



DEVELOPMENT OF THE LEGAL CONSCIOUSNESS OF RUSSIAN YOUTH FROM EARLY 20TH CENTURY TO EARLY 21ST CENTURY: A HISTORICAL AND LEGAL STUDY

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ABSTRACT

Contextualization: This study explores the evolution of legal consciousness in the context of Russian society, focusing on the role of youth. It addresses the impact of historical events, such as wars, revolutions, and societal changes, on the legal attitudes and beliefs of young people in the 20th and early 21st centuries. The concept of legal consciousness is defined as a complex system of feelings, emotions, ideas, and attitudes towards law and legal phenomena.

Objective: The study analyzes changes in the legal consciousness of Russian youth that occurred from the beginning of the 20th century to the early 21st century. The research explores ideological principles contingent on the state and political systems. The study also addresses the concept and fundamental principles of legal consciousness.

Methods: To achieve the research goal, the authors analyze the current state of research on legal consciousness in legal science in Russia and abroad. A particular emphasis is placed on youth as the most critical social group. Investigation of the processes of change in legal consciousness reveals the mechanisms of its emergence, the patterns of development, and the features of manifestation in a specific historical setting.

Results: Based on the findings, the authors conclude that significant changes occurred in the legal consciousness of young people in Russia in the 20th and early 21st centuries. Particular attention is paid to the current state of legal consciousness of Russian youth, as the authors point out the controversial nature of this issue and the need for its further exploration.

Keywords: Legal consciousness; Legal culture; Ideology; Socialist ideology; Liberal ideology; Russia.





DESENVOLVIMENTO DA CONSCIÊNCIA JURÍDICA DA JUVENTUDE RUSSA DO INÍCIO DO SÉCULO XX AO INÍCIO DO SÉCULO XXI: UM ESTUDO HISTÓRICO E JURÍDICO

RESUMO

Contextualização: Este estudo explora a evolução da consciência jurídica no contexto da sociedade russa, concentrando-se no papel da juventude. Aborda o impacto de eventos históricos, como guerras, revoluções e mudanças sociais, nas atitudes e crenças jurídicas dos jovens no século XX e no início do século XXI. O conceito de consciência jurídica é definido como um sistema complexo de sentimentos, emoções, ideias e atitudes em relação ao direito e aos fenômenos jurídicos.

Objetivo: O estudo analisa as mudanças na consciência jurídica da juventude russa ocorridas desde o início do século XX até o início do século XXI. A pesquisa explora princípios ideológicos dependentes do Estado e dos sistemas políticos. O estudo também aborda o conceito e os princípios fundamentais da consciência jurídica.

Métodos: Para atingir o objetivo da pesquisa, os autores analisam o estado atual da pesquisa sobre consciência jurídica na ciência jurídica na Rússia e no exterior. É dada especial ênfase à juventude como o grupo social mais crítico. A investigação dos processos de mudança na consciência jurídica revela os mecanismos de sua emergência, os padrões de desenvolvimento e as características de manifestação em um cenário histórico específico.

Resultados: Com base nas conclusões, os autores concluem que ocorreram mudanças significativas na consciência jurídica dos jovens na Rússia no século XX e no início do século XXI. É dada especial atenção ao estado atual da consciência jurídica da juventude russa, uma vez que os autores apontam a natureza controversa desta questão e a necessidade de uma maior exploração.

Palavras-chave: Consciência jurídica; Cultura jurídica; Ideologia; Ideologia socialista; Ideologia liberal; Rússia.

DESARROLLO DE LA CONCIENCIA JURÍDICA DE LA JUVENTUD RUSA DESDE PRINCIPIOS DEL SIGLO XX HASTA PRINCIPIOS DEL SIGLO XXI: UN ESTUDIO HISTÓRICO Y JURÍDICO

RESUMEN

Contextualización: Este estudio explora la evolución de la conciencia jurídica en el contexto de la sociedad rusa, centrándose en el papel de la juventud. Aborda el impacto de acontecimientos históricos, como guerras, revoluciones y cambios sociales, en las actitudes y creencias jurídicas de los jóvenes en el siglo XX y principios del XXI. El concepto de conciencia jurídica se define como un sistema complejo de sentimientos, emociones, ideas y actitudes hacia el derecho y los fenómenos jurídicos.

Objetivo: El estudio analiza los cambios en la conciencia jurídica de la juventud rusa que se produjeron desde principios del siglo XX hasta principios del siglo XXI. La investigación explora principios ideológicos que dependen del estado y los sistemas políticos. El estudio también aborda el concepto y principios fundamentales de la conciencia jurídica.





