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DOCTORAL DISSERTATION

Legal Culture of the Latvian Youth:
Example of the Senior-Grade
Elementary School Pupils

SOCIAL SCIENCES,
LAW (01 S)
VILNIUS, 2012

MYKOLAS ROMERIS UNIVERSITY

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The Doctoral Dissertation was prepared during the period of 2006-2011 at Riga Stradiņš University (Latvia) and 2012 at Mykolas Romeris University (Lithuania) according to the right to carry out doctoral studies provided to Mykolas Romeris University and Vytautas Magnus University by the order of the Minister of Education and Science of the Republic of Lithuania No. V-1019 dated on June 8, 2011.

The dissertation is defended as an external work.

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Many thanks to the staff of Riga Stradiņš University, in especial the Faculty of Law, State Service of Education Quality (Latvia) and Mykolas Romeris University (Lithuania), in especial to my supervisor and consultants, for cooperation, discussions guidance and support.

My sincerest thanks to my family for permanent support, understanding, patience and trust.

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INTRODUCTION

Grounds for the choice of the research theme and the Dissertation topicality

Investigation of the content and dynamics of various social phenomena is one of the basic tasks of contemporary science, not only by establishing / reflecting the current state of affairs, situation, achievements, risks and problems in a definite branch / sphere but also by providing a scientifically grounded and correct overview of the present situation to the society including the decision makers, politicians, and marking the development prospects, stimulating discussions, elaborating concrete proposals / suggestions for improvement of the laws and regulations and policy documents, in this way facilitating a concrete action for improvement of the established state of affairs.¹

Beginning with the 1990s, several research studies (also interdisciplinary ones) gradually appeared in the Republic of Latvia after the restoration of independence, where representatives of various branches of science (social, exact and humanitarian) provided an analytical overview of the situation in the definite branch, applying original instruments and methods or those approbated in foreign countries, and they also elaborated proposals for development. As a bright example of such studies comprising a wide range of issues concerning the government–society relations was the study made in 2005 by the Commission for Strategic Analysis created by the President of the Republic of Latvia, “How Democratic is Latvia? Audit of Democracy”, and its continuation.² Meanwhile, during the recent decade, a number of various research study results on topical issues of Latvian state and societal development were published, of lawyers, sociologists, economists, politologists (political scientists) and representatives of other branches of science.

Unfortunately, most of researches in the sphere of social sciences were mainly confined to narrow specialised issues, frequently making inadequate use of broader contexts of social sciences and the interdisciplinary approach. At the same time, it is to be noted that lately an increasing attention is dedicated to exact / natural sciences in Latvia, with regard to science policy, funding and management.³

¹ On the tasks and functions of science see: Gordon S. *The History and Philosophy of Social Science*. – London, New York: Routledge, 2003. – p. 634 – 668.; Vedins I. *Zinātne un patiesība*. – Rīga: Avots, 2008. – 21. – 31., 45. – 50.lpp.; Leikums L., Lūsis K., Moskvins G. *Zinātnes filozofija*. – Jelgava: Latvijas Lauksaimniecības universitāte, 2002. – 67. – 69.lpp.

² *Cik demokrātiska ir Latvija? Demokrātijas audits / zin. red. J. Rozenvalds*. – Rīga: LU Akadēmiskais apgāds, 2005. – 198 lpp. It is to be noted that a continuation of this study was published in 2007: *Cik demokrātiska ir Latvija? Demokrātijas monitorings 2005.-2007. / zin. red. J. Rozenvalds*. – Rīga: Zinātne, 2007. – 98 lpp.

³ As an example, the fact can be mentioned that social sciences are not touched upon at all (!) in the overview published by the Strategic Analysis Commission, on the contribution of science in Latvia's development. *Zinātne, pētniecība un inovācija Latvijas izaugsmei / zin.red. E.Grēns*. – Rīga: Zinātne, 2007. – 250 lpp. Also, in the list of priority trends in science, approved in 2009, no research themes in social sciences are included, except for human safety. See *Ministru kabineta 2009.gada 31.augusta rīkojums Nr.594 „Par prioritārajiem zinātnes virzieniem fundamentālo un lietišķo pētījumu finansēšanai 2010.-2013.gadā” // <http://www.likumi.lv/doc.php?id=196878> (last viewed 18.07.2010)*.

As a result, currently several social phenomena actually are neglected as regards research (and also higher education studies, taking into consideration the inseparability of studies and research provided for in Article 5 of the Law on Institutions of Higher Education⁴). Among them is the legal culture (also, juridical culture)⁵ and the related processes and problems.

It is to be noted that culture is a complicated and multiform phenomenon which undergoes constant development and transformation concerning an individual / various groups / society at large, its functioning, forming values, opinions, standards etc. In its essence, culture affects all kinds and spheres of man's activities. Thus, specific branches of common culture are distinguished – political culture, legal culture, religious culture, language culture, ecological culture, etc., which are attributable to every society / group / individual / and are constantly interacting with the common functioning system of the society and its basic laws (social standards). Thus, it can be acknowledged that investigation of the legal culture is essential within the frames of the social and cultural sciences as well as sociology, political science, pedagogy, psychology, legal science and other branches of science.

In the development of world science, attention was paid to the notion of the legal culture and the related problems, and the special character of law / culture relationship, already at the end of the 19th century when the founders of sociology – Émile Durkheim, Karl Marx, Max Weber a.o. – turned to provisions of functioning of law in society and legal reality research. At the end of the 19th century – 20th century, the multiform problems of mutual interaction between law and culture were analysed by philosophers, social scientists, legal scientists – William Graham Sumner, Pitirim Sorokin (Питирим Сорокин), George Gurvich (Георгий (Georges) Гурвич), Sergey Alekseev (Сергей Алексеев), David Nelken, Lawrence Friedman, Gustav Radbruch, Reinhold Zippelius, Ronald Dworkin, Friedrich August von Hayek, Norbert Roulard, Harold J. Berman a.o.

In the Republic of Latvia, in the 1920s–1930s, the problematic issues of the relationship between law and culture, the place of law and culture in the society functioning system and aspects of legal culture development were widely reflected in the works of legal scientists Arveds Švābe, Lotars Šulcs, Vasili Sinaisky (Василий Синайский), Alexander Kruglevski (Александр Круглевский) a.o.⁶

During the Soviet period, systematic studies of the phenomenon of the legal culture were made only fragmentarily. At that time, great attention was paid to the problems of creation of a law-abiding society as well as to participation of inhabitants (citizens) in the activities of law enforcement institutions and support for them.⁷ Under the conditions of socialist lawfulness, there was a necessity for „strict, precise and uniform observance and implementation of laws and regulations”. Thus, it was necessary to achieve uniform

⁴ Augstskolu likums // <http://www.likumi.lv/doc.php?id=37967> (last viewed 12.05.2010).

⁵ For greater detail concerning the terms 'legal culture' and 'juridical culture' see Chapter 1 of this Doctoral Dissertation.

⁶ For greater detail see Chapter 1 of this Doctoral Dissertation.

⁷ For example, see Krastiņš I. Sociālistiskā juridiskā kultūra. – Rīga: P.Stučkas LVU Redakcijas un izdevniecības daļa, 1973. – 58 lpp.; Эглитис В. Повышение правовой культуры личности и участие граждан в правоохранительной деятельности // Правовая культура в юридической практике. – Москва: Прогресс, 1977. – с.116 – 119.

attitude of the society towards the law so that such an attitude would become „a person's individual opinion”⁸. This approach determined the topicality of legal culture studies.

Also after the restoration of independence of the Republic of Latvia, studies of the phenomenon of legal culture have remained scarce, notwithstanding the cardinal transformation of the society and the legal system – especially, taking into consideration the development of the Latvian society at the end of the 20th century – beginning of the 21st century, with the change of traditional (legal) values and understanding, aims and framework of acceptable behaviour, abandonment of the previously accepted prescriptions and moral standards, with participation of Latvia and Latvian society in the procedures of contemporary global integrative processes that considerably influenced, and still do, all social phenomena incl. the legal culture.

In comparison with the state of affairs in political culture studies in Latvia – several researches have been made,⁹ a monograph published¹⁰ and in several higher education institutions (University of Latvia, Vidzeme University of Applied Sciences, Riga Stradiņš University, Baltic International Academy, Latvian Agricultural University etc.) respective study courses are read – it is to be acknowledged that in the sphere of the legal culture practically no studies and theoretical analysis are being made.¹¹ Notwithstanding the number of legal study programmes in Latvia's higher education institutions, only in the University of Latvia and in Rezekne Higher Education Institution non-extensive study courses have been elaborated that are dedicated to the problems of legal (juridical) culture.¹² The author of this Doctoral Dissertation (s.c. promotional work in Latvia¹³) has prepared a study course „Culture and Law” comprising the theoretical and practical aspects of law and culture relationship / interrelation. This course is meant for the Professional Bachelor study programme „Legal Science” students of the Faculty of Law, Riga Stradiņš University.

As a positive exception from this tendency, the Project „Sustainment of democracy, rule of law and human safety” (2006–2009), of the Latvian Council of Science should be mentioned within the framework of which the problems of separate manifestations of the legal culture were studied (by *Dr. iur.* Sanita Osipova, Professor of the University of Latvia, and lecturer *Mag. iur.* Ieva Roze).¹⁴ Part of the issues studied during the project

⁸ Padomju tiesības / V. Millera, E. Melķiša red. – Rīga: Zvaigzne, 1978. – 31. – 33.lpp.

⁹ Piemēram, Politiskā komunikācija, ētika un kultūra Latvijas Republikas 9.Saeimas vēlēšanās. – Rīga: LU Akadēmiskais apgāds, 2007. – 314 lpp.

¹⁰ Tauriņš G. Politiskā sistēma un politiskā kultūra. – Rīga-Štutgarte: [b. v.], 2007. – 216 lpp.

¹¹ Discussion of the legal culture is missing also in the latest book on legal theory, see Plotnieks A. Tiesību teorija & juridiskā metode. – Rīga: SIA "Izglītības solī", 2009. – 312 lpp.

¹² Master's students of the Faculty of Law, University of Latvia, are offered a study course „Legal Culture” (1 credit point), the authors of the course are: Professor *Dr. iur.* Sanita Osipova and Professor *Dr. iur.* Jānis Lazdiņš; Master's students of Law Sciences of Rēzekne University are offered a study course „Elaboration, language and juridical culture of legal documents” (2 credit points), the author of the course is Professor *Dr. iur.* Jānis Rozenbergs.

¹³ According to the Latvian scientific regulation, the title of doctoral work is promotional work, using term 'promocija' as synonym of process of receiving doctoral scientific degree. See Zinātniskās darbības likuma 11.pants // <http://www.likumi.lv/doc.php?id=107337> (last viewed 09.03.2011).

¹⁴ Osipova S., Roze I. Tiesiskā nihilisma saknes Latvijā // Drošība un tiesiskums Latvijā. – Rīga: Latvijas Universitātes Filozofijas un socioloģijas institūts, 2007. – 40. – 59.lpp.

have been included also in the latest monograph by S. Osipova dedicated to sociology of law.¹⁵

Separate aspects of legal (juridical) culture associated with functioning of judiciary have been touched upon also in the study on problems of judiciary made by Sanita Osipova, Professor of the University of Latvia, lecturer Aigars Strupiņš and Aija Rieba.¹⁶

The conception of judicial nihilism has been widely discussed in the paper by *Dr. philos.* Jānis Broks, Professor of the School of Business Administration „Turība”; he emphasizes that „the expression of „legal nihilism” plays the role of rhetoric figure especially well, however if the nature of this phenomenon is not conceptually studied very few would be able to assist in understanding the root causes of the problems created and prevent the negations created”.¹⁷ The author of this Doctoral Dissertation believes that there is ground to refer this conclusion to the notion of legal culture, its use in the society and the necessity of research.

Also, attempts of *Dr. iur.* Andrejs Vilks, Professor of Riga Stradiņš University, are to be noted, to touch upon, in several publications, issues of understanding of the legal culture in Latvia paying special attention to definition and characterization of criminal subculture.¹⁸

In separate studies various forms of legal deformation are analysed. Thus, the former Assistant Professor of Rezekne Higher Education Institution, Juris Muižnieks, has analysed in his publications manifestations of legal nihilism touching upon also several aspects of legal culture development in Latvia.¹⁹ Researcher in psychology of Daugavpils University, Margarita Mihailova (Nesterova), has turned to studies of youth legal socialisation problems.²⁰

Associated Professor of Daugavpils University, *Dr. iur.* Aleksandrs Baikovs, has published some studies about political / legal culture relations laying emphasis on the fact that principles and standards of the political culture influence the legal culture development (for example, attitude towards an authority directly affects the attitude

¹⁵ Osipova S. Ievads tiesību socioloģijā. – Rīga: Tiesu namu aģentūra, 2010. – 119. – 127.lpp.

¹⁶ Osipova S., Strupiņš A., Rieba A. Tiesu varas neatkarības un efektivitātes palielināšanas un nostiprināšanas rezerves // Jurista Vārds. – 2010. – 9.marts.

¹⁷ Broks J. Legal nihilisms in society of the after-modernity // Acta Prosperitatis. – Nr.2. – Rīga: SIA „Biznesa augstskola „Turība””, 2011. – p.17.

¹⁸ Vilks A. Sociālās zinātnes un sabiedriskā un tiesiskā kultūra vienotās Eiropas politiskās telpas izveides kontekstā // Starptautiskās konferences “Sociālo zinātņu attīstības tendences Eiropas Savienības paplašināšanās kontekstā” materiāli. – Rīga: RSU, 2005. – 98. – 110.lpp.; Vilks A. Kriminālās subkultūras intervence transformācijas perioda sabiedrībā // Noziedzība un kriminoloģija globalizācijas apstākļos: jaunie izaicinājumi. XVIII Baltijas starptautiskā kriminologu semināra materiāli. – Rīga: Latvijas Kriminologu biedrība, 2006. – 156. – 162.lpp. See also Vilks A. Tiesības, brīvības un tavi pienākumi pret valsti. – Rīga: Latvijas Pieaugušo izglītības apvienība, 1999. – 36 lpp.; Bērns un kriminalitāte / zin.red. A. Vilks. – Rīga: RaKa, 2001. – 364 lpp.

¹⁹ Muižnieks J. Tiesiskās apziņas deformācija un tiesiskais nihilisms Latvijas postsociālistiskās sabiedrības kontekstā // <http://www.sta-edu.lv/conf2008/sekcija1/1-2.htm> (last viewed 23.06.2010); Muižnieks J. Juridiskā izglītība un tiesiskās apziņas deformācijas problēmas mūžizglītības kontekstā // Sabiedrība, integrācija, izglītība. – Rēzekne: Rēzeknes Augstskola, 2007. – 229. – 233.lpp.

²⁰ Mihailova M. Jauniešu socializācijas šķēršļi un iespējamie risinājumi 21.gadsimta sākumā // Sociālo Zinātņu Vēstnesis. – 2010. – Nr.1. – 83. – 102.lpp.

towards the laws adopted by this authority, and their implementation), while the principles (level) of the legal culture directly influence the political culture.²¹

A comprehensive legal awareness study has been offered by the former Professor of the Police Academy of Latvia, *Dr. habil. philos.* Voldis Jakubaņecs, in his monograph, comprising an extensive range of issues associated with law and society's functioning.²²

In general it is to be acknowledged that Latvia still lacks studies and publications where the problem issues of the legal culture and legal behaviour of Latvia's younger generation – educatees / pupils²³ – would be treated. Besides, after the restoration of Latvia's independence, several essential issues of legal culture, legal behaviour, education and discipline have been recognised as insignificant.²⁴ To some extent, this is evidenced by the lack of Education Programme in our country (a draft Educational Programme elaborated by the Ministry of Education and Science has been under discussion and improvement already for a period of four years), by a decrease of the number of education specialists in the existing complicated social economic conditions, as well as by a lack of scientific and methodical materials on issues related with education, discipline, legal culture and legal behaviour – especially those associated with the solution of various problems and conflict situations.²⁵

In the study of „Latvijas barometrs” of June 2008 it was acknowledged that „to the opinion of Latvia's population, the problem calling for most urgent solutions in Latvia's schools is lack of discipline among pupils”.²⁶ Problems concerned with education, discipline, legal culture and behaviour are among the basic issues discussed in the 14th

²¹ Байков А. Политическая и правовая культура // CommunicatoR. – 2008. – Nr.1/2. – с.196 – 203.; Baikovs A. Tiesiskā kultūra: normas un vērtības // Sabiedrība un kultūra. – Liepāja: LiepU, 2010. – 111. – 119.lpp.; Байков А., Zieliński J. Методологические проблемы политической культуры в свете юридической науки // Valsts un tiesību aktuālās problēmas. – Daugavpils: Akadēmiskais apgāds „Saule”, 2011. – с.7 – 18.; Baikovs A. Politiskā kultūra: metodoloģiskās problēmas juridiskās zinātnes kontekstā. – Sabiedrība un kultūra. – Liepāja: LiepU, 2011. – 107. – 118.lpp.

²² Jakubaņecs V. Tiesiskā apziņa. – Rīga: “P&Ko”, 2006. – 288 lpp.

²³ In accordance with Art. 1, point 12, of the Education Law, a person who is pursuing an educational programme at an educational institution or with an educator working in private practice is an educatee (pupil, trainee, student or auditor). Izglītības likums // <http://www.likumi.lv/doc.php?id=50759> (last viewed 18.06.2010). However, in the scientific works of contemporary educationalists still the (traditional) term ‘pupil’ is used denoting a person who studies in an institution of general education. Also the author of this Doctoral Dissertation partly observes this tradition using the terms ‘educatee’ and ‘pupil’ in the text of the Doctoral Dissertation. Similarly, the terms ‘educational institution’ and ‘school’, and ‘teacher’ and ‘educator’ are used.

²⁴ This is acknowledged also by the leading educationalist of Latvia, Professor Ausma Špona. See Špona A. Audzināšanas process teorijā un praksē. – Rīga: RaKa, 2006. – 6. – 7.lpp.; Špona A., Čamane I. Audzināšana. Pašaudzināšana. – Rīga: RaKa, 2009. – 5. – 6.lpp. As an exception from such practice, the Doctoral Dissertation (promotional work), in pedagogy, of Linda Daniela should be mentioned, which was defended in 2009, with the title of „Study discipline as a manifestation of adolescents' attitude towards studies”. The promotional work is available at the home page of the University of Latvia – http://luis.lanet.lv/pls/pub/luj.fprnt?l=1&fn=F54183/Linda_Daniela_2008.pdf (last viewed 30.03.2010) and the Doctoral Dissertation (promotional work), in pedagogy, of Inta Ostrovska, defended at the beginning of 2011, with the title of „Education of the inhabitants of Latvia within the context of social education”. – Daugavpils: Daugavpils Universitāte, 2011. – 152 lpp.

²⁵ See Audzināšana // <http://visc.gov.lv/audzinasa/audzdarbs/info.shtml> (last viewed 30.03.2010); Matisāne I. Audzināšanas darba koordinēšana valstī un īstenošana izglītības iestādēs // Latvijas Vēstnesis. – 2010. – 5.novembris.

²⁶ After Daniela L. Skolēni un mācību disciplīna. – Rīga: Izdevniecība RaKa, 2009. – 7.lpp.

Latvian Teachers' Congress.²⁷ It is to be acknowledged that the abovementioned problem was discussed rather one-sidedly, basically associating education with „society's self-confidence and self-expression”.²⁸

Latvian sociologists, too, have almost entirely ignored aspects of young people's legal culture and legal behaviour in their studies of the youth, while comprising a considerably extensive and multiform range of issues incl. the formation of youth's values, use of addictive substances, social rejection etc.²⁹ Neither are problems of legal culture treated in the works of Latvian psychologists. As an exception, the study by *Dr. psych.* Sandra Jirgena, Associate Professor of Riga Stradiņš University, should be mentioned, which concerns the aspect of separate young people's addictive behaviour and their choice.³⁰

School (educational institution) nonattendances and dropping out of pupils have become the subject of several sociological research studies.³¹ However, the related legal aspects characterising the problem are ignored or insufficiently analysed in these studies.

