialized literature advocates the thesis that the psychological component of legal consciousness contains evaluative judgments, opinions, attitudes and orientations, formed both on the basis of the accumulated legal knowledge and in the process of the continuous influence of the various elements of the legal field on individual and group consciousness.

In the literature, the psychological element of legal awareness is interpreted as a complex system of assessments relating to:

- a) the legal system as a whole and its basic principles;

- b) the activity of state institutions;
- c) the activity of the law enforcement authorities and especially the behavior of the representatives of the judiciary;
- d) the behavior of others;
- e) own behavior.

If the current law contains the primordial principles of justice, equality of citizens before the law, a real possibility of judicial protection of violated rights and legitimate interests, etc., then with a greater probability the formation of a –positive evaluations and psychological attitudes towards law. At the same time, these characteristics should not just be objectively visible, but should be known in order to contribute to the formation of a psychological component of legal consciousness suitable for a positive attitude towards the observance of the law. And vice versa - if the legal system itself does not possess these characteristics or the practice of applying the law diverges from them, then the majority of citizens may form negative assessments of the law and its principles. Of course, such a direct connection is too schematically and simplistically presented. There are various correlations, the establishment of which is possible through in-depth empirical research.

#### **2.4. Behavioral component of legal consciousness**

The third component in the structure of legal consciousness is behavioral. It is the last link in the entire complex mechanism following the accumulation of legal knowledge and the construction of certain values and attitudes towards law. This component in the structure of legal consciousness is activated in real, legally significant situations.

## **SECOND CHAPTER**

### **FORMATION AND FUNCTIONING OF LEGAL AWARENESS**

#### **1. Legal socialization. Main agents and mechanisms for the formation of legal awareness**

##### **1.1. Socialization, legal socialization, legal awareness**

Socialization has a key importance for the formation of the personality and for its behavior, incl. and in situations and relationships regulated by law.

Based on a historical and substantive analysis of the interpretations of authors - representatives of various directions in the study of the socialization process, A. Popova formulates a general definition: "Socialization is a process of active interaction of the individual with his immediate environment and the macro environment, with which the latter acquires knowledge, values,

norms and behavioral patterns, adapts to specific conditions and situations and integrates into society"<sup>9</sup>.

From the point of view of the sociology of law, socialization is of particular importance, since through it the mechanism of adapting the personality to the patterns and norms of behavior in society, including legal ones, is carried out. In this sense, legal socialization is an essential part of the socialization process.

Law is a specific way of spiritual-practical assimilation and somewhat mastering of reality by people<sup>10</sup>. Therefore, it is a social-normative and spiritual-normative phenomenon. Normativity is both a manifestation of the spiritual beginning and a synthesis of due social relations. When we underestimate or even ignore the normative expression of law, we move the discussion primarily either to the ideas of law or to the social results of its action, but at the expense of moving away from the "legal terrain" of its study<sup>11</sup>.

The theory lacks a unified understanding and terminological unity of the problems related to legal socialization. Individual authors approach the problem in a different way<sup>12</sup>. There are several main concepts interpreting legal socialization.

The first finds a synthesized expression in R. Park's statement that socialization is a process through which personality is formed<sup>13</sup>. Outside of a human environment, it is not possible to develop the biogenic and psychogenic elements embedded in the structure of the personality (human nature), and to carry out the process of building the sociogenic element (the internalization of patterns and norms of behavior). Among these models and norms of behavior, a special place is occupied by the legal ones, which are an integral part of the legal field of public life.

The second concept is related to the structural-functional approach, the roots of which should be sought in Durkheim's understanding that norms (including legal ones) are the basis for integration in society. The lack of such integration is the basis of the so-called anomie. Further developed by Parsons and Merton, the concept of legal integration (socialization) acquires a too schematic appearance, placing human behavior in the well-known framework of conforming -

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<sup>9</sup> Popova, A. Deficits in the socialization of children from families of parents working abroad. Sofia, Snowmod, 2019. p. 45.