Métodos: Para lograr el objetivo de la investigación, los autores analizan el estado actual de la investigación sobre la conciencia jurídica en las ciencias jurídicas en Rusia y en el extranjero. Se pone especial énfasis en los jóvenes como el grupo social más crítico. La investigación de los procesos de cambio en la conciencia jurídica revela los mecanismos de su surgimiento, los patrones de desarrollo y las características de manifestación en un entorno histórico específico.

Resultados: Con base en los hallazgos, los autores concluyen que se produjeron cambios significativos en la conciencia jurídica de los jóvenes en Rusia en el siglo XX y principios del XXI. Se presta especial atención al estado actual de la conciencia jurídica de la juventud rusa, ya que los autores señalan la naturaleza controvertida de este tema y la necesidad de explorarlo más a fondo.

Palabras clave: Conciencia jurídica; Cultura jurídica; Ideología; ideología socialista; Ideología liberal; Rusia.

INTRODUCTION

The topicality of the research topic explored in this study is beyond doubt. It is conditioned by the place and role of legal consciousness in the system of social consciousness, as well as the role of youth in the life of Russian society. Of special importance is the analysis of fundamental changes in the legal consciousness of young people in the 20th and early 21st centuries. Several wars, including two world wars, revolutions, and the collapse of the USSR had a profound impact on the legal consciousness of young people.

These problems are at the center of the attention of humanities scholars. Legal consciousness, being a form of social consciousness, has a certain degree of independence. The definition of legal consciousness offered by researcher P.P. Baranov is as follows:

It is a system of legal feelings, emotions, ideas, evaluations, attitudes, perceptions, and other manifestations expressing the attitude of citizens of the Russian Federation to both the current law, legal practice, rights, freedoms, and obligations of citizens and the desired law and other legal phenomena (Babaev, 1993, pp. 474-475).

In recent decades, legal consciousness has been investigated by several English- and French-speaking (Pélisse, 2005) scholars, exploring legal consciousness both from purely theoretical perspectives (Serrano, 2018) and looking into the different levels of legal consciousness from the point of reflection of legal activity (McEvoy & Rebouche, 2007).

A paper by I.A. Ilyin (1993) presents the following definition of legal





consciousness: “A knowledgeable will to law that recognizes it in its objective meaning and bindingness and accepts it because it recognizes its purpose” (p. 22).

In the structure of legal consciousness, we place a special emphasis on group, class, and social legal consciousness. This approach is due to the fact that we analyze the legal consciousness of particular groups of youth. We adopt a historical perspective in examining the class legal consciousness of workers, peasants, and intelligentsia.

Youth presents a critical social group in the population. Throughout the period under study, its age range slightly changed. At present, in Russia, young people are considered to be young male and female individuals aged from 14 to 35. This is the most popular view of the age range of youth that was legitimized in Russia at the federal level in 2020.

Speaking of research on this topic outside of Russia, we should note that the issue of youth legal consciousness is rarely chosen for study, especially in common law countries. Nevertheless, research of this kind is conducted (Horák et al., 2021), sometimes even as part of dissertations (Brisman, 2012).

METHODS

The complexity of the issues covered in this paper assumes the use of a range of research methods at different levels for the sake of a qualitative study. Therefore, the study employs both universal and general research methods, as well as special scientific and specialized methods.

The key place among the universal methods in this study is occupied by the dialectical method. Through this method, the cognition of objective reality in the process of development of the studied phenomenon is realized. This method allows for the study of the process of emergence, formation, and ultimately the functioning of various state legal phenomena. The legal consciousness of youth is not an exception to this.

Among general scientific research methods, the study utilizes analysis applied to split the whole into its constituent elements to study these elements separately. In this sense, legal consciousness contains both various levels and elements that can be subjected to in-depth research, which allows creating a holistic image of this specific legal phenomenon.

Furthermore, it is counterintuitive to consider legal consciousness outside of the





country's legal system. In this respect, the application of the logical technique of synthesis provides for qualitative research, whereby the constituent parts can be combined into a coherent whole.

Among special scientific methods, an important role is played by the historical method. Due to the fact that the present article considers the process of formation of youth legal consciousness throughout the 20th and early 21st centuries, without the use of methods and techniques of the historical method, it would be impossible to achieve the set research goals.

Finally, among specialized methods, a special place was given to the formal-legal method, which allows for establishing the definition of the concept of legal consciousness.

