LEGAL FUNCTIONAL LITERACY: THE CONCEPT AND LEVELS

INTRODUCTION

Functional literacy in the modern world is a multidimensional socio-cultural phenomenon that includes legal, economic, cultural, linguistic, information-computer, and other components. Legal functional literacy is not only one of the fundamental components of functional literacy, but also acts as a means of ensuring equal rights and opportunities for all groups of the population. A system of values and attitudes of human behavior is formed with the growth of legal functional literacy, knowledge, and skills necessary for entering into various social relations are acquired, an understanding of human dignity, respect for other people, tolerance, the desire to use non-violent means of conflict resolution, a sense of solidarity and a desire for cooperation with other people and social groups is developed.

The study of issues related to legal functional literacy has not only theoretical but also practical significance since despite the specifics of different countries, it is one of the universal tools for the development of civil society, the functioning of the rule of law, it contributes to the formation of a universal legal culture and ensuring the security of the individual and the state.

Finally, the global challenge posed to human civilization by the COVID-19 coronavirus infection has demonstrated the importance of legal discipline in the life of society, the level of which is a consequence of the development of legal functional literacy.

The issues related to functional literacy are well studied in the scientific literature (STICHT, 1972; KIRSCH; GUTHRIE, 1977; DORVLO, 1992; DANISH CHISHTI; NASREEN; HASAN KHAN, 2017; SHALASHOVA; SHEVCHENKO; MAHOTIN, 2018; MOLOKOVA, 2020), however, the problem of defining the concept of legal functional literacy, identifying and characterizing its levels is currently among the poorly researched.

The purpose of the work is to determine the essence of such a socio-legal phenomenon as functional legal literacy, as well as to identify and characterize its levels.

METHODS

The work was based on the dialectical method of cognition, which allows studying socio-legal phenomena in their development and interaction, as well as on a systematic approach, which allowed considering legal functional literacy as a set of interrelated elements.

RESULTS

Legal functional literacy is a historical phenomenon and occurs simultaneously with legal activity. It is dynamic and develops together with society, its inherent legal knowledge, legal science, and practice. The historical conditionality and dynamism of legal functional literacy lead to the fact that not only the structure but also the content of its elements change over time. For example, information and computer literacy, which has appeared relatively recently, has become a necessary element not only of functional literacy but also of functional legal literacy. Its essence lies not only in the ability to use a computer but also in the skills of searching for legal information both in special legal reference and search systems and on "The Internet" in general. The content of each element of the structure of legal functional literacy depends on the level of development of society in a specific historical period and its needs.
Legal functional literacy implies not only the presence of knowledge but also certain skills and abilities, therefore, it is necessary to distinguish between the concepts of "legal literacy" and "legal functional literacy". In the first case, it means only knowledge and an elementary set of legal skills and abilities that allow acting "according to a template" in a standard situation. In the second case, this refers not only to the availability of legal knowledge but also to the ability to apply it in non-standard situations, if necessary, to offer new solutions to the problem, to raise and solve new legal issues. Also, legal functional literacy implies the possibility and desire of the subject for legal self-education and further personal growth in this area.

The ratio of the "legal literacy" and "legal functional literacy" concepts is similar to the ratio of the "literacy" and "functional literacy" concepts. The difference between the latter was successfully illustrated by G. Khintsen (1994):

There are situations when literacy alone is not enough. A sufficiently literate person from an industrially developed country will not be able to provide himself/herself with at least "naked" survival in the deserts of the South, while illiterate nomads have enough functional knowledge to live there from generation to generation. (p. 214-215).

It should be noted that knowledge, skills, and abilities can be irrelevant for a particular subject, social group, or society as a whole at present, and updated when they are not only in demand, but also applied in practice. The knowledge, skills, and abilities that make up the essence of legal functional literacy are largely determined by the needs of the legal system, within which the subject, which possesses them, functions. For example, knowledge of normative legal acts comes to the fore for a lawyer in a continental (Romano-Germanic) legal family, knowledge of precedents - in an Anglo-Saxon legal family (a family of "common law"), knowledge of the necessary religious norms - in religious legal families, knowledge of relevant traditions and customs - in traditional legal families. However, regardless of the legal system within which a lawyer works, in all cases, he/she must be able to interpret the norms-regulators of behavior and apply them to a specific life situation.