<sup>10</sup> See in detail Nenovski, N. Law and values. C.: Ed. of BAS, 1983, p. 23. Also Johnev, S. Social psychology. T. 1,2,3, S., 1996.

<sup>11</sup> See e.g. Stoilov, Ya. The principles of law, p. 26; also Ewick, P., S. Silbey. The Common Place of Law, p. 39-41.

<sup>12</sup> Kourilsky C.-Augeven. Legal Consciousness, Social Anxiety and Cultural Models.....Op.cit., pp 51-55.

<sup>13</sup> This is Park's famous maxim that one is not born human but becomes one in the process of socialization. Park, R., E. Burgess. Introduction to the Science of Sociology, 2nd ed. University of Chicago Press, p. 39-41. This essentially socio-psychological concept is supported and confirmed also within the philosophy of law through the statement about the social nature of man. "Yes, man is something more than all other creatures, than animals - he is not only an individual, but a person..., for a person is nothing but man considered as a subject of rights and duties, or according to the expression of Kant - is an end in itself. Popovilev, M. Morality, Law and State, pp. 48-49.

deviant behavior. This concept influences interpretations from the field of theory and philosophy of law<sup>14</sup>.

The third concept is a projection of Kohlberg's and Piaget's theories of early socialization and related mechanisms of delaying or hindering the process of moral adjustment<sup>15</sup>. Close in content is the thesis developed by Habermas about the relationship between moral consciousness, communicative action and the norms of behavior internalized in legal consciousness. He refers to the term "learning process" used by Kohlberg and Piaget, which is in effect an element of socialization. According to him, there are two degrees of legal and moral socialization, within which the idea of justice is formed<sup>16</sup>.

The fourth concept is criminologically oriented and examines legal socialization in an inseparable relationship with the causes and conditions for the appearance of early criminogenic factors<sup>17</sup>. The limits of the philosophical-legal interpretation of the relationship between legal socialization, legal consciousness and the formation and "installation" in it of the sense of justice, it has a direct relationship to the utilitarian and retributive explanation for the punishment of the perpetrators of crimes. According to utilitarians, punishment benefits society as a whole. To is valid because it is legitimate, ie. "Consensus approved by all"<sup>18</sup>. According to the supporters of the retributive explanation, the main role – and purpose of punishment is the realized retribution. The argument for punishment boils down to something very simple - criminals deserve their punishment.

## **1.2. Legal information and building the cognitive component of legal awareness**

The information function, and after it the other functions of law, cannot be realized automatically, i.e. as a result of the very existence of legal norms. A special mechanism is needed for the dissemination of legal knowledge, for the clarification of both the principles of law and its specific provisions. In the context of the problem of similarities and differences in the transmission and assimilation of legal knowledge in different time periods (and relating to different generational groups), this means tracing how different sources of legal knowledge contribute to the formation of the main component in legal awareness – legal awareness.

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<sup>14</sup> See e.g. Rakhimov, I. M. *Philosophy of Crime and Punishment*, p. 139, where the author points out that the idea of compliance with the law begins to have an impact only when it, after a very slow processing in the process of legal socialization, is transformed into feelings and penetrates the field of legal consciousness.

<sup>15</sup> See Piaget, J. *Rozwój ocen moralnych dziecka*. PWN, Warsaw, 1967; For details on their concepts, see: Jakubowska, L *An Authority of Law*. Prace ISNS, Warszawa, 1999.

<sup>16</sup> Habermas, J. *Cit. works.*, pp. 143, 198.

<sup>17</sup> See Cohen, A. *Delinquent Boys. The Culture of the Gang*. Glencoe, 1955; See also *Zagadnienia patologii socjalnej*. Warszawa, 1976. E. Madzharov makes an interesting summary analysis of research in this direction from the point of view of legal psychology. Madzharov, E. *Legal psychology*. Chernorizets Hrabar University of Applied Sciences, 1998. Y. Aidarov pays attention to the mechanisms of formation of criminological legal awareness. Aidarov, J. *Criminological legal consciousness*. Varna, 1993.

