

СОЦІАЛЬНА ФІЛОСОФІЯ

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orcid.org/0000-0002-6415-9964**SOCIO-PHILOSOPHICAL ANALYSIS OF THE CHANGING LEGAL
CONSCIOUSNESS OF CITIZENS IN CONTEMPORARY UKRAINIAN SOCIETY**

Problem. *The current phase of Ukraine’s societal transformation, especially amidst martial law, compels modern scholarship to critically re-evaluate key legal concepts. Central to this is the phenomenon of legal consciousness, which shapes and evolves our understanding of legal processes and phenomena.*

Purpose. *This research aims to provide a socio-philosophical analysis of the transformation of legal consciousness in contemporary Ukrainian society. To achieve this, it sets out to: define “transformation of legal consciousness”; identify the specific characteristics of this transformation in modern Ukrainian society; delineate the unique features of this consciousness transformation within the current Ukrainian context.*

Methods. *The study employs a dialectical approach as its primary methodology, proving most effective for examining how citizens’ legal consciousness is transforming under the current conditions in Ukraine. This allows for a deeper understanding of the essence of legal consciousness, its nature, and the specifics of its evolution. It also integrates phenomenological and synergetic approaches, alongside formal-logical, analytical, synthetic, comparative, historical, logical, systemic, and structural-functional methods.*

Results. *The research reveals ambivalent trends in the transformation of legal consciousness in Ukraine: On one hand, there’s a growing societal demand for individual political and legal development, active engagement in civic life, and an increase in self-awareness. On the other hand, a hindering trend persists, manifesting as various forms of alienation – individuals feeling disconnected from the state, its institutions, political decision-making, and participation in societal legal and political life. The transformation of legal consciousness is an objective process, driven by changes in society’s environment and the fundamental ways legal subjects interact. This transformation involves an activation of legal consciousness’s functional role in society, where law-making becomes a primary tool. Ultimately, this process moves away from destructive legal tendencies in society, gradually fostering a positive legal consciousness with all its inherent attributes.*

Key words: *legal consciousness, legal culture, socio-philosophical analysis, transformation, transformation of legal consciousness.*

The introduction. The radical changes in legal existence and the current stage of transformation in Ukrainian society have significantly impacted the understanding of law, legality, and public order. They’ve also led to a re-evaluation of the understanding of human and civil rights, freedoms, and legitimate interests. The public’s ability to competently and consciously control the actions of government structures, play a key role in renewing all aspects of public life, and increasingly influence government decisions, demands a certain level of legal awareness and legal culture from both citizens and society as a whole.

Moreover, the current stage of Ukrainian societal transformation, occurring under martial law, presents contemporary legal scholarship with serious challenges. These challenges are tied

to the need to re-evaluate the content of many important legal concepts, including the phenomenon of legal consciousness. Legal consciousness is crucial because it facilitates the formation and development of ideas and knowledge about legal phenomena and processes. Therefore, the category of “legal consciousness” remains an important subject of philosophical and legal research. The problem of understanding the mechanisms of legal consciousness formation has become particularly acute in modern legal science due to the increasing instances of deformations in legal consciousness within Ukrainian society.

It's clear that the chosen topic's relevance stems from the significance of issues related to studying legal consciousness in society. This is because the formation of legal consciousness is closely intertwined with the ongoing transformation of Ukrainian society on democratic principles.

In the contemporary socio-political process, amid the changing public consciousness, legal consciousness proves susceptible to constant transformations. Currently, significant attention is paid to the study of legal consciousness transformation in scientific literature, which once again underscores the importance of examining this phenomenon. We can highlight the works of scholars such as O. V. Barabash, S. V. Bobrovnyk, O. O. Bandura, V. V. Holovchenko, O. H. Danylyan, O. A. Ivakin, Yu. Yu. Kalinovsky, V. S. Kovalsky, S. I. Maksymov, N. I. Nelypa, M. I. Nelypa, M. V. Pampura, O. V. Petryshyn, and other researchers.

However, the current state of scientific understanding of legal consciousness in contemporary Ukrainian society, as well as its overall level, doesn't meet today's demands. The crisis of societal legal consciousness directly impacts legal life, leading to the devaluation of law, a nihilistic attitude towards legal values, and a distrust of governmental capabilities.

