




Sociocultural Approach in Jurisprudence

Yu. B. Nadtochiy^{1,2}^a, M. Kh. Duguzheva¹^b and M. R. Karmova¹^c

¹Financial University under the Government of the Russian Federation, Moscow, Russia

²Synergy University, Moscow, Russia

Keywords: Sociocultural approach; Jurisprudence; Legal culture; Law; Social relations; Personality in the sociocultural approach.

Abstract: Attention to the issues of considering different spheres of society's life under the prism of a sociocultural approach (in the context of understanding society as a unity of personality, culture and sociality) is increasing every year. This approach is rightfully considered the most promising for the study of ongoing transformations in modern social life. At the center of the study is a person and his qualities (for example, morality as one of the components of culture). Attention to the application of the sociocultural approach in jurisprudence is also increasing. It is recognized that jurisprudence (like legal sciences in general) belongs to the social sciences (they study society, its structure, subjects, etc.). In this regard, such aspects of the studied topic as the relationship of law with society, the legal culture of society and its propaganda, the rule of law, legal literacy of a person, social interaction, social relations, etc. are of interest. Due to the fact that law is recognized as one of the conditions not only the modernization and stabilization of the system of social relations, but also the formation of the personality, its adaptation to the socio-cultural environment, the article focuses on such an issue as the personality in the socio-cultural legal space.

1 INTRODUCTION

The sociocultural approach has a fairly long history of formation, implies a holistic characteristic and is a synthesis of the social and cultural in explaining social phenomena. The researchers note that each type of society corresponds to its own type of culture, which is based on a certain worldview. The sociocultural approach is characterized by a complex and systemic vision of the world. Considering the sociocultural approach, one cannot but refer to the legacy of Pitirim Sorokin, who is considered the founder of this approach and made a great contribution to the formation of this approach along with foreign colleagues (T. Parsons, R. Metron, L. White, etc.).

P. Sorokin, describing personality, society and culture as an inseparable trinity, points to these three inseparable aspects in the structure of sociocultural interaction (Fig. 1) (Sorokin, 2012).

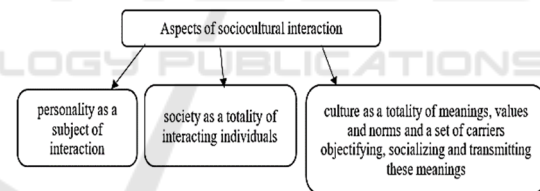


Figure 1: Aspects of sociocultural interaction according to P. Sorokin. Source: (Sorokin, 2012).

Thus, P. Sorokin's structure of sociocultural interaction includes four elements (Fig. 2) (Sorokin, 2012). The author describes in detail the components of these elements.

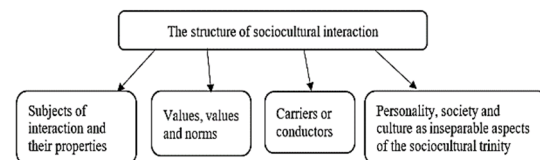





Figure 2: The structure of sociocultural interaction (according to P. Sorokin). Source: (Sorokin, 2012).

^a <https://orcid.org/0000-0001-8880-4131>

^b <https://orcid.org/0000-0001-6850-7949>

^c <https://orcid.org/0000-0001-7393-0119>

As a result, we will adhere to the point of view of P. Sorokin and consider the sociocultural approach as a unity of society, personality and culture.

2 MATERIALS AND METHODS

Most of our compatriots adhere to this definition of the sociocultural approach: understanding society as a unity of culture and sociality, formed and transformed by human activity (Lapin, 2000).

Law and society are interdisciplinary and since the mid-1960s have been studied by many scientists, representatives of various scientific fields (Levin, 1990, Schlegel, 1995, Garth and Sterling, 1998).

Akin Olawale Oluwadayisi believes that economic and socio-cultural rights will be protected only if management at all levels of the state is aimed at achieving the goal of improving the economic, legal and socio-cultural environment of society (Oluwadayisi, 2014).

The famous American legal scholar, Carl Nickerson Llewellyn, viewed law as a cultural craft, while the French sociologist, ethnologist, philosopher and political publicist Pierre Bourdieu presented law as a cultural field.

N.I. Lapin defines the specificity of the sociocultural approach, which consists in the fact that this approach integrates three fundamental, autonomous, but interrelated dimensions of human existence (Fig. 3) (Lapin, 2000).

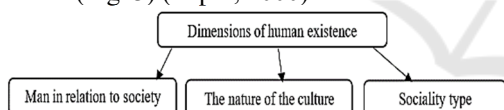


Figure 3: Three dimensions of human existence (according to N.I. Lapin). Source: (Lapin, 2000).

N.I. Lapin singles out the principles of the sociocultural approach, which make it possible to comprehend in more detail the problems of sociocultural transformation of modern society and form an idea of society as an integral sociocultural system (Table 1) (Lapin, 2000).

Table 1: Principles of the sociocultural approach.