<sup>18</sup> Kolev, T. *Discretionary power and inner conviction of the judge*, p. 146.



In modern society, a very wide range of legal regulations and complex social relations are subject, the legal field is too complicated by global processes, and this dynamic gives rise to continuous changes in legislation and in law enforcement practice. Even for a lawyer, it is sometimes difficult to understand and orient oneself in the multitude of legal acts, and for citizens-non-lawyers it is even more complicated, even impossible. Against this background, a new interpretation of the principle (which, however, continues to operate) that ignorance of the law does not exculpate appears, expressed in the understanding that this presumption is in fact a fiction. The question arises whether citizens are provided with the necessary minimum knowledge and how this is done, i.e. what is the mechanism of legal information. It can be defined as a process of transformation of legal information into knowledge accumulated by citizens, officials and various social communities and groups both about the law in force and about the practice of its application. Legal information, understood in a broad sense, covers the process of transmitting legal information through any channels and its practical reach to citizens, with the use of any methods and means that are used for this, i.e. not only the specially created system for dissemination of legal information, as well as the various non-institutional methods, forms and means.

Legal information in a narrow sense is the systematic institutional dissemination of legal knowledge from the law-making body-transmitter to the addressees-receivers of legal information.

The intensity of impact of legal norms on the motivation of behavior is determined by many factors, the main place among them being the social status of the person and his position in the social group. Also important are socio-demographic characteristics such as gender, age, education, marital status, etc. However, the degree of coincidence of the imperative of the norm with the interests of the individual or the relevant social group is most important. In this sense, the moral value and validity of the norms and the degree of socialization resulting in certain psychological attitudes towards the principles of the law in force (justice, legitimacy, nature of coercion, etc.) motivates the readiness to undertake a certain behavior.

### **1.3. Building the psychological component in legal consciousness**

The process of forming a psychological attitude and decision for certain legally relevant behavior is complex, contains a number of specifics and is dependent on many objective and subjective motivational factors. The main place among them is occupied by the needs and interests of the individual<sup>19</sup>. The needs and interests themselves are formed under the influence

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<sup>19</sup> Durkheim pays too much attention to needs and interests as a structural basis for building value orientations and concrete motives for behavior. In contrast to Marx's theory of the determining importance of the economic factor, Durkheim developed a much more complex, but nevertheless sociologically applicable scheme for the relationship between the "economic fact" (in his terminology) and concrete behavior. Durkheim derives the influence of economic factors through his model of mechanical and organic solidarity. The second, according to him, is the result of the division of labor in civilized society, but even with this solidarity, provoked by the economic factor, the

of a wide range of social factors. That is why the legal norm is not always able to have a decisive influence. The legal-sociological analysis of the psychological impact of the law focuses on the study of how the law affects the needs, interests, psychological attitudes and value orientations, and hence - on the motives and the decision for the specific behavior.

Empirical characteristics included in the study of the psychological mechanism of the operation of the law include the attitude towards the activity of the law enforcement bodies and, above all, towards the bodies of the judiciary. The formation of a certain public opinion can act in different directions - in some cases it contributes to the confirmation of a positive attitude towards the law, and in others - it gives rise to a nihilistic attitude, an underestimation of the social importance of the law and hence - non-compliance with the specific norms of behavior. A number of legal-sociological and criminological studies show that people are particularly sensitive to the observance of basic principles proclaimed in the law – equality before the law, inevitability of punishment in the event of a crime, independence of the judiciary, ensuring the right to defense, etc. n.