The level of public trust in the national legal system still remains extremely low. When interacting with institutions like the police, courts, prosecution, or legal counsel, Ukrainian citizens lack confidence in a positive resolution of issues, especially regarding the fairness, justification, expediency, and legality of such decisions. Furthermore, there is a need for a comprehensive analysis of the theoretical aspects of consciousness transformation and the subsequent development of an author's definition of legal consciousness transformation.

The purpose of the study is a socio-philosophical examination of the transformation of legal consciousness in contemporary Ukrainian society. Based on this goal, the following tasks are set: first, to define the concept of “transformation of legal consciousness”; second, to identify specific features of consciousness transformation in contemporary Ukrainian society; third, to highlight the peculiarities of consciousness transformation in contemporary Ukrainian society.

Method of research. The dialectical approach serves as the methodological foundation of this article, proving most effective for examining the transformation of citizens' legal consciousness amidst the contemporary development of the Ukrainian state. This method allows for a deep dive into the essence of “legal consciousness”, uncovering its nature and the specific features of its transformation at the current stage of state development. Dialectics is a universal methodology and a heuristic logic for understanding legal reality in general, and its specific processes in particular. The value of dialectics lies in the impossibility of forming a correct worldview and comprehending phenomena of legal reality without objective dialectics as a subject of worldview, and without subjective dialectics as a method for forming such a worldview.

Furthermore, given the dialectical underpinning of this research, simply stating the fact of legal consciousness transformation wouldn't suffice. By applying the concept of holism, legal consciousness was explored in its interconnectedness with broader transformational processes within the state. In its widest sense, holism posits a qualitative priority of the whole over its parts. The ontological principle of holism emphasizes that the whole is always something more than the sum of its parts. However, within the context of our research, we were interested in applying the holistic principle in epistemology: the understanding of the whole should precede the understanding of its parts. The meaning of the holistic paradigm is most clearly conveyed when contrasted with traditional analytical logic. Traditional thinking, both scientific and in decision-making, relies on an analytical approach where a more complex system is divided into subsystems and elements. According to the holistic concept,

it is necessary not to divide the system into components, but to perceive it in all its diversity and complexity. Additionally, the study utilized phenomenological and synergetic approaches, along with the formal-logical method, analysis and synthesis, the comparative method, historical and logical methods, and systemic and structural-functional methods.

Results and discussion. Legal consciousness, as a legal category in the transitional stage of the state's modern development, demands increased attention from representatives of contemporary legal doctrine. Furthermore, the search for rationality in developing a unified opinion regarding the concept of legal consciousness and substantiating the definition of "transformation of legal consciousness" requires a systemic view of their essence and content.

It's believed that legal consciousness is prone to constant transformations. It depends on changes in social relations and on the tasks and goals of the state at each stage of its development. However, it's worth noting that the transformations inherent in legal consciousness don't always contribute to the development of social relations and the state as a whole in a singular direction.

It's well-known that legal consciousness (or legal awareness) is a specific form of consciousness. It's a system reflecting legal reality through people's views, theories, concepts, feelings, and ideas about law, its place, and its role in ensuring individual freedom and other universal human values. Modern research increasingly emphasizes the integrative nature of legal consciousness, encompassing philosophical, psychological, and social aspects. The understanding of legal consciousness has evolved from ancient philosophical concepts to contemporary sociocultural interpretations, influenced by historical, political, and social changes. It's clear there's a pluralism of interpretations regarding the definition of "legal consciousness". Researchers offer diverse approaches that reflect different facets of this phenomenon. Understanding legal consciousness is closely tied to its historical, cultural, and social context.

Various approaches to understanding legal consciousness can be found in contemporary philosophical and legal literature. For instance, S.V. Bobrovnyk defines legal consciousness as "a system of ideas, notions, emotions, and feelings, the content of which is the legal subject's attitude towards legal reality, the legal past, and the desired state of legal regulation of social relations" [1, p. 441].

O. V. Petryshyn, in turn, provides the following definition: legal consciousness is a "set of ideas, theories, values, and ideals, emotions, feelings, and legal attitudes through which legal reality is reflected, an attitude towards law and legal practice is formed, a value orientation regarding legal behavior, and a vision of the prospects and directions of legal system development are shaped" [2, p. 256–257].

