

DOI:

How to cite:

Future legal culture as an element of the legal system. *Futurity Economics&Law*,

Future legal culture as an element of the legal system

Abstract: The relevance of the problem under study is the future development of legal culture as an element of the legal system. Search engines found 2,500 articles from 2018 to 2023. As a result of the inclusion and exclusion process, 22 articles published in well-known databases and peer-reviewed scientific journals were selected for review. Legal culture issues were found to be actively discussed by scholars in different areas of law. These scientific developments were conditioned by the world changes, scientific and technological progress, development of information technologies, artificial intelligence, climatic and natural conditions, military actions, political and economic situation of some countries, mastery of space. Legal culture in such circumstances cannot remain at one level, it must develop and adjust to these circumstances. **The purpose** of this research was to identify future directions of development of legal culture of the future and factors influencing it. To achieve the goal, the legal, economic, sociological, technological scientific literature of 2018-2023 was analyzed. **Main results.** With the help of the analysis of scientific data literature, it was found that legal culture is a legal, social, philosophical, psychological phenomenon that works through a multi-level interaction of elements of the legal system. It was established that the basis of the legal culture of the future will be the formation of legal consciousness of both individuals and certain social and professional groups and legal issues in the field of information technology, artificial intelligence, space law, medical law and vaccination, nature conservation. **The practical significance** of the results lies in the rule-making process, practice and science.

Keywords: anthropocene, Earth law, artificial intelligence, legal consciousness, legal system of the future.

Introduction

The legal system works through the coordinated work of all its elements. Legal culture is a set of psychological, philosophical, legal, and social characteristics that are formed under the influence of external and internal factors. Therefore, the legal culture of different countries differs depending on the level of development of the country, the results of its economic and other statuses. Therefore, for example, the legal culture of the European Union and the countries of the former Soviet Union is different, and this difference will affect the future development of the legal culture of the world and individual countries. For example, the legal culture in post-Soviet countries will affect both their international policy and the dissemination of information and legal awareness of citizens from these countries. However, there are main trends that are characteristic of most legal cultures around the world and are caused by global factors that influence legal culture.

Research Problem

The article deals with the issue of future directions of development of legal culture as an element of the legal system. The issue of legal culture has been studied by a large number of scholars. In particular, the law of the Earth system and the legal status of nature in the Anthropocene, the study of new frontiers in legal science were studied by Gellers (2021), Kotzé, Kim, Blanchard, Gellers, Holley, Petersmann, van Asselt, Biermann, & Hurlbert (2022). Koba (2019) studied the theoretical foundations of legal culture as a subject of study in legal theory and science. The issue of legal mobilization and adversarial legalism in Central and Eastern Europe was studied by Șerban (2018). Legal changes in post-communist states were studied by Solomon & Gadowska (2018).

Research Focus

The focus of this study was on such aspects of the future development of legal culture as the formation of legal awareness of certain groups of people on various professional and social grounds. The future development of legal culture was seen in the context of the development of information technology, scientific progress, artificial intelligence, cybersecurity, nature and ecology, space exploration, medicine and vaccination.

Research Aim and Research Questions

The purpose of this study is to identify future directions of development of the legal culture of the future and the factors that influence it.

The objectives of the study: to analyze the scientific literature on the influence of factors on the future directions of development of legal culture as an element of the legal system.

The research hypothesis: it is proposed that in the future we should pay attention to fundamentally new approaches to legal culture, revise its basic principles, taking into account the interests of not only people, but also nature, ecosystem, space, and future generations.

Research Methodology

General Background

In order to achieve the goals of characterizing the directions of development of the legal culture of the future as an element of the legal system, the study was conducted in certain stages, combining the analysis of theoretical material, research data from countries of the world, and scientific research of applied and theoretical material. These stages were as follows: search for research data, search for scientific literature; analysis of research data and scientific sources; comparison and comparison of the data found, development of conclusions and recommendations.

Sample / Participants / Group

The theoretical basis of the study is the research of scientists from different countries.