RESULTS

The early 20th century was marked by tumultuous changes in the legal consciousness of young people. The first few years of this century were relatively stable. However, following Russia's defeat in the Russo-Japanese War, a revolutionary youth movement began to flourish. This process was characterized by major inconsistency in the views of young people. These views are typified by the following directions: social-democratic, liberal, conservative, and chauvinistic views. Statistics do not give exact data on the sizes of these youth groups. However, we can trace the influence of these views on the formation of the legal consciousness of youth. The disunity of these views was greatly expedited by the adoption of the October Manifesto issued on October 17, 1905, which granted new rights and freedoms to the people of Russia. After the adoption of the Manifesto, there began a rapid development of political parties. We believe it appropriate to subdivide these parties into left, centrist, and right. However, there are other opinions on the issue. For example, there is the following classification of political parties: right-wing reactionary-conservative, moderate-conservative, liberal-democratic, and revolutionary. Naturally, all these classifications are notional, although they do allow analyzing the legal consciousness of various social groups of youth.

Characterizing the class structure of Russian society of this period, we distinguish the following social groups:





- landowners, bourgeoisie, and high officials – 3 mln people;
- prosperous small proprietors – 23.1 mln people;
- poor small proprietors – 35.8 mln people;
- proletarians and semi-proletarians – 53,7 mln people;
- industrial workers – 10 mln people.

Russian history gives evidence that the creation and operation of political parties are organically intertwined with the division of society into classes and differences in the interests of their social groups. The revolutionary political parties of that time were the Russian Social Democratic Labor Party and the Socialist Revolutionary Party.

Young people sympathized with such ideas of these parties as social justice, elimination of exploitation of man by man, allotment of land to peasants, transfer of control over factories and plants to workers, and their nationalization. There are no exact statistics regarding the sympathies of the young people for socialist parties. However, it is notable that the structure of the Bolshevik Party was dominated by young people.

In analyzing youth legal consciousness, we must note the vagueness and ambiguity of several concepts. It is only conditionally possible to speak of the legal consciousness of this category of youth as socialist. The overwhelming part of this category was made up of proletarian youth, although there also were some representatives of peasants and intelligentsia.

A certain role in the formation of youth legal consciousness was played by the Constitutional Democratic Party, which held liberal views. This party was supported mainly by members of the social groups of *raznochintsy* and intelligentsia.

After the revolutionary events of October 1917, the legal consciousness of young Russians was developing in an extremely conflicting way. It was essentially unstable in nature. Revolutionary romance drew in a certain part of the youth, who enthusiastically picked up the revolutionary ideas. Turning to the analysis of the economic situation of various categories of youth, we should conclude that one's attitude to property did not necessarily determine their ideological position.

Since the start of the Civil War, representatives of various social groups had been siding with the Whites or the Reds. Even when analyzing the ideological attitudes of participants in the White movement, we find different views on the future of Russia, from ardent monarchism to supporters of the republic. Among the White movement, there were different tendencies in terms of methods of struggle against the Bolsheviks. The main slogan was "Russia without Bolsheviks... and then, come what may".





The instability of youth legal consciousness in this period is demonstrated by the frequent cases of transition from the Whites to the Reds and vice versa. Adherents of the White movement never managed to propose an idea that would attract a major part of the youth. The Bolsheviks, on the other hand, did offer such an idea: a world without violence or war, a just world order.

The consolidation of ideas and views of young people began to take place on an organizational basis.

In 1916, youth organizations started to emerge. Among the first was the organization “Trud i svet” [“Labor and light”]. The development of this youth organization into a mass one took place after the first congress of the Youth Union in October 1918. Notably, the views of participants in the youth congress varied greatly: from anarcho-syndicalist to Bolshevik. There was a violent struggle in the youth movement and, consequently, in the legal consciousness. This struggle was waged under the slogan of purity in the ranks of the Komsomol. Furthermore, the battle took place on the sides of the left and the right alike.

As time passed, the Komsomol began to transform into a mass organization. In this context, there arises a complicated issue with respect to analyzing the legal consciousness of young people. The difficulty owes to the fact that after all this time, it is impossible to determine the purity of the ideas and views of those entering the Komsomol. Part of the youth, inspired by revolutionary romance, joined the Komsomol seeking to actively participate in the construction of socialism and communism. Others (the numbers cannot be determined) tied their lives to the Komsomol only formally, seeking to fulfill their selfish goals: to enter universities more easily or to pursue a career in the workplace.

We must emphasize that the legal consciousness of youth in the 1920s-1930s was formed under the influence of the heroic labor of the people in building plants and factories, reviving agriculture, and raising the spiritual and cultural level of the country's population.

