Legal consciousness as a phenomenon of social, political and legal life has become the research subject in the theory and philosophy of law. Most studies are concerned with typology (MINDA, 1995; PATTARO, 2016), the genesis and evolution of legal consciousness (BERMAN, 1983; Goldman, 2007), as well as individual legal theories (BALKIN, 1991; BIX, 2009; WALUCHOW, 1994; KRAMER, 1999; LEITER, 2007; MACKIE, 1977; HIMMA, 2015; SCHLAG, 2002). However, these studies consider legal consciousness from the ontological and epistemological perspective, mentioning some axiological preferences and neglecting anthropological aspects that are growing more important in the modern world due to the virtualization of the current legal discourse. The ontology of law becomes secondary and conditioned by the researcher’s perception of proper ways of law cognition and its social purpose. According to H. Kelsen (2010, p. 227), his entire system of views is based on an emotional preference for the ideal of order over the ideal of justice.

The digitalization of all aspects of human life and the formation of fundamentally new rules of communication in a virtual environment necessitate the recognition of law as a complex, multifaceted and multi-level phenomenon. Its cognition is possible only through the synthesis of classical and postclassical methods and wide use of the achievements of modern socio-humanitarian knowledge, which corresponds to the development of a postmodern worldview (GOLDMAN, 2007, p. 2).

The shift in scientific reflection from the reconstruction of the studied phenomenon to its deconstruction significantly increases the role of methodological foundations. The most important methodological category is "legal consciousness" which simultaneously reflects the development of legal science in the digital era and forms a theoretical basis for the study of legal reality (including in the virtual space) and the place of a person in it. Being present at all levels of legal reality, legal consciousness determines the ontological, axiological and epistemological aspects of legal discourse and conditions the analysis, interpretation and assessment of legal reality and individual legal phenomena in the appropriate context. At the same time, the development and functioning of state and society, as well as the values of national legal systems, depends on a specific understanding of law. Thus, we consider legal consciousness as a philosophical and legal category.

The article aims at forming an integral scientific concept of legal consciousness as a philosophical and legal category that determines ontological, epistemological and axiological aspects of law and legal reality in various manifestations, including in the context of national and international legal regulation.

The following provisions were put forward as a hypothesis:

Legal consciousness is a diverse phenomenon of legal reality that presupposes the need for its comprehension at different levels: everyday, professional and doctrinal. It is hard to find a compromise in the global understanding or definition of law. The Western theorists...
deliberately avoid a single and universal definition of law, preferring ambiguous terms and 
emphasizing the relativity of concepts and definitions (BERMAN, 1983, p. 24).

The study of legal consciousness presupposes an appeal not so much to legal rules as the 
process of their understanding and trends in identifying the essential properties of law at the 
current development of the theory and philosophy of law. In this regard, it seems necessary to 
have such a scientific reflection of law cognition that will reflect the diversity of research 
objects: law in different aspects, including not only positive law emanating from state bodies 
but also international law and a variety of social practices which by their essential characteristics 
can be classified as legal due to a broad integrative vision of law and legal reality in general.

METHODS
The choice of the research methodology is conditioned by the metatheoretical nature of the 
study, which is expressed in the fact that not only law and legal reality are subject to scientific 
reflection but also legal consciousness as a process of their cognition. We have selected 
integrativism in a broad sense as a direction of scientific research and a methodological basis 
for the study to combine and rethink the most common concepts of legal consciousness and, 
correspondingly, the research methods used in them (KRAWIETZ, 2008, p. 203). This methodology 
allows to expand the research object both in terms of legal consciousness and legal 
phenomena studied in the relevant scientific theories, as well as classify legal consciousness 
and its levels using different approaches. We also utilized some methods of postclassical 
science, including phenomenological, axiological and anthropological-legal, which highlight 
the categorical components of legal reality in different semantic contexts (WIETHÖLTER, 2011, 
p. 471). Systemic and historical logical methods were used as general scientific methods. We 
resorted to the analysis and interpretation of scientific legal texts. The metatheoretical and 
philosophical-legal nature of the study as a whole does not imply a direct reference to legal 
acts and legal practice, which excludes the use of special scientific methods of jurisprudence.