The study of elementary school pupils³² having been made with the participation of the author of this Doctoral Dissertation and the results of which are analysed in this Doctoral Dissertation, partly „fills” this gap, offering a legal sociological analysis of nonattendances and making several proposals for reduction of them.

Thus, in general it should be noted that until now the legal culture and its multiform aspects are actually ignored (with little exceptions) in the small number of studies in law, politics, pedagogy, psychology and sociology and publications as well as in text-books, published in Latvian.

²⁷ For greater details see Izglītība un audzināšana Latvijas sabiedrībai. Pedagoģijas zinātnes rakstu krājums. – Rīga: Latvijas Nacionālā skolotāju savienība, 2010. – 142 lpp.

²⁸ Kramiņš E. Izglītības sistēmas kvalitātes Latvijas attīstībai // Izglītība un audzināšana Latvijas sabiedrībai. Pedagoģijas zinātnes rakstu krājums. – Rīga: Latvijas Nacionālā skolotāju savienība, 2010. – 12.lpp.

²⁹ For example, see Tisenkopfs T. Jaunatne un jaunkapitālisms // Sabiedrības pārmaiņas Latvijā. – Rīga: Jumava, 1998. – 207. – 239.lpp.; Koroļeva I., Rungule R., Sebre S., Trapenciēre I. Latvijas jaunatnes socioloģisks portrets. – Rīga: LU Filozofijas un socioloģijas institūts, 1999. – 251 lpp.; Ostrovska I., Boroņenko V. Jaunatnes ceļa no izglītības uz darba tirgu. – Daugavpils: DU izdaevniecība “Saule”, 2004. – 121 lpp.; Latvijas jaunatnes portrets: integrācija sabiedrībā un marģinalizācijas riski. – Rīga: LU Akadēmiskais apgāds, 2009. – 362 lpp.; Koroļeva I., Rungule R., Trapenciēre I. Jaunatnes socioloģija Latvijā // Socioloģija Latvijā. – Rīga: LU Akadēmiskais apgāds, 2010. – 303. – 328.lpp. u.c. Ka izņēmums ir jāmin I.Ostrovskas publikācija – Ostrovska I. Jaunieši un izglītība Latvijā audzināšanas socioloģijas aspektā // Sociālo Zinātņu Vēstnesis. – 2007. – 2 (6). – 147. – 161.lpp.

³⁰ Jirgena S. Jaunieši un adiktīva uzvedība. – Rīga: Drukātava, 2006. – 160 lpp.

³¹ Trapenciēre I. Par dažiem nabadzības un sociālās izstumtības aspektiem Latvijā // Sociālekonomiskā procesa trajektorija Latvijā laikā no 1985. līdz 2002. gadam. Kur tā ved Latviju? – Ventspils: Ventspils Augstskola, 2002. – 70. – 88.lpp.; Bebrīša I., Ieviņa I., Krastiņa L. Skolēnu atbrīšana pamatskolās. Problēmu risinājumi // http://www.politika.lv/temas/sabiedrības_integrācija/14892 (last viewed 09.09.2010); Kraitone Dž., Budiene V., Dedze I. Pamatizglītību nepabeigušie skolēni. Skolu nepabeigušie un tās sekas: nenodrošināties, neapmierināties, nozudušie. Albānija, Latvija, Kazahstāna, Mongolija, Slovākija, Tadžikistāna // www.politika.lv/index.php?f=1040 (last viewed 09.09.2010); Dedze I., Krūzmēra M., Mikiško I. Savalicīgu pamatizglītības apguvi traucējošo faktoru kopums // www.politika.lv/index.php?f=490 (last viewed 09.09.2010); Zepa B., Bebrīša I. Izglītības izmaksu ietekmē uz skolēnu atbrīšanu pamatskolās // http://www.biss.soc.lv/downloads/resources/dropout/izmaksu_ietekme_dropout.pdf (last viewed 09.09.2010); Zepa B. Education for Social Integration // How Integrated is Latvian Society? An Audit of Achievements, Failures and Challenges. – Rīga: University of Latvia Press, 2010. – p.189 – 221.

³² Ļaudams V., Mihailovs I.J., Stankevičs A. Skolēnu kavējumi Latvijā: problēmas, cēloņi, risinājumi // Sabiedrība un kultūra. Rakstu krājums XI. / Sastād. A.Medveckis. – Liepāja: LiePA, 2009. – 281. – 286.lpp.

At the same time, analysis of the phenomenon / phenomena of the legal culture in the USA, Western Europe, in Russia and other CIS countries take a significant place in the studies of social phenomena which is attested to not only by academic studies and published scientific works,³³ elaboration and defending of several hundreds of dissertations dedicated to the legal culture (especially in Russia), in legal science, sociology, political science (politicalology), philosophy, psychology, culturology, pedagogy.³⁴ Also, scientific conferences held in various world study and research centres have been dedicated to the legal culture. In the higher educational establishments of a number of countries study courses on the legal culture are offered. At the same time, the legal culture is one of the basic themes of several legal publications, besides, it is even mentioned in the titles of some professional legal journals, for example, *Journal of Legal Cultures* (Brasil) and *Правовая культура* (Russia).

Also, within the context of the formation of a common EU legal space, comparative studies of the legal culture are made (incl. in Estonia, Poland etc.), but the situation and state in the Republic of Latvia has not been analysed until now.³⁵

It is to be noted that several legal disciplines – legal theory, legal philosophy, legal sociology, legal policy, human rights, legal ethics, legal anthropology, constitutional rights, etc. – turn to the legal culture and its separate aspects discussing topical legal problems and forming new mechanisms for improvement of legal standards. Within this context, it should be noted that there still exists a theoretical multiformity for inclusion of the concept of the legal culture into a definite legal discipline. Moreover, the limits of the abovementioned legal disciplines / branches of science often are difficult to be separated.³⁶ However, most frequently the legal culture has been analysed within the frames of legal sociology approaches, focusing in the studies towards cognition of

³³ See, for example Bryan B. Postmodernism and the Rationalization of Liberal Legal Culture. – Tri-Council Secretariat, 1998. – 61p.; Nelken D. Using the Concept of Legal Culture // Australian Journal of Legal Philosophy. – 2004. – p.4 – 30.; Thomas J. Legal Culture and the Practice: a Postmodern Depiction of the Rule of Law // Law Review. – 2001. – Nr.6. – p.1495 – 1518.; Семитко А. Развитие правовой культуры как правовой прогресс. – Екатеринбург: Издательство Уральского юридического академии, Издательство Гуманитарного Университета, 1996. – 313 с.; Злобин С. Конституционные аспекты формирования правовой культуры в Республике Молдова в переходный период. Диссертация на соискание учёной степени доктора права. – Кишинев: Институт истории, государства и права Академии наук Молдовы, 2006. – 236 с.; Бондарев А. Правовая антикультура в правовом пространстве общества. – Пермь: Пермский государственный университет, 2006. – 192 с.; Каландаришвили З. Актуальные проблемы правовой культуры российской молодежи. – Санкт-Петербург: СПбГУП, 2009. – 171 с.; the youngest monograph – Балаклея И., Соколов А. Правовая культура: генезис, сущность, состояние, проблемы и перспективы развития. – Калининград: Калининградский юридический институт МВД России, 2012. – 196 с. and many others.

³⁴ See, for example, the list of dissertations on the legal culture in data bases: <http://www.lib.ua-ru.net>; <http://www.nauka-shop.com>; <http://www.dissercat.com>; <http://planetadissers.com>; <http://newdissertation.com>; <http://www.dissland.com>, <http://www.proquest.co.uk/en-UK> etc.

³⁵ Blankenburg E. Legal culture in five Central European countries. – Hague: 2000. – 178 p.

³⁶ Thus, for example, legal sociology is considered to be both as a separate scientific interdisciplinary discipline (Max Weber, George Gurvich, Vladimir Kudriavcev), as part / sub branch of the legal theory (Axel Hegerstrem, Niklas Luhmann), and a branch / sub branch of sociology (Jean Carbonnier, Thomas Raiser). After Куликова А. Правовая культура в рамках социологического подхода: содержание понятия, его особенности // Вестник Нижегородского университета им. Н.И. Лобачевского. – Nr. 1. – Нижний Новгород: Нижегородский государственный университет им. Н.И. Лобачевского, 2006. – с.228 – 234.

the social reality, withing the context of functioning of elements of the legal system, investigating activities, values and practice bearing a legal character (law in action instead of law in books). This results from the very nature of the legal sociology, which, as indicated by *Dr.sc.soc.* Vladimir Menshikov, professor of Daugavpils University, strives to cognize the regularities of law, explain the development of law and its functioning within the society.³⁷

Thus, legal sociology studies functioning of law in society – the social reality of law, i.e. differences between the legal standards in force and the social reality, which always exists and directly follows from the legal consciousness and legal (juridical) culture of an individual / group / society.³⁸ Therefore, the legal culture is among the central concepts of legal sociology,³⁹ „a way how to fix / 'map' the relations between the law and real life”.⁴⁰ Meanwhile, the issues of legal culture development / improvement are among the tasks of state legal policy.⁴¹

The abovementioned considerations determined the choice of the study theme and its topicality, the investigation made and its theoretical grounds.

One can agree with the conclusion made by a French professor in legal theory and sociology, George Gurvich, that the object of the legal theory, legal sociology and legal philosophy is often difficult to be distinguished, since „All the mentioned scientific disciplines study the same legal reality”.⁴² At the same time, one should agree to the conclusion of the legal scientist P. Breat that „contemporary jurisprudence must recurrently turn to knowledge compiled in other branches and in this light to overview the legal theory and doctrines”.⁴³ Thus, the elements of legal culture (issues related with this phenomenon) can be seen also in the study objects of politics and the science of communication, sociology, psychology, pedagogy, economics and other branches of science, and as a result, interesting interdisciplinary researches are being formed around the globe, for example, in the spheres of deviantology, critical social problems, social policy, education policy, legal communication, economic behaviour and analysis of youth's future choices. Besides, as indicated by the outstanding Latvian philosopher professor Pauls Dāle, all factors and provisions that influence the life of society – economic, social, political, cultural, etc.⁴⁴ – are

³⁷ Меньшиков В. Социология права. – Даугавпилс: Даугавпилский Педагогический университет, 1994. – с.6 – 9.

³⁸ University of Latvia Professor Sanita Osipova in her book well-groundedly cites the legal sociologist Hermann Kantorowitz who wrote: „Legal sociology is a theoretical generalising branch of science that studies the social reality in relation with the cultural values as the goal of law.” See Osipova S. Ievads tiesību socioloģijā. – Rīga: Tiesu namu aģentūra, 2010. – 20.lpp.

³⁹ Acar A. The concept of Legal Culture. With Particular attention to the Turkish Case // <http://auhf.ankara.edu.tr/journals/alr-archive/ALR-2006-03-02/alr-2006-03-02-acar.pdf> (last viewed 23.07.2010).

⁴⁰ Silbey S. Legal Culture and Cultures of Legality // http://web.mit.edu/~ssilbey/www/pdf/legal_cu.pdf (last viewed 10.10.2010).

⁴¹ In greater details about the concept of legal policy and the concept, tasks and development of its brach criminal policy, in Latvian, see Zahars V. Latvijas Kriminālpolitika: retrospekcija un nākotnes vizija. – Daugavpils: Saule, 2011. – 22. – 80.lpp.

⁴² Гурвич Г. Философия и социология права. – Санкт-Петербург: Издательский дом Санкт-Петербургского государственного университета, 2004. – с.278.

⁴³ Cited after Малахов В. Философия права. Идеи, предложения. – Москва: ЮНИТИ-ДАНА, 2008. – с.59.

⁴⁴ Dāle P. Gara problēmas. – Rīga: A.Gulbja izd., 1935. – 7. – 10.lpp.

reflected in education. Therefore, these aspects, within limits, are taken into consideration in the elaboration of this Doctoral Dissertation.

It is to be noted that the legal culture is characterised both as an abstract theoretical concept which summarises the characteristic elements of legal institutions, and the routine practical approaches of an individual / group / society towards legal values and phenomena, which are in dynamics and are being evaluated in relation to legal ideals (criteria of “ideal behaviour” provided for in laws and regulations).⁴⁵ Thus, research studies of the legal culture are characterised by wide theoretical and practical applicability.

In the situation of the present-day Latvia investigation of the legal culture of youth, particularly of 15–16 years-old Latvian elementary school pupils (grade 9) become especially topical, which is provided for by several conditions:

1) Representatives of this group are gradually becoming full-fledged society members who have to make their choices concerning their further studies, or joining the labour market, or choose some other life scenario, at the end of grade 9. This means that exactly at the elementary school, at the level of general compulsory education, it is possible to educate and teach the values, incl. those of the legal culture, which would be the determinant ones for at least the majority of the society in their further life;

2) Reaching a definite level of legal informability and legal culture is an essential factor for these elementary school pupils to observe the prescriptions of legal order and for their full-fledged participation „in the life of grown-ups”;

3) At this age (14) the administrative and criminal liability for committed offences has set in for elementary school pupils. Beginning with the age of 11, they may be subjected to compulsory means of educational character. Thus, the tasks of educational institutions include:

- a) to prepare the elementary school pupils so that they become aware of the meaning of the legal culture, legal behaviour and legal responsibility;
- b) to teach and train the legal values that could affect the decision concerning the choice of a specific model of behaviour in a definite situation;

4) Also, the condition is no less important that at this age the elementary school pupils have a certain set of responsibilities to be fulfilled (the main responsibility, in accordance with the provisions provided by Article 54, point 1, of the the Law on Education, is to study, i.e. to acquire the elementary education curriculum⁴⁶). Conscientious fulfilment of responsibilities should result from the level of person’s legal consciousness and legal culture instead of the possibility of / fear from punishment. However, the legal culture as one of factors forming a person’s attitude is an essential element in forming the sense of responsibility and fulfilment of one’s duties, since “genuine legal culture implies organisability and self-control, it cannot be separated from discipline and control”;⁴⁷

⁴⁵ Nelken D. Using the Concept of Legal Culture // Australian Journal of Legal Philosophy. – 2004. – p.4 – 6.; Adapting Legal Cultures / ed. D.Nelken, J. Feest. – Oxford: Hart Publishing, 2001. – 284 p.; Злобин С. Конституционные аспекты формирования правовой культуры в Республике Молдова в переходный период. Диссертация на соискание учёной степени доктора права. – Кишинев: Институт истории, государства и права Академии наук Молдовы, 2006. – с.6.; Лебедева Н. Право. Личность. Интернет. – Москва: Волтерс Клувер, 2004. – с.4 – 7.

⁴⁶ Izglītības likums // <http://www.likumi.lv/doc.php?id=50759> (last viewed 18.06.2010).

⁴⁷ Baikovs A. Tiesiskā kultūra: normas un vērtības // Sabiedrība un kultūra. – Liepāja: LiepU, 2010. – 114.lpp.

5) Modern democratic society is interested in acquiring a potentially active, independent, motivated member of the civil society who is ready to adapt him / herself to new conditions, is loyal to the existing order / state and law-abiding, trusts the state and has chosen a model of legal behaviour and legal culture that is corresponding to society's and state's interests and appropriate for a law-abiding citizen.⁴⁸ And exactly a high level of culture is one of the basic characteristics of a civil society.⁴⁹

Thus, a present-day educational institution becomes one of the main mechanisms of forming the legal culture and education ensuring the youth / elementary school pupils the opportunity to acquire knowledge, experience and skills that are essential in their further life / activity and are significant within the context of state and society development. Meanwhile, in separate cases an educational institution and its staff become a peculiar „substitute” of the family for several elementary school pupils, almost the only agent of socialisation that is able to transfer essential experience and knowledge, incl. in the sphere of the legal culture, as well as to help to adapt themselves in society.

Therefore, the aggregate of analysed scientific studies and established conditions determine the topicality of the theme chosen by the author of this Doctoral Dissertation and the necessity of research in this field.

The object and subject of the research

Research object – Legal culture.

Research subject – Elements of the legal culture of Latvian youth.

Research issues:

- 1) What is the content, functions, manifestations and forms of the concept “legal culture”?
- 2) What is the specific character of the legal culture of the Latvian youth, i.e., senior-grade elementary school pupils?

The aim and tasks of the research

The aim of the research – to define the content, functions, manifestations, forms of the concept of legal culture and to investigate the specific character of the legal culture of Latvian senior-grade elementary school pupils, developing proposals for improvement of acquisition of the legal culture by elementary school pupils.

Research tasks:

1. To investigate the interaction between the law and culture as relations between normative systems.

⁴⁸ See, for example, Vilka I., Strupiņš A. Pilsoniskās sabiedrības attīstība Latvijā: situācijas analīze // <http://www.politika.lv/temas/cilvektiesibas/5707> (last viewed 16.07.2010); Гражданское общество: истоки и современность. – Санкт-Петербург: Юридический центр Пресс, 2002. – 302 с.; Бондарь Н. Гражданин и публичная власть. – Москва: Городец, 2004. – 352 с.

⁴⁹ Марченко М. Государство и право в условиях глобализации. – Москва: Проспект, 2008. – с.126.

2. To analyse the understanding and interpretation of the legal culture in researches made in various branches of science;
3. To characterise the elements, functions and basic types of the legal culture;
4. To investigate the specific character of the legal culture and its formation regarding the senior-grade elementary school pupils;
5. To clarify the attitude of Latvian elementary school pupils towards their basic duty – to study, as well as the reasons for their failure to attend lessons, to analyse the mechanisms that allow to decrease / prevent nonattendances.
6. To investigate the opinion of nine-formers about the choice of the model of legal behaviour, their attitude towards law and legal order, to clarify the confidence the elementary school pupils have in the state and the law by the questionnaire method and processing the results of the questionnaires.
7. To clarify whether in educational standards and text-books of elementary school subjects („Social Sciences”) attention is paid to the specific character of acquisition of the legal culture;
8. To elaborate proposals for stimulation / improvement of the legal culture by the youth (elementary school pupils).

Methods used in the research

The author of the Doctoral Dissertation has applied the following **methods** in this Dissertation:

1. General scientific research methods:
 - Descriptive method to make a detailed study of the definite phenomenon, i.e. the legal culture, as well as to apply the existing scientific conclusions and theories;
 - Method of analysis, to divide the research object into separate parts and to analyse separately each of them;
 - Method of synthesis, to join separate elements of the research object into a united system and study their interrelations;
 - Logical constructive method, to provide author's own conclusions and proposals as a result of the analysis accomplished.
2. Research methods of law science:
 - Analysis of laws and regulations and other documents to clarify the specific character of regulation associated with the legal culture in Latvia as well as the inclusion of the aspects / elements of the legal culture into the content of elementary school curricula;
3. Research methods of the science of sociology:
 - Inquiry to investigate the opinion of senior-grade elementary school pupils about the choice of the model of legal behaviour, their attitude to law and legal order, and to clarify the reasons for nonattendances;
 - Data explication method to make summarisation, grouping and clear representation of the statistical data.

In the course of this Doctoral Dissertation the research study of the legal culture of elementary school pupils was realised in several stages:

- 1) In the 1st stage (2007–2009), applying the poll method⁵⁰, the attitude of Latvian senior-grade elementary school pupils was clarified towards their basic duty – to study, to acquire the compulsory elementary education. The reasons for nonattendances were investigated and mechanisms were analysed that can allow to decrease / prevent nonattendances, and proposals have been worked out to decrease them and to improve the legal culture of elementary school pupils;
- 2) In the 2nd stage (2008–2009), applying the poll method, the attitude of Latvia senior-grade elementary school pupils towards the law / legal order was clarified as well as their attitude towards the choice of the model of legal behaviour, i.e. the confidence that elementary school pupils have for the state and law, their knowledge of rights and responsibilities and other issues were also clarified;
- 3) In the 3rd stage (2009–2010), by analysing the standard of the document, elementary school subject „Social sciences”, it was clarified whether adequate attention is paid to the legal culture and its acquisition in the elementary school.

The scientific novelty of the research and theses for defending

The **scientific novelty** of the Doctoral Dissertation is characterised by the fact that the Doctoral Dissertation is dedicated to the legal culture, its updating and consolidating in the scientific and research environment in Latvia. Moreover, such an original research study of the legal culture of Latvian elementary school pupils has been made for the first time in Latvia. The following elements of the scientific novelty of the Doctoral Dissertation are to be outlined within this Doctoral Dissertation:

1. Interpretation of interrelation between the comprehensive concept of the legal culture and law and culture;
2. Intensified analysis of acquisition of the legal culture by Latvian senior-grade elementary school pupils;
3. Proposal for improvement of the legal culture acquisition options by Latvian senior-grade elementary school pupils.