Instrument and Procedures

In order to realize the objectives, the study was conducted in certain stages, combining the analysis of theoretical material.

These stages were:

1. search for empirical data and scientific sources;
2. analysis of the said data and sources;

3. comparing and contrasting scientific views, providing conclusions and recommendations, forecasting.

Data Analysis

The methodological basis is a system of general scientific and special scientific methods. The main method chosen is the analytical method, which allows identifying the main problems in legal culture and highlighting future directions of its development. The integrated method made it possible to combine knowledge and practice of various fields, including computer science, economics, sociology.

Research Results

The current social, economic, and environmental structure of our planet is undergoing dramatic changes. The legal system has not been left out. Recent scientific works (Kotzé, Kim, Blanchard, Gellers, Holley, Petersmann, van Asselt, Biermann, & Hurlbert, 2022) suggest exploring a new view of the Earth's legal system and introducing new boundaries of law and legal culture.

Legal culture has been the subject of research for many years, characterized as a social and philosophical phenomenon that includes legal consciousness and the totality of human achievements in the legal regulation of social relations, the rule of law, and the protection of human rights and freedoms (Koba, 2019). For example, in Central and Eastern Europe, this approach emerged after the communist, Soviet system after 1989, was based on rights-based regulation through the judicial process and was characterized by the growth of legal awareness (Șerban, 2018). However, the end of communism in Eastern Europe and the former Soviet Union did not lead to the same development of legal culture in all countries, with both progress and reversals being observed (Solomon & Gadowska, 2018). The legal culture in the world was formed gradually, unevenly and has acquired its current form as everything developed by people in the legal field, as well as a specific legal phenomenon; both of an individual and a separate social group, society as a whole (Koba, 2019). Modern legal culture has been formed as a multilevel phenomenon that responds to external factors. Therefore, in order to characterize the legal culture of the future as an element of the legal system, it is necessary to study the individual components of legal culture.

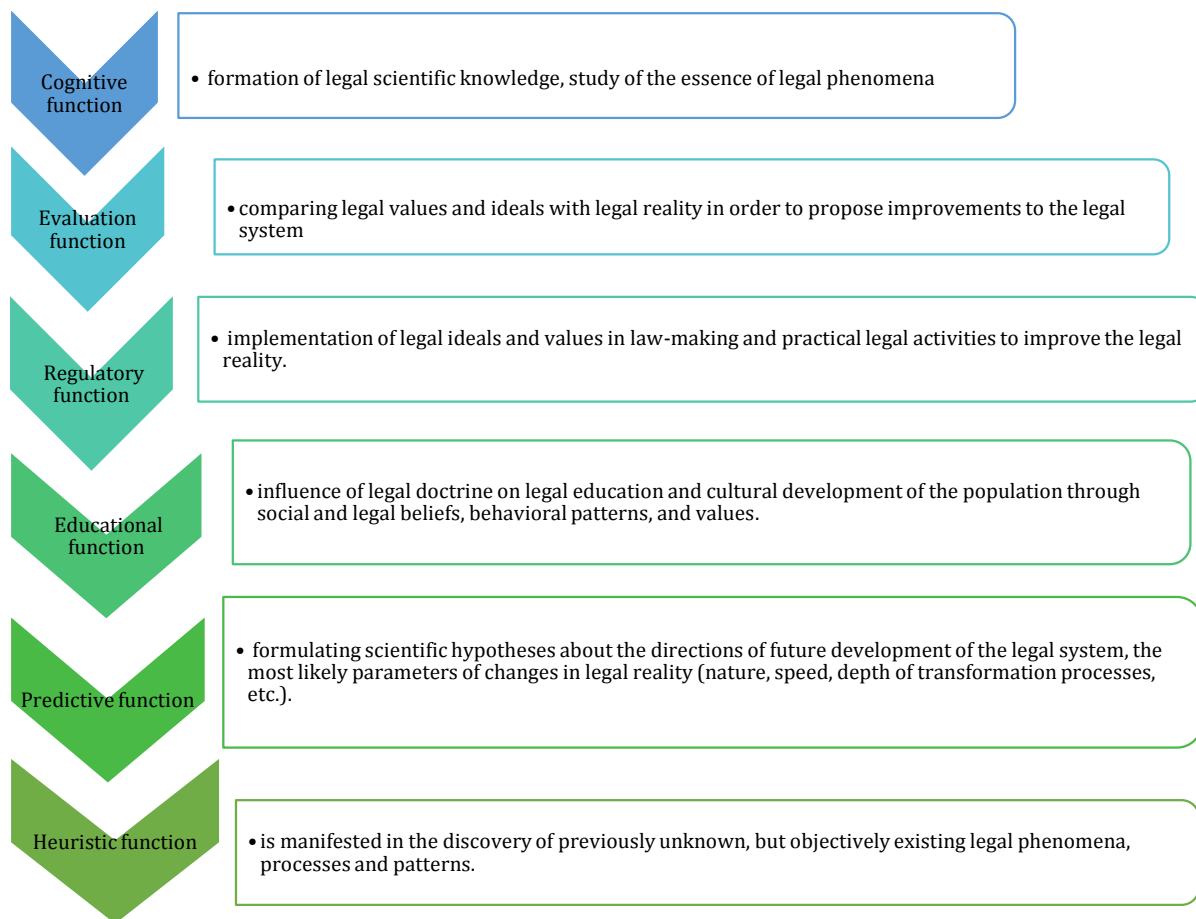
Legal consciousness underlying the legal culture plays an important role. It guarantees the fulfillment of duties and observance of rights. The legal awareness of both individuals and society as a whole determines the degree of legal understanding, ideas, and views. The formation of the legal culture of the future begins with the formation of legal awareness, so this category deserves attention (Bohiv, 2022).