#### **1.4. Specifics of legal socialization determined by the changing economic and sociocultural context**

In modern socio-economic and cultural conditions, subject to constant changes, the mechanism of legal socialization acquires new characteristics and its specificity. From this point of view, the changes in the socializing functions of the family and the school should also be taken into account. The importance of legal socialization also stands out in connection with the dynamics of the social environment/situation, with changes in interactions and the power of action of one or other determinants. And while the criminogenic effect of economic and normative-institutional factors weakens in certain periods, the effect of cultural factors definitely remains stable.

## **2. Functional characteristics of legal consciousness**

### **2.1. Legal awareness and legally relevant behavior**

The implementation of legal norms takes place in various forms - as implementation, as compliance, as use and as application. Realization in the form of implementation is available when the addressees of the legal norms, resp. the subjects of relations regulated by the law actively carry out the duties or powers assigned to them (e.g. the main duty of the parliament as the holder of the legislative power is to adopt, amend, supplement and repeal laws). Compliance means that the addressees conform their behavior to the restrictions or

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influence of socially determined needs and interests remain something "external" to the individual. Durkheim. E., *Les formes elementaires de la vie religieuse*. Paris, Alcan, 1912 (17th edition, 1968).., p. 637 – 638.

prohibitions established by the law (e.g. compliance with the prohibitions in the criminal law for committing crimes). Use is a form of realization in which the addressees of the legal norms exercise the rights granted to them and legal options (e.g. the use of various legal options provided for in the legislation for carrying out commercial activity). Implementation is widespread, but at the same time a very specific form of implementation, in which the bodies empowered by law (state, local self-government, judiciary, executive, etc.) direct their activities to implementation of legal provisions.

## **2.2. Legal awareness and deviance risk**

The problems of social pathology occupy a special place in legal-sociological theory and in the practice of empirical sociological research. Violation of the process of legal socialization, disintegration of the personality, conflicts arising from the change in values, the weakening of the prestige of law in public consciousness, etc., are the main factors causing destabilization within social groups and society as a whole. The study of the problems of social deviance requires more clearly highlighting the role of the legal factor in the complex process of adjustment or lack of adjustment of the individual and the various social groups to the values and norms of the whole society.

## **2.3. Characteristic features of the legal awareness of adolescents**

The disturbed process of legal socialization of the children of the transition in the countries of Central and Eastern Europe, incl. and Bulgaria, has its consequences in today's Bulgarian society. Many of them are already parents and are more or less active agents in the socialization process of their children.

One should not overlook the fact that the entire legal system has already been influenced by the membership of the Republic of Bulgaria in the EU, by the radical changes that have occurred both in the construction of the overall model of rule-making and the mechanisms of the transformation of the new legal prescriptions (embodying the principles and models of behavior of EU regulations and directives) in an element of legal awareness and in specific legally relevant behavior.

In view of the key importance of the school as a socializing factor, including in relation to legal socialization, information from research is used, which gives a fairly detailed picture of some aspects of this environment, relevant to the formation of the legal consciousness of adolescents.

It is known that in the modern rule of law, the question of equal treatment is of particular importance, resp. about the existence of discrimination. The importance of equal/unequal treatment is not limited to the impact on individual individuals - the object of discriminatory treatment, but has an impact on all adolescents, on the formation of their personality, incl. and their legal awareness.

Legal socialization does not mean simple adaptation to legal norms. Its complete form is expressed in how the person perceives the existing law and its principles and what is his/her readiness to command in legally significant situations.

#### **2.4. The legal consciousness of persons with deviant behavior**

The identification of basic age periods, through which the process of forming the personality of the criminal passes, and its peculiar self-realization in the antisocial sphere, must take into account the main psychological and socio-psychological regularities.