E. R. Seiitablaiev concludes that legal consciousness is "a special part of human consciousness that is directly interconnected with its other components and through which the understanding, explanation, justification, and evaluation of legal phenomena and processes are carried out, taking into account the system of dominant legal ideas, theories, concepts, views, beliefs, feelings, moods, etc., within certain time and space coordinates, which form the basis for the formation and implementation of the goals, forms, methods, and results of legally significant behavior or activity of individuals within society" [7].

According to M. V. Pampura, legal consciousness "is a set of ideas, concepts, and notions about law and legality, as well as the emotions and preferences of people associated with legal events" [3, p. 401].

He notes that the "psychological side of legal consciousness consists of widespread habits and feelings that reflect people's attitudes towards various legal phenomena: a sense of justice, a habit of equality and freedom, avoidance of arbitrary rule, lawlessness, and crimes, an attempt to restore legal consciousness, the activities of law enforcement agencies, and violated rights" [3, p. 401].

We see that most authors emphasize the subjective component of legal consciousness, as its primary bearer is an individual. This implies, first, the subject's awareness of legal ideas, values, attitudes, and so on, and second, their attitude towards the surrounding legal reality, which is formed and developed through these elements, along with relevant legal attitudes.

At the same time, we believe that legal consciousness is determined by social being: new social being gives rise to new legal consciousness. This means that the objective component of legal consciousness also defines it; it's a distinct mental phenomenon of a specific society or a significant part of it, reflecting its legal culture, which has historically formed and manifests at various levels of legal reality.

Therefore, legal consciousness not only reflects the surrounding legal reality, the behavioral and activity features of legal subjects, and the general state of legal development, but it also directly participates in regulating social relations. By understanding the content of legal values and attitudes, and by guiding their behavior and activities by them, legal subjects exert a relevant normative and regulatory influence on their own interests, will, desires, and motives, which then transform into legally significant behavior (either lawful or unlawful).

It's worth emphasizing that transformational processes have particularly affected the contradictions of legal consciousness, most often expressed in the discrepancy between the conservative nature of legal consciousness values and the dynamism of social changes. It should be noted that transformation implies a so-called transition from one state to a qualitatively different one; this path is accompanied by fundamentally new views and ideas that are gradually incorporated into the system of views.

The transformation of legal consciousness currently underway in Ukrainian society, particularly the change in the system of legal values – which are the main determinants of shifts in legal understanding and legal relations – is an integral part of the overall democratization process. This is because the transformation of a state's political and legal system largely depends on the state of the set of ideological, political, and other identities that are forming within society.

The concept of transformation of legal consciousness is multifaceted, with anticipated changes affecting both the system of ideas and views (the spiritual component) and the concepts, theories, and attitudes arising from legal reality. This means we can observe the dynamic behavior of those who hold legal consciousness, reflecting their attitude toward the law and exercising this through a regulatory function in legally significant situations. This clearly demonstrates the close interrelationship between legal consciousness and public consciousness, the internal organization of legal consciousness's nature, the connection between its components, the patterns of its development and creation, and its important social role, all of which become a key postulate of the concept of legal consciousness transformation.

The transformation of legal consciousness currently taking place in Ukrainian society, particularly the change in the system of legal values (which are the main determinants of changes in legal understanding and legal relations), is an integral part of the general process of democratization. After all, the transformation of the state's political and legal system largely depends on the state of the set of ideological, political, and other identities that form in society [1, p. 153].

It's worth noting that the concept of transformation of legal consciousness includes not only the understanding of this phenomenon as a process but also the influence on it of both former, established, and formed legal interpretations, concepts, views, theories, and opinions, as well as new ones characteristic of the current stage of state development. Given this, it is necessary to carefully approach its analysis and take into account not only the prerequisites for this transformation but also the factors influencing it, its development principles, and the specific features of its content.

It's a known fact that legal consciousness is one of the more conservative elements of the legal system. It struggles to shed established notions of legal reality. This conservatism of legal consciousness is a negative factor in its transformation during a state's transitional period.

Clearly, the transformation of legal consciousness directly influences the law-making process and the direction of its development. Even when there's no explicitly declared or officially approved legislative strategy, there's a certain direction to law-making activities – those aimed at changing, creating, abolishing, and supplementing legal norms. We believe this is possible due to societal development, which is shaped by socio-economic, political, and state-legal patterns.