Legal awareness performs important functions in shaping the legal culture of the future. But not all countries are successful in shaping their legal culture. For the proper level of development of legal culture in the future, an appropriate level of legal awareness should be formed. As can be seen from the analysis of Figure 1, legal consciousness performs cognitive, evaluative, regulatory, educational, predictive, heuristic functions and shapes legal culture at all stages of its development. Therefore, legal culture is being formed in the world in the direction of respect for human rights, the rule of law, and compliance with social, economic, and legal laws.

Deformed legal consciousness is manifested in the form of legal nihilism, infantilism, idealism, amateurism, and demagoguery. For example, scholars note the existence of such phenomena in the Russian Federation and its attempts to impose these phenomena on society and other countries, forming a distorted legal consciousness (Bohiv, 2022).

Figure 1

The main functions of legal awareness as the basis of the legal culture of the future



Source: Starykova (2020)

Therefore, overcoming the consequences of this influence will be one of the areas of development of the legal culture of the future. Boltivets, Halushko, Zhulyaev (2022) insisted on the formation of the legal culture of young people as a new paradigm for the development of the legal culture of the future. For this purpose, they proposed a number of actions: to improve national legislation by removing declarativeness, ambiguity, inconsistency, contradiction, and corruption from it. We should agree with the scholars about the influence of the media and social networks on the formation of the legal culture of young people and the need to direct work in the future to eliminate this influence.

In addition to the formation of legal awareness in the future as an element of the legal culture of the future, attention should be paid to achieving a society in which legal principles, justice and humanism, and the protection of human rights and freedoms will be realized (Drapushko, Horinov & Filyk, 2022). Scholars have considered the legal culture of certain social, age, and professional groups and corporations. In particular, the legal culture of young people in the field of intellectual property, the legal culture of officials of various branches of government and lawyers, and the legal culture of military personnel were separately identified (Koba, 2019). Scientists in Ukraine, which has been at war for several years and has been trying to defend its territorial integrity due to the attack of the aggressor country, note that new circumstances have arisen in the country to form legal awareness and the legal culture of military personnel (Koba, 2019). The formation of the legal culture of young people is possible in the future through educational processes, the development of individual initiatives, role-playing games, and discussions (Boltivets, Halushko, Zhulyaev, 2022). In ensuring legal culture, it is important to foster a sense of responsibility for one's own actions in citizens (Varava & Holovko, 2022). The next issue that has been recently discussed in academic circles is the problem of refugees and the legal regulation of their stay in Europe and other countries. Talmi-Cohn & Kassa (2022) emphasized the need to form legal awareness of refugees who live in "legal limbo, having neither civil rights nor access to the services of citizens, nor the rights of those officially recognized as refugees". Resolving the refugee issue,

shaping the direction of legal culture and legal awareness of their rights and freedoms will be a vital issue in the future.