⁵⁰ The poll method (performed using a questionnaire asking the respondents to fill it in) is a quantitative method of research which was applied making use of the elaborated questionnaire and receiving answers to questions about the problem of research, and further performing the statistical processing and analysis of the data obtained. This method allows to acquire information / results from a fairly extensive numbers of the audience / respondents covering a considerably broad part of, in this concrete case, the territory of the Republic of Latvia. The data obtained during the polling process were analysed and processed using Microsoft Word and Microsoft Excel software. The following kinds of questions were included in the questionnaire: closed (offering the respondent to choose between the mentioned comprehensive variants of answers); half open (offering the respondent to choose between the mentioned variants of answers or to supplement with his/her own answer and formulate it); and open (offering the respondent to formulate his/her opinion / answer him/herself). Thus, the respondents were provided wide possibilities to make detailed replies to the questions and express their own opinion about the problem under discussion, comprising to maximal extent the possible range of opinions and positions.

Theses for defending:

1. Interrelation of law and culture in society form a definite system of social relations which is characterised also by the legal culture;

2. The term 'legal culture' (in the narrow as well as the broad sense) is to be consolidated in the list of Latvian legal terminology;

3. The legal culture is an element of popular culture, a multi-functional interdisciplinary social and legal phenomenon which has been analysed and interpreted in different ways;

4. Several levels of the legal culture should be distinguished: individual's legal culture, group's legal culture and society's legal culture;

5. A new form of the legal culture is virtual legal culture and the mechanisms of its implementation and regulation essentially differ from the everyday legal culture;

6. The development problems of the legal culture become more urgent during the periods of state and society transformations and crises when the model of breach of the legal culture development is realised;

7. The legal culture of Latvian senior-grade elementary school pupils is characterised by dynamism, inconsistency, a sudden shift of views and attitudes, impressionability, lack of conceptions about their own rights and duties, and responsibility which is determined also by a disproportion in the physical and social development, a weak system of self control, etc.;

8. The majority of senior-grade elementary school pupils choose the model of legal behaviour in their daily routine, i.e. their behaviour corresponds to the one prescribed by law. However, a considerable part of Latvian senior-grade elementary school pupils have a nihilistic, irresponsible attitude towards the compulsory obligation provided for in laws and regulations, to acquire the elementary education, which manifests in regular nonattendances at the educational institution (missing from school);

9. The existing measure of compulsion of an educational character – behavioural restriction by imposing a child the responsibility to continue the acquisition of elementary education, is contradictory to the goals of education, since the responsibility of acquisition of compulsory elementary education is made as a punishment;

10. The interest of Latvia's 9th grade elementary school pupils in their rights and responsibilities and their acquisition is comparatively low, they show a low level of confidence to the state and low evaluation of the legal order, and high readiness to violate the prescribed legal order in favour of advantageousness or under the influence of the surrounding people, lack of respect towards the school / teacher and the legal society at large;

11. More than a half of Latvian elementary school pupils declare their nonattendance, which testifies to the fact that such actions are actually not punished by the educational institution and parents, implying a certain reconciliation with the existing situation and lack of means / instruments for its transformation;

12. The concepts of the legal culture and legal education are not included in the content of the elementary school subject „Social sciences”. Thus, a new elementary school subject, „Basis of Law” should be developed which in its essence corresponds to legal state development trends in Latvia.

The size and structure of the Dissertation

The size of the Dissertation. The size of the Doctoral Dissertation is ___pages, appendix 2 pages. The list of literature, laws and regulations and other documents includes 275 titles.

The structure of the Dissertation. The Doctoral Dissertation consists of the Introduction, two basic chapters and 10 subchapters, the Conclusion, the List of Literature, laws and regulations and other documents, and 1 appendix.

Chapter 1 of the Doctoral Dissertation, „Legal Culture: Its Content, Functions, and Specific Character”, provides a comprehensive theoretical characteristics of the phenomenon of the legal culture broadly analysing the works of Latvian, West-European and Russian scientists.

Subchapter 1 characterises the relations between law and culture and provides an overview of the theories on the relations between law and culture elaborated by outstanding scientists of the USA, Western Europe and Latvia and Latvia. Subchapter 2 focuses on the solution of the terminological dilemmas associated with the terms ‘legal culture’, ‘juridical culture’ and ‘law’s culture’. Subchapter 3 provides an overview of the manifold understanding / interpretation of the legal culture in the works of representatives of various branches of science, marking the narrow and the broad understanding of the concept of legal culture. Subchapter 4 reviews the basic types of the legal culture, its functions and elements. Subchapter 5 is dedicated to the specific character of virtual legal culture justifying it as a new form / level of legal culture, which demands separate studies. Subchapter 6, taking into consideration the current political, social, economic etc. changes in the Latvian society, characterises the specific character of the legal culture (transformations) during the crisis period.

Chapter 2 of the Doctoral Dissertation, „**Investigation of the Legal Culture of Latvian Senior-grade Elementary School Pupils**”, reflects the research of the legal culture of Latvian senior-grade elementary school pupils, and its results.

Subchapter 1 offers a theoretical overview about the specific character of the legal culture of senior-grade elementary school pupils, Subchapter 2 analyses the studies of senior grade elementary school pupils’ attitude towards the duty to study and reasons for school nonattendance. Subchapter 3 analyses the research results about the attitude of 9-grade elementary school pupils towards the law / legal order and the choice of a behavioural model. Subchapter 4 presents an overview of the requirements for legal culture acquisition included in educational standards, and the conclusion is made that the aspects of legal culture and legal education are to an insufficient extent included in the elementary school curricula.

The practical significance of the research

Practical applicability of research results:

1. In undertakings by state authorities and educational institutions that focus on raising the level of the legal culture, legal behaviour, discipline and legal awareness among Latvian elementary school pupils and other Latvian society members;

2. In improvement and elaboration of the laws and regulations and policy planning documents of Latvia, with regard to the branches of law and of education;
3. In the solutions for nonattendance problems at educational institutions as well as the pupils' behaviour, and in elaboration of educational and training programmes (especially the subject of Social Sciences) and in planning and implementation of educational undertakings and lessons of education;
4. In the lectures and workshop classes connected with the theme of the Doctoral Dissertation;
5. In the scientific theoretical activity associated with the theme of the Doctoral Dissertation (in scientific monographs, scientific papers etc.) and applied research studies.

Aprobation of the research results

The author of the Doctoral Dissertation has 160 publications (15 books and brochures, 84 scientific papers, incl. with co-authors). Of these, the following ones are directly connected with the Doctoral Dissertation:

Chapters in monographs and scientific papers (National and foreign scientific publications acknowledged by the Latvian Council of Science)

1. Mihailovs I. Vasilija Sinaiska ieguldījums Latvijas kultūrā // Literatūra un kultūra: process, mijiedarbība, problēmas. – Daugavpils: DU izdevniecība "Saulē", 2002. – 212. – 217.lpp.
2. Mihailovs I. Aleksandrs Krugļevskis: dzīve un darbi // Likums un Tiesības. – 2004. – Nr.9 (61). – 281. – 287.lpp.
3. Ёиргена С., Михайлов И.Я. Динамика ценностных ориентаций в структуре личностных характеристик молодежи Латвии // Межкультурная коммуникация: концепты и модели поведения. – Астрахань: Издательский дом "Астраханский университет", 2007. – с. 191 – 195.
4. Mihailovs I. Tiesības komunikācijas kontekstā // Актуальные проблемы психологии, бизнеса и социальной сферы общества: теория и практика. – Rīga: Psiholoģijas augstskola, 2007. – 176. – 180.lpp.
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6. Ļaudams V., Mihailovs I.J. Ārvalstu pilsoņu bērnu vispārējā izglītība Latvijā // Sabiedrība, integrācija, izglītība. Starptautiskās zinātniskās konferences materiāli. – Rēzekne: RA izdevniecība, 2009. – 402. – 408.lpp.
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8. Ļaudams V., Mihailovs I.J., Stankevičs A. Skolēnu kavējumi Latvijā: problēmas, cēloņi, risinājumi // Sabiedrība un kultūra. Rakstu krājums XI. / Sastād. A.Medveckis. – Liepāja: LiePA, 2009. – 281. – 286.lpp.

9. Hanovs D., Laicāne M., Mihailovs I.J. Dažādības vadība multietniskā vidē. – Rīga: Drukātava, 2009. – 190 lpp. (t.sk. nodaļu „Dažādības tiesiskie ietvari”, „Dažādības vadība un Latvijas politikas plānošana” autors un nodaļas „Dažādības vadība izglītības pieredzē: vidējā izglītība, profesionālā izglītība, augstākā izglītība, pedagoģiskā darbība” līdzautors).
10. Михайлов И.Я. Влияние социально-экономического кризиса на правовую культуру латвийского общества // Partnerstwo i współpraca a kryzys gospodarczo-społeczny w Europie srodkowej i wschodniej. – Lublin: Wydawnictwo, 2010. – t.1. – c.282 – 286.
11. Ļaudams V., Mihailovs I.J. Bēgļu un trešo valstu pilsoņu bērni Latvijas vispārējās izglītības iestādēs // Zinātniskie raksti 2009. Ekonomika. Komunikācija. Politika. Socioloģija. Sociālā politika un sociālais darbs. Tiesības. – Rīga: Rīgas Stradiņa universitāte, 2010. – 111. – 118.lpp.
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1. Mihailovs I. Tiesības komunikācijas kontekstā, Psiholoģijas augstskolas Starptautiskā zinātniski-praktiskā konference „Psiholoģija, business un sabiedrības sociālā sfēra: mūdienu aktuālās problēmas”, 2006.
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The research-related issues have been described in the reports delivered by the author of the Doctoral Dissertation in national (local) conferences:

1. Conference of the Ministry of Education and Science, „A Dialogue and a Concerted Action in Education, 2007.
2. Conference of the State Youth Initiative Centre, „Meaning of the School Environment in Ensuring a Successful Pedagogical Process”, 2008.
3. Conference of the town of Bauska, „Rights, Duties and Responsibility of Children, Parents and Pedagogues”, 2008.

The author of the Doctoral Dissertation has also participated with reports on topical issues of education, leadership, monitoring and normative regulations in 2005 – 2012 in more than 50 conferences organised by the Ministry of Education and Science, the Education State Inspection, the State Service for Education Quality, education councils

as well as in several workshops and discussions on issues of education development and problems concerned with students.

The author of the Doctoral Dissertation, with regard to his research results, in 2007– 2012, has participated in elaboration of several laws and regulations in education, and amendments made to them, he has taken an active part in work groups that prepared the amendments to the Law on Education, Law on General Education, Law on Higher Education Institutions, the Latvia Code of Administrative Offences, 27 July 2004 Regulations No. 623 of the Cabinet of Ministers, „Regulation of the State Service for Education Quality”, amendments to 4 August 2009 Regulations No. 871 of the Cabinet of Ministers, “Procedure of Registration of Children Having Reached the Age for Compulsory Education”, elaborated the 14 September 2009 Regulation No. 1338 of the Cabinet of Ministers, „The Procedure of Ensuring the Students’ Safety in Educational Institutions and in Undertakings Organised by Them”, the 14 September 2010 Regulation No. 852 of the Cabinet of Ministers, „The Procedure of Accrediting General and Professional Educational Programmes, Educational Institutions and Examination Centres”, the 1 February 2011 Regulation No. 89 of the Cabinet of Ministers, „Procedure how the Educational Institutions Informs the Students’ Parents, Municipal or State Institutions if the Student Fails to Attend the Educational Institution without a Plausible Reason”, the 22 February 2011 Regulations No. 146 of the Cabinet of Ministers, “Procedure of Evaluating the Professional Competence Acquired outside the Formal System of education”, the 28 February 2012 Regulations No. 149 of the Cabinet of Ministers, „On the order in which the educatees are enrolled in general educational institutions and expelled from them, and the compulsory requirements for transfer to a higher grade” and participated in elaborating the “Proposals for Implementation of the Procedure how the Educational Institutions Informs the Students’ Parents, Municipal or State Institutions if the Student Fails to Attend the Educational Institution without a Plausible Reason”. He has also made several proposals for improvement of other laws and regulations in education.

The materials included in the Doctoral Dissertation have been approbated by reading the study courses in the Faculty of Law at Riga Stradiņš University – “Introduction into the Law Science”, “Juridical Conflictology”, “Globalisation and Law”, by developing a study course “Culture and Law” and reading a study course at the Faculty of Communications, “Communication Law and Ethics”, “Human Rights”, and “Political, Social and Cultural Aspects of Global Communication”. For more than 12 years, the author of the Doctoral Dissertation has been working also in a general educational institution – Pushkin Lyceum where he developed and realised the author’s programme “Social Sciences” for grade 9 and “Politics and law” for grade 12.

This educational institution has been one of the bases for realising the research by the author of the Doctoral Dissertation.

1. LEGAL CULTURE: CONTENT, FUNCTIONS, SPECIFIC CHARACTER

1.1. Interrelationship between law and culture

Law and culture as well as mutual interaction between these social phenomena and their influence are today justifiably considered as elements forming / constituting the society, the state and the whole world system, both in determining and harmonising, to a large extent, the interests of an individual / group / society and the regularities of functioning and development of the state and world system, and defining the framework of analysis of various social phenomena and processes.

Already at the end of the 19th century, a philosopher and sociologist from the USA, William Graham Sumner, as a result of his historical and cultural studies concluded that the mechanism of the normative regulation of human community (society) is based on three types of norms:

- 1) folkways;
- 2) mores;
- 3) laws.⁵¹

In the course of time, the classification of norms regulating the society was considerably supplemented including the way of life, habits, vogue, taste, beliefs, religion (religious norms) taboo, values, myths, cultural distinctions, knowledge, skills etc. However, one of the dominating roles in this system of interaction of social norms still belongs to the law as an overall compulsory system created by the society / state, which functions within a definite territory and whose action / enforcement is ensured by the state / society itself, including the formation of a corresponding coercive / punishment mechanism.

When characterising the relationships between law and culture it should be indicated that the concept of „law” as well as the concept of „culture”⁵² are characterised by a manifold understanding / definitions, which is the basis for wide possibilities of interpretation allowing to analyse the law itself as one of cultural phenomena, which always are formed and function within the frames of a definite cultural system reflecting the cultural values and ideas, or the culture as a phenomenon of law, since the law protects the material and non-material cultural values and define the legal frameworks

⁵¹ Самнер У. Народные обычаи. Исследование социологического значения обычаев, манер, привычек, нравов и этики // <http://www.ecsocman.edu.ru/data/238/114/1217/RUBEV12x20-x200010-32.pdf> (last viewed 11.11.2010).

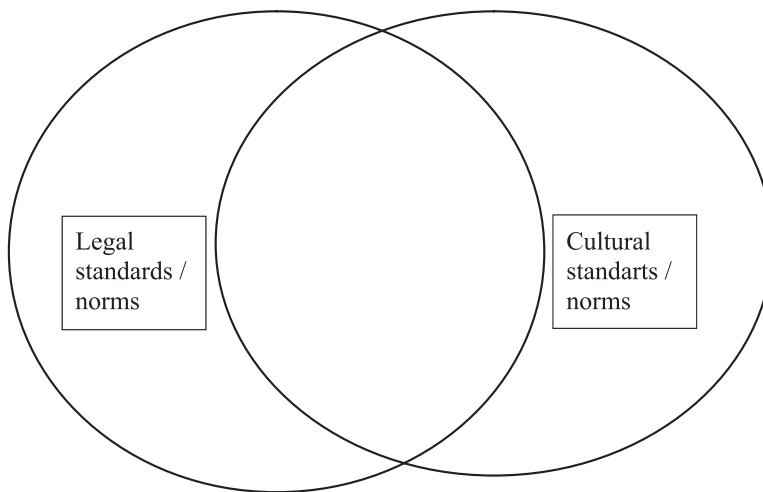
⁵² Taking into consideration that this Doctoral Dissertation is not dedicated to analysis of the meanings of law and culture, the author of the Doctoral Dissertation, to make a conditional determination of the limits of the notion ‘culture’, has chosen Latvia’s official definition of the notion ‘culture’: „culture in the widest sense of this concept is an aggregate of all the special spiritual, material and intellectual and emotional features that are inherent to a society or a social group and, alongside art and literature, encompass also ways of life and co-existence, systems of values, traditions and views.”

See Valsts Kultūrpolitikas vadlīnijas 2006. – 2015.gadam „Nacionālā valsts” // http://www.km.gov.lv/lv/dokumenti/planosanas_doc.html (last viewed 12.10.2010).

Whereas the notion ‘law’ is „an aggregate of laws and regulations of justice and freedom recognised in a concrete society and officially protected, which regulates the struggle and harmonising of the persons’ free will in their mutual relations”. See Juridisko terminu vārdnīca / U. Krastiņa, V. Šulca red. – Rīga: NORDIK, 1998. – 262.lpp.

of cultural management and functioning, regulating the cultural processes etc. Culture as well as law as social normative systems includes the values and attitudes having been created in the process of human development, performing the social orientation functions in the definite society, as the culture serves as a peculiar stabilising element ensuring continuity in the dynamic process of development / changes of the law and practice.⁵³ This means that the cultural as well as legal norms can be identical when equal behavioural rules and attitudes are defined (when legal provisions become also cultural norms, which f.e. notes Friedrich August von Hayek), but they may also differ, be totally opposite (see Fig. 1.) with the formation of manifold possibilities of action which can be reflected also as social tension, as disregard for legal prescriptions allowing inner and outed conflicts to be formed (which f.e. notes Alexander Kruglewski). The existence of such a situation attests once more to the fact that traditional cultural standards having developed throughout centuries, for example, vendetta, are much stronger / more stable than, for example, the newly introduced legal standards which correspond to the ideas of democracy and humanism.

Fig. 1. Relationship between legal standards / norms and cultural standards / norms



Source: Image created by the author.

Also, the significance of culture in acquiring, defining, understanding and interpretation of the content of legal standards cannot be denied, and often the content of several essential legal principles and standards is peculiarly supplemented, specified and their meaning is even changed / amended a bit.⁵⁴ At the same time, the legal system is characterised by several essential features which distinguish it from culture, i.e. the overall compulsory character, a comparatively high level of precision, institutionalisation, systematic character and accuracy, and a definite order of adoption, implementation and

⁵³ Ковлер А. Антропология права. – Москва: Норма, 2002. – с.195 – 200.

⁵⁴ See more details in Гусейнов А. Соотношение права и культуры // Социология власти. – 2005. – Nr.1 – с.142 – 148.

functioning, and a special mechanism of punishment for the violations made. However, the overall compulsory character of the law is still being „doubted”, especially in the views of adherents of law relativity ideas, opposite to the opinions of those supporting law universality, emphasizing that within any definite territory the law adapt to other phenomena of social regulation, to some extent „giving in” with regard to their universal standards.⁵⁵ Therefore, the interrelationship between law and other social phenomena are to be studied in a definite society, which allows to approach the cognition of the mechanism of social regulation and prognostication of its development.

Since the origins of mankind, normativeness of culture as an ancient social system ensure self-organisation of individuals' activities, their coordination and the system of mutual interaction determining the primary rules of behaviour and directly facilitating individual's socialisation and acquisition of different values, incl. the law, stimulating successful incorporation into the collective and formation of a definite world outlook, generally creating the preconditions for development of the legal system.⁵⁶ As well-groundedly indicated by a USA sociologist Talcott Parsons, „The main functional necessity of society integration with the cultural system is the formation of legal normative order of the society.”⁵⁷ Thus, in the aspect of legal sociology, the law is a social phenomenon (reality) that ensures societal unity / integration, correspondingly distinguishing and investigating the norms officially determined by the state and the relationships actually existing in society's (public relations) practice and applicable (implemented, formed) norms, and the attitude / evaluation of an individual / group / society towards them, etc.⁵⁸ The legal culture of an individual / group / society should be considered as one of integrative concepts denoting this process, and it reflects the normative function of culture.