<i>Principle</i>	<i>The meaning (content) of the principle</i>
The principle of an active person (the principle of human interaction)	It focuses on the multidimensionality of a person as a bio-socio-cultural being and on the elements of the personality structure as a

	subject of actions, and the subject's action itself is understood as a component of interaction with other subjects, as meaningful for them and performing certain functions in relation to all subjects of interactions
The principle of the interpenetration of culture and sociality	Confirms the presence of culture and sociality in any human community, their constant interconnection and mutual influence
The principle of anthroposocial correspondence	Means the compatibility of the personal and behavioral characteristics of this society as a unity of culture and sociality
The principle of sociocultural balance	Means a dynamic balance (balanced satisfaction of conflicting needs, values, interests of subjects of activity) between cultural and social components as a condition for the stability of society
The principle of symmetry and reciprocity of societal processes	It means that an oppositely directed process corresponds to each process that embodies the dynamics of society as an integral system and has a certain direction, and when the process moves from one stage to another, it can turn into its opposite
The principle of irreversibility of the evolution of the sociocultural system as a whole	It means that as the system moves away from the equilibrium point, the symmetry of processes and structures is violated, the probability of separation and transition to a new, irreversible state of the system as a whole increases

Source: (Lapin, 2000).

We also reviewed the works of foreign scholars on this issue. Gautier A. presented scientific work «Family law across cultures (comparative family law)», which was devoted to comparative family law. In search of the "spirit of each system" the author examines the typology of family rights on the basis of the wording in the documents of different countries concerning the age of marriage, the number and sex of spouses, the civil and economic rights granted to spouses, the rights to protection against violence and abuse (Gautier, 2020).

Patrícia Branco and Valerio Nitrato Izzo also presented their scholarly work «Intersections in Law, Culture and the Humanities», which notes the growing interest in law as a cultural practice and a source of cultural change that determines the understanding and perception of the world. However, the problematic issues that exist at the intersection of law and culture in its individual forms and manifestations remain on the periphery of socio-legal research. As the analysis of the literature conducted by the authors of the article showed, researchers are attracted to such areas of intersection of law and culture as the multiplicity and intersection of right instructions in everyday life, synesthesia of existing legal connections and relations (the law reveals itself not only in legal documents, but also in the smell of Amazon forests and the sounds of a lullaby, in emotional behavior in court and rituals regulating this behavior), material forms of existence of law (signs, barriers, buildings, etc.), unconventional research methods of non-traditional. The authors describe the relationship between law and culture in the words of Roger Cotterell: law depends on culture, law recognizes culture, law dominates culture, law as an object of cultural competition, law as a projection of culture, law as the guardian of culture. The authors themselves examine the similarities between legal and musical thinking, as well as the problem of the right to eat, expanding the understanding of the sociocultural context and aspects of the existence of law (Branco and Izzo, 2017).

Let's consider the application of the sociocultural approach in jurisprudence. In this regard, let us turn to such concepts as "legal society", "legal culture", "legal literacy" (as the basis of legal culture, legal awareness), "social relations" (in the context of recognizing law as a regulator of social relations).

A legal society is understood as a union of citizens and state power, based on legal law, binding on both parties (dictionary, 2021). And the rule of law is an intermediary between the individual and society. In the Big Legal Dictionary, the rule of law is a characteristic of the constitutional and legal status of the state, which presupposes the unconditional subordination of the state to the following principles: popular sovereignty, inviolability of human rights and freedoms by the state, the state is bound by the constitutional system, the supremacy of the constitution in relation to all other laws, separation of powers and the institution of responsibility of power as the organizational basis of the rule of law, the independence of judges, the priority of the norms of international law over the norms of the national (legal dictionary, 2021). The same dictionary defines the

concept of "legal culture", which is defined as a system of values, legal ideas, beliefs, skills and stereotypes of behavior, legal traditions adopted by members of a certain community (state, religious, ethnic) and used to regulate their activities (legal dictionary, 2021). Legal literacy is considered as a general acquaintance with the legal foundations of the state, types of law and norms regulating relations between people on the basis of the law (Vishnyakova, 1999). Legal literacy characterizes the ability to see the problem, determine its nature and take appropriate measures in the legal field (Vasenina, Imaeva, Makarova and Nikishova, 2018).

It is known that social relations arise in various spheres of human life. And the legal regulator of these relations is the law. Social relations are understood as the relations between social subjects regarding their equality and social justice in the distribution of the benefits of life, the conditions for the formation and development of the individual, the satisfaction of material, social and spiritual needs (Dictionary of business terms, 2021). The social component of the approach in jurisprudence can also be determined through the functions of law: social control, regulatory, educational, protective, etc., which presuppose certain rules for the behavior of subjects of social relations. You can consider separately the sociological approach to law, it is understood as a call to the study of law in its relationship with society (Antonov, 2011).

Thus, within the framework of the sociocultural approach to jurisprudence, three interrelated elements can also be identified (Fig. 4).

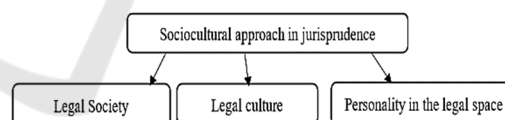


Figure 4: Sociocultural approach in jurisprudence. Source: Compiled by the authors.