ANALYTICS (DISCUSSION)
Legal consciousness is an element of not only legal but also social reality and develops in the 
context of intersubjective legal communication. Being an integrative category, it includes 
functional and cognitive aspects. Functionally, legal consciousness is an intellectual activity 
aimed at cognizing legal reality (SKOROBOGATOV, 2014, p. 91). In modern conditions, 
cognition refers not only to real-life relations and rules but also to virtual reality with due regard 
to strengthening conventional aspects of the formation of digital law and consideration of both 
social and technical aspects. This brings both legal research and the category of legal 
consciousness to the metadisciplinary level.

As a scientific category, legal consciousness is a system of scientifically grounded knowledge 
about legal reality that reveals legal, political, social, economic, moral and other aspects of its 
content. Although legal consciousness as a phenomenon of legal life emerged almost 
simultaneously with law, this category has a relatively short history, whose starting point should 
be considered the discussion about the essence of law in the second half of the 20th century 
between positivists and jus naturalists (GOMEZ, 2014).

Legal consciousness has always been based on a common worldview and an idea about the 
laws of nature and society. Changes in philosophical paradigms have a direct impact not only 
on the definition of law but also on the analysis and interpretation of its essence and sources, 
the assessment of the possible cognition of legal reality, the identification of the role and 
purpose of law in the life of a person and society, which is reflected in legal doctrines 
influencing the construction of legal reality within a certain chronotope.

This allows us to consider legal consciousness as a static-dynamic category. On the one hand, 
it reflects the result of human cognitive activity as the theoretical basis of any legal research or 
reflection on legal reality. On the other hand, legal consciousness reflects the process of legal 
cognition and the formation of legal data and images. This process can be presented in the 
following order: from the cognition of certain legal phenomena through the formation of their 
mental images to a systemic understanding and assessment of legal reality. In the digital era, 
this process is often limited to only the second stage: a self-sufficient simulacrum of legal reality.
is formed in the human mind complicated by virtual allusions, which is quite enough for reflection and self-reflection.

As a rule, legal consciousness is regarded as a category of doctrinal consciousness, i.e. a scientific category that is associated with scientific cognition based on a certain philosophical paradigm. This allows considering legal consciousness systematically with due regard to constituent elements that make up its structure and the principles of their organization and interrelation. The structure of legal consciousness comprises the following three components: the subject of legal consciousness, the object of legal consciousness and the content of legal consciousness.

The subject of legal consciousness is always a specific person with their own worldview, academic degree, competence in legal matters and attitude to law. Legal consciousness depends on the personal qualities and characteristics of an individual, their understanding of law. However, a person, being a social being, forms their own views guided not only by individual but also by social experience. Therefore, legal consciousness is not only a subjective phenomenon but also intersubjective.

Legal consciousness expresses the reflexive abilities of a person to form an image of legal reality, manifest a certain emotional and values-based attitude to this reality in the consciousness determined not so much by scientific reasoning as by values and ideas of the community with which individuals identify themselves. The higher the development of legal consciousness or legal ideology, the more deeply an individual penetrates the essence of legal reality, the more adequate is their interpretation of such reality and the place of a person in it, including in the processes of legal education and legal communication both in the real world and in the virtual space. This allows us to consider legal consciousness as a subjective phenomenon reflecting the individual position of the subject participating in the intellectual process of legal consciousness.

In relation to group or public legal consciousness, we are talking about an intersubjective conventional position based on the values of society and allowing to determine the place of a person, a local group and society as a whole in legal reality. In the context of digitalization and the growing importance of the virtual space in social, including legal communication, there is an increase in the conventionality of legal consciousness associated with a growing number of subjects acting not only as addressees but also addressers.

Although legal consciousness is a philosophical and legal category, which is often referred to the field of doctrinal legal consciousness, it covers the emergence, development and functioning of law and legal phenomena at different levels. It is presented in the form of specific legal ideas, systems of views, theoretical constructions that contain certain patterns of both a genetic and epistemological nature. Therefore, the first stage is law distinction. Based on such an understanding, emotions, feelings, views and moods arise, expressing an attitude towards the law that acted, is acting and desired to act.

Accordingly, there is a possibility of assessing law by a subject that does not have doctrinal legal awareness. Legal consciousness is common to not only legal scholars but also practicing lawyers and a wide range of subjects. From the standpoint of a law enforcement officer, any person or group of persons can understand law and participate in the mental cognitive process.