The need to study criminal activity during different periods in the ontogeny raises the question of the approach in the research process. One approach starts from the objective fact - the crime, but it would not be particularly important for clarifying the complex changes in the mechanism of the person's guilt in the individual periods of ontogenesis, moreover, it would confirm objectivism in the study of mental processes. The other approach requires starting from subjective phenomena - from consciousness. Thus, the logic of the research process is methodologically enriched, as long as it is taken into account that consciousness is secondary in nature. As for the legal consciousness, containing value orientations and attitudes, emotions and experiences of one's own and others' guilt, self-defense, behavioral motives, etc. are precisely subjective phenomena, and the more fully they are investigated, the more completely the main problems of deviant behavior will be clarified. It is also necessary to focus on the search for a relationship between the age of the perpetrators and their deviant activity. The legal consciousness of persons with deviant behavior has its characteristic marks in the three main generations - youth, adulthood and old age.

It must be said that from the point of view of deviation risk, the so-called "third age" is almost unexplored. Limited and sparse data can be found in a proportion of statistics based on the relatively small number of deviant occurrences. In this sense, the manifestations of old people are most often considered in connection with social pathology, mainly in view of suicides<sup>20</sup> and violent perversions.

### **CHAPTER THREE**

#### **LEGAL AWARENESS IN AN INTERGENERATIONAL PERSPECTIVE – AN EMPIRICAL ANALYSIS**

##### **1. Research setting**

The purpose of the realized empirical research is to collect information about the content and formation of the legal consciousness of three different generational groups, in which it was

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<sup>20</sup> In Durkheim's terminology, the so-called altruistic suicides.

formed in a different socio-cultural context and with the use of different mechanisms, to identify similarities and differences in an intergenerational perspective and to determine the impact on legally relevant behavior, in particular – on the risk of deviance, with a view to increasing the effectiveness of law in modern society.

The purpose of the research will be realized through the implementation of the following tasks:

- To collect information about the content of the components of legal awareness of the three selected age groups;
- To determine the legal awareness of the three selected age groups and the attitude towards the current legislation (positive, negative, neutral);
- To determine whether there are differences in the content of legal awareness and in which components they are;
- To study the attitude towards the rule of law principle;
- To collect information about the used sources of legal information and what are the preferences in this regard;
- To establish under the influence of what factors the formation of legal consciousness takes place in the three generations;
- To outline the differences in the legal socialization process of the three generations and the factors that condition them.

The object of research are three generational groups (generations) - young people (18-35 years old), their parents and their grandparents. In fact, these are groups whose legal consciousness was formed in a different social environment – the youngest form their legal consciousness nowadays. The parents' generation (approximately 45-55 years old) formed it at the beginning of the transition, and the grandparents' generation (approximately 65-70 years old) - in the conditions of socialism. The choice of this grouping was determined by the general research hypothesis that during different periods of time, legal socialization does not proceed in the same way, and this determines both similarities and differences in the formation of the legal consciousness of the representatives of the respective generations.

The subject of the study is the three-generation specific content of legal consciousness and the relationship between its formation and content and belonging to a certain generational group.

The realized sample covers 150 persons from each of the three groups. A typological selection of groups of students from universities in these cities was made and a survey was conducted with them, their parents and grandparents.

In developing the theoretical model for the present study, the definition of legal consciousness is key. The widely accepted definition in the legal-sociological and criminological literature is used, according to which it is a sphere of public, group and individual consciousness, which

reflects legal reality in the form of legal knowledge, evaluative attitudes towards law and the practice of its application, legal attitudes and value the orientations regulating behavior in legally significant situations.

For the cognitive element, the questions (including control) cover:

- awareness of the basic principles and norms of the law in force in the country and its application;
- used and preferred sources for obtaining legal information;
- beginning of familiarization with the law and upgrading of information.

For the description of the psychological component, questions were formulated, carrying information about the opinions, evaluations and attitudes regarding the legal norms and their application, the activity of state institutions and subjects of legal activities, about the behavior of those around them.

The most complex element of legal awareness - the behavioral one - has been studied mainly indirectly, by proposing hypothetical situations and looking for the respondent's reaction to them. Also included are direct questions regarding attitudes towards behavior in certain situations, as well as assessments of the acceptability of actions prohibited by law, but actually widely practiced. There are also questions seeking opinion and evaluation of the impact of individual socialization agents forming legal consciousness.