To implement the sociocultural approach in jurisprudence (Figure 4) in accordance with the presented interrelated elements, it is recommended to implement the following blocks of actions (activities):

- development of a system of legal propaganda (aimed at improving the legal culture, legal literacy and, accordingly, the level of legal consciousness of people);
- ensuring and protecting the human and civil rights and freedoms defined (guaranteed) in the Constitution, which promotes further evolution of the

legal society (realization of the principle of the rule of law);

- drawing a more detailed "portrait" of an individual in the legal space, taking into account modern conditions.

We can consider the interrelation of the elements of socio-cultural approach presented in figure 4 on the example of determining the necessary conditions for the formation of legal society: humanization of human relations, high level of people's legal consciousness, etc. contribute to the successful formation of legal society.

Within the framework of the study of the implementation of the sociocultural approach in law, studies of the legal literacy of Russians are of interest. In particular, let us turn to the studies conducted in 2018 and 2020 by the Analytical Center "National Agency for Financial Research (NAFI)" (Vasenina, Imaeva, Makarova and Nikishova, 2018; NAFI, 2021).

3 RESULTS

According to the results of the 2018 study (1600 respondents were interviewed in 46 regions), the value of the legal literacy index (a composite indicator of the level of legal literacy of residents, taking into account the whole variety of knowledge, skills and attitudes in the field of protecting rights) of Russians was 54 points on a scale from 0 to 100 possible. In 2020 (a sample of 1600 people in 50 regions), this index was 47 percentage points. out of 100 possible, which indicates the average level of legal literacy of Russians [12].

The general conclusion made by the authors of the conducted studies is that our compatriots underestimate their real level of legal knowledge, which indicates a lack of confidence in the available knowledge (Fig. 5) (Vasenina, Imaeva, Makarova and Nikishova, 2018; NAFI, 2021).

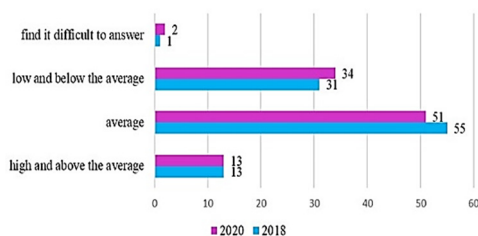


Figure 5: Distribution of answers to the question: «How would you rate the level of your legal literacy, that is, knowledge of your rights and how to protect them in everyday life? (in% of all respondents)». Source: (NAFI, 2021).

Also, according to the research results, it was noted that Russians spontaneously increase their legal literacy.

4 DISCUSSION

Due to the fact that law is recognized as one of the conditions not only for the modernization and stabilization of the system of social relations, but also for the formation of the personality (Rodionova, Shvatchkina, Mogilevskaya, Bilovus and Ivashova, 2020) its adaptation to the socio-cultural environment, the article focuses on such an issue as the personality in the socio-cultural legal space. The authors made an attempt to compose a "portrait" of such a person, or rather to define his [portrait] main constituent elements. And the content of these elements (their addition, including) will be constantly refined and will depend on the existing specific conditions for the development of society in a certain time period.

Personality in the sociocultural approach.

As noted above, the authors of the article adhere to the position outlined by P. Sorokin in considering the sociocultural approach as a unity of society, personality and culture. Let us turn to such a component of the approach as a personality. Let's try to compose a "portrait" of a person in the socio-cultural legal space (Fig. 6). It is proposed to approach this issue as a debatable one, since the "portrait" of a person in a sociocultural space will depend on many factors, for example, on the sphere within which the approach is considered, on the content and understanding of the sociocultural space itself (cultural environment, values, etc.) etc.

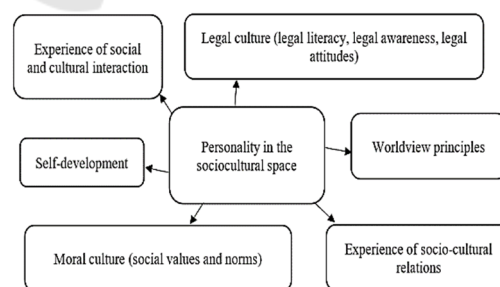


Figure 6: Personality in the socio-cultural legal space. Source: Compiled by the authors.

5 CONCLUSIONS

The ideas of the sociocultural approach should be widely used in the spectrum of the study of legal issues in the life of society.

It is believed that at present the use of the socio-cultural approach in jurisprudence is not fully implemented and this presents ample opportunities for developing and filling the content of this approach in this area. It is also worth noting that the filling of the content of the sociocultural approach is influenced by many factors, including changes in the social and cultural life of society, which occur constantly and in large volumes in connection with the lightning-fast development and changes in modern life of people (new technologies, new approaches, new living conditions (for example, the transition to the online format in the existing conditions of the coronavirus pandemic), etc.).

In general, we can conclude that the sociocultural approach considers the issues of the influence of society on our legal system.

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