The subjects of legal consciousness can be classified based on axiological and epistemological criteria. The axiological criteria are values of the subject of cognition determined by one’s legal identification and role in legal reality. The epistemological criteria are the level of legal reflection, worldview and methods of cognizing legal reality, as well as the scientific character of the image of legal reality formed in the subject’s mind. In conformity with these criteria, there are three following groups of subjects:

1) A person who occasionally comes into contact with positive (formal, official) law has a common legal understanding characterized by syncretism of the formed image of legal reality and their place in it. Legal reality is mainly cognized through personal legal experience, which acts as a specific interpretation of social experience, and is an observation and emotional sensation of those phenomena that are recognized as legal in a certain group to which an individual belongs. The lack of involvement in legal processes is perceived not just as an
external attitude to legal reality but as a basis for the formation and justification of legal infantilism. Participating in virtual legal communication, individuals do not perceive themselves as lawmakers and believe that the rules of social communities are objective.

2) A person who has a legal degree, legal knowledge and skills, and is engaged in (real or potential) professional legal activities. Legal reality is cognized in the same way as in the first group, i.e. based on personal legal experience. Although it is a priority in relation to social experience, it does not completely exclude the latter. It is not only about observing the surrounding reality but also analyzing and interpreting it in accordance with the practical needs of professional activity. At the same time, an idea of law is formed, which has the features of consistency and criticality, corresponding to professional and practical legal consciousness. If a subject belongs to this group, they can fit into the legal reality and influence its construction, although this impact is determined not by strategic goals, but by situational tasks. As a rule, participation in virtual communities in this capacity leads to the fact that Internet communication is perceived only as a continuation of real-life interaction.

3) A person with a legal degree, experience in professional, practical and scientific legal activities, doctrinal legal awareness, analyzing and interpreting legal reality to adequately explain it and transform it in accordance with social interests. At the same time, a system of theoretical knowledge about the genesis, evolution, functioning, essence and content of legal reality is formed through a retrospective, relevant and prospective attitude. First of all, this group includes persons who professionally carry out scientific legal activities in the field of cognizing legal reality and individual legal phenomena in regulatory, historical and socio-cultural contexts. The knowledge they received about legal reality forms a legal doctrine that determines the official interpretation of law. It is no coincidence that scholars (persons belonging to the third group of subjects of legal consciousness) are included in the Constitutional Court of the Russian Federation. This supreme body is called upon not only to assess the compliance of the current legislation with the norms and principles of the Constitution of the Russian Federation but also to determine the strategic development of legal doctrine.

In addition, this group includes persons who determine the main directions of legal policy. They are subjects whose activities are related to the strategic direction of constructing legal reality. Due to the level of education and interpretation of legal reality, they belong to the subjects of professional and practical legal consciousness but we consider them as subjects of doctrinal legal consciousness based on the specifics of their activities related to the construction of legal reality.

The object of legal consciousness is a complex element that can be considered in various methodological contexts. From the ontological perspective, the object of legal consciousness is legal reality as a complex mono-level system that includes the entire set of objective and subjective legal phenomena that can be represented cognitively, functionally, spatially and temporally (SKOROBOGATOV et al., 2015, p. 667). It seems necessary to extend this understanding of the object of legal consciousness to the virtual space both in the reflection of real-life relations and in terms of forming a fundamentally new reality, for whose functioning completely different rules are formed.

The increase in the number of legally binding and recommendatory sources of international law, despite the sharp narrowing of globalization, continues to influence national law. The obvious choice in favor of national sovereignty and, accordingly, the domestic law of the sovereign demonstrates the strengthening of practical legal regulation. According to L.A. DiMatteo and D.T. Ostas (2011, p. 421), "there is a transition from 'law' to the 'best practices'".

Are we doing the right thing when insisting on the exclusivity of the state as a rule-maker? We have already found out that legal monopoly is not the same as legal exclusivity. If you do not accept your neighbor’s rules, this does not mean that your norms will be taken as a basis or will result in a compromise. Moreover, if we are talking about the rules that have nothing to do with norms, then this situation has already ceased to cause any surprise or protest.