It is to be noted that exactly because of that the socio cultural system is being analysed nowadays, which, basing on the analysis of the activity of an individual / group / society, and the following results, integrate in itself various systems of mutually aligned norms (rules of behaviour) (law, ethics (moral), culture, religion, politics, economics etc.), determining the behaviour, attitudes, values, opinions and positions of an individual / group / society. Besides, the interrelationship of various norms is so close that analysing the behaviour of a concrete individual / group / society, or the following results, in separate cases it is even impossible to specify the norms (or to be more precise, the type of norms) that were the leading / dominating ones in the concrete situation.

⁵⁵ Human Rights and the Debate Between Universalism & Cultural Relativism // <http://userwww.sfsu.edu/~sclavier/research/hrdebate.pdf> (last viewed 11.11.2010); Экштайн К. Основные права и свободы. – Москва: NOTA BENE, 2004. – с. 35 – 36.

⁵⁶ Cipelius R. Tiesību būtība. – Rīga: Latvijas Universitāte, 2001. – 6. – 7., 45. – 47.lpp.; Спиридонов Л. Теория государства и права. – Москва: Проспект, 2001. – с.119 – 123.; Rosen L. Law as Culture. An Invitation. – Princeton and Oxford: Princeton University Press, 2006. – p.23. – 30.

⁵⁷ Парсонс Т. О социальных системах. – Москва: Академический Проект, 2002. – с.795.

⁵⁸ An extended overview of the opinions of outstanding legal sociologists about functioning of the law in society as well as about the relations between the law and other social phenomena is offered by the Professor of the University of Latvia, Sanita Osipova in her latest monograph. See Osipova S. Ievads tiesību socioloģijā. – Rīga: Tiesu namu aģentūra, 2010. – 17. – 127.lpp. Thus, in this chapter of the Doctoral Dissertation the author has basically turned to issues that have not been discussed in the abovementioned monograph. See also Миннихметов Р. Право и социальные нормативы общества. – Москва: Право и государство, 2005. – 144 с.

The system of socio culture has been justified by the outstanding USA sociologist of Russian origin, Pitirim Sorokin, in his works. He believes that any society can be analysed through the prism of the system of meanings, values and norms of this society, which reflects the quality of culture. The socio cultural system has been created by people and it includes the set of meanings that are expressed in language, religion, philosophy, law, politics, economics, art, material culture, behaviour, inter group relations etc.⁵⁹

The Austrian philosopher and economist Friedrich August von Hayek holds a similar opinion: to characterise capitalism (the system of capitalist relations), he introduced the concept „the extended order of human cooperation” the core of which includes social institutions, moral traditions and practice that is formed during the course of the cultural evolution. He considers that all values are either inherited or determined by culture, or planned (incl. the law). Therefore, in the functioning of the society, traditions still have a great role (incl., for example, property, agreement (contract), justice, freedom), which are to be taken into consideration in politics, in legislation as well as in the functioning of the legal system.⁶⁰

These approaches allow a much wider interpretation of the law itself and its system of (inter)relation, and space, as well as various legal / juridical phenomena as multiform social phenomena, respectively getting free from the influence of the concrete science (legal science, sociology, history, culturology (cultural theory), politics, economics) or ideology (understanding of law). Thus, it allows to view the discourse of the phenomenon of law which is principally based on the integrative (Lat. *integer* – whole, sound) conception of the notion ‘law’, summarising various methodological approaches and scientific conclusions.

Also in Latvia, in the 1920s–1930s, the attention of several well-known legal scientists (especially professors of the University of Latvia, Vasily Sinaiski and Alexander Kruglewski) was driven to the relations between law and culture, thus actually starting the tradition of sociological studies of law, which was disconnected after the events of 1940. It must be noted that these studies are highly valued today not only in light of Latvian legal science but also within the context of development of the science of sociology.⁶¹

The outstanding Latvian expert of civil law, Professor of the University of Latvia, Vasily Sinaiski, whose motto was „There is no culture without law. There is no real life without culture”⁶² (in scientific literature also the variant „There is no law without

⁵⁹ Сорокин П. Социокультурная динамика и эволюционизм // <http://www.archipelag.ru/geoculture/concept/Sorokin/dynamics/> (last viewed 11.11.2010).

⁶⁰ Хайек Ф. Право, законодательство и свобода: Современное понимание либеральных принципов справедливости и политики. — Москва: ИРИСЭН, 2006. — 644 с.

⁶¹ For example, see Tabuns A. Socioloģija Latvijā: divdesmitais gadsimts // Socioloģija Latvijā. – Rīga: LU Akadēmiskais apgāds, 2010. – 101. – 102.lpp.; Zepa B. Ievadvārdi // Osipova S. Ievads tiesību socioloģijā. – Rīga: Tiesu namu aģentūra, 2010. – 5.lpp.; Birziņa L. Latvijas Universitātes tiesībzinātnieki. Tiesiskā domā Latvijā XX gadsimtā. – Rīga: Zvaigzne ABC, 1999. – 21. – 216.lpp.

⁶² Kovaļčuka S. Latvijas Universitātes profesors Vasilis Sinaiskis žurnāla „Jurists” (1928 – 1940) izdevējs // Intelektuālais mantojums Latvijā: filozofija un reliģija. – Letonika. Trešais kongress. – Rīga: LU Filozofijas un socioloģijas institūts, 2009. – 102.lpp.; Kovaļčuka S. Tiesību filozofija Latvijā 20.gadsimta 20. – 30.gados: A. Lēbers, V. Sinaiskis, M. Lazersons, L. Šulcs // Filosofiskās idejas Latvijā, Eiropas vērtības un latviskā identitāte. – Letonika. Otrais kongress. – Rīga: LU Filozofijas un socioloģijas institūts, 2008. – 302.lpp.; Kovaļčuka S., Eltazarova Ks. Bez kultūras nav tiesību, bez tiesībām nav īstas dzīves. Profesora Vasilija Sinaiska nāves 60.gadadienu pieminot // Jurista Vārds. – 2009. – 29.septembris.

culture, there is no real life without law” is known), in his studies marked the necessity to view culture as widely as possible, incl. also as a cultural value of mankind. He writes: „Power as an element of law is not characteristic of the understanding of law as a cultural value. The power of law lies in the cultural understanding of people and society about it instead of its possibility to exert outer enforcement. The cases when law is enforced using outer measures are abnormal, it is a painful state that cannot coexist with the general idea of law.”⁶³ Culture (as the spiritual life) is the „key” of justice, it is a dynamic phenomenon that allows mankind, through education and upbringing, to reach a level when it will be possible to waive one’s rights, i.e. „to overcome the positivism of law”. „Human personality would become all the more perfect, and the necessity for the effect of law as a factor of collective will would decrease.”⁶⁴

In law, as a cultural phenomenon, the conceptions of the society about what is allowed and what is prohibited (punishable), values, ideals, models of behaviour, traditions, customs, etc. are reflected. However, there exists „a great distinction between the law of ancient times and of today, i.e. one law (justice, spirituality) is based on eternal justice and the other one (human rights) are based mainly on human will (human justice)”⁶⁵ which attests to dual or sometimes controversial relations between the natural and positive law, which must be solved by the society (lawyers and other specialists in social sciences).

The problems of law / culture relationship are pronounced in the works by Alexander Kruglewski, Professor of criminal law at the University of Latvia.

Developing the ideas of the outstanding legal scientist – creator of the psychological theory of law – Leon Petrażycki,⁶⁶ about the interrelationship between culture and law, his opinion was as follows: to ensure a normal existence of the society, it is necessary, on the one hand, to interdict free expression of some natural human features and inclinations, but on the other hand, other such inclinations and features should be intensified, since alongside the natural inclinations there exist other factors prohibiting a behaviour that is socially inadequate for a man. „Such factors include aesthetical, moral and legal experiences, but according to their meaning, law takes the first place (the so-called positive law).”⁶⁷ However, „law should be willy-nilly adaptable to an average level of the public culture”⁶⁸

Thus, alongside the gradual increase of people’s cultural level, the number of criminal offences can reduce and regulation of several spheres of public life would become redundant. With the change of understanding of culture the level of legal consciousness will raise and the inclinations, intents to perform a criminal offence will disappear, since criminal law as a cultural factor forms a system corresponding to the level of public education and culture.

⁶³ Синайский В. Основы гражданского права. – Рига: Валтерс ун Рапа, 1931. – с.174.

⁶⁴ Kovaļčuka S., Eļtazarova Ks. Bez kultūras nav tiesību, bez tiesībām nav īstas dzīves. Profesora Vasilija Sinaiska nāves 60.gadadienu pieminot // Jurista Vārds. – 2009. – 29.septembris.

⁶⁵ Sinaiskis V. Tiesības, viņu attiecības pret kultūru un civilizāciju // Jurists. – 1929. – Nr.1.(8). – 4.lpp.

⁶⁶ See Petražicka Leo Tiesību un valsts teorija sakarā ar mācību par morāli: (uz emocionālās psiholoģijas pamatiem). Pamata vilcienos saīsināti atstāstījis, līdz ar komentāriem Kārlis Ducmans autora bij. mācekļis. – Rīga: Golta Augusta apgāds, 1931. – 356 lpp.

⁶⁷ Kruglevskis A. Kriminālpolitika. – Rīga: [LU], 1934. – 3.lpp.

⁶⁸ See Mihailovs I. Aleksandrs Kruglevskis: dzīve un darbi // Likums un Tiesības. – 2004. – Nr.9 (61). – 281. – 287.lpp.

Thus, to ensure effective functioning of the legal system, it is necessary to study the public culture stimulating harmonious interaction of both of the systems, instead of a conflict. For example, in connection with a pending Latvian Law on Punishments, he writes the following: "Our task is to ascertain to what extent, in elaborating the Latvian Law on Punishments, the principles are included that correspond to the legal consciousness of the people and that are appropriate for the cultural level of Latvia."⁶⁹

Thus, the system of punishments must correspond to the development of the people's culture. If this system functions effectively, there will be balance between a criminal offence and punishment. Cultural development will lead to decrease of a number of criminal offences and alongside this the range of regulation of legal norms in various spheres of life will change, too. Reduction of the number of punishments is an indicator of public stability. In case of discrepancies between the norms of punishments and the level of culture, social tension and discontentment can occur within society which can manifest as disorders or even as a rebellion. Therefore, mutual harmonizing of the pressure of criminal law and the cultural level is necessary,⁷⁰ since the law is part of culture, but a people's concepts and opinions are reflected in the law.⁷¹

In general, it is to be noted that the interaction of law and culture in society makes the basis for the existence of a definite system of social relations (order) which is possible to be studied from the legal sociological aspect, simultaneously making proposals for improvement of the legal (law) policy. And the legal culture is one of the phenomena characterizing this system.

1.2. Legal culture and juridical culture: terminological dilemmas

As indicated in the Introduction to this Doctoral Dissertation, in Latvian scientific literature, in professional legal practice and the process of higher educational studies, in Latvian the following terms are used alongside one another: 'legal culture' (increasingly more frequently) and 'juridical culture'. In separate cases both of these terms are used, without any specific explanation / excuse, in an identical meaning even within one and the same scientific publication.⁷²

In the academic data basis of terms, "AkadTerm", it is indicated that the following terms are corresponding to the term 'juridiskā kultūra' (in Latvian), which is also included in *Juridisko terminu vārdnīca* (Dictionary of Legal Terms)⁷³: 'legal standard(s)', 'legal culture' (in English), 'Rechtskultur' (in German), 'правовая культура' (in Russian).⁷⁴

⁶⁹ Ibid.

⁷⁰ Krugļevskis A. Modernās krimināltiesību teorijas. – Rīga: [LU], 1932. – 32.lpp.

⁷¹ Krugļevskis A. Kriminālpolitika. – Rīga: [LU], 1934. – 16.–17. lpp.

⁷² Osipova S., Roze I. Tiesiskā nihilisma saknes Latvijā // Drošība un tiesiskums Latvijā. – Rīga: Latvijas Universitātes Filozofijas un socioloģijas institūts, 2007. – 41., 43. un 57.lpp. A similar trend can be observed also in the latest monograph by Professor Sanita Osipova, even in one and the same page of the monograph using the terms 'tiesiskā kultūra' (legal culture) and 'juridiskā kultūra' (juridical culture). See Osipova S. Ievads tiesību socioloģijā. – Rīga: Tiesu namu aģentūra, 2010. – 125.lpp.

⁷³ Juridisko terminu vārdnīca / U. Krastiņa, V. Šulca red. – Rīga: NORDIK, 1998. – 100. – 101.lpp.

⁷⁴ Akadēmiskā terminu datu bāzē "AkadTerm" // <http://termini.lza.lv/term.php?term=juridisk%C4%81%20kult%C5%A8&list=juridisk%C4%81%20kult%C5%A8&lang=LV> (last viewed 12.06.2010).

Also in *Latviešu-krievu, krievu latviešu juridisko terminu vārdnīca* (Dictionary of legal synonyms, Latvian–Russian–Latvian) the terms corresponding to ‘juridiskā kultūra’ in Russian is ‘правовая культура’,⁷⁵ instead of ‘юридическая культура’.

Meanwhile, in the latest *Angļu-latviešu juridisko terminu vārdnīcā. 40 000 terminu ar attiecīgajiem frazeoloģismiem un vārdkopām* (English–Latvian Dictionary of Legal Terms. 40 000 terms with the respective phraseologisms and collocations) the terms ‘legal culture’ or ‘legal standard(s)’ have not been included due to abstruse reasons while the word ‘legal’ is explained as “1. juridical; legal; lawful; based on law; related to court; 2. such that refers to the sphere of general law, is based / grounded on the sphere of general law, is based / grounded on general law, regulated by general law.”⁷⁶

In German ‘das Recht’ means law (right) while ‘Recht’ in compounds is often translated as ‘legal’ (for example, Rechtsbewusstsein – legal consciousness, die Rechtspflicht – legal responsibility, etc.).⁷⁷

Thus, the word ‘juridisks’ (in Latin – court-, legal) is a foreign word in Latvian, which indicates the connection “with the norms of law and legislation”.⁷⁸ A similar explanation is included in *Latviešu literārās valodas vārdnīca* (Dictionary of Latvian Literary Language),⁷⁹ while the word ‘tiesisks’ (legal) is explained in this dictionary as “such that is determined by law, that corresponds to law, derives from law (1); is connected with the court (2); is connected with law, characteristic of it (3).”⁸⁰

Also, the translation into Latvian of the German word ‘das Recht’ and the Russian ‘право’ and their derivatives are basically connected with the Latvian word ‘tiesības’⁸¹ (law) and its derivative ‘tiesisks’.

Thus, it can be concluded that the word ‘legal’ has a broader content than the word ‘juridical’, if we do not consider it to be a synonym of the word ‘juridical’,⁸² which is basically connected “with legal standards and legislation”.

Thus, the word ‘tiesisks’ (legal) actually encompasses a wider element / set of the legal reality; it most precisely corresponds to the name / translation and most essentially – to the multiform content (see for more details in Subchapter 1.3 of this Doctoral Dissertation) of the social phenomenon, which is known as ‘legal culture’ in English, ‘Rechtskultur’ in German,⁸³ and ‘правовая культура’ in Russian.

⁷⁵ *Latviešu-krievu, krievu latviešu juridisko terminu vārdnīca*. – Rīga: Rasma, 1994. – 109. un 333.lpp.

⁷⁶ Daugavvanags A., Kļimoviča N. *Angļu-latviešu juridisko terminu vārdnīcā. 40 000 terminu ar attiecīgajiem frazeoloģismiem un vārdkopām*. – Rīga: Avots, 2008. – 306.lpp.

⁷⁷ Schaffert I., Niedre L. *Vācu-latviešu / latviešu-vācu juridiskā vārdnīca. Rechtswörterbuch: Deutsch-Lettisch / Lettisch-Deutsch*. – Rīga: Latvijas Universitāte, 2003. – 176. – 181.lpp.

⁷⁸ Baldunčiks J., Pokrotniece K. *Svešvārdu vārdnīca. Vairāk nekā 15 000 citvalodu cilmes vārdu un terminoloģisku vārdkopu*. – Rīga: Jumava, 1999. – 326.lpp.

⁷⁹ „Juridical – associated with legal norms and legislation, legal.” See *Latviešu literārās valodas vārdnīca – 4.sēj.* – Rīga: Zinātne, 1980. – 60.lpp.

⁸⁰ *Latviešu literārās valodas vārdnīca – 7.sēj.* – Rīga: Zinātne, 1991. – 525.lpp.

⁸¹ Broks J. *Tiesības filosofija*. – Rīga: Biznesa augstskola Turība, 2004. – 11. – 18.lpp.

⁸² For example, Professor Voldis Jakubaņecs in one of his books directly indicates that there exist „law’s or juridical categories”. See *Jakubaņecs V. Tiesiskā apziņa*. – Rīga: “P&Ko”, 2006. – 67.lpp.

⁸³ Mohr G. *Rechtskultur* // <http://www.unesco-phil.uni-bremen.de/Texte%20zur%20Vorlesung/Rechtskultur.pdf> (last viewed 12.06.2010).

Therefore, the author of this Doctoral Dissertation, similarly as most of the other present-day researchers of Latvia, has chosen to use the term 'legal culture' instead of 'juridical culture', since he considers that this term in its respective meaning should be consolidated in the list of Latvian legal terminology.

In this aspect, the separate attempts, in translations from Russian, to translate the term 'правовая культура' as 'tiesību kultūra' (law's culture) can be deemed as imprecise and even incorrect.⁸⁴ It should be emphasized that the existence of such a translation can potentially mislead the reader, since in Russian alongside the term 'правовая культура' another term – 'культура права' is used, which means "the limit of legal regulation (possibility of legal regulation) that separates the legal from illegal, is determined by the limits of law distribution".⁸⁵ Also, in English the term 'law's culture' is used characterizing "the limits of law and constitutionalism as well as mutually dependent relations between freedoms, justice and order".⁸⁶ This term should be translated into Latvian as 'tiesību kultūra'.

Also some legal scientists of Latvia use the term 'law's culture' in their publications (distinguishing it from the legal / juridical culture), characterizing the influence ("effect") of foreign legal systems and legal ideas on the development of Latvian law.⁸⁷

It is to be noted that some Russian legal theoreticians distinguish the legal culture ('правовая культура') or routine legal culture from the juridical culture ('юридическая культура')⁸⁸ or specialized / professional legal culture,⁸⁹ which characterizes the legal activity of a lawyer / professional, is inherent of it and refers to the level of management of the legal profession and legal technique.⁹⁰ Some Western scientists, too, distinguish

⁸⁴ For example, see Соколов А., Балаклея И. Правовая культура в условиях социально-экономического кризиса и правового реформирования российского общества / Tiesību kultūra sociāli ekonomiskās krīzes apstākļos un Krievijas sabiedrības tiesiskā reforma // Administratīvā un Kriminālā Justīcija. – 2010. – Nr.1. – 63. – 67.lpp.

⁸⁵ Вардаянц Г. Социологическая теория права. – Москва: Академический проект, 2007. – с.184 – 188.

⁸⁶ Frohmen B. Law's Culture: Conservatism and the American Constitutional order // Harvard Journal of Law & Public Policy. – 2003 / 2004. – Vol.27. – p.460. Sk. arī Neimanis J. Ievads tiesības. – Rīga: zv.adv. J.Neimanis, 2004. – 123.lpp.

⁸⁷ For example, see Blūzma V. Rietumu konstitucionālo tiesību kultūras ietekme uz Latvijas Republikas Satversmes tapšanu (1920 – 1922) // Latvijas valstiskumam 90. Latvijas valsts neatkarība: ideja un realizācija. – Rīga: Latvijas vēstures institūta apgāds, 2010. – 135. – 137.lpp.

⁸⁸ Турпат. – с.188.; Алексеев С. Право: азбука – теория – философия: опыт комплексного исследования. – Москва: НОРМА – ИНФРА, 1999. – с.270 – 271.; Проблемы теории государства и права / ред. В. Сырых. – Москва: Эксмо, 2008. – с.495.

