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Philosophical Understanding Of Relationship Between Mentality And The Legal Consciousness

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Abstract

The article examines the relationship between mentality and right consciousness, as well as factors affecting the formation of both mentality and right consciousness. According to its own definition, legal consciousness is one of the forms of public consciousness. However, the essence and features of the legal consciousness of a particular community can be revealed in the most complete way through such a complex and multifaceted cultural, spiritual and socio-psychological phenomenon as mentality, which is explained by the fact that legal consciousness is an organic part of mentality, and in addition, both of them are formed under the influence of the same factors, which are revealed in this article.

Keywords: legal consciousness, public consciousness, mentality, factors forming mentality and legal consciousness

1 Introduction

Even before Kyrgyzstan gained sovereignty, practically with the beginning of the so-called perestroika in our country, as in all Soviet republics, a process of deep and large-scale reforms began, which continues to this days. The success of these reforms, as well as their failure,

largely depends, in particular, on such phenomena as the mentality and legal consciousness of people. These phenomena act in the article as objects of research, the purpose of which is to identify relationship between mentality and the legal consciousness and factors influencing their formation.

According to its own definition, legal consciousness is one of the forms of social consciousness, which in fact is a system or a set of legal ideas, assessments, feelings, beliefs, moods, ideas, views and theories that express and reflect the attitude of specific people, social groups and society as a whole to the existing and desired law, to various legal phenomena, to legal behavior, or, in other words, this is the perception of a complex of legal phenomena by people, which in one way or another is reduced to the level of the subject (Muslumov & Pecherkina, 2018). In turn, public consciousness is defined as a reflection of social existence and a set of social representations that are characteristic of a particular community, reflecting its specific condition in a particular historical era, period of existence (Veit, 2022; Chaykissova & Kuznetsova, 2022). The process of acculturation leads to cultural transformation, acquiring special significance and meaning in the context of modern globalization (Sultanova & Akmatova, 2019), as well as the process of traditional society modernization (Akmatova et al., 2022).

If legal consciousness is ultimately reduced to individual consciousness, then social consciousness, on the contrary, is often opposed to individual consciousness, but not in some way that is opposed to it in a certain way, but as that general that is present in the consciousness of everyone, an individual who is a member of society. Being a part of the superstructure, social consciousness expresses its spiritual side.

It is characteristic that in the Soviet period of history in the official philosophy, special emphasis was placed on the fact that public consciousness has the property of actively reflecting social being or, in other words, transforming it. Social consciousness, actually consisting of a multitude of consciousnesses of individuals that make up society, nevertheless, is not a simple combination of it, but has certain systemic features that are not and cannot be reduced to the properties of individual consciousness.

It is generally accepted that there are only six forms of social consciousness, which are morality, ideology, science, religion, art and legal consciousness. With a closer look, it is easy to find that such a historical, cultural, spiritual and socio-psychological phenomenon as mentality is related to all the above forms, which prompts us to consider the nature of its impact on legal consciousness.

The behavior and activities of both individuals and social groups, and society as a whole are determined not only by economic and political motivation, causes, but have spiritual foundations. In this regard, within the framework of the analysis of spiritual and socio-psychological causes and foundations of human activity, specialists, including philosophers, are increasingly turning to problems related to mentality.

However, it should be borne in mind that the use of this category, as well as the nature of its impact on the behavior and activities of people, as well as on legal consciousness, is seriously difficult due to the ambiguities that arise due to the presence of a sufficiently large number of different interpretations of the mentality, his essence.

2 Materials and Methods

The methodological and theoretical foundations in this study are the works, ideas and positions of foreign philosophical representatives, political and sociological thought on the problems of legal consciousness and on the problems of mentality. In the research process, systemic, formal-logical, historical methods of scientific knowledge were used. The research methodology is based on the recognition of objective and subjective existence, on the existence of social development objective laws.