Depending on the subject, legal functional literacy can be differentiated by levels:

1) individual legal functional literacy. In this case, legal functional literacy is a set of legal knowledge, skills, abilities, and personal experience of a particular subject of public relations in the legal sphere. Individual legal functional literacy, on the one hand, is always unique, since it is an integral characteristic of a person in the 21st century. On the other hand, it is determined by external factors (for example, the education system existing in a specific historical period, state policy, social needs, etc.), which have a varying degree of influence on each member of society;

2) group legal functional literacy. This level is typical for various social groups in terms of number. Therewith, groups can be real (a family, a specific labor collective, a political party, a public organization, etc.) or conditional (for example, lawyers of the state as a whole as a social group, police officers, government officials, and others). In the first case, the group values inherent in a particular team dominate, in the second - professional, corporate values that the representatives of the group adhere to, regardless of whether they are personally familiar or not. Group legal functional literacy is not just a mechanical sum of peculiar legal functional literacy of individuals who are members of the group, since here the group's objectives, its organizational, material, and other capabilities in terms of developing the legal functional literacy of its members are important.

3) national legal functional literacy. Just as group legal functional literacy is not a set of individual legal functional literacy of group members, so national legal functional literacy is not a simple set of legal functional literacy of individuals and groups. Here, such circumstances as the effectiveness of state policy in general (whether its influence on society is real or formal), the education system, how developed the legal sphere of society is, what the ideological attitudes are and, in general, what values dominate in society are of great importance;
Legal functional literacy: the concept and levels

4) global (international) legal functional literacy. Currently, it does not exist – so far it is only a theoretical construction. It is impossible to talk about some universals in this area (although, for example, the value of human rights is becoming generally recognized), because the modern world is very diverse, and globalization processes, although they have affected almost all states, there is no need to talk about the formation of universal human legal functional literacy. In addition, as long as there are different legal families, there can be no unified legal functional literacy on a global scale.

The antipode of legal functional literacy is functional legal illiteracy. It can manifest itself in:

- lack of legal knowledge;
- lack of relevance of legal knowledge. For example, the knowledge is outdated or was obtained in another state and is not applicable in the state where the subject currently works;
- inability to implement legal knowledge in practice;
- inefficiency of the application of existing legal knowledge in practice.

In all cases, an important factor influencing legal functional literacy is the legal culture of society. In our opinion, legal functional literacy is one of the elements of legal culture. "Legal functional literacy" and "legal culture" are at different poles of the hierarchical sequence "legal literacy - legal education - legal culture". Legal functional literacy is not yet a legal education, and even more so, not a legal culture. We believe that it is quite sufficient for the population to have a basic, average level of legal functional literacy to build a rule-of-law state and a real civil society at this stage of social development.

The formation of legal functional literacy should not occur spontaneously, haphazardly, therefore, the state and civil society play a serious role in this process through the organization of legal education and the creation of a full-fledged system of objective and high-quality legal information. Therewith, the main requirement for the beginning of legal education is timeliness. Basic knowledge about law, the state, and society should be laid at school, varying in content and form following the age of students. Legal information should be adapted (in form, but not in content) to different groups of the population, while special attention should be paid to legal education and legal information of young people.

Concerning legal functional literacy, it is impossible to ignore the issue of the "language" of submitting legal material. The expression "language of the law" means a special style of literary language characteristic of documents, which is divided according to their types into legislative (the style of laws and subordinate normative legal acts) and contractual style (the style of civil, labor, marriage, other contracts). The connection between the "language of the law" and legal functional literacy is manifested in two ways. On the one hand, legal functional literacy is necessary for an individual to understand the "language of the law", which for these purposes must meet the requirements of clarity, distinctness, accessibility for the bulk of the population. Laws addressed to citizens, directly affecting their rights and interests, establishing prohibitions and duties, should be written in such a "language" that an average level of legal functional literacy is sufficient for their understanding. On the other hand, an adequate perception and understanding of the provisions of legal acts, in turn, contributes to strengthening the legal functional literacy of an individual, increasing the overall level of his/her legal culture.

The principles of law occupy an important place in the structure of legal functional literacy. We mean the basic, initial ideas fixed in the sources of law by the principles of law that underlie a separate branch of law (industry principles), several branches of law (intersectoral principles), or legal regulation as a whole (general legal principles) (DEMICHEV et al., 2021). Legal literacy implies that every member of society should have an idea about such ideas (both about their presence, and the essence, content). Moreover, returning to the problem of the "language of the law", we note that the principles of law should be formulated in such a way in the text of normative legal acts that they are understandable to every subject of law, regardless of his/her level of education and profession.
It is not enough to know which legal ideas are fundamental within the framework of legal functional literacy, but it is also necessary to be able to implement them in practice. First of all, we mean law enforcement officers: judges, prosecutors, investigators, police officers, lawyers, officials, and others.