⁸⁹ Каландаришвили З. Теоретико-правовой анализ понятийно-категориального аппарата правовой культуры // Известия Российского государственного педагогического университета имени А.И.Герцена: Общественные и гуманитарные науки (философия, языковедение, литературоведение, экономика, право, история, социология, культурология). – 2009. – Nr.87. – с.130.; Шубина О. Правовая культура как элемент культуры общества. Диссертация на соискание учёной степени кандидата юридических наук. – Санкт-Петербург: Северо-Западная академия государственной службы, 2004. – с.45 – 47. Some legal scientists also distinguish the theoretical legal culture that summarizes theoretical knowledge about the nature of legal reality and legal relations, and for the most part, are inherent for the legal scientists themselves. See Иванников И. Концепция правовой культуры // Правоведение. – 1998. – Nr.3. – с.15 – 16.; Сальников В. Правовая культура // Общая теория права / ред. В. Бабаев. – Нижний Новгород: Нижегородская высшая школа МВД России, 1993. – с.506 – 507.

⁹⁰ Алексеев С. Право: азбука – теория – философия: опыт комплексного исследования. – Москва: НОРМА – ИНФРА, 1999. – с.270 – 271.

between 'internal legal culture', which characterizes the opinions / thinking of legal professionals and the legal / juridical practice, and 'external legal culture' which is inherent of the society at large and its members.⁹¹

Thus, the legal culture can be characterized as an aggregate of interaction between the (routine) legal culture and juridical / (specialized / professional legal) culture, which is formed as a result of legal education, activity and experience. And while the legal culture can be associated with observance of the law and the effect of the legal order on an individual / group / society, the juridical culture can be associated with the effect of an individual / group / society on the legal order, its formation. Moreover, an individual with high-level juridical culture, for example, a professional lawyer or legislator, can have a comparatively low level of (routine) legal culture, while an average citizen with a high level of (routine) legal culture can lack any skills and knowledge in the juridical culture.⁹²

It should be emphasized that the use of the term 'tiesiskā kultūra' instead of 'juridiskā kultūra' in the meaning of the terms 'legal culture', 'das Rechtskultur' and 'правовая культура' would be natural and logical within the context of representation / translation in Latvian of the names of other legal phenomena that are mutually interrelated with the legal culture and forms the system of legal opinions and behaviour of an individual / group / society. For example, legal consciousness⁹³ (as a basic element of the legal culture, which is directly manifested in legal / illegal activity of subjects of law), legal concepts, legal behaviour, legal order, legal education, legal ideology, legal axiology, legal deontology, etc.

1.3. Diverse interpretation of the legal culture

Legal culture as well as a number of other "voluminous" fundamental terms of branches of science is "difficult to define" allowing for a diversity of understanding (definitions) and interpretations,⁹⁴ which often encumbers understanding and research process of the legal culture.⁹⁵ As indicated by the Latvian legal scientist Aleksandrs Baikovs, the legal culture is an integral notion, it is a complicated social phenomenon which evidently lacks investigation on the theoretical level, but the formulated theoretical models have a general character.⁹⁶

The legal culture itself is interrelated with several branches of science, incl. the legal science, politics, sociology, philosophy, anthropology, pedagogy, psychology etc. (see Fig. 2.),

⁹¹ Nelken D. *Towards a Sociology of Legal Transplantation // Adapting Legal Cultures*. – Oxford-Portland-Oregon: Hunt Publishing, 2001. – p.27.

⁹² Вардаянц Г. *Социологическая теория права*. – Москва: Академический проект, 2007. – с.186 – 188.

⁹³ Professor Voldis Jakubaņecs considers that legal consciousness is „an aggregate of feelings, views, idejas and other parts, which expresses people's attitude towards existing and desirable law, legislation, lawfulness, legal procedure etc, their concepts about the legally justified and unjustified, as well as – an aggregate that is associated with their rights and duties, awareness and realisation of them.” See Jakubaņecs V. *Tiesiskā apziņa*. – Rīga: "P&Ko", 2006. – 9.lpp.

⁹⁴ Osipova S., Roze I. *Tiesiskā nihilisma saknes Latvijā // Drošība un tiesiskums Latvijā*. – Rīga: Latvijas Universitātes Filozofijas un socioloģijas institūts, 2007. – 43.lpp.

⁹⁵ Cotterell R. *The Concept of Legal Culture // Comparing Legal Cultures / ed. D. Nelken*. – Aldershot: Dartmouth Publishing Company, 1997. – p.13 – 31.

⁹⁶ Baikovs A. *Tiesiskā kultūra: normas un vērtības // Sabiedrība un kultūra*. – Liepāja: LiepU, 2010. – 112..lpp.

which determines the specific character of understanding this phenomenon and directly affects interpretation and research of the legal culture (for example, emphasizing a specific element of the legal culture or the specific character of acquiring the legal culture, etc.).⁹⁷

Fig. 2. Interaction between the legal culture and various branches of science



Source: Image created by the author.

Although phenomena that were later defined as the legal culture (*das Rechtskultur*) have been analysed already in the works of outstanding philosophers and sociologists, for example, Voltaire, Georg Wilhelm Friedrich Hegel, Karl Mar, Max Weber and others,⁹⁸ wider attention was turned to the legal culture in Western and Russian (Soviet) science only beginning from the late 20th century, with the development of a sociological view on the law and legal reality. At that time, in Western Europe the legal culture was studied as an element of civil education and legal education (upbringing), gradually extending the frames of research and including the legal standards, legal institutions, legal consciousness, law enforcement practice and forms of behaviour of the subjects of law.⁹⁹

Analysis of the concept of the legal culture has intensified after the well-known book by USA scientists Gabriela Almond and Sidney Verba, *The Civic Culture. Political*

⁹⁷ Acar A. The concept of Legal Culture. With Particular attention to the Turkish Case // <http://auhf.ankara.edu.tr/journals/alr-archive/ALR-2006-03-02/alr-2006-03-02-acar.pdf> (sk. 23.07.2010.).

⁹⁸ See Рашитов И. Правовая культура в основаниях самодостаточности человека эпохи глобализации. Диссертация на соискание учёной степени кандидата философских наук. – Уфа: Башкирский государственный университет, 2009. – 137 с.; Гафаров Г. Правовая культура в философской системе Гегеля // http://vestnik.osu.ru/2008_7/5.pdf (last viewed 10.10.2010); Baurmann M. Recht und Moral bei Max Weber // *Recht und Moral*. – Baden-Baden: Nomos Verl.-Ges., 1991. – S. 113 – 138.; Атарщикова Е. Интегративная функция правовой культуры в развитии языка и права // <http://irbis.asu.ru/mmc/juris5/19.ru.shtml> (last viewed 18.07.2010).

⁹⁹ Каландаришвили З. Основные концепции изучения правовой культуры в юридической науке // *Известия Российского государственного педагогического университета имени А.И.Герцена: Общественные и гуманитарные науки (философия, языковедение, литературоведение, экономика, право, история, социология, культурология)*. – 2008. – Nr.10 (56). – с.113.

Attitudes and Democracy in Five Nations published in 1963, in which great attention was paid to legal aspects of the society and their interaction with politics / political system.¹⁰⁰

Meanwhile, in the Soviet Union the legal culture was analysed as one of instruments of the “construction” of socialism and communism emphasising its meaning in the formation of a Soviet citizen. Thus, the basic attention was paid to two research aspects of the legal culture: legal-ideological analysis of the state of society and study of the attitude towards law, acquisition and application of law as well as the legal education. Therefore, the legal culture was understood as an aggregate of ideological-political views, beliefs, legal knowledge, attitude towards law and the legal behaviour.¹⁰¹ It was characterised as “a qualitative state of the legal life of the society determined by the social-economic and political order, which manifests on the level of legal acts and other texts of legal character, also on the level of legal action, legal consciousness and legal development of a subject, as well as on the level of freedom of action guaranteed by the state for a personality, in unity with personality’s responsibility before society”.¹⁰² Besides a high level of the legal culture meant “not only to fulfil the requirements of laws and regulations by oneself but also to strive that also others fulfill them”.¹⁰³

Nowadays, making a comparative study of the legal culture in East European countries, the following factors were investigated as constituents of the legal culture, in the analysis of which the elements, level and problems of the legal culture are reflected: legal education, legal professions, legal aid and availability of legal information, functioning of criminal and civil courts, and also an overview of the administrative and constitutional branch of law was provided.¹⁰⁴ Such an approach in its basis corresponds to a wider understanding of the phenomenon of the legal culture actually including the specific character of functioning of the branch of law and society’s attitude towards the law, legal education and legal professions, as well as state ideology and legal policy, and the basic rights and basic duties of citizens provided for in laws and regulations. Thus, it should be emphasised that the legal culture is inherent to each people / society / state.¹⁰⁵

Also, the Russian legal and political scientist Ivan Ivannikov (Иван Иванович) considers that the legal culture is one of socially important creative forms of man’s

¹⁰⁰ Almond G., Verba S. *The Civic Culture. Political Attitudes and Democracy in Five Nations.* – Sage Publications, 1994. – 392 p.

¹⁰¹ Krastiņš I. *Sociālistiskā juridiskā kultūra.* – Rīga: PStučkas LVU Redakcijas un izdevniecības daļa, 1973. – 58 lpp.; Никитин А. Что такое правовая культура. – Москва: Просвещение, 1988. – с.24 – 26.; Каландаришвили З. Основные концепции изучения правовой культуры в юридической науке // Известия Российского государственного педагогического университета имени А. И. Герцена: Общественные и гуманитарные науки (философия, языкознание, литературоведение, экономика, право, история, социология, культурология). – 2008. – №.10 (56). – с.112.

¹⁰² Семитко А. Правовая культура социалистического общества // Правоведение. – 1987. – №.4. – с.7.

¹⁰³ Теория государства и права / ред. А. Королёв, Л. Явич. – Ленинград: Издательство Ленинградского университета, 1987. – с.345.

¹⁰⁴ Blankenburg E. *Legal culture in five Central European countries.* – Hague: 2000. – p.23 – 48.

¹⁰⁵ Cotterell R. *The Concept of Legal Culture // Comparing Legal Cultures / ed. D. Nelken.* – Aldershot: Dartmouth Publishing Company, 1997. – p.13 – 31.; Friedman L. *The Concept of Legal Culture: A Reply // Comparing Legal Cultures / ed. D. Nelken.* – Aldershot: Dartmouth Publishing Company, 1997. – p.33 – 39.

activity, which proceeds in the sphere of state legal relations and manifests in the legal standards, legal institutions and in the ability to evaluate the abovementioned phenomena.¹⁰⁶

Part of Russian legal scientists hold similar although slightly differing positions considering that the legal culture includes the following:

- 1) The state of the legal consciousness in society, incl. good knowledge of legal provisions and understanding, awareness of them as well as the conviction that the legal prescriptions are to be fulfilled, “belief in law” and also the state of legal knowledge and development of the legal science in society;
- 2) The state of the laws and regulations and the process of legislation, which characterises the scientific justification of elaborating the laws and regulations, development and adoption of optimal legal regulation, its improvement, and observance of the principles of the legislative process and the legal technique;
- 3) The state of legal order, of lawfulness, which is characterised by the possibility of implementation of the legal provisions in everyday life, and a real process of application of law;
- 4) The state of practical activity in the branch of law which is characterised by the activity of law enforcement institutions, the role of these institutions in society, the level of use / application of legal norms and of the legal technique.

Thus, the level of the legal culture as an element of common culture of society is characterised by the general level of the legal reality in society.¹⁰⁷ This is the qualitative characterisation of the legal life of society which comprises all elements of the legal reality, i.e. all legal values which interact in the branch of law / legal reality, to a large extent determining the character, activity and content of the whole legal system.¹⁰⁸

A similar view was expressed also by the legal scientist of Latvia, *Dr. iur.* Ilgvars Krastiņš as he defined the juridical culture (within the context of this Doctoral Dissertation – the legal culture) as a part of public culture, “which is closely connected with the development of the whole society. This is an ideologically legal state of society – the level of development in a definite stage of its development”. To his opinion, this phenomenon characterises “the level of development of law and the legal consciousness, the width of civil rights and freedoms and their ensurability, perfectness and effectiveness of legislation, stability of lawfulness and the legal order, the level of the legal science and legal education, the moral level of officials and staff of the state apparatus, etc. By essence it is a resuming category, an indicator of the level of development of society’s development, a mirror of society’s legal consciousness”.¹⁰⁹ It is to be noted that the justifiability of using the term “citizen” in the definition of the legal culture is doubtful, since it actually excludes from the range of the subjects of legal culture any other persons – foreign citizens, residents / non-citizens, persons having received the residence permit, other persons, for example, citizens of European Union Member States.

¹⁰⁶ Иванников И. Концепция правовой культуры // Правоведение. – 1998. – №3. – с. 14.

¹⁰⁷ Алексеев С. Общая теория права. – Москва: Проспект, 2009. – с.149 – 151.

¹⁰⁸ Марченко М. Государство и право в условиях глобализации. – Москва: Проспект, 2008. – с.303.

¹⁰⁹ Juridisko terminu vārdnīca / U. Krastiņa, V. Šulca red. – Rīga: NORDIK, 1998. – 100. – 101.lpp.

However, another, a differing view of the understanding of the legal culture is also known associating the legal culture with a definite level of legal consciousness of an individual / group / society incorporating also knowing of laws of regulations (legal awareness and knowledge), understanding of them, and fulfillment / observance as well as legal socialisation.¹¹⁰ Thus, the legal culture is understood as a barrier “against the origination of the social evil and its distribution”,¹¹¹ as an opportunity “to describe the relatively stable models (patterns) of legally oriented behaviour, attitudes and discourses”,¹¹² which not always can be explained by regularities of the (inter)action between the legal system and other social phenomena, to form a corresponding legal thinking and a developed legal education.¹¹³

Thus, the abovementioned approach narrows the understanding of the legal culture defining it only as one element within a wider understanding of the legal culture, i.e. actually analysing the state of the legal culture in society as well as the mechanisms of its formation (socialisation) and restoration (re-socialisation).¹¹⁴

Several trends / approaches in the research of the legal culture are distinguished in modern Russian legal science, where greater attention is paid to a definite aspect / element of the legal culture:¹¹⁵

¹¹⁰ Казмирчук В., Кудрявцев В. Современная социология права. – Москва: Юристъ, 1995. – с.125.

¹¹¹ Vilks A. Sociālās zinātnes un sabiedriskā un tiesiskā kultūra vienotās Eiropas politiskās telpas izveides kontekstā // Starptautiskās konferences “Sociālo zinātņu attīstības tendences Eiropas Savienības paplašināšanās kontekstā” materiāli. – Rīga: RSU, 2005. – 99.lpp.

¹¹² Nelken D. Using the Concept of Legal Culture // Australian Journal of Legal Philosophy. – 2004. – Nr.29. – p.4.

¹¹³ Pincione G. Critical Thinking and Legal Culture // http://www.frankfurt-school-verlag.de/rmm/downloads/027_pincione.pdf (last viewed 10.10.2010).

¹¹⁴ Казмирчук В., Кудрявцев В. Современная социология права. – Москва: Юристъ, 1995. – с.125.; Куликова А. Правовая культура в рамках социологического подхода: содержание понятия, его особенности // Вестник нижегородского университета им. Н.И. Лобачевского. – №.1. – Нижний Новгород: Нижегородский государственный университет им. Н.И. Лобачевского, 2006. – с.228 – 234.

¹¹⁵ It is to be noted that in some cases it is difficult to determine the limits of these trends / approaches. See Каландаришвили З. Основные концепции изучения правовой культуры в юридической науке // Известия Российского государственного педагогического университета имени А. И. Герцена: Общественные и гуманитарные науки (философия, языковедение, литературоведение, экономика, право, история, социология, культурология). – 2008. – №.10 (56). – с.115 – 117.; Халтурин А. Правовая культура Русского Севера (социально-философский анализ). Автореферат диссертации на соискание учёной степени кандидата философских наук. – Архангельск: Поморский государственный университет имени М. В. Ломоносова, 2009. – с.11 – 12.; Халтурин А. Правовая культура. – Архангельск: Северный (Арктический) федеральный университет, 2010. – с.21 – 26. There exist also other classifications of research approaches to the legal culture, for example, the anthropological, sociological, philosophical approaches (Oleg Babak (Олег Бабак)), as well as the approach of action (Pavel Shashin (Павел Шашин)) or the universal, axiological (value), technologically creative, subjective, personalistic approach (Viatcheslav Gulaihin (Вячеслав Гуляихин)) to the legal culture research are distinguished. However, the well-groundedness of such classifications is doubtful. See Бабак О. Культурологические подходы к изучению проблемы формирования правовой культуры студентов // Экономический вестник Ростовского государственного университета. – Ростов: Ростовский государственный университет. – 2006. – №.4. – с.145 – 148.; Шашин П. Правовая культура в правовой системе общества. Диссертация на соискание учёной степени кандидата юридических наук. – Санкт-Петербург: Санкт-Петербургский государственный университет гражданской авиации, 2006. – с.14 – 17; Гуляихин В. Правовая культура: Понятие и структура // <http://vspu.ru/kafedra-filosofii-i-politologii/dopolnitelnye%20materialj/mirovozzrenie-duhovnost-cennosti/gulyaihin-v-n-pravovaya-kultura-ponyatie-i-struktura> (last viewed 23.07.2010).

- 1) The philosophical approach (Sergey Alekseev (Сергей Алексеев)) highlights the fact that the legal culture is an analytical phenomenon which is manifested on the level of regulative quality development of the law as well as in the development level of the legal technique, legislation and legal practice;¹¹⁶
- 2) The anthropological (activity) approach (Andrey Polakov (Андрей Поляков), Vladimir Kudriavtsev (Владимир Кудрявцев)) interprets the legal culture as a sum total of all benefits, which has been created and characterises the branch of law / legal reality, incorporating the legal standards, values, statuses and their implementation in the legal order (everything established by mankind in the sphere of law);¹¹⁷
- 3) Within the frames of the sociological (also, axiological) approach (Aleksey Semitko (Алексей Семитко), Viktor Salnikov (Виктор Сальников), Michail Smolenskii (Михаил Смоленский)) the legal culture is understood as an aggregate of values, as the development of legal phenomena in a definite stage, as the state of legal life quality;¹¹⁸
- 4) The informative-semiotic approach (J. Kleimenova (Е. Клейменова), K. Moraleva (К. Моралева)) analyses the legal culture as an aggregate of the legal information (legal regulation, values and knowledge) which is accumulated, preserved and transfers with the help of the system of signs created by people, and thus, the law is a communicative system being integrated in the legal culture;¹¹⁹
- 5) The complex approach (Zurab Kalandarishvili (Зураб Каландаришвили)) to a certain extent integrates the abovementioned approaches deeming that the legal culture can be understood as an aggregate of all material and spiritual achievements of an individual / group /society in the legal life, highlighting the interaction of the legal culture with other branches of culture, i.e. political culture, religious culture, aesthetical culture etc.¹²⁰

The abovementioned theoretical approaches attest to the complex integral character of the phenomenon of the legal culture offering a wide spectrum of views (simultaneously, to a certain extent, absolutizing separate aspects of the legal culture), mutually supplementing each other instead of coming into conflict, and allowing to grasp the specific character of the legal culture itself more extensively. Moreover, such a state allows to make an assumption that the theoretical analysis of the phenomenon of the legal culture, discussions and quest for new approaches within the frames of various social and humanitarian branches of science will be continued.

¹¹⁶ Алексеев С. Общая теория права. – Москва: Проспект, 2009. – с.149 – 151.

¹¹⁷ Поляков А., Тимошина Е. Общая теория права. – Санкт-Петербург: Издательский дом Санкт-Петербургского государственного университета, 2005. – с.186 – 192.; Казмирчук В., Кудрявцев В. Современная социология права. – Москва: Юристъ, 1995. – с.125.

¹¹⁸ Семитко А. Развитие правовой культуры как правовой прогресс. – Екатеринбург: Издательство Уральской юридической академии, Издательство Гуманитарного Университета, 1996. – 313 с.

¹¹⁹ Клейменова Е., Моралева К. Правовая культура и её стандарты в Конституциях Российской Федерации // Правоведение. – 2003. – №.1. – с.50 – 56.

¹²⁰ Каландаришвили З. Основные концепции изучения правовой культуры в юридической науке // Известия Российского государственного педагогического университета имени А.И.Герцена: Общественные и гуманитарные науки (философия, языковедение, литературоведение, экономика, право, история, социология, культурология). – 2008. – №.10 (56). – с.117 – 119.