Nowadays the question about the content of the “law” concept increasingly appeals to international law. Together with national courts, international judicial institutions are actively
searching for an answer to it, proving their positions with theory and practice, and, as a result, providing a completely new product (judicial rule-making). The international community moves from objective to subjective law, preferring not to think about the limitations and narrowness of such practice.

Replacing globalization with regionalism and fragmentation of international law is comparable to the theory of “global Bukovina” mentioned by G. Teubner in his article. The scholar wrote about a territory with numerous non-state legal orders as exemplified by Bukovina (TEUBNER, 1997). Thus, the adaptation of the international community of states and the internal law of countries adapt to decision-making based on non-legal, “intuitive” argumentation and sometimes its complete absence.

Epistemologically, the cognition of legal reality in legal discourse acts as an object of legal consciousness. Due to the increasing virtualization of legal discourse, there is a gradual increase in the number of non-legal studies aimed at explaining the specifics of legal knowledge in the virtual space and considering legal communication as a type of social communication.

In axiological terms, the object of legal consciousness is associated with the study of related theories and concepts. This makes the concept dependent on the level of socio-cultural development of society both nationally and globally. The prevailing system of legal values in society is expressed not only in legal regulation and legal behavior but also in the content of legal consciousness with due regard to its reflexive nature. The expansion of blockchain technologies and the formation of quasi-material values in the virtual space will gradually shift an emphasis in axiological research from the study of legal consciousness to the study of its virtual simulacrum.

The phenomenological aspect of the object of legal consciousness is expressed in cognizing the social construction of legal reality. The main emphasis is laid on the study of the subject’s activities on the creation and reproduction of legal norms. A promising area of phenomenological research is the study of the conventional processes of legal education in the virtual space and the specific impact of simulacra formed on communication and the construction of a fundamentally new concept of legal consciousness in the real world.

The anthropological aspect of the object of legal consciousness focuses on the study of the relationship to legal reality in the context of one’s identification with various social groups. The emphasis on the worldview-based understanding of a legal personality predetermines the study of its role in the development and functioning of legal and social life, the impact on the essence of public authority and legal regulation. The most relevant is the analysis of the legal interaction of virtual communities, both intragroup and intergroup, as well as the study of legal identification in cyberspace.

The linguistic aspect of the object of legal consciousness focuses on legal discourse, which includes a set of images of legal reality in the legal consciousness of subjects. It is also possible to study symbolic legal representations along with verbalized ones, which is especially important for the digital age and allows to analyze legal consciousness in the virtual space thanks to game-based and simulation technologies.

The content of legal consciousness is the legal cognitive activity of its subject aimed at deconstructing legal reality with due regard to its objective and subjective nature. At the same time, the nature and social purpose of legal reality are considered in all the versatility and complex structure. The discursive nature of legal knowledge determines the need to address its phenomenological, methodological and functional aspects.

The intersubjective ontological nature of legal reality necessitates the synthesis of integrative, axiological and anthropological approaches in the study of this category and its components to develop a theory that corresponds to the modern level of scientific knowledge and can adequately explain the development and functioning of legal reality, as well as form a scientifically grounded forecast of its further evolution. However, when studying legal consciousness in the virtual space, an emphasis gradually shifts from the material side of legal consciousness to the procedural one due to its conventional and simulative nature.
CONCLUSION

Legal consciousness is a social phenomenon and a philosophical-legal category that determines the relationship to legal reality. The pluralism of legal consciousness common to the modern era takes this category beyond the exclusively legal field and considers it as a methodological basis for the construction and harmonization of legal reality. The categorical nature of legal consciousness is manifested both in its complex, organized, systemic nature and in its significance for the development and functioning of legal reality. Legal consciousness comprises three main elements: the subject of legal consciousness, the object of legal consciousness and the content of legal consciousness. The intersubjectivity and transgression of modern legal and scientific development have expanded the object of legal consciousness which goes beyond the thought process of a legal nature and mediates the interpretation of law and legal reality in various philosophical, social and institutional contexts. The content of legal consciousness is determined not only by the ontological level of legal reality and the epistemological needs of science and society but also, to no less extent, by the axiological and phenomenological base that determines its role in the consciousness and behavior of subjects. A person as a subject of legal consciousness seeks to learn and explain legal reality and their place in it from various worldviews.