Of particular importance is the characteristic of youth legal consciousness in the years of the Great Patriotic War. Soviet youth was showing a high level of legal consciousness through all 1,418 days and nights of the war. The very morning of June 22, 1941, recruitment units were flooded with young volunteers. The war became the greatest trial for the entire Soviet people, including the youth. The ideological foundation for the legal consciousness of young people was patriotism. The entirety of





political organization was subordinated to the slogan “Everything for the front, everything for victory!”.

Youth as a certain phase in life, its specific age range and socio-psychological features, is contingent on social order. The leading regulators of this process are value orientations, social norms, and attitudes. These aspects are what define typical behavior patterns among young people. The pattern of behavior characteristic of the vast majority of youth at the time was heroism.

In the 1950s-1960s, the socio-political life of the country began to change. In 1956, the state adopted the course of democratization. Naturally, this influenced the formation of youth legal consciousness. Of note is also the influence exerted on this process by the utopian ideas of the establishment of Communism in the Soviet Union by 1980. A certain part of the youth had believed in this illusory dream, which they were later bitterly disappointed.

Throughout the 1980s and 1990s, the socialist ideas of young people were gradually eroding.

The collapse of the USSR marked a new stage in the development of youth legal consciousness. The establishment and development of market relations caused many young Russians to expect a soon-to-arrive life of higher material prosperity and the living standards achieved by Western democracies. This rise of unfounded expectations was spawned by privatization.

Gaps in legislation gave grounds for the emergence of various pyramid schemes. The crash of their false expectations led to panic and confusion among young people. Hopes for quick and easy enrichment disappeared in a puff of smoke. There was a rising number of legal subjects wishing to satisfy their exorbitant needs without putting in the due labor.

At present, the issue of promoting the legal consciousness of youth is once again highly acute. Several laws and by-laws use the terms “legal consciousness” and “legal upbringing”.

In analyzing contemporary Russian law, we must note that it embodies the military-patriotic and labor traditions of Russian society of both monarchical and Soviet eras. In this connection, it is possible to conclude that the legal system has an integrating property, that it concentrates and brings to a new qualitative level of the values and ideals of the people in accordance with the level of development of the entire society. A young person naturally interprets the legal requirements imposed on





them by society according to their level of spiritual development.

R. Lukich (1981) in his book notes that “a legal subject is, in principle, free to choose their behavior: either in accordance with the sanction or the disposition” (p. 112). A young individual is undoubtedly free in choosing their course of action. Yet for them to comprehend the very possibility of this choice and find the optimal system of approach to this choice, it is necessary to join the efforts of the subject with the system of upbringing. A vital postulate is the provision that the personality of a young person must be developed consecutively with gradual comprehension of the need to observe societal requirements willingly. In our view, a valuable conclusion is as follows:

[...] speaking about the filling of normative legal requirements with personal content, we must remember again that the norm itself, having become legal, has absorbed political, moral, and aesthetic content, and, depending on the sphere of application, also economic, ecological, etc., thus becoming a new quality valuable for society (Tatarintseva, 1990, p. 57).

If we view a legal norm as a model of behavior for a young person, it starts with the individual's actions and returns to them as requirements of society and the state. Certainly, not every action of a young citizen must be regulated by legal norms. Analyzing the program of moral behavior, we note that these norms are imposed on a young person by themselves, following the interests of other individuals and society. The most challenging issue in the theory of the legal upbringing of youth is the balance between the rational, emotional, and volitional. The issue of the ratio of their importance in legal consciousness needs further theoretical development. As a rule, the structure of legal consciousness is divided into ideology, psychology, and behavioral factors and the levels of mundane, professional, and scientific/theoretical legal consciousness.

The importance of interest for the development of a subject's legal consciousness is hard to overestimate because interests drive the actions and deeds of people. Interest recognized by one subject as their own is viewed by other subjects as alien. This explains the importance of the attitude of each subject to interests that are not their own. In this respect, one's own and alien interests recognized by a subject constitute objective reality, which needs to be correlated with the interests of society and various social groups that are enshrined in legislation.

Next, it is necessary to regulate the process of the legal upbringing of the subject. In this respect, legal upbringing leads the young person to the ability to subject various





mundane interests to the limits of lawful behavior. Therefore, there is a need to create the conditions necessary for young people to realize that the alignment of their personal interests with that of society fulfills the task of establishing the rule of law. This is a vital fundamental direction for the development of the legal state. Identification of personal and public interests is an ideal to be pursued. This ideal will not become illusory if the chief idea of the legal state is realized: the Person comes before the State. The state exists for the good of the person, the citizen, so it cares for youth and its rights and freedoms. The turbulent and historical history of Russia has several positive examples where citizens identified their interests with those of the state, protecting its interests and serving its prosperity and progress. The entire history of the Russian state has been accompanied by the competition and cooperation of interests, as people united in parties and unions based on their goals and interests and fought together to achieve them.