Presently, not only in law but also in sociology, philosophy, culturology, politics (politology), pedagogy definite traditions of studying the legal culture, incl. of the youth (pupils) have been formed.¹²¹ Thus, at the basis of some studies of citizens' legal culture there is the narrow understanding of the legal culture which includes the following elements:

- 1) Legal awareness (informability) – correspondence between the citizens' concepts about an actually proper legal model of behaviour and the model of behaviour provided for in laws and regulations;
- 2) Legal activity – the proportion of the actual participation of the citizens in undertakings and situations that are provided for (regulated) in laws and regulations;
- 3) The choice of respective (legal or non-legal) procedures in a definite case – as citizens in a definite situation choose a definite (legal or non-legal, which can attest to a possible deformation) model of behaviour in the solution of problems / controversies;
- 4) Admittance / non-admittance of the law as a value and, correspondingly, the concept of the limits of permissible behaviour.¹²²

¹²¹ For example, see Муслумова Т. Правовая культура подрастающего поколения. Диссертация на соискание учёной степени доктора философских наук. – Уфа: Башкирский государственный университет, 2004. – 391 с.; Куликова А. Правовая культура в рамках социологического подхода: содержание понятия, его особенности // Вестник нижегородского университета им. Н.И. Лобачевского. – №.1. – Нижний Новгород: Нижегородский государственный университет им. Н.И. Лобачевского, 2006. – с.228 – 234.; Тренихина С. Правовая культура учащихся: социологический анализ. Автореферат диссертации на соискание учёной степени кандидата социологических наук. – Екатеринбург: Уральский государственный университет имени А.М. Горького, 2009. – 24 с.; Бабак О. Культурологические подходы к изучению проблемы формирования правовой культуры студентов // Экономический вестник Ростовского государственного университета. – Ростов: Ростовский государственный университет. – 2006. – №.4. – с.145 – 148; Девятов В. Современная политическая и правовая культура России: проблема взаимосвязи. Диссертация на соискание учёной степени кандидата культурологических наук. – Нижневартовск: Нижневартовский государственный гуманитарный университет, 2009. – 148 с.; Тарасов П. Педагогические условия формирования правовой культуры учащейся молодежи в студенческих коллективах ССУЗОВ. Автореферат диссертации на соискание ученой степени кандидата педагогических наук. – Москва: Московский государственный гуманитарный университет им. М.А. Шолохова, 2009. – 160 с.; Bevan K. English legal culture and the languages of the law: Rethinking the Statute of Pleading (1362). –University of Ottawa (Canada), 2008. – 146 p.; Arnold N.L. The Legal Culture of the European Court of Human Rights // http://www.law.stanford.edu/publications/dissertations_theses/diss/AroldNina2006JSD.pdf (last viewed 11.11.2010); Balcell M.R. Spanish Young Legal Culture: Between the State and Society // http://www.law.stanford.edu/publications/dissertations_theses/diss/PobletMarta2000.pdf (last viewed 11.11.2010) etc.

Туруз С. Понятие правовой культуры и её сущностные характеристики // http://www.vestnik.adygnet.ru/files/2009.3/856/tuguz%20S.B.2009_3.pdf (last viewed 12.08.2010).

¹²² Муслумова Т. Правовая культура подрастающего поколения. – Уфа: Башкирский государственный университет, 2004. – с.50 – 51.; Куликова А. Правовая культура в рамках социологического подхода: содержание понятия, его особенности // Вестник нижегородского университета им. Н.И. Лобачевского. – №.1. – Нижний Новгород: Нижегородский государственный университет им. Н.И. Лобачевского, 2006. – с.228 – 234.; Куликова А. Регистрация прав на недвижимость и правовая культура населения // [http://www.unn.ru/pages/vestniki_journals/99990201_West_soc_2004_1\(3\)/22.pdf](http://www.unn.ru/pages/vestniki_journals/99990201_West_soc_2004_1(3)/22.pdf) (last viewed 17.10.2007).

Thus, in the studies of the legal culture, traditionally three basic levels / types of the legal culture are distinguished: low, medium, high. The high level of the legal culture is characterised by positive and realistic attitude towards the existing legal order, recognition of law as a value, observance of the rights of other subjects of social relations and fulfillment in good faith choosing a routine legal (provided for in legal prescriptions) or a legally justified model of behaviour, a corresponding / necessary legal activity as well as loyalty to the state / laws. However, the high level of the legal culture must be considered as “a moral obligation”, since it is impossible to “speak about a purposeful raising of the legal culture, since it is a natural process which cannot be forced... but it is necessary to form the indispensable conditions for this process”.¹²³

On the contrary, a low level of the legal culture is characterised by an absolute or partial denial of a right as an internal value, avoidance to fulfill one’s duties and choice of non-legal / unlawful model of behaviour, disrespect for and violation of the rights of other subjects of social relations, disrespect for the existing legal order, as well as lack of loyalty to the state / laws. The medium level of the legal culture is characterised by a peculiar “search for occasional opportunity”, choosing, respectively, a legal or illegal model of behaviour in each separate case, permissibility to violate “insignificant” legal prescriptions, the opinion that any gap in the law and the existing order should be taken advantage of, to satisfy primarily person’s own definite interests, negligence with regard to respect for the rights of other subjects of social relations and fulfilling one’s duties, the wish to receive only “bonuses” from the state / law.¹²⁴ However, in separate cases, by determining precise criteria, more levels of the legal culture are distinguished, for example, very low, low, medium, higher than medium.¹²⁵ Also, it is possible to distinguish between an official legal culture (the legal culture in its official quality) which is ideologically guided by the state, and an actual legal culture (the legal culture in its actual quality) which is practically implemented in everyday legal relations.¹²⁶ Within this context, it should be noted that in any research of the legal culture, especially, if the levels of the legal culture are estimated, it is essential to define precisely the criteria of the respective level and correspondingly observe them in the research process. Thus, the number of the levels of the legal culture can vary, but the borderline states / borderline levels always can be defined.

In Western Europe, the anthropological approach to analysis of the legal culture (French Professor Norbert Rouland) is more distributed – the specific character of the legal reality (legal system) is investigated in a definite society in a given time period,¹²⁷

¹²³ Рёс Лейст О. Сущность права. Проблемы теории и философии права. – Москва: Зерцало, 2008. – с.256.

¹²⁴ Тугуз С. Понятие правовой культуры и её сущностные характеристики // http://www.vestnik.adygnet.ru/files/2009.3/856/tuguz%20S.B.2009_3.pdf (last viewed 12.08.2010).

¹²⁵ Потомахин В. Формирование правовой культуры студентов неюридического профиля подготовки. Автореферат диссертации на соискание ученой степени кандидата педагогических наук. – Курск: Курский государственный университет, 2009. – с.13 – 14.

¹²⁶ Казмирчук В., Кудрявцев В. Современная социология права. – Москва: Юристъ, 1995. – с.121 – 125.

¹²⁷ Рулан Н. Юридическая антропология. – Москва: Норма, 2000. – 310 с.; Рулан Н. Историческое введение в право. – Москва: NOTA BENE, 2005. – 672 с.

and the sociological approach (USA Professors David Nelken and Lawrence Friedman) – analysing ideas, values, attitudes and opinions that are connected with law.¹²⁸ Thus, L. Friedman in his studies focuses on social and legal forces constituting law; to the law itself including legal institutions and legal regulation; effect of the law on the behaviour of various subjects and on the world.¹²⁹ He acknowledges that the legal culture attests to the “people’s attitude to law and the legal system – human convictions, values, ideals and expectations. In other words, it is a part of the common culture of the society that is connected with the legal system. These notions and relations, to a certain extent, are the ones to advance the progress of law”¹³⁰

At the same time, comparative studies of the legal culture are widely distributed in the world, for example, comparing, in a definite period of time, the content, regulation and activity of different legal institutions and establishments of various states / legal systems. These comparative studies of the legal culture are made within the framework of comparative law (jurisprudence) and the history of law (historical jurisprudence).¹³¹ Thus, the researchers of the legal culture highlight that the the understanding (interpretation) of this term is a fairly troublesome concept,¹³² requiring precise understanding / defining of it in each definite case / research, taking into consideration the specific character of the chosen branch of science and the research traditions.

Thus, it can be concluded that the legal culture from a narrower aspect (on micro level) basically focuses directly on an individual / group / society establishing definite (legal) models of behaviour, ideals, values and attitudes, which usually are formed during a lengthy period of time. In short, this can be interpreted as a level of understanding and knowledge of law (legal standards and principles) reached by an individual / group /

¹²⁸ Nelken D. Comparing Legal Cultures // *The Blackwell Companion to Law and Society* / ed. A. Sarat. – Blackwell Publishing, 2004. – p.113 – 127.; Nelken D. *Disclosing / Invoking Legal Cultures: An Introduction* // *Social and Legal Studies*. – 1995. – Nr.4. – p.435 – 448.; *Adapting Legal Cultures* / ed. D. Nelken. J. Feest. – Oxford-Portland-Oregon: Hunt Publishing, 2001. – 284 p.; Friedman L. M. *The Place of Legal Culture in the Sociology of Law* // *Law and Sociology*. – Oxford: Oxford University Press, 2005. – p.185 – 199.

¹²⁹ Friedman L. *The Legal System: A Social Science Perspective*. – New York: Russel Sage Foundation, 1975. – p.3.

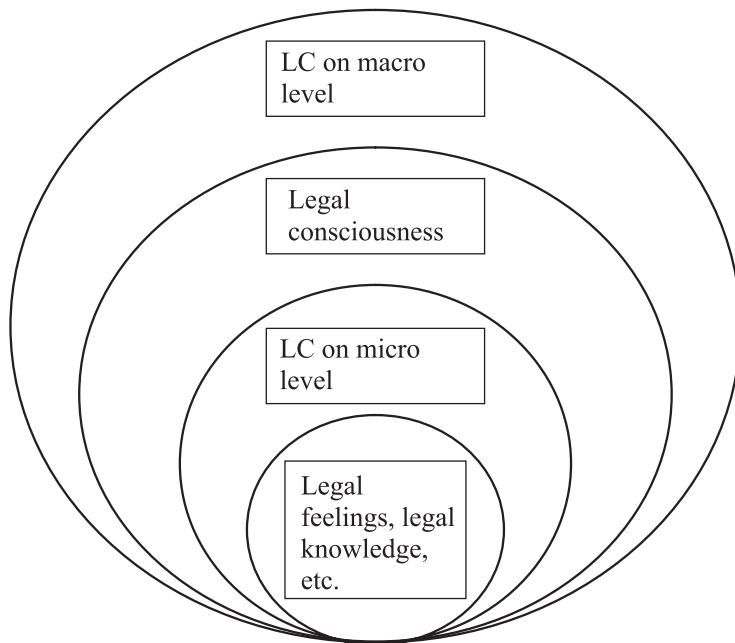
¹³⁰ Фридман Л. *Введение в американское право*. – Москва: Прогресс, 1992. – с.11.

¹³¹ Piemēram, sk. Acar A. *The concept of Legal Culture. With Particular attention to the Turkish Case* // <http://auhf.ankara.edu.tr/journals/alr-archive/ALR-2006-03-02/alr-2006-03-02-acar.pdf> (last viewed 23.07.2010); Cotterell R. *The Concept of Legal Culture* // *Comparing Legal Cultures* / ed. D. Nelken. – Aldershot: Dartmouth Publishing Company, 1997. – p.13 – 31.; Blankenburg E. *Legal culture in five Central European countries*. – Hague: 2000. – 178 p.; *Private Law and Social Inequality in the Industrial Age. Comparing Legal Cultures in Britain, France, Germany, and the United States* / ed. W. Steinmetz. – Oxford: University Press, 2005. – 566 p.; Крашенинникова Н. *Правовая культура современной Индии: Инновационные и традиционные черты*. – Москва: Норма, 2009. – 304 с.

¹³² Freeman M. *Law and Sociology* // *Law and Sociology*. – Oxford: Oxford University Press, 2005. – p.10.

society, an integral part of the legal consciousness,¹³³ which, correspondingly, is the basis of the legal behaviour / act / action¹³⁴ (see Fig. 3).

Fig. 3. Relations between the legal culture (LC) and legal consciousness



Source: Image created by the author.

Also, the author of this Doctoral Dissertation while investigating the legal culture of Latvian elementary school pupils has analysed the attitude of pupils towards their duties and their fulfillment (choice of a definite model of behaviour), the attitude of the elementary school pupils to the state and law (recognition of the law as a value), as well as the availability of acquisition of legal knowledge and its quality. Thus, while studying the

¹³³ On the phenomenon of legal consciousness in latvian see Jakubaņecs V. Tiesiskā apziņa. – Rīga: “P&Ko”, 2006. – 288 lpp.

It is to be noted that legal consciousness incorporates both positive and negative views and attitudes. On the contrary, at the basis of the legal culture (micro level) there are positive views, values, ideals etc. Which determinē the legally justified behaviour. Thus, the legal culture is formed in the process of development / education of legal consciousness. Baikovs A. Tiesiskā kultūra: normas un vērtības // Sabiedrība un kultūra. – Liepāja: LiepU, 2010. – 117.lpp.

¹³⁴ Some legal scientists consider that the legal culture is only a reflection of the subjective concepts about the rights and duties. Thus, the system organ isation of the legal culture is doubtful, it is an eclectic phenomenon. Therefore, while studying the legal culture, the concepts of rights and duties are to be investigated. See Табарин И. Современная теория права. – Москва: издание автора, 2008. – с. 509 – 510.

In he opinion of the author of this Doctoral Dissertation, such an approach considerably narrows he esence of the legal culture actually equalising the phenomenon of the legal culture itself with the conception of social concepts, which is rather extensively used in the studies of social psychology. On th conception of social concepts and its interpretation in present-day research see, for example: Zakirževska M. Latvijas iedzīvotāju sociālie priekšstati par ideālo politiķa tēlu. Promocijas darbs sociālās psiholoģijas doktora zinātniskā grāda iegūšanai sociālā psiholoģijas apakšnozarē. – Daugavpils: Daugavpils Universitāte, 2010. – 154 lpp.

legal culture it is possible to analyse the psychological, ideological, political, philosophical, behavioural etc. aspects of the legal culture of an individual / group / society.

Whereas from the aspect of a wider (macro) level, the legal culture is directed towards the legal system (legal reality), it is a special social mechanism comprising all of the components of the legal / juridical action (reality) and manifests in their actual functioning¹³⁵ (see Table 1.).

Table 1. Understanding of the legal culture on a micro level and macro level

Legal culture on a micro level:	Legal culture on a macro level:
Behavioural models of an individual / group	Legal reality / legal order
Values of an individual / group	Legal system / Legal institutions
Legal knowledge and understanding of an individual / group	Legislative process and laws and regulations
Attitudes of an individual / group	Legal science and its development / state
Legal socialisation of an individual / group	Practical action in the sphere of law
Action of an individual / group in the given situations	Law enforcement institutions

Source: Table created by the author

Thus, the legal culture (in a narrow understanding) is an element characterising the legal system and its functioning, while the legal system itself and the specific character of its functioning characterise the essence of the legal culture (in a broader understanding).

Taking into consideration the manifold approaches in the interpretation of the legal culture,¹³⁶ the legal culture generally can be defined as an aggregate of spiritual and material values (achievements) in the legal life (legal relations) of society. It reflects the qualitative level of the legal life of an individual / group / society and is manifested as accepting and implementation (realisation) of an aggregate of law (legal standards, principles, institutions, knowledge) in everyday life as well as their evaluation in a given period of time ensuring stability and safety of society.

In its essence the legal culture reflects the level of society's law abidingness and the existing acceptance of the legal order. It integrates (adapts) the achievements of national and foreign legal systems in law, legal science, practical activity, views, concepts, conclusions, law customs and traditions. In this respect, the legal culture is an integrative state of the legal life determined by the social economic, political, cultural, spiritual (ideological) system of society encompassing not only knowledge of law, understanding and attitude, opportunity to use one's rights, fulfill one's duties, and informability about the authority and governance of law, which is a prerequisite for the functioning and development of the modern democratic society, but also the inner necessity of an individual / group / society to observe the legal prescriptions, and to be socially and legally active and responsible.

¹³⁵ Silbey S. Legal Culture and Cultures of Legality // http://web.mit.edu/~ssilbey/www/pdf/legal_cu.pdf (last viewed 10.10.2010).

¹³⁶ Currently, more than 250 definitions of the legal culture have been elaborated and offered. See Певцова Е. Современные дефинитивные подходы к правовой культуре и правовому сознанию // Журнал российского права. – 2004. – Nr.3. – с.70.

The level of the legal culture encompasses also a transparent and democratic procedure of adopting new legal standards, a self-improvement mechanism accepting the necessary transformation of public institutions, new achievements and trends in the development of the legal science and practice.¹³⁷

This is the reason why among the critical states / forms of the legal culture – deformation of the legal consciousness – two contradictory positions are distinguished that are especially brightly expressed in the transformation stage of the state and society:

1) Legal idealism (juridical fetishism, legal romanticism) – absolutisation of legal standards, duties and institutions believing that the law is a universal means of solving social and other problems, for example, idealisation of the concept of a legal state, considering that it is a means of solving economical, social and other problems, and ensuring general welfare;

2) Legal nihilism¹³⁸ – full (or more often – partial) denial of law, the legal order or a negative attitude towards the legal standards and duties, values, the established order of behaviour, disbelief in law. It is to be noted that some contemporary legal scientists deny the existence of legal nihilism emphasising the fact that every individual has definite (possibly, minimal or distorted, or even unconscious) concepts about what is permitted and what is prohibited, about one's rights and duties, about social and legal regulations / regulation mechanisms / the legal order. Thus, it is possible to analyse only several subtypes / manifestations of the legal culture, or else it would be necessary “to assert that there are people in the world who deny the existence of the the universal law of gravitation, and this denial has become a problem of the branch of physics starting to investivate a new physical phenomenon – “the universal nihilism of gravitation”.¹³⁹

The legal nihilism and especially its state that is characteristic for a society in the period of system transformation / transfer (also, during revolutions, changes of the state order, crises) is the basis for analysis of the the phenomenon of legal anti-culture¹⁴⁰ (also, legal subculture, for example, criminal subculture) as an opposite to the legal

¹³⁷ Головистикова А., Дмитриев Ю. Проблемы теории государства и права. – Москва: EKSMO EDUCATION, 2005. – с.668 – 670.

¹³⁸ It is to be noted that in Latvian there exist terminological dilemmas with regard to the concept of legal nihilism. Thus, even within a single scientific paper, the terms ‘juridical nihilism’, ‘law nihilism’, ‘legal nihilism’ are used. See Osipova S., Roze I. Tiesiskā nihilisma saknes Latvijā // Drošība un tiesiskums Latvijā. – Rīga: Latvijas Universitātes Filozofijas un socioloģijas institūts, 2007. – 40. – 59.lpp.

¹³⁹ See Табарин И. Современная теория права. – Москва: издание автора, 2008. – с.499 – 500, 509 – 510.

Such a view, to the opinion of the author of this Doctoral Dissertation, is doubtful, since the specific character of social sciences irrefutably is associated with the necessity to investigate the multitude of views, manifestations and other social phenomena. Thus, physics / natural sciences need not study „the universal nihilism of gravitation”, since they study „inorganic and organic natural phenomena”. But the existence of such a phenomenon would doubtlessly become the subject of social science studies. See Vedins I. Zinātne un patiesība. – Rīga: Avots, 2008. – 22. – 23.lpp. It is true, nowadays the possibility of realisation of absolute legal nihilism is disputable.

¹⁴⁰ If it is admitted that the positive achievements, values, ideals of an individual / group / society result in culture, then it is possible to analyse also anti-culture as an aggregate of the negative results / consequences of the activity of an individual / group / society. Moreover, in this case anti-culture is an inalienable phenomenon characterising the contemporary social life.