Finally, we note one more important point. The pandemic caused by the COVID-19 coronavirus infection has demonstrated the high role of legal discipline in the life of society and legal functional literacy in general. Most of the world’s population had no idea or had a very vague idea until recently that there may be legal restrictions associated with the difficult epidemiological situation. Currently, the legal awareness of citizens in this matter has increased. At least a significant part of the population has a clear understanding of the legal prohibitions and restrictions associated with the pandemic. In addition, the practice has shown the high role of legal discipline in the conditions of coronavirus infection and the fatality of non-compliance with restrictive measures.

CONCLUSION

Legal functional literacy is a universal socio-legal phenomenon peculiar to any society. However, it always has specific content, depending on historical and geopolitical conditions, belonging to a certain legal family and other circumstances.

Legal functional literacy is a structural component of functional literacy, which is a complex personal and group education, which is based on a system of theoretical knowledge and practical skills focused on the effective implementation of legal relations in society. Changes also occur in the functional legal literacy of the individual when the social status changes, first of all, the type of activity. Most often, there is an expansion of basic legal knowledge and the formation of new professional skills and abilities. The developed legal functional legal literacy of an individual subject implies a broad legal outlook, the desire for self-education, the possession of special legal knowledge necessary for effective professional activity, the ability to apply existing knowledge in new, atypical situations, the ability to raise and solve non-standard issues.

There is also functional legal illiteracy along with functional legal literacy in legal practice, which manifests itself in the absence of legal knowledge or their irrelevance, inability, or inefficiency of applying existing legal knowledge in practice.

Depending on the subject, legal functional literacy can be of several levels: individual legal functional literacy, group functional literacy, national functional literacy, and global (international) legal functional literacy. Therewith, each next level is not a simple mechanical set of functional legal literacy of the subjects of the previous level, but includes several other factors, for example, target group attitudes, corporate organizational, material, and other opportunities for the development of legal functional literacy of its members; state policy, first of all, social order and the development of the education system; the development of the legal sphere of society; ideological attitudes and values dominating society, and others.

If we refer to an individual, group, and national legal functional literacy as real phenomena of legal reality, then the last level of legal functional literacy - global (international) legal functional literacy - is currently a hypothetical theoretical construct. Despite the actively ongoing globalization processes and the consolidation of some universal values expressed in human rights at the international legal level, as long as there are different legal families, there can be no unified legal functional literacy on a global scale. Nevertheless, certain minimum standards of legal literacy, including basic legal knowledge and basic legal skills, are gradually being formed and are becoming widespread in an increasing number of states.

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Legal functional literacy: the concept and levels

Alfabetização funcional legal: o conceito e os níveis

Alfabetización funcional jurídica: el concepto y los niveles

Resumo

O objetivo do artigo é determinar a essência de um fenômeno socio jurídico como alfabetização jurídica funcional, bem como identificar e caracterizar seus níveis. Os principais métodos nos quais a pesquisa se baseou são o método dialético de cognição, que permite estudar fenômenos socio jurídicos em seu desenvolvimento e interação, bem como uma abordagem sistemática que possibilita considerar a alfabetização funcional legal como um conjunto de elementos interrelacionados. Os autores concluem que a alfabetização funcional legal é um fenômeno socio-jurídico universal peculiar a qualquer sociedade. No entanto, sempre possui conteúdo específico, dependendo das condições históricas e geopolíticas, pertencentes a uma certa família jurídica e outras circunstâncias. O artigo comprova a posição de que a alfabetização funcional legal é um componente estrutural da alfabetização jurídica, que é uma complexa educação pessoal e em grupo, que se baseia em um sistema de conhecimento teórico e habilidades práticas focado na efetiva implementação das relações jurídicas na sociedade.

Keywords: Levels of legal functional literacy. Functional literacy. Legal literacy. Legal culture. Principles of law.

Abstract

The purpose of the article is to determine the essence of such a socio-juridical phenomenon as functional legal literacy, as well as to identify and characterize its levels. The main methods on which the research has been based are the dialectical method of cognition, which allows studying socio-legal phenomena in their development and interaction, as well as a systematic approach that makes it possible to consider legal functional literacy as a set of interrelated elements. The authors conclude that legal functional literacy is a universal socio-juridical phenomenon peculiar to any society. However, it always has specific content, depending on historical and geopolitical conditions, belonging to a certain legal family and other circumstances. The article substantiates the position that legal functional literacy is a structural component of functional literacy, which is a complex personal and group education, which is based on a system of theoretical knowledge and practical skills focused on the effective implementation of legal relations in society.

Keywords: Levels of legal functional literacy. Functional literacy. Legal literacy. Legal culture. Principles of law.

Palavras-chave: Níveis de alfabetização funcional legal. Alfabetização funcional. Alfabetização legal. Cultura legal. Princípios da lei.

Palabras-clave: Niveles de alfabetización funcional jurídica. Alfabetización funcional. Alfabetización jurídica. Cultura jurídica. Principios del derecho.