It's important to note that socio-cultural transformation is currently underway in society. This impacts the transformation of legal consciousness in Ukrainian society. In this context, particular attention should be given to developing an individual's legal culture, overcoming legal nihilism, legal idealism, and legal demagoguery – phenomena that are present in Ukrainian society amid its transformation.

Moreover, contemporary society is going through a challenging period, marked by a re-evaluation of values and a devaluation of morality and law. The disconnect between individuals and higher spiritual values, replaced by rather questionable alternatives, leads to various forms of consciousness deformation, which in turn has serious negative consequences for the individual. Changing ideological

orientations, unpredictable social processes, and instability – all these are accompanied by a sharp stratification of Ukrainian society. These circumstances negatively impact legal consciousness, and consequently, legal behavior [1, p. 85].

In times of war, a new structure and new values of law are being formed. These are then translated into legislation through law-making activities, creating the fundamental conceptual foundations for achieving victory and restoring peace, preserving statehood, and the sovereignty of the Ukrainian people as universal democratic values, and enabling democratic development. Public interest and public good as values of law gain primacy through the redistribution of law's axiological potential, which, in the conditions of martial law, is a decisive prerequisite for ensuring all other values of law [2, p. 37]. The deformation of legal consciousness (in all its varieties) is determined and causally conditioned by negative processes in the social environment. It is always the result of the negative influence of economic, social, political, legal, ideological, ethical, and organizational factors [3, p. 29–30].

Thus, the state and level of legal consciousness in a transforming society are directly determined by how all functions of legal consciousness are performed and how they are coordinated with each other. It should be emphasized that legal consciousness is historical in nature; it is determined by the level of societal development itself and the influence of major contemporary transformational processes.

In today's post-industrial, information society, legal consciousness is only in its initial stages of formation. While it draws on traditions, its self-identifying definitions no longer strive for stable completeness. Instead, they are oriented toward continuous international dialogue and are open to the most radical transformations. Needs and acceptable boundaries change not just across generations, but through online communication. Social consensus forms quickly, and without having time to be validated by experience, the imperatives of consciousness can change repeatedly. The legal consciousness of the modern internet user reacts to changes even before positive legal norms are formulated. The daily strategy of legal consciousness outpaces scientific reflection. The freedom of one subject's self-consciousness intertwines with the freedom of another subject's self-consciousness in voluntary contractual norm-setting. Under the influence of contractual forms of law and local conventional definitions of equality, justice, and freedom, the role of official versions of social memory rapidly declines. At the same time, the temporal interval of historical memory, where the needs for social identification find their basis, increases. The source of such identificational metamorphoses is no longer solely a specifically interpreted national history. Constructing official national myth-making becomes increasingly difficult. The capabilities of the global network are directly realized both in the transformation of primary socialization and within the mechanism of variability of identification models.

The complaints of modern legal scholars and sociologists regarding “legal nihilism” and the calls of educators for fostering legal consciousness actually don't fully account for the dialectic of legal consciousness's own formation or the mechanisms of identity formation. In such a case, the issue isn't that consciousness holds a negative attitude towards law as such, but rather that existing legislation doesn't sufficiently and transparently rely on the obligatory attributes of law-justice, equality, and freedom. This means that legal intentions are not absent in identification itself, but rather the process of self-identification occurs in parallel and independently of values, lacking the feedback presented by positive legal norms. This suggests that socialization and education themselves are structured according to dogmatic schemes that don't correspond to the dynamic, critical, and reflective nature of consciousness in general, and legal consciousness in particular.

It's important to state that the transformational processes in citizens' legal consciousness under current conditions are driven by the following factors: war and the regime of martial law across the entire territory of the state; political, social, economic, and cultural instability within the state; reformative and revolutionary changes in Ukrainian society; the prevalence of imperative principles of legality over principles of justice, humaneness, and honesty, which is unacceptable in a rule-of-law state; ineffective educational policy in the state and low-quality educational processes; the development of the information society; the ongoing process of European integration in Ukrainian society.