Бондарев А. Правовая антикультура: понятие и формы выражения // Правовая культура. – 2007 – Nr.2 (3). – с.5 – 9.

culture. The legal anti-culture in its essence summarises all negative features of the views, concepts, attitudes and acts / behaviour / action of an individual / group / society, fully or partially denying law as a value, and correspondingly hampering a peaceful evolutionary activity, development of an individual / group / society, and the established legal order. Thus, the legal anti-culture manifests not only as illegal behaviour / action of subjects of law but also as an existence of illegal views and ideas, their expression as well as lack of legal knowledge and of the wish to acquire it, as a denial of the legal values and education.¹⁴¹ Also, other states of deformation of legal consciousness can be distinguished as characterizing the legal anti-culture, for example:

- 1) Legal infantilism which is characterized by lack of legal knowledge, attitudes and experience, with the legal concepts only in the forming stage, and the subject of law considers that his / her legal knowledge is sufficient. The existence of legal infantilism often characterises a youth group;¹⁴²
- 2) Legal diletantism which is characterised by negligent, careless attitude towards law and legal prescriptions;
- 3) Legal demagoguery which is characterised by the inclination of the subject of law effectively to influence (manipulate) a definite individual / group / society by delusion or distortion of a certain aspect of the legal reality to reach a previously set goal.

Doubtlessly, the legal anti-culture and features of its development in Latvia deserve a separate research. However, one must agree to the opinion of a researcher of this phenomenon, Professor of the Perm State University Alexander Bondarev (Александр Бондарев), that the legal anti-culture has, to a certain extent, also a positive role stimulating the dynamics of law and intensifying the efforts and attraction of means for identification of legal problems and the solutions, as well as focusing on cultivation of the legal culture.¹⁴³

Generally evaluating, it must be concluded that the legal culture is to be considered as an essential phenomenon characterizing the legal reality, which allows one to study the level of knowledge, attitudes, views about law and its observance in everyday life of an individual / group / society, correspondingly choosing a definite model of behaviour / acts / action and granting the law / legal values a definite place in one's hierarchy of values. Simultaneously, the concept of the legal culture allows to analyse the action of other subjects of legal reality, for example, law enforcement institutions, as well as to investigate the real activity / functioning of various legal institutions. Thus, one of the basic tasks of any researcher of the legal culture is to define precisely the frames of the chosen research on the legal culture by determining definite aspects / elements of this manifold phenomenon.

¹⁴¹ Бондарев А. Правовая антикультура: понятие и формы выражения // Правовая культура. – 2007 – №.2 (3). – с.10. Also Latvian legal scientists Sanita Osipova and Ieva Roze consider that legal nihilism can be „both destructive and constructive. It tears down the existing values offering new ones instead’. Still, legal nihilism is dangerous, „since people who do not believe in the law, disrespect them and often do not observe them.” See Osipova S., Roze I. Tiesiskā nihilisma saknes Latvijā // Drošība un tiesiskums Latvijā. – Rīga: Latvijas Universitātes Filozofijas un socioloģijas institūts, 2007. – 58.lpp.

¹⁴² Ромашов Р., Шукшина Е. Правовая культура и правовой нигилизм в молодежной среде // Правовая культура. – 2006. – №.1. – с.63.

¹⁴³ Бондарев А. Правовая антикультура: понятие и формы выражения // Правовая культура. – 2007. – №.2 (3). – с.14 – 15.

1.4. The basic types, functions and elements of the legal culture

The legal culture similarly as the legal consciousness and many other legal phenomena have three basic types that can be ascertained and studied in a definite period of time and under definite social (socio cultural) conditions:

1) Individual's legal culture which is characterized by the legal knowledge of a concrete individual (informability, education) and understanding of them as well as the attitude towards laws (normative regulation) / the law and the common legal order in the state, recognition, non-recognition or partial recognition of the law as a value, which determines his choice of the model of legal or non legal behaviour in a concrete situation, and conscious fulfillment of the legal prescriptions. It is manifested as acquisition of the legal ideals and knowledge with the formation of a definite world outlook and life position, and refrerability of these ideals, knowledge, world outlooks and life position to the surrounding, incl. legal reality, and implementation in life of one's own legal concepts, i.e. the choice of a definite model of behaviour. Thus, an individual's legal culture can be expressed as a formula: individual's knowledge and values orientation: individual's action and its results in the sphere of law;¹⁴⁴

2) Group's legal culture which is characterised by the attitude of a definite group / class / staff / representatives of a profession / professional union / individuals or an informal body towards the legal order, the choice of the legal or non legal model of behaviour in a definite situation, legal awareness as well as the values cultivated in this environment that determine the formation of attitudes towards the law, duties, the legal order;

3) Society's or mass legal order which is characterised by the level of legal consciousness, legislation, legal regulation and the development of the legal science and legal awareness (availability of information), as well as the specific character of its national / regional peculiarities in a definite state / territory. It is manifested / characterized as a result of the legal activity of all society members.¹⁴⁵

Some researchers indicate that in super powers, for example, in the USA, Federal Republic of Germany, the Russian Federation also a regional / local type of the legal

¹⁴⁴ Лебедева Н. Право. Личность. Интернет. – Москва: Волтерс Клувер, 2004. – с.31.

¹⁴⁵ Вепенко Н. Правосознание и правовая культура. – Волгоград: Из-во ВолГУ, 2000. – с.46 – 47.; Каландаришвили З. Теоретико-правовой анализ понятийно-категориального аппарата правовой культуры // Известия Российского государственного педагогического университета имени А.И.Герцена: Общественные и гуманитарные науки (философия, языкознание, литературоведение, экономика, право, история, социология, культурология). – 2009. – №87. – с.123 – 130.

It is to be noted that some legal scientists distinguish only two basic forms of the legal culture and legal consciousness: individual's (individual) and society's (public), including in the latter smaller groups (for example, family, work collective, age group, professional group etc.) and also larger groups, fro example classes, nations, ethnicities, social strata etc. Jakubaņecs V. Tiesiskā apziņa. – Rīga: "P&Ko", 2006. – 288 lpp.; Теория государства и права / ред. В. Кикоть, В. Лазарев. – Москва: ФОРУМ – ИНФРА-М, 2008. – с. 443 – 444.

However, to the opinion of the author of this Doctoral Dissertation, such a wide understanding of society's legal culture can considerably burden further research, to a certain extent allowing the specific character of small groups to „vanish”, with the formation of the view that society's (in the wider meaning of this word) legal culture is only a sum of the legal culture / legal cultures of separate individuals.

culture can be distinguished, which allows to analyse the local (states, länder, federation subjects) legal practice, the specific character of citizens' legal knowledge, views etc.¹⁴⁶

The legal cultures of an individual / group / society interact in manifold ways in the legal reality, with the formation of a definite legal order and manifesting in the legal behaviour and also in the legal relations, and in the process of acquisition of legal knowledge and legal education, as well as legal socialization, legal communication etc. Moreover, the society's legal culture incorporates also the legal subcultures (professional, confessional, ethnical, marginal, delinquent (criminal) etc.) which differ from the system of the legal culture generally accepted in the society exactly with people's understanding, attitude towards values, standards, a special way of communication, etc.

In this process a special role is acquired by functions of the legal culture (and their implementation) which can be understood as directions of action in which the legal culture influences an individual's / group's / society's "consciousness and behaviour as well as the social reality as its (i.e. the legal culture's) essence, role and importance is manifested in the mechanism of legal regulation of society's (public) relations".¹⁴⁷

Thus, the broad and multiform content of the concept of the legal culture is the basis of the multifunctional character of this phenomenon. Notwithstanding the existing theoretical discussions about the content, number, names / denotations of the legal culture functions and the mutual relationship between their hierarchies,¹⁴⁸ it is possible to distinguish the following basic functions of the legal culture:

- 1) The function of transferring (translation) of the legal experience and the socializing function, correspondingly ensuring the selection, succession, transfer and development of customs and values, as well as the legal socialization of an individual / group and adapting in society (a definite environment / group), with the forming of respect towards the law and the existing legal order;
- 2) The cognitive function that ensures for an individual / group / society the possibility to receive the latest legal information, acquire legal knowledge, know one's rights, receive the required support in its explanation and application, as well as find to find out the legal views and interests of various individuals and groups and harmonize them;
- 3) The regulative function that is directed towards the respective functioning of all elements of the legal system, by setting definite requirements for an individual's / group's / society's activity / functioning, separating the permitted (legal) and non-permitted (non legal) as well as by helping to solve diverse conflicts and controversies;
- 4) The protective function ensuring protection of the rights, duties, interests and values of the subjects of law as well as establishing a just punishment system and the proceedings of punishing the offenders;

¹⁴⁶ Лебедева Н. Право. Личность. Интернет. – Москва: Волтерс Клувер, 2004. – с.8.

¹⁴⁷ Баумова М. Функции правовой культуры. Диссертация на соискание учёной степени кандидата юридических наук. – Ярославль: Ярославский государственный университет им. П.Г. Демидова, 2005. – с.191.

¹⁴⁸ Ibid. – с.36 – 43.

- 5) The values (axiological) function forming the emotional attitudes of an individual / group / society about views / opinions / action / events in the sphere of the law allowing to make conclusions and separate the permitted (legal) from the prohibited (non-legal), with the formation of the values orientation of an individual / group / society.
- 6) Creative (transformative) function which ensures the development and improvement of the legal system, implementation of the reforms needed, raising of the level of legal consciousness and the legal progress in general;
- 7) The communicative function, correspondingly coordinating the legal communication of an individual / group / society (in the sphere of law), acquisition of information and exchange, etc.;
- 8) The prognostic function that allows to analyse the legal reality and determine (anticipate) its developmental trends ensuring the corresponding reaction of the legal system and its subjects to changes, to plan the act / action of state institutions and other subjects of law. To elaborate various legal training and education programmes, to form the legal policy, etc.;
- 9) The integrative function allowing to integrate and coordinate the interests of different individuals / groups, their views, wishes, values, to harmonise their rights and obligations etc, with the formation of a common legal order as well as society and the legal system which is able to integrate and regulate a wide range of individual / group manifestations, to ensure the interaction of the most varied legal phenomena.¹⁴⁹

Russian researcher of the functions of the legal culture Marina Baumova (Марина Баумова), alongside the abovementioned basic functions of the legal culture, which she calls “special juridical functions of the legal culture”, mentions also general social functions of the legal culture, which ensure the interconnectedness of the legal culture with other social systems / branches of society. Among them, she mentions the following:

- 1) The economic function of the legal culture that is basically to be connected with the implementation of the economic freedom as well as with individual’s economic protection, observance of laws and regulations and restricting the state’s arbitrariness in the economical and entrepreneurial spheres;
- 2) The political function of the legal culture that is basically directed at the involvement of an individual in the political life, which is a prerequisite of the legal state and implementation of the concept of a civil society and ensures the interaction of the legal culture and political culture in the formation and functioning of the national political system;

¹⁴⁹ Муслумова Т. Правовая культура подрастающего поколения. Диссертация на соискание учёной степени доктора философских наук. – Уфа: Башкирский государственный университет, 2004. – с.29 – 42.; Злобин С. Конституционные аспекты формирования правовой культуры в Республике Молдова в переходный период. Диссертация на соискание учёной степени доктора права. – Кишинев: Институт истории, государства и права Академии наук Молдовы, 2006. – с.35 – 39.; Баумова М. Функции правовой культуры. Диссертация на соискание учёной степени кандидата юридических наук. – Ярославль: Ярославский государственный университет им. П.Г. Демидова, 2005. – с.104 – 190.; Атарщикова Е. Интегративная функция правовой культуры в развитии языка и права // <http://irbis.asu.ru/mmcc/juris5/19.ru.shtml> (last viewed 18.07.2010).

- 3) Promotion of the social functions of the legal culture, the basic task of which is ensuring an individual's social safety, of equality and realization of the principles of a social state;
- 4) The ideological function of the legal culture promoting the formation of an individual's / group's / society's world outlook which corresponds to the ideals of a democratic state;
- 5) The ecological function of the legal culture which directly follows from each individual's responsibility to treat the environment in a considerate way and take care of nature;
- 6) The demographic function of the legal culture which is directed at the creation of legal conditions to ensure the stabilization of the population increase, support this increase or to restrict it (for example, in the People's Republic of China).¹⁵⁰

Doubtlessly, it is impossible to deny the interaction / interrelation of the legal culture with other social phenomena / branches; however, to the opinion of the author of this Doctoral Dissertation, such a classification of the functions of the legal culture is too wide actually encompassing the whole social reality. In this case the very limits of the legal culture are blurring, with the formation of an increasingly vague concept of the legal culture.

Besides, it should be noted that in case the implementation of at least one function of the legal culture is impeded, then correspondingly a positive process of law enforcement of an individual / group / society is negatively affected as a disbalance evolves between the desirable and existing legal reality and the action of the subjects of law in it, and also a definite component / element of the legal culture functions inadequately (the level is low).

Among the most important elements / components of the legal culture that encompass the whole legal reality the following ones should be distinguished: a legal behaviour / act / action and its level of development; legal relations and their level of development; legal order and its level of development; law enforcement institutions and the level characterizing their activity; the legal science and its level of development, legal control.¹⁵¹ Whereas Russian legal scientist Nikolay Keizerov (Николай Кейзеров) considers that it is essential to include "criteria of the political evaluation of the law and legal behaviour" in the list of elements of the legal culture, since it is impossible to deny the interrelatedness between the legal and political element, as well as their interaction and dependence.¹⁵²

Latvian legal scientist *Dr. iur.* Ilgvars Krastiņš distinguishes between two basic elements of the legal culture: intellectual moment that characterizes knowledge and level of understanding of law (the informative element) and law-abidingness (imperative element).¹⁵³ However, to the opinion of the author of this Doctoral Dissertation, nowadays such a view can be regarded as a simplified division of the elements of the legal culture, which can superficially characterize the level of the legal culture only of an individual.

¹⁵⁰ Баумова М. Функции правовой культуры. Диссертация на соискание учёной степени кандидата юридических наук. – Ярославль: Ярославский государственный университет им. П.Г. Демидова, 2005. – с.44 – 103.

¹⁵¹ Иванников И. Концепция правовой культуры // Правоведение. – 1998. – №3. – с. 14.; Nelken D. Using the Concept of Legal Culture // Australian Journal of Legal Philosophy. – 2004. – №29. – p.4 – 30.

¹⁵² Кейзеров Н. Политическая и правовая культура. Методологические проблемы. – Москва: Юридическая литература, 1983. – с.119.

¹⁵³ Juridisko terminu vārdnīca / U. Krastiņa, V. Šulca red. – Rīga: NORDIK, 1998. – 100. – 101.lpp.

1.5. The specific character of manifestation of the legal culture on the web (Internet)¹⁵⁴

Nowadays it is unquestionable that the Internet (the Global Web) as the basic element of information society formation and implementation exerts a varied influence also on the legal culture of an individual / group / society.¹⁵⁵ On the one hand, this web considerably eases the receipt of the necessary legal information, offers an opportunity quickly to receive various legal services, complete transactions, allows to acquire mediated (in a disassociated way) legal knowledge or even higher education, changes the relations between the state, society and individual transforming the habitual communication models and in this way increasing (positively) affecting the level of society's legal culture, legal knowledge and legal awareness.

But on the other side – the opportunity to act in a limitless cyber space, to make doubtful deals, to place and distribute any kind of information etc. still raises discussions about the extension of Internet regulation and restrictions of information availability, thus protecting the society itself especially children, and the state at large. One can assert that presently the Internet environment can be considered as a factor endangering the existence of society (for example, cyber terrorism, cyber disorders, cyber crimes, cyber addictions, substitution of social relations etc.)

Characterising the reasons for the popularity of using the Internet and interactive communication the following causes are distinguished:

- 1) Insufficient saturation with communication in actual contacts;
- 2) Possibilities to realize one's personal traits and perform activities, express one's views, values and opinions, play roles, allow behaviour, experience emotions that are not real / possible / desirable / are disallowed in everyday life;
- 3) Dissatisfaction with one's actual social identity and social inc. legal order, striving to transform it.

In this connection it should be noted that virtual communication bears several features distinguishing it from real communication in everyday life: anonymity, speed, overcoming space and time, voluntariness of involvement, possibility to maintain a multitude of contacts, and moreover, only the ones that are desirable, as well as the possibility to interrupt these contacts at any time, a possibility to use symbols, a special language, possibility to hide one's emotions and genuine identity, allow an act that is impermissible in everyday real world, possibility to access practically from any place, etc.¹⁵⁶

Thus, the Internet promotes weakening of the collective identity and a voluntary social isolation of some individuals, transforms the traditional communication widening the

¹⁵⁴ This subchapter of the Doctoral Dissertation has been created basing on an article previously published by the author of the Doctoral Dissertation. See Mihailovs I.J. Interneta ietekme uz sabiedrības tiesisko kultūru // Zinātniskie raksti 2009. Ekonomika. Komunikācija. Politika. Socioloģija. Sociālā politika un sociālais darbs. Tiesības. – Rīga: Rīgas Stradiņa universitāte, 2010. – 264. – 268.lpp.

¹⁵⁵ See in greater detail Ross R. Communications Revolutions and Legal Culture: An Elusive Relationship // <http://www3.interscience.wiley.com/journal/118920901/articletext?DOI=10.1111%2Fj.1747-4469.2002.tb00822.x> (last viewed 24.07.2010).

¹⁵⁶ Чеботарева Н. Интернет-форум как виртуальный аналог психодинамической группы // <http://www.follow.ru/print.php?id=181&page=1> (last viewed 31.10.2008).

individual's possibilities to realize his / her intentions, self-actualize, live "several lives", indulge in diverse cultures, etc.; constituting the new virtual-social reality, in essence, by liberating the individual from several rules (frames) of behaviour elaborated by the previous generations and also the society, allowing to express oneself in a more varied and free way in this space (simultaneously, the proportion of participation and activity in the physical reality is decreasing), to make a double identity, enter into relationships of a new type, etc.

Besides, the attempts to introduce a regulation of this virtual reality and submit it to control (monitoring) by the state have failed until now. For example, USA courts have already twice (in 1996 and in 2000) rejected the attempts of the former president Bill Clinton's administration, within the frames of child porn combat, to introduce control over the Internet and establish a respective control institution. Significantly, such an action was recognized as unconstitutional.¹⁵⁷

As shown by the results of a research made at the beginning of 2010, during the last six months the Internet was used by 1 32 000 (64%) Latvian citizens, on the average, aged 15–74 years, but during the last seven days – 1 054 000 (59%) citizens.¹⁵⁸ Besides, computers and, respectively, the Internet are more often available "for younger people" – students, pupils (at the age of 15–19, the Internet is used by 93% of this group¹⁵⁹), and it affects the work, behaviour, action, formation of identity, attitudes, views etc. of these persons.¹⁶⁰ However, as well-groundedly was indicated by the Latvian sociologist Tālis Tisenhopfs, during the time of social transformations, the youth have few traditional orientators. Therefore, society becomes dependent of the "individual biographies" of concrete persons – self-identification and an act,¹⁶¹ which presently is being formed and implemented with the help of the Internet.

Thus, it must be concluded that in the development process of the present-day information society, the Internet indisputably affects the legal views, knowledge, attitudes, choice of models of behaviour etc. of an individual / group / society. And since the legal culture is understood as an aggregate of legal knowledge, attitude towards the law, choice of models of behaviour in given situations, the effect of the Internet on this phenomenon actually is undeniable.

Analysing this influence and without indulging in the issues of cyber crimes and computer addiction that are widely discussed in the scientific literature, also in Latvia,¹⁶² and partially accepting the opinion of Russian lawyer Natalia Lebedeva (Наталья

¹⁵⁷ Ван Поведская Е., Масейра А.Д. Человек и новые информационные технологии. Завтра начинается сегодня. – Санкт-Петербург: Речь, 2007. – с.73.

¹⁵⁸ Pētījums: pēdējā pusgada laikā 64% iedzīvotāju izmantojuši internetu // <http://www.delfi.lv/news/national/politics/petijums-pedeja-pusgada-laika-64-iedzivotaju-izmantojusi-internetu.d?id=33736085> (last viewed 30.08.2010).

¹⁵⁹ Ibid.

¹⁶⁰ Ikstens J. Individīds un internets: izmantošanas iespējas un līdzdalības iespējas // Informācijas vide Latvijā: 21.gadsimta sākums / I. Brikses red. – Rīga: Zinātne, 2006. – 203. – 206. lpp.

¹⁶¹ Tisenkopfs T. Jaunatne un jaunkapitālisms // Sabiedrības pārmaiņas Latvijā. – Rīga: Jumava, 1998. – 208.lpp.

