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The Content Of The Education Of Legal Consciousness In A Comprehensive School: Lithuania's Experience

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Abstract

Modern liberal democracy is inseparable from the conviction that the protection of natural human rights requires law not only as a social institution which regulates relationships of society members, but also as an institution that leads to the peaceful development of these relationships. However lately, the growing tensions among the countries reveal the decline of this conviction. The question is whether liberal democratic societies, the members of which are mostly grown under conditions of freedom and peace, are strong enough to face these threats? This newly developing social situation requires a thorough research of a state of legal consciousness. The majority of members of modern society acquire comprehensive education, which, *inter alia* forms the framework of legal consciousness of the younger generation and thus enables its representatives to base the social interaction on the respect for the dignity of other human being. The purpose of this paper is to reveal the features of the content of the education of legal consciousness in a comprehensive school.

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1. Introduction

The Republic of Lithuania restored its independence on 11 March, 1990. The 1st article of the Constitution of the Republic of Lithuania (1992) states: 'The State of Lithuania shall be an independent democratic republic'. During this period the Lithuanian state went a long way in building a liberal democratic society. However, the formation of public legal consciousness, which would correspond to the liberal democratic values, is still one of the most challenging problems in its development.

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Legal consciousness manifests itself as a real factor of the development of the rule of law. It can be described as: 1) people's attitude to the law as a universally significant value; 2) the impact on legislation: social interests go through legislator's consciousness and will before they become legal norms; 3) necessary condition of precise and diligent law implementation. Legal consciousness becomes extremely important when the society begins reforms, changes the system of values radically and the content and forms of public life accordingly.

The smooth transition from authoritarian to democratic regime requires to manage anomy, which occurs due to radical transformation of social rules and internal conflicts of liberal democracy (Dahrendorf, 1990, p. 158-165). Unfortunately, the Lithuanian society did not escape both sources of anomy. Radical transformation of the rules of social conduct caused the formation of social disorientation, i. e. the weakness of the link between cultural values and social norms and even their opposition (Slapkauskas, 2001, p. 37-47). The direct impact on the formation of this phenomenon was also made by radical ignorance of social moral values in the process of legislation (Slapkauskas, 2006, p. 83-90).

Social disorientation is a very serious barrier to the formation of liberal democratic legal consciousness. In order to overcome this barrier, the country's economic improvement is not enough. Here the intensive public legal education becomes necessary. The purpose of this paper is to reveal the features of the content of the education of legal consciousness in Lithuanian comprehensive schools. The examination is based on the concept of liberal legal consciousness and the qualitative analysis of its education as it is revealed in education programmes, approved by the orders of the minister of education and science of the Republic of Lithuania.

2. The concept of legal consciousness and its education

Consciousness is described as the state of being aware of and responsive to one's surroundings; a person's awareness or perception of something, etc. (Oxford Dictionaries, 2015). It is a constantly changing unit of sensual and mental images, which is social by nature (Gadamer, 1975, p. 402; Haefner, 1989, p. 25). These images rise as a result of person's experience and determine the activities. One of the forms of consciousness is the legal consciousness. Legal consciousness is the unit of objectively existing images, ideas, emotions and theories, which expresses the attitude of society, groups and individuals towards law as a social institution, the legal system and its elements. Some scholars conceptualize consciousness as the ideas and attitudes of individuals that, when taken together, determine the form and texture of social life. An expression of the liberal tradition in political and legal theory, this conception of consciousness suggests that social groups of all size and types (e.g., families, peer groups, corporations, communities, nation states and societies) emerge out of the aggregated actions of individuals. In this individualist conception, consciousness consists of both reason and desire. According to liberal ideology, inevitable human variation will always assure that humans will desire different things, even if they reason similarly (International Encyclopedia of Social and Behavioral Science, 2001, p. 8626).

Legal consciousness consists of two structural elements - legal psychology and legal ideology. Legal psychology is related to person's feelings which are experienced when confronting legislative and law enforcement activities of various social structures and when the person assesses the extent to which justice and personal interests are taken into account. Legal psychology consists of feelings, such as sense of justice, emotions, moods, habits and stereotypes, which are led by person's trust or distrust in government and non-governmental institutions, rulings of courts of justice, by intolerance to rights violations, by conviction to respect or not to respect specific laws, by determination to defend the rights etc. (Vaisvila, 2000, p. 170). In other words, legal psychology is a spontaneous, disorganized, not systematic layer of legal consciousness, which manifests itself by psychological reactions of any person or social group to injustice and to phenomena of state and law. It is the most common form of perception of law and legal practice, which promotes a) development and implementation of certain value-based orientation of legal ideology; b) proposal and adoption of appropriate legislation; c) vigorous defence of violated rights; d) spontaneous resistance to the implementation of some laws; e) organised strengthening of deteriorated law and order and the fight against undemocratic law and order.

Legal ideology is the system of legal ideas, theories and approaches, according to which people recognise the existing law, assess legal reality and express the desired law. Unlike legal psychology, legal ideology is purposeful contemplation of law. It reflects conscious interests of various social groups, justifies their claim and means to become a legal order.

The legal consciousness of younger generation is purposefully educated in a comprehensive school. By teaching and educating the society seeks to increase the socialization of an individual. Socialization is a process during which

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