Intellectual property plays a significant role in solving problems with vaccine development and pandemic issues. Therefore, the development of proper education in the field of patent law will be of practical importance for the development of legal culture in the future and legal awareness (Drapushko, 2022). Educational processes in the field of intellectual property will contribute to the future growth of the level of legal culture, the acquisition of the necessary skills and knowledge in this area (Kulinich, 2021). The development of environmental law is among the topical issues of the legal culture of the future. This is due to a lack of resources, climate change, environmental pollution, and other problems.

Recent scholarly works suggest the need to form a fundamentally new legal system of the Earth, and to change the context of Anthropocene governance, which will change the way global sustainable development governance is researched (Kotzé, Kim, Blanchard, Gellers, Holley, Petersmann, van Asselt, Biermann, & Hurlbert, 2022). This paradigm can change the principles of systemic Earth law and promote a radical inclusive interpretation of shared justice and is different from the global environmental destruction that emerged in the Anthropocene era. The solution to environmental problems is proposed through the introduction of a new field - the law of nature, the systemic law of the Earth. This paradigm determines that humans are not the only class of subjects worthy of legal attention, and the prospects for achieving socio-environmental justice in the Anthropocene are becoming closer to realization (Gellers, 2021). Such approaches will shape the legal culture of the future. It should be based on a rethinking of the challenges of global governance, the coverage of the earth system, a rethinking of law and legal science, taking into account the interests of people, the unborn and non-human, global law, transnational law, decolonial law, indigenous law and métissage law, queer law (Kotzé, Kim, Blanchard, Gellers, Holley, Petersmann, van Asselt, Biermann, & Hurlbert, 2022). Gellers (2021) pointed to the example of indigenous peoples in Latin America, Bolivia, and Ecuador, who resist the destruction of the environment. The scientist believes that the resonance of this resistance in the world can increase popular resistance to the destruction of nature.

The development of the legal culture of the future depends on existing trends, innovations and innovations, including information technology, cyberspace, and electronic money. An important component of the legal culture of the future will be the issue of personal information and privacy protection, as the legal construction of personal information and privacy protection differs from culture to culture and time (Cui & Qi, 2021). Guido (2018) rightly noted that “responsible research and innovation can become a new governance paradigm aimed at managing the innovation process between innovators and society's stakeholders”. Considering the future directions of legal culture, Van Rompaey, Jønsson & Elmose Jørgensen (2022) noted that the development of innovative technologies is characterized by the creation of new legal risks. The scientists emphasized that robotics endow machines with decision-making capabilities, so it is important to integrate legal science into robotics. In the future, it is necessary to work on legal issues, including the observance of human rights in the work with artificial intelligence. This area is constantly evolving and changing (Rodrigues, 2020). The development of computer and information technologies indicates an increase in people's communication via the Internet, the legal status, rights and obligations of persons participating in public debates and publishing their opinions on the Internet (Szegda & Tylec, 2022). Therefore, the legal culture in the field of cybersecurity, artificial intelligence, information technology, and personal data protection is actively acquiring new features and is one of the priority areas of development in the future.