Overall, in the course of the conducted study, a large volume of reliable empirical information was collected through a survey regarding the functional relationship between legal awareness and deviance risk in an intergenerational perspective.

## **CONCLUSION**

The thesis of the dissertation "Since legal socialization takes place in a different social environment and in a different way (with a changed configuration and role of the socializing agents) in different time periods, significant changes in it over time produce differences in the cognitive components of legal consciousness, in the value systems and orientations and from there - in the psychological and behavioral components and generally result in substantial cognitive differences, in a different attitude to the current law and its application and in a certain aspiration of the youngest generation to achieve certain goals regardless of this whether specific actions are lawful or not. Both similarities and differences in the formation and functioning of legal consciousness, however, do not lead to a gap between generations, but build a stable model of intergenerational continuity and development over time", finds full confirmation in the summary and analysis of the collected empirical information.

The social environment is highly dynamic. The three generations have been socialized in the conditions of a completely different macro environment, and its conditions change in the micro environment, in socialization, incl. and legal, which plays a key role in the process of building legal awareness. It itself begins earlier in the youngest generation. In certain cases – and on the occasion of violations of various rules and norms.

The role of the family and the school has changed.

In the case of the younger ones, the specialized editions, as well as the mass media, are giving up their leading positions to deliver legal information. Among the younger generations, especially the youth, there is a reorientation towards new information sources, and the Internet comes to the fore. Along with the new possibilities, however, it turns out that the legal awareness formed mainly through it is characterized by certain deficits and deformations.

At the same time, it can be seen that life in the conditions of a democratic state with the separation of powers has contributed to a better awareness of these issues among the generation socialized in the current conditions. To the highest extent, the rule of law in the context of the principle of separation of powers has been reflected in the legal consciousness of the youngest generation and to a lesser extent in the older groups.

Focusing public attention on the rights of the individual has also contributed to the formation among the youngest of the knowledge of their own rights and of attitudes to defend them.

The research confirmed the thesis that the degree of legal awareness in itself is not the decisive factor for legal or illegal/deviant behavior. The psychological component is much more important, insofar as it determines the motives and the decision for the specific legally significant behavior.

The situation in the country now, or at least the individual's subjective perception of it, is an essential part of the determinants of legal awareness, including its psychological component. The placing by all generations, regardless of the different social status and the interests determined by it, in the leading positions of the ranking of poverty and corruption are not a favorable background for the formation of positive attitudes towards unconditional compliance with the laws.

In reality, there are many similarities, but also differences in the value attitudes and orientations of these three generations regarding the law and its operation in real life.

It is no accident, and in the given opportunity to distinguish between "law" and "right" from the point of view of justice as a criterion for the legitimacy of the right, the majority of respondents choose the answer that the concept of right, i.e. justice clothed in legal form is something different from law, which may not be just. It is the oldest generation that has the highest percentage of those who share the opinion that the right is broader than the law. And this is an important difference between the generations - each of the generations, the object of analysis, has a different understanding of the law and hence - of its observance. This is also the starting

point where we can talk about deviance risk precisely from the perspective of generational differences.

It was found that the respondents put the reasons for compliance with the law depending on their value system and the place that law occupies in it. The youngest generation has a skeptical attitude towards the legitimacy of the law (law in general) and this determines the readiness and motivations for its compliance as subordinate to the fear of coercion. In the second generation, there is a conviction that the law should be followed only in certain cases, because that is how it should be done in the first place. In the third generation, the most widespread is the attitude of conforming behavior due to conviction in the justice of the law and connecting legally relevant behavior with moral duty and a sense of justice. Therefore, a certain risk and specific danger of deviant behavior is present in all three generations, but to the highest degree it is observed in the youngest generation. The youngest generation shows a certain tendency to take illegal action in real legal situations. There is a certain desire among the youngest generation to achieve their goals, regardless of whether the specific actions are legal or not.