The ultimate ideal of legal upbringing was described back in 1789 in the French Declaration of the Rights of Man and Citizen. The Declaration reads: “Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes” (Krasheninnikova, 1999, p. 51).

In a civilized democratic society, respect for the rule of law is of paramount importance. Here we would like to stress that the reforms currently carried out in Russia call for the upbringing of young people with the highest level of legal consciousness and ability to reach a consensus with fellow citizens.

These provisions are particularly relevant to civil society. For the legislator, the personality of a young individual is but a subject participating in relations regulated by law. Furthermore, whereas the legislator sees individual situations regulated by the same legal norm as typical, each legal subject always experiences them as unique.

The enshrinement of prescriptions for a certain level of young people's behavior in laws creates the necessary prerequisites for organizing their actions. However, the issuance of a law certainly cannot be seen as synonymous with its effectiveness in ensuring law-abiding behavior.

At present, there is an increasing trend of the newly adopted laws, for some objective or subjective reasons, failing to exert a noticeable regulating influence or not being used in full. Therefore, to ensure that norms become the basis for the life of Russian society, analysis of the content of individual laws is not enough, no matter how





deeply scientific or legally precise.

DISCUSSION

We believe it is important to analyze how legal norms manifest themselves in the lives of young people. The efficiency of adopted laws is inextricably linked with the development of respect for law because a high level of democracy in a state assumes the youth have universal components of the culture of personality. A pivotal task is the self-regulation of behavior by a young individual in society. In turn, self-regulation becomes possible only when the young person recognizes law not just as a formalized system of restrictive requirements but as the primary social and moral attitude. The important thing in every law is it being just, so the development of legal consciousness in youth must be constructed based on a conviction in the importance of law as the highest social and moral value.

Propaganda of constitutional norms has a special role in the development of legal consciousness. At present, Russia has the Constitution in force with amendments adopted in a nationwide vote on July 1, 2020. The amendments, which were made to approximately 200 laws, are already in force in fulfillment of the basic law. Constitutional norms secure the highest political and legal values, expressing in their unity the essence and main features of Russian society at the present stage of its development. They accumulate the essence of not only legal but also other social regulators. The majority of constitutional norms stipulate entire programs of the behavior of Russian citizens, including youth. Constitutional norms contain fundamental provisions that constitute a legal and moral basis for the lawful behavior of an individual.

The norms of the Constitution of the Russian Federation enshrine the legal status of man and citizen. The level of lawful behavior of an individual is difficult to achieve without a proper understanding of the correlation of all social interests at different levels.

Constitutional law is an effective instrument of social governance. The essence of the implementation of constitutional norms, expressing the basic socio-political and socio-legal principles of our society, is not just to achieve non-violable norms of law, but to achieve through the behavior of young people those social results to which the Russian society aspires.





Formation of lawful behavior in youth by means of orientation on the practical implementation of constitutional norms is inseparably connected with considering the features of this process.

The implementation of constitutional norms must take place in a uniform complex with the norms of sectoral legislation. The formation of lawful behavior of an individual is directly tied to ensuring the regime of legality in society. The universality, mandatory nature, and social essence of the regime of legality are enshrined at the constitutional level. Thus, the norms of the Constitution shape and consolidate the basic social values of the Russian democratic state, which should guide the specific behavior of a young person. In Russian society, constitutional norms should be fundamental in the process of development of lawful behavior in young people.

CONCLUSION

Investigation of the genesis of legal consciousness allows us to describe the mechanisms of its emergence, the patterns of development, and the features of its manifestation in a specific historical setting.

A specific historical understanding of legal consciousness not only does not exclude but predetermines the understanding of legal consciousness as a form of public consciousness. Legal consciousness reflects the various facets of actual reality, a cross-section of different legal relationships, and takes legal norms, ideas, and views as its subjects.

We thereby conclude that both contemporary Russian law and the legal consciousness of youth embody various traditions of both the pre-revolutionary and Soviet periods in the history of Russia.

The consideration of local norms is also important. Analysis of these norms is of fundamental importance for understanding the formation of legal consciousness in youth groups.

The key role is played by constitutional legal norms, which lay the foundation of lawful behavior and a high level of legal consciousness.

The condition of the legal consciousness of Russian youth is not indicative of the maturity of the country's legal system. In our view, in analyzing the issues of youth legal consciousness, it is necessary to pay special attention to its moral aspects.





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