3 Result and Discussion

As the Russian researcher N.N. Gubanov, to date, there are at least three main approaches in the interpretation of mentality: first, when it is identified with individual or social consciousness or the psyche of an individual; secondly, when the mentality is practically equated with some components, spheres or levels of consciousness or the unconscious; and, finally, thirdly, when mentality is associated or identified with certain features of consciousness or psyche (Gubanov, 2006).

The category of "mentality" arose and became part of the modern scientific paradigm relatively recently, namely the last two or three decades, and to this day, in the scientific community, as mentioned above, there is no generally accepted opinion on what is considered mentality, and the common term. Those who represent various scientific directions and disciplines naturally and inevitably understand this phenomenon as something that is of greater interest to them and reflects their understanding of various phenomena associated with mentality.

It should be emphasized that the category of "mentality" arose not on someone's whim, but because of the real need and need to cover in the widest possible way and convey the essence of the whole complex of phenomena that exist in social reality and are united by their common nature, formal and essential closeness, closely interconnected.

The bottom line is that the category of "consciousness", despite its significant capacity and versatility, was no longer able to cover the multitude of sufficiently specific phenomena of both social and individual life. The development of new scientific terms, if not always, then at least often due to a noticeable increase in knowledge in some area, when the old terms are no longer enough to describe the explanation of reality. It is obvious that one of these terms is "mentality", which, however, is currently characterized, on the one hand, by semantic diversity, and, on the other hand, by some semantic uncertainty due to this diversity. The problem is that the category we are considering is still in the process of becoming, with all the ensuing consequences.

In everyday, everyday speech under the mentality, in accordance with the dictionary of the Russian language, edited by S.I. Ozhegov, is understood as "worldview, mindset" (Ozhegov & Shvedova, 1992).

In the "Big Explanatory Dictionary of the Russian Language" edited by S.A. Kuznetsov, a more detailed and capacious definition is given, according to which the mentality is "a set of mental, intellectual, ideological, religious, aesthetic, etc. peculiarities of thinking of the people, social group or individual, manifested in culture, language, behavior, etc.; attitude, mindset. Russian mentality. Army mentality. Government mentality" (Kuznetsov, 1998).

Cited by S.A. Kuznetsov examples of the use of the term - "Russian mentality. Army mentality. The mentality of the government" testify to the popularity and degree of penetration of the word into various spheres of public life and knowledge.

It should, however, pay attention in the definition we have given to the fact that mentality is defined as a feature of thinking. Above, we cited the judgment of N.N. Gubanov that the third group of approaches in the interpretation of mentality are opinions that mentality is certain features of consciousness or psyche.

According to another definition, not only more capacious in comparison with the above, but also of a scientific nature, mentality is "a mindset, a set of mental, emotional, cultural characteristics, value orientations and attitudes inherent in a social or ethnic group, nationality, nation, people" (Kononenko, 2003).

In connection with the mentality, the opinion of ethnologists is of undoubted interest, who believe that mentality is, in fact, a set of unconscious complexes that arise and evolve in the process of adaptation, adaptation of a certain community (ethnos) to the natural environment and other communities and performing the role of mechanisms, regulating and responsible for

the psychological adaptation of the ethnic group to this environment. As adaptation takes place, certain unconscious ideas and images are developed, some of which take the form of ethnic constants, constant values that form the subconscious, archetypal, which determines the nature and characteristics of the individual's actions in the world. Naturally, this character is largely determined by the specifics of ethnic culture, which covers the entire life and activity of the individual.

Thus, mentality, according to representatives of ethnological science, is a certain set of ethnic constants that form a kind of prism through which an individual looks at the world (Lurie, 1997).

Among ethnologists, there are other opinions regarding the mentality. Thus, according to R.A. Khanach, the mentality is "specific, culturally defined and socially fixed stereotypes of behavior that significantly distinguish one model of behavior and thinking from others; a system of hierarchically subordinate priorities and values capable of transforming into cultural-psychological and cultural-behavioral automatisms" (Hamahu, 2001).