¹⁶² For example, see Informācijas un komunikāciju tiesības / U. Ķīņa redakcijā. – Rīga: Biznesa augstskola Turība, 2002. – 1.sēj. – 320 lpp., 2.sēj. – 613 lpp.; Ķinis U. Kibernozieģumi. – Rīga: Biznesa augstskola Turība, 2007. – 414 lpp.; Miķelsons U. Informācijas tehnoloģiju nozieģumu izmeklēšanas īpatnības. – Rīga: Turība Biznesa augstskola, 2003. – 387 lpp.; Jirģena S. Jaunieši un adiktīva uzvedība. – Rīga: Drukātava, 2006. – 160 lpp. u.c.

Лебедева) about the effect of the Internet on the legal culture,¹⁶³ several features that have been little discussed in studies of the legal culture can be distinguished:

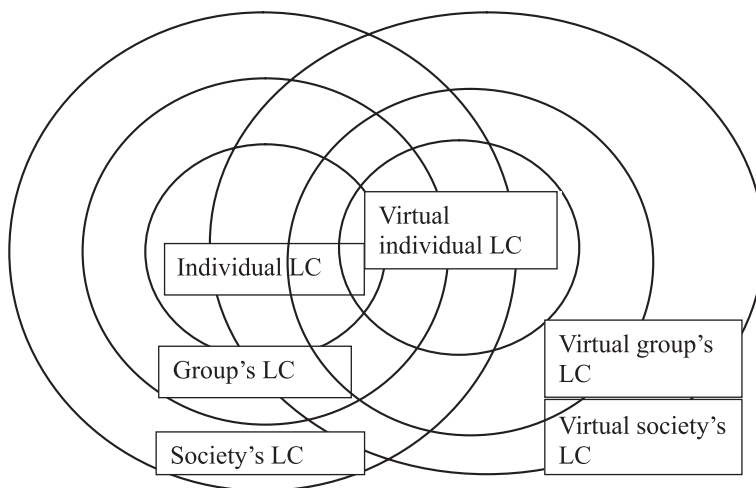
- 1) Formation of the legal culture of a peculiar united information space / the Internet, as a new (virtual) subtype of the society's legal culture. Taking into consideration the still sufficiently restricted possibilities to influence the proceedings on the Internet by the state, or more precisely, by law enforcement institutions and society, other Internet codes of (self)regulation and participants' behaviour at the basis of which there are ethical values and netiquette, correspondingly promoting the acquisition of new legal culture resources by society and developing the self regulation of the Internet use (for example, informing the owner / administrator of a home page about noticed violations (people's police), elaboration of rules of usage of the home page, restricting access availability etc.;
- 2) The model of creation of an e-state (e-democracy, e-election, e-management, e-medicine, e-commerce etc.) rouses a necessity to ensure the technical and legal safety of such a service, its wide availability (both technical and content-wise), protection of users' rights and their trust (confidence) in this service. These issues are topical also within the context of development of the European Union (eEurope); It is to be noted that already for the present moment, the state is dependent on the application / functioning of information and communication technologies (data bases and registers, information systems, electronic means of communication, electronic documents etc.). Disturbances in the function of these technologies can become a serious basis for endangerment of state safety and stability, negatively affect the political, economical, social stability and potentially to injure any person's rights; Doubtlessly, for implementation of the concept of e-state, it is necessary precisely to define the rights and duties of the involved subjects. Thus, the normative regulation of these issues, with a gradual increase of the volume of this regulation, will affect the level of the legal consciousness and legal culture of the involved persons. Moreover, loyalty to the concept of e-state and developing / improving of the rules of behaviour in e-environment is to be considered as one of the tasks of the legal culture development;
- 3) The Internet can be viewed as a depositary / translator of legal information, which irrefutably facilitates the growth of the level of society's legal culture, legal knowledge and awareness. However, incorporation of various countries of the world in a united information space often results as a negative phenomenon, for example, the financial crisis starting in one state can in a very short period of time overcome other states, arouse mass panic and at least on the short-term become practically unpredictable and unmanageable. Similar risky situations can be created also by the possibilities of rapid mass distribution of radical political ideas in the virtual environment. Besides, one of the basic problems of information available on the Internet concerns the issue of its quality and certainty (for example, Wikipedia);
- 4) New models of action, unknown until now and impossible without the help of the Internet, for example, coordinated attack – swarming, flash mob, mail-bombing, spam, flamer, trolling, floode a.o. aggressive communication strategies allow,

¹⁶³ Лебедева Н. Право. Личность. Интернет. – Москва: Волтерс Клувер, 2004. – с.186 – 192.

within a rather short time period, with comparatively small involvement of financial means and human resources, to mobilize and coordinate a large numbers of the participants of that campaign, to reach a definite result, for example, to rouse panic or paralyse the work of a state institution at the same time maintaining anonymity and concealing the real goals, and avoiding liability, etc.¹⁶⁴ (for example, hacker attacks to Estonian state institutions and banks in protest against moving the monument to Soviet soldiers in Tallinn in May 2007).

Thus, it is to be noted that the current information and communication technologies that due to several reasons are specially available to the younger generation, can both improve and negatively affect and damage human safety, welfare and also the legal culture – depending on the application of these technologies and motivation (intent) of their users. Besides, the possibilities of the state to protect / defend its citizens, to monitor and ensure full-fledged implementation of the legal order on the Internet are fairly restricted. Therefore, the meaning and responsibility of each individual concerning his / her activity is gradually increasing, as well as the meaning of the legal culture when choosing a definite model of action in the virtual space. However, formation of the (virtual) legal culture of an individual / group / society and its manifestations on the web (see Fig.4.), due to its specific character, deserves a separate study, and therefore it will not be analysed in this Doctoral Dissertation.

Fig. 4. The circular model of the legal culture (LC)



Source: Image created by the author.

¹⁶⁴ Berdņikovs A. Prognozes par jauno informācijas un komunikāciju tehnoloģiju lomu protestu kustību darbībā pasaulē un Latvijā // *Latvija 2020. Nākotnes izaicinājumi sabiedrībai un valstij / Zin. red. Ž. Ozoliņa un I. Ulnicāne-Ozoliņa.* – Rīga: LU Akadēmiskais apgāds, 2008. – 124. – 125.lpp.; Berdņikovs A. Jauno informācijas un komunikāciju tehnoloģiju ietekmē uz protesta kustību darbību. Promocijas darbs // http://szf.lu.lv/files/petnieciba/promocijas_darbi/Promocijas_darbs_Andrejs_Berdnikovs.pdf (last viewed 21.12.2010); Valtenbergs V. Politiskā radikālisma izpausmes virtuālajā telpā // *Savējie un svešie. Sabiedrības radikalizācijas tendences Latvijā, Eiropā un pasaulē.* – Rīga: Zinātne, 2007. – 257.lpp.; Valtenbergs V. Inteneta politiskās komunikācijas nozīme atklātības un elektroniskās demokrātijas attīstībā. Promocijas darbs // http://szf.lu.lv/files/petnieciba/disertacijas/Valtenbergs_Promocijas%20darbs.pdf (last viewed 19.08.2010).

It is essential to be aware that nowadays an individual has several legal cultures or to put more precisely, several expressions of the legal culture, for example, the routine legal culture and virtual legal culture which also calls for investigation.

1.6. The legal culture and crisis¹⁶⁵

In characterizing the development of the legal culture, two basic models of this phenomenon are distinguished:

- 1) The evolutionary model of the legal culture development which characterises the development of the legal culture as a consecutive, successive overtaking of the legal experience, knowledge and values correspondingly adapting them to the new conditions;
- 2) The model of a breach in the legal culture development which characterizes the existence of breaches in the development of the legal culture, non-acceptance of the established legal knowledge, values and experience, its denial and non-overtaking, the existence of conflicts between different generations and society groups.¹⁶⁶

Exactly the second model of the legal culture development is characteristic of the period of social political transformations and crisis. Besides, the events of 2008–2010 in the world that have now acquired a designation of global (world) crisis, actualised the issue of their effect on the legal culture. Taking into consideration the abovementioned, the author of the Doctoral Dissertation, in studying the legal culture of Latvian elementary school pupils, has analysed the youth's change of attitudes during the crisis and also has turned attention to separate aspects of interaction between the crisis and the legal culture.

As mentioned before, social transformations and crises are often associated with denial of the previous values, change of a routine legal order, distribution of legal nihilism and other forms of deformation of the legal culture. Besides, an ill-considered act and lack of legal communication from the side of the state can become the basis of social instability and disturbances (short-term or long-term) thus endangering the implementation of the model of legal behaviour in everyday life. Consequences of such choice of action could be observed by the Latvian population on 13 January 2009.¹⁶⁷ At

¹⁶⁵ The creation of the materials of this subchapter were determined by the 2008–2010 events in the world and in Latvia as well as the following changes. The author of the Doctoral Dissertation has chosen to use the most popular / most often used designation of the above events – crisis, trying to avoid discussions about the well-groundedness / correctness of the choice of this designation of 2008–2010 events. Materials of the subchapter have been used in the article by the author of this Doctoral Dissertation. See Михайлов И.Я. Влияние социально-экономического кризиса на правовую культуру латвийского общества // Partnerstwo i współpraca a kryzys gospodarczo-społeczny w Europie środkowej i wschodniej. – Lublin: Wydawnictwo, 2010. – т.1. – с.282 – 286.

¹⁶⁶ Ромашов Р., Шукшина Е. Правовая культура и правовой нигилизм в молодёжной среде // Правовая культура. – 2006. – №1. – с.60.

¹⁶⁷ It is to be noted that these events already are represented in a separate article of Wikipedia. – 13.janvāra Vecrīgas nemieri // http://lv.wikipedia.org/wiki/13._janv%C4%81ra_Vecr%C4%ABgas_nemieri (last viewed 30.03.2010). Cf. also Šuvajevs I. Janvāra mācība // http://www.politika.lv/temas/pilsoniska_sabiedriba/17158/ (last viewed 12.06.2010).

that time, due to the efforts of several instigators, who in this crisis situation skillfully made use of the lack of youth's criminogenic quality and experience, their striving to protest, and to self-actualize etc., by distorting the values of the civil culture and the legal culture as well as the human right to protest, they managed to achieve that several young people refused from the traditional models of legal behaviour, which manifested in social tension, disturbances and acts of demolishing in Old Riga. Thus, it is clear that "conflicts with law" and denial of the existing legal order under the conditions of a social tension is unavoidable for at least part of the Latvian population, especially, young people.¹⁶⁸ This is attested to by low trust of the Latvian population, especially elementary school pupils,¹⁶⁹ in the state of Latvia and its administrative bodies (incl. the Saeima, Cabinet of Ministers), nihilistic attitude towards one's duties especially tax paying, since three-fourths of the population consider that avoidance of tax paying is not an amoral act.¹⁷⁰

As a result of world crisis, a row of changes have set in in the life of the Latvian state and society: consolidation of the state budget (reduction of costs), structural reforms of the state administration (reduction of the number of state administration institutions and state administration employees as well as cut-down of salaries), reconsidering state functions, search for additional financial means (incl., for example, changes in the tax system, reduction of various social benefits, and reconsidering of programmes), mass-scale hasted amendments in laws and legislations, in separate cases making controversial or even anti-constitutional decisions (for example, reduction of the granted pensions, which has been repeatedly recognized by the Satversme Court as a decision not corresponding to Satversme (Constitution) of the Republic of Latvia).

These initiatives and the respective state policy directly affected the development priorities of the state and society, changing the frames of the permissible action of the state power, previously provided for by laws and regulations, and affecting almost any citizen of Latvia.

Besides, reduction of state costs and the number of those employed in the state administration is prognosticated also for the future, thus decreasing the state possibilities and heightening the social tension and dissatisfaction, which can become the basis for new problems and conflict situations, and respectively, demanding resources from the state for their solution.

At the same time, under the conditions of the crisis, the state often becomes the last "chance of salvation" for its citizens, especially for those having lost their job (the unemployed) and receivers of various benefits and allowances. Thus, state's resources

¹⁶⁸ Vilks A. Globālā sabiedrības krīze un kriminalitātes eskalācijas tendences // Globālā krīze: kriminālo realitāšu aprises. – Rīga: Jumi, 2009. – 139. – 148.lpp.

¹⁶⁹ The results of an international research of civil education testify that Latvian elementary school pupils have little trust in the government (32%), parliament (20%), local government (44). These results are the lowest among the European states. See Čekse I., Geske A., Grīnfelds A., Kangro A. Latvijas skolēnu pilsoniskā izglītība un identitāte Eiropā. Starptautiskā pilsoniskās izglītības IEA ICCS 2009 pētījuma Eiropas moduļa pirmie rezultāti. – Rīga: Latvijas Universitāte, 2010. – 31.lpp.

Iedzīvotāji ir gatavi mānīt valsti // http://www.financenet.lv/viedokli/351095-iedzivotaji_ir_gatavi_manit_valsti (last viewed 22.10.2010). Thus, the results of a 2010 research show that only 15% of the population consider that the situation in the country is developing in the right direction, 16% are satisfied with the work of the government. See DnB Nord Latvijas barometrs (Nr.29) // <http://www.dnbnord.lv/files/dnb-nord-latvijas-barometrs-29.pdf> (last viewed 22.10.2010).

and possibilities are ever decreasing, but the volume of the required help for individuals is growing with the increase of the number of problems to be solved.

As a result, during the crisis there occur a redivision of spheres of influence and the labour market, re-professionalisation of citizens, intensification of migration, the wish of the youth to study abroad grows,¹⁷¹ various social diseases / addictions are distributed, refusal from previous values and views takes place searching for new ones instead, and the pessimistic mood and doubts of society are growing, about the state's ability to ensure the accustomed legal order. The abovementioned is attested also by the fact that in 2009 the demand for guns and self-defence means has grown (besides, also officials of the State Police have invited the citizens to apply means of self-defence in case of an adequate situation),¹⁷² which testifies also to reduction of trust to the state and its law enforcement institutions, to concern of part of the citizens about their safety. At the same time, an increase of the number of criminal offences has been prognosticated,¹⁷³ since during the crisis and social transformations the number of representatives of asocial subcultures, characterised by a low / decreased level of the legal culture, is rising.¹⁷⁴

It is to be noted that during this complicated social economical time similar trends are observed not only in Latvia but also in other countries.¹⁷⁵

Besides, state refusal from (reduction of) purposeful legal education and undertakings facilitating the legal culture development can cause a row of social and legal problems in the nearest future (on the change of elementary school pupil legal values and attitudes during the crisis see in greater details in Chapter 2 of this Doctoral Dissertation).

The conclusions of Chapter 1 of this Doctoral Dissertation are:

1) Interaction of the law and culture in society is the basis for existence of a definite system of social relations (order) which is possible to be studied also from a legal sociological aspect. And the legal culture is one of the phenomena characterizing this system.

¹⁷¹ 58.9% young people of 236 secondary school pupils and students who participated in the poll that was organised in March 2010 during the exhibition „School 2010”, plan to study in a higher education institution; of these, „56.4% are planning to study in Latvia but 43.6% - in some foreign country”. See

Jaunieši pēc vidusskolas vēlas studēt Latvijas augstskolās // http://www.tvnet.lv/zinas/latvija/307803-jaunieši_pēc_vidusskolas_vēlas_studēt_latvijas_augstskolas (last viewed 19.05.2010).

¹⁷² Jundzis T. Drošības politiskie un tiesiskie risinājumi ekonomiskās krīzes apstākļos // *Globālā krīze: kriminālo realitāšu aprīses*. – Rīga: Jumi, 2009. – 21. – 22.lpp.; *Laikraksts: audzis pieprasījums pēc gāzes ieročiem* // <http://www.delfi.lv/news/national/politics/laikraksts-audzis-pieprasijums-pec-gazes-ierociem.d?id=23445785> (last viewed 20.02.2010); *Policija aicina iedzīvotājus pielietot paš aizsardzības līdzekļus* // <http://www.delfi.lv/news/national/politics/policija-aicina-iedzivotajus-pielietot-pasaizsardzibas-lidzeklus.d?id=24671227> (last viewed 12.07.2010).

¹⁷³ *Prognozē atkārtoto noziegumu skaita pieaugumu* // <http://lv.lv/?menu=doc&id=205564> (last viewed 12.07.2010); *Nevaram sacīt, ka viss ir labi* // <http://www.lv.lv/?menu=doc&id=205699> (last viewed 12.07.2010).

¹⁷⁴ Vilks A. *Crime and Global Crisis* // Rīga Stradiņš University Collection of Scientific Papers 2009. Research Articles Economics, Communication Sciences, Political Science, Sociology, Social Policy and Social Work, Law. – Rīga: RSU, 2010. – p. 314 – 315.

¹⁷⁵ Фетисова В. *Правовое регулирование экономики постсоциалистических государств в условиях мирового экономического кризиса*. – Москва: Юриспруденция, 2010. – с.112.; Овчинский В. *Криминология кризиса*. – Москва: Норма, 2009. – с.147 – 198.

2) 'Tiesiskā kultūra' (legal culture) (this term more precisely than the term 'juridiskā kultūra' (juridical culture) reflects the content of the English term 'legal culture', German term 'Rechtskultur' and the Russian term 'правовая культура' in Latvian, therefore the author of this Doctoral Dissertation considers that the term 'tiesiskā kultūra' should be consolidated in the list of Latvian legal terminology) as an inalienable element of society's culture is a complicated and in manifold ways analysed and interpreted multifunctional social and legal phenomenon. It ensured the possibility to study the level of knowledge, attitudes, ideals, views on the rights and duties, as well as their implementation in everyday life (observance of law) of an individual / group / society and correspondingly choosing a definite model of behaviour / act / action and allocating the law a definite place in one's hierarchy of values, as well as allows to study the legal system (legal reality) and the real activity / functioning of various legal institutions;

3) The legal culture in the narrow meaning refers to an individual / group / society establishing definite (legal) models of behaviour, values and attitudes. This is the level of knowledge and understanding of the law (legal standards and principles) reached by an individual / group / society, and the basis of legal behaviour / act / action. Whereas the legal culture in a broader meaning focuses on the legal system (legal reality), it is a special social mechanism that encompasses all components of legal / juridical activity (reality) and manifests in their actual functioning;

4) In general the legal culture can be defined as an aggregate of spiritual and material values (achievements) in the legal life (legal relations) of the society. It reflects the qualitative level of the society's legal life and is manifested as an acceptance and implementation (realization) of an aggregate of law (legal standards, principles, institutions, knowledge) in everyday life as well as their evaluation in the established period of time;

5) Currently, it is possible to analyse the new social and legal phenomena – the legal anti-culture – the negative features of the views, attitudes and an act / behaviour / activity of an individual / group / society, fully or partially denying the law as a value, and respectively, disturbing a peaceful, evolutionary activity and development and the established legal order of an individual / group / society. The legal anti-culture has also a positive role stimulating the law dynamics and intensifying the efforts and attraction of means to the cultivation of the legal culture;

6) It is possible to distinguish three basic types of the legal culture: individual's legal culture, group's legal culture and society's legal culture that in manifold ways interact in the legal reality, with the formation of a definite legal order and manifesting in legal behaviour, legal relations, the process of acquisition of legal knowledge and education, in legal communication etc.;

7) The legal culture constantly interacts with other social phenomena / branches that most directly is manifested in implementation of the functions of the legal culture and in mutually interdependent functioning of the elements / components of the legal culture. This is the basis for the legal culture as an essential socio-normative phenomenon to be the object of investigation not only for the legal science but also for politics, philosophy, sociology, culturology and other branches of science;

8) Virtual legal culture should be considered as a new type of the legal culture the mechanisms of implementation and regulation of which essentially differ from routine legal culture. Taking into consideration that the possibilities of the state to regulate or interfere in the virtual environment are restricted, the role and responsibility of each individual considerably increases, as well as the significance of the legal culture choosing a definite model of action in the virtual space. Still the formation and manifestations on the web of the legal culture of an individual / group / society deserve a separate research due to their specific character;

9) The problems of development of the legal culture are becoming all the more topical during the time of state and society transformations and crises, with the realization of the model of development breach of the legal culture, with the change of traditional (routine) rights and duties, legal values and understanding, goals and frames of permissible action rejecting previously accepted legal and moral sample models