Thus, we can identify these ambivalent tendencies in the transformation of legal consciousness in Ukraine: on one hand, there's a growing social need for the political and legal development

of the individual, for their active involvement in political and legal life, and for the growth of their self-awareness. On the other hand, there's also a hindering tendency, manifested in various forms of human alienation from the state, its institutions, from political decision-making, and from participation in the political and legal life of society.

Conclusions. Therefore, through the socio-philosophical analysis of the transformation of legal consciousness in Ukraine, we've come to the following conclusions: first, transformation is not merely a change; it's a qualitatively new stage in the life of the population, opening up new opportunities for social development. Specifically, the transformation of legal consciousness is a directed change in legal consciousness against the backdrop of objective conditions of modern realities. It's a process of objective changes in the legal system of society, affecting all legal phenomena, which is altered under the influence of a complex set of factors and tendencies, allowing us to confirm its transformations. In other words, the transformation of legal consciousness is an objective process occurring in society due to changes in the environment itself and the foundations of interaction between subjects of legal relations.

The transformation of legal consciousness implies the activation of legal consciousness's functional role in society, where law-making activity serves as the primary instrument of legal consciousness. The transformation of legal consciousness is occurring along the lines of moving away from destructive legal tendencies in society and the gradual formation of positive legal consciousness with all its attributes. The gradual development of legal culture during the transformation of legal consciousness will allow for overcoming the internally weak differentiation of the typological properties of legal consciousness in contemporary Ukrainian society.

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СОЦІАЛЬНО-ФІЛОСОФСЬКЕ ОСМИСЛЕННЯ ТЕНДЕНЦІЙ ТРАНСФОРМАЦІЇ ПРАВОВОЇ СВІДОМОСТІ ГРОМАДЯН НА СУЧАСНОМУ ЕТАПІ РОЗВИТКУ УКРАЇНСЬКОГО СУСПІЛЬСТВА

Актуальність проблеми. Сучасний етап трансформації українського суспільства, який відбувається в умовах дії воєнного стану, ставить перед сучасною наукою серйозні завдання, пов'язані з необхідністю переосмислення змісту значної кількості важливих правових понять, це стосується феномену правосвідомості, завдяки якій формуються та розвиваються уявлення і знання про правові явища і процеси.

Мета та завдання. Метою наукового дослідження є соціально-філософське осмислення трансформації правової свідомості в сучасному українському суспільстві. Виходячи з поставленої мети, перед стоять такі завдання: по-перше, визначити поняття «трансформація правосвідомості»; по-друге, надати специфічні ознаки трансформації свідомості в сучасному українському суспільстві; по-третє, виокремити особливості трансформації свідомості в сучасному українському суспільстві.

Методи дослідження. Методологічною основою статті став діалектичний підхід, який найбільш ефективний для дослідження трансформації правової свідомості громадян за сучасних умов розвитку української держави. Діалектичний метод дозволяє проникнути в сутність феномену «правова свідомість», виявити природу, особливості трансформації правосвідомості на сучасному етапі розвитку держави. Використано також феноменологічний та синергетичний підходи, формально-логічний, метод аналізу та синтезу, порівняльний метод, історичний та логічний методи, системний та структурно-функціональний методи.

Результати дослідження. Таким чином, варто констатувати такі амбівалентні тенденції трансформації правової свідомості в Україні: з одного боку, існує соціальна потреба, яка зараз посилюється, в політичному та правовому розвитку особистості, в її активному залученні до політичного та правового життя, в зростанні її самосвідомості. З іншого боку, слід відзначити наявність також і гальмуючої тенденції, яка виявляється в різних формах відчуженості людини від держави, її інститутів, від прийняття політичних рішень, від участі у політичному та правовому житті суспільства. Трансформація правосвідомості є об'єктивним процесом, що відбувається в суспільстві через зміни самого середовища і основ взаємодії між суб'єктами

правових відносин; трансформація правосвідомості передбачає активізацію функціональної ролі правосвідомості в суспільстві, де правотворча діяльність являє собою основний інструмент правосвідомості. Трансформація правосвідомості відбувається по лінії відходу від деструктивних тенденцій правового характеру в суспільстві і поступового формування позитивної правосвідомості з усіма її атрибутами.

Ключові слова: *правова свідомість, правова культура, соціально-філософський аналіз, трансформація, трансформація правової свідомості.*

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