It should be noted that in most of the interpretations of mentality that exist to date, the emphasis is on psychological characteristics and foundations, therefore it will be interesting to cite the judgments of representatives of psychological science itself. The mentality, in their opinion, is the features of the mental life of people characteristic of a certain culture, which are the product of this culture, which is formed in the historical process and is determined by the economic and political conditions of life. The formal expression of the mentality is one or another set of views, assessments and norms, the basis of which, in turn, is the knowledge and beliefs characteristic of a particular community, and which, along with basic needs and archetypes, determine the hierarchy of values and values associated with them such as beliefs, ideals and social attitudes (Dubova, 1997).

As for the philosophical interpretation of mentality, in accordance with one of its definitions, it is "an expression at the level of the culture of the people of the historical destinies of the country, a certain unity of the nature of historical tasks and ways to solve them, entrenched in the public consciousness, in cultural stereotypes" (Pantin, 1994).

Additionally, such an abundance and variety of interpretations of mentality, on the one hand, indicates that today there has not yet been a scientific paradigm regarding mentality, and on the other hand, the complexity and versatility of the phenomenon, which is defined by the word, the concept of "mentality". The difference in understanding and, in the future, in the interpretation of the same facts and phenomena in different fields of knowledge is due, as you know, to a whole range of factors, in particular, features, specifics of scientific disciplines that set the appropriate point of view, methodology, goals and objectives, conceptual apparatus, etc. But since the same facts and phenomena are subject to consideration, the existing differences in views should be explained not only by the angle of view and everything else, but by the fact that each of the disciplines reveals a new facet of the phenomenon. Obviously, each of the scientific disciplines, trying to describe and interpret mentality in one way or another, considering it from its own specific angle, introduces something new into its understanding. And no matter how different all currently existing definitions and, accordingly, understandings of mentality, all of them, taken together, give us reason to believe that legal consciousness is, in fact, part of the mentality, as it is part of public consciousness. Moreover, it is derivative, or, in other words, legal consciousness depends on the mentality and its character, features are determined, in general, by the latter. From what has been said, it follows, in particular, that the factors that form the mentality of a particular people form in parallel, at the same time, legal consciousness. This statement is axiomatic. Consequently, the factors that shape the mentality and the factors that shape the legal creation are the same.

In a strict sense, in real life, everything that is relevant to this life, in one way or another, forms the mentality, and it is meaningless to consider all factors. However, they can be combined into main groups and only then consider these groups themselves. The first such group, in our opinion, is the racial and ethnic features of the community (ethnos), the second

is the geographical conditions for the existence of the community, and the third group is the results, consequences, results of the interaction of the community with the whole complex of conditions for its existence, which in the historical process add up to a way of life. A separate important factor is the number of people that make up the community. Obviously, all three of these groups consist of many subgroups that intersect or overlap each other. So, the way of life includes what is usually defined as culture, and geographical conditions are soil and climatic conditions, neighborhood and interaction with other peoples, etc. The racial-ethnic factor can be defined differently as the natural properties of the community, which form the basis of the unconscious, archetypal in man. One of the first who drew attention to the importance of this factor in the life of the people was the famous French psychologist, sociologist, historian and anthropologist G. Le Bon, who wrote: "The phenomena of the unconscious play an outstanding role not only in organic life, but also in the functions of the mind. Our conscious actions flow from the substratum of the unconscious, which is created especially by the influences of heredity. Most of our actions are caused by hidden engines" (Lebon, 1992). The "substratum of the unconscious", created by the "influence of heredity", G. Lebon defined differently as the "soul of the race" or "mental makeup of people", which is currently accepted in part to determine the ethnic archetypal traits of a person. "The mental makeup of people", as G. Lebon believed, ultimately determines the historical nature, and psychology has its basis in biology and, therefore, biology is what determines the individual behavior.

G. Lebon wrote with the necessary certainty: "If we translate into the language of the mechanics of influence to which the individual is subjected and which guide his behavior, then we can say that they are of three kinds. First, and probably most important, is ancestral influence. The second influence is immediate parents. The third, which is usually considered the most powerful and which, however, is the weakest, is the influence of the environment" (Lebon, 1992). "The strongest thing in every race," G. Lebon insisted, "is the hereditary foundations of its thought" (Lebon, 1992).