The space industry is actively developing. According to Omelyanenko, Huts & Melnyk (2022), due to the active development of technologies in the space industry and the participation of private entities in space exploration, the future development of space law is one of the priority areas of legal science of the future. The authors noted that the priority areas are European space law, participation of individuals and enterprises in the Ukrainian space industry, legal regulation of space debris, Mars exploration, counteraction to space cybercrime and training of professional staff with the latest teaching methods. Konert, Balcerzak, Książek-Janik & Yarushina (2022) believe that since the launch of the first satellite in

1957, people have been conducting increased space activities, which highlight various problems, including the lack of proper legal regulations. In addressing these issues, attention should be paid to the new legal developments of scientists in the field of protecting the rights of nature and to “extend the law to those beings in the physical, biological, social and mental worlds that make up the earth system. This also requires a very conscious rejection of the prevailing dualistic Cartesian ontology of incorporeality, where invulnerable, invincible humans, emboldened by their arrogance, dominate nature, control natural disasters, and (ironically) dictate the fate of humanity itself to take into account the interests of the environment” (Kotzé, Kim, Blanchard, Gellers, Holley, Petersmann, van Asselt, Biermann, & Hurlbert, 2022).

In recent years, there have been discussions in academic circles about the legal issues of vaccination, pandemics, reproductive health and other medical issues. The development of science and technology has also actualized this area. For example, Firdaus (2022) studied the legal issues of vaccination against COVID-19 and proposed to develop regulations on sanctions for refusing to be vaccinated against COVID-19 and to include these sanctions in informed consent documents. This issue is ambiguous, but its existence also shows the need to address it in the future. Therefore, the legal culture in the field of medicine, health, vaccination, etc. is the future direction of development of legal culture as an element of the legal system.

Discussion

The results obtained indicate that the legal culture of the future as an element of the legal system depends on the influence of external (international policy, decisions of international organizations, etc.) and internal factors (legal awareness of citizens, economy, information policy) that affect the development of countries. Speaking of legal culture, scholars have interpreted this concept ambiguously, taking different approaches to its characterization and definition. Recent scholarly works suggest that the legal culture of the future as an element of the legal system will develop under the influence of various factors. While studying legal culture, legal consciousness, and their formation, Şerban (2018) and Solomon & Gadowska (2018) found that the latter depend on the political system of the country and its historical past. Scholars have shown that the legal culture of post-Soviet and post-communist countries has developed unevenly, and in some countries, legal culture exists in a distorted form and is characterized by legal nihilism and demagoguery. Therefore, self-education, formation of legal culture and legal awareness of the individual plays an important role in the formation of legal culture.

Boltivets, Halushko, & Zhulyaev (2022) emphasized the formation of legal culture of youth as a new paradigm for the development of the legal culture of the future, and Koba (2019) insisted on the formation of legal awareness of certain social, age, professional groups and corporations, including officials of various branches of government and lawyers, and the legal culture of military personnel. Other scholars have insisted on global changes in the approach to shaping the legal culture of the future and fundamental changes in the world's legal doctrine. Gellers (2021), Kotzé, Kim, Blanchard, Gellers, Holley, Petersmann, van Asselt, Biermann, & Hurlbert (2022) conducted extensive research in the field of legal support for nature conservation and rightly emphasized the need to change the principles of systemic Earth law, rethinking law and legal science to take into account the interests of people, the unborn and non-human, global law, transnational law, decolonial law, and indigenous rights.

Due to the current climate change, natural and environmental conditions, it is worth thinking about these issues. According to Omelyanenko, Huts & Melnyk (2022), due to the active development of technologies in the space industry and the participation of private entities in space exploration, the future development of space law is one of the priority areas of legal science of the future. This study is a logical continuation of scientific works that raise many issues and require further study.

Conclusions and Implications

1. This study has led to a number of conclusions. The legal culture of the future as an element of the legal system should be based on the observance of human rights and freedoms, the formation of legal awareness on the basis of proper legal education and aimed at addressing new global challenges and problems.

2. The development of the legal culture of the future as an element of the legal system will be influenced by the existing circumstances in the socio-economic and environmental life of the world and legal norms in the field of nature protection, ecology, resources, information law, space law, cybersecurity, artificial intelligence, personal data protection, vaccination, pandemics, reproductive health and other medical issues, the problem of refugees and legal regulation of their stay in Europe and other countries.

3. In shaping the legal culture of the future in these areas, mechanisms of interaction between international organizations, countries, and citizens should be established.

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