Being a social phenomenon, legal consciousness functions at several levels: everyday, professional and doctrinal. Initially, the subject included in the process of law understanding has a certain predetermination in terms of defining whether certain phenomena belong to the category of legal ones or not using phenomenological terms. This is especially evident at the everyday level. Within the framework of practical legal activity, legal consciousness encompasses a professional assessment of legal facts and legal relations arising on their basis. In this context, legal consciousness is specific due to the predominance of certain behavioral patterns, as well as in connection with the possibility of directly or indirectly observing phenomena of a legal nature. Thus, the practical aspect of legal consciousness combines the features of stereotypy and intuitiveness.

Having a significant impact on the professional thinking and assessment of legal phenomena, the doctrinal level of legal consciousness determines their constructivist potential in the creation of legal reality. Models of comprehending law are laid down in the process of acquiring the relevant knowledge and skills and subsequently become quite rigid mental objects that are difficult to correct outside of scientific activity. The understanding of law that has been promoted as official rules for decades and supported by the coercive power of state and ideas about its exceptional objectivity are projected onto reality, which leads to distortions in its perception and, as a consequence, the formation of appropriate behavioral patterns.

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The concept of "legal consciousness" in modern philosophical and legal discourse

O conceito de "consciência jurídica" no discurso filosófico e jurídico moderno

El concepto de "conciencia jurídica" en el discurso filosófico y jurídico moderno

Resumo
No processo de comunicação, a imagem subjetiva da realidade torna-se intersubjetiva e adquire características convencionais. Nessas condições, conceitos jurídicos básicos tornam-se cruciais, por um lado, permitindo que uma pessoa tome a reflexão da realidade jurídica mais razoável, por outro, contribuindo para o estudo desses processos não apenas em um contexto abstrato, mas também em um amplo contexto sociocultural. Nesse sentido, o conceito mais significativo é a "consciência jurídica" que determina a direção geral da pesquisa jurídica e forma a base metodológica para o estudo de conceitos e fenômenos jurídicos. O entendimento, interpretação e avaliação de outros fenômenos jurídicos (legislação, aplicação da lei, relações jurídicas, direitos subjetivos e obrigações legais, legalidade e ordem, princípios do direito, etc.) dependem de como a essência do direito é entendida, o que está incluído nesse conceito, quais características ela é dotada.

Palavras-chave: Lei. Conceitos. Direito internacional. Lei nacional. Teoria do direito.

Abstract
In the process of communication, the subjective image of reality becomes intersubjective and acquires conventional features. Under these conditions, basic legal concepts become crucial, on the one hand, allowing a person to make the reflection of legal reality more reasonable, on the other hand, contributing to the study of these processes not only in an abstract but also in a wide socio-cultural context. In this regard, the most significant concept is "legal consciousness" which determines the general direction of legal research and forms the methodological basis for the study of legal concepts and phenomena. The understanding, interpretation and assessment of other legal phenomena (lawmaking, law enforcement, legal relations, subjective rights and legal obligations, legality and order, principles of law, etc.) depend on how the essence of law is understood, what is included in this concept, what features it is endowed with.

Keywords: Law. Concepts. International law. National law. Theory of law.

Resumen
En el proceso de comunicación, la imagen subjetiva de la realidad se vuelve intersubjetiva y adquiere rasgos convectivos. En estas condiciones, los conceptos jurídicos básicos se vuelven cruciales, por un lado, permitiendo a una persona hacer más razonable la reflexión de la realidad jurídica, por otro lado, contribuyendo al estudio de estos procesos no solo en un contexto abstracto sino también en un amplio contexto sociocultural. En este sentido, el concepto más significativo es la "conciencia jurídica", que determina la dirección general de la investigación jurídica y constituye la base metodológica para el estudio de los conceptos y fenómenos jurídicos. La comprensión, interpretación y valoración de otros fenómenos jurídicos (legislación, aplicación de la ley, relaciones jurídicas, derechos subjetivos y obligaciones jurídicas, legalidad y orden, principios del derecho, etc.) dependen de cómo se entienda la esencia del derecho, qué se incluye en este concepto, qué características le dotan.

Palabras-clave: Ley. Conceptos. Derecho internacional. Legislación nacional. Teoría del derecho.