Despite the fact that G. Lebon exaggerated, as it seems to us, the hereditary foundations of the thought of the race and, accordingly, downplayed the role of other factors, nevertheless it would also be wrong to underestimate or ignore the influence of the racial-ethnic factor on the mentality of the community. As for the geographical factor, at the end of the 19th century, based on the influence of the geographical conditions of the existence of peoples, such a scientific discipline as geopolitics arose, which is currently very popular not only in politics, but also in political philosophy. G. Hegel was one of the first who tried to analyze the impact of the geographical conditions of existence on the "spirit of people."

"We are not interested in studying the soil as an external place," wrote G. Hegel, "but in studying the natural type of terrain, which is in close connection with type and character of the people who were the son of this soil. This character is revealed precisely in the way peoples appear in world history and what place and position they occupy in it" (Hegel, 1993).

The geographical factor consists, as we pointed out earlier, of many factors, among which are the soil and climatic conditions of existence, and proximity to other peoples, and the size of the territory on which the community lives, and landscape characteristic, etc. Napoleon's expression is well known that geography is fortune.

The third group of factors that have a significant impact on mentality are the consequences, results of community interaction with entire complex conditions for its existence, which in the historical process form a way of life. This interaction, as well as its results, are foundation on which more or less stable socio-economic forms of life are formed, for example, such as nomadic and settled, and, accordingly, nomadic and settled way of life and culture, nomadic and settled mentality.

Among other factors, we singled out such a separate factor as quantitative. The influence of this factor on the mentality can be clearly seen by comparing, for example, the mentality of the Chinese people with mentality of the Chukchi people. The number of people who make up

this or that community changes, for example, the historical tasks facing the people, and the way in which they solve these tasks.

There is no need to prove that the same factors influence formation of the legal consciousness of people.

Conclusion

Summarizing all above we made the following conclusions:

- 1) According to its own definition, legal consciousness is one of the forms of social consciousness. However, the category of "consciousness", despite its significant capacity and versatility, is not able to cover a multitude of fairly specific phenomena of both social and individual life;
- 2) Development of new scientific terms is due to a noticeable increase in knowledge in any area, when the old terms are no longer enough to describe the explanation of reality. One of these terms is "mentality", which, however, is currently characterized, on the one hand, by semantic diversity, and, on the other hand, by some semantic uncertainty due to this diversity;
- 3) Category of "mentality" arose and became part of the modern scientific paradigm relatively recently, and to this day in the scientific community there is no generally accepted opinion on what is considered mentality, and a generally accepted term. Those who represent various scientific directions and disciplines understand this phenomenon as something that is of greater interest to them and reflects their understanding of various phenomena associated with mentality;
- 4) Abundance and variety of interpretations of mentality, on the one hand, indicates that today a scientific paradigm concerning mentality has not yet been formed, and on the other hand, the complexity and versatility of the phenomenon, which is defined by the word, the concept of "mentality". The difference in understanding and, in the future, in the interpretation of the same facts and phenomena in different fields of knowledge is due to a whole range of factors, in particular, features and specifics of scientific disciplines that set an appropriate angle of view, methodology, goals and objectives, conceptual apparatus, etc.;
- 5) Existing differences in views on mentality should be explained not only by the angle of view and everything else, but also by the fact that each of the disciplines reveals a new facet of the phenomenon. In addition, no matter how different all currently existing definitions and understandings of mentality are, all of them, taken together, give us reason to believe that legal consciousness is, in fact, part of the mentality. Moreover, it is its derivative, or, in other words, legal consciousness depends on the mentality and its character, the latter determine features, in general;
- 6) Factors that form mentality of a particular people form in parallel the legal consciousness. There are three main groups of such factors, the first of which is the racial and ethnic features of the community (ethnos), the second is the geographical conditions for the existence of the community, and the third group is the results, consequences, results of the interaction of the community with the whole complex of conditions its existence, which in the historical process develop into a way of life. A separate important factor is the number of people that make up the community.

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