Based on the findings of the research, some recommendations can be formulated, aimed both at the main agents of legal socialization and providing legal information, and at the specialized state bodies that have a significant role in the formation and functioning of legal awareness, especially of adolescents.

A more intensive and purposeful inclusion of masses of legal knowledge in the various social networks and above all in the Internet, which turns out to be the main source of legal knowledge for the young generation of respondents, could be recommended.

In television programs (mostly on national television), blocks of programs can be distinguished, the focus of which should be the value system of adolescents and the preservation of those elements in it that do not allow deviant behavior or an attitude towards deviant risk in legally significant situations. The special importance that advertising and public relations have can be used by those legal socializing agents who have access to advertisers and advertising media with specific content (eg, aimed at glorifying the get-rich-quick or recklessly violating the rights of others, etc.) in order to correct these elements of advertising and convert them into legal educational ones.

A study of the experience of other countries shows that there are dedicated voluntary groups to assist the police or investigative authorities in their fight against crime and other forms of social deviance.

Further analyzes of the obtained results, in which a cross-sector analysis within the three age groups will be used, will be useful both in theoretical-legal and practical-applied terms with a view to legislation and the approval of the rule of law principle. From them it will be possible to obtain more detailed information about the influence of demographic factors on the formation of legal awareness within the framework of the three generations. On this basis, specific models of legal educational and legal educational activity can be developed.



In summary, the recommendations cover the responsible activity not only of law enforcement bodies and agents of legal socialization, but also of society as a whole.

The present scientific study answers a number of questions, but also poses new ones that outline the lines of future research work. It is of interest to carry out a cross-sector analysis to outline the differentiations by gender, social status, place of residence, etc. The identification of the specifics of different groups will enable a focused impact on the part of state authorities, which will increase the effectiveness of forming legal awareness with sufficient awareness and positive attitudes towards compliance with laws.

### **Contributions of the dissertation:**

#### **Actually scientific:**

1. The presented study is the first of its kind, identifying and analyzing intergenerational differences in legal consciousness and its formation, and in this sense can serve as a basis for further theoretical analyzes and empirical studies on the issues of causes and conditions for both conforming and and about deviant behavior in different generations.
2. An analytical overview and comparative analysis of the conceptual framework in the study of legal consciousness from the positions of traditional legal positivism and the sociology of law was made, and those relevant to the study in an intergenerational perspective were brought out.
3. The similarities and differences in the content of the three components of the legal consciousness of the three studied generations, in the mechanisms and means of its formation, are identified and they are related to the specific socio-cultural context in which the legal and socialization takes place.

#### **Applied:**

1. An empirical sociological study of the legal awareness of young people, parents and grandparents was carried out with an original design and methodology.
2. The derivation and accentuation of the differences in the behavioral component of legal consciousness has a great social-applied potential.
3. Recommendations have been formulated for the state authorities, the implementation of which would contribute to the formation of legal awareness with an attitude of lawful behavior.

### **Publications on the subject of the dissertation**

1. Ivanova, B. Intergenerational differences in the formation and functioning of legal consciousness. - In: "The sociology of law and modern directions in the development of legal knowledge" on the occasion of the 150th anniversary of the Bulgarian Academy of Sciences, Sofia,

2021 pp. 662-670.

2. Ivanova, B. Intergenerational differences in the formation and functioning of legal consciousness in the context of crime prevention and control. In: Kostadinova R. (comp. and editor.) Applied Criminology in Bulgaria. S., 2021, pp. 95-108.

3. Ivanova, B. Intergenerational differences in the functioning and formation of legal consciousness. In: Society and Law, 2023, No. 3, pp. 65-79.

4. Ivanova, B. Legal awareness and deviance risk: intergenerational dimensions. In: Mantarova A. (comp. and editor.) "Prevention and management of risks". S., 2023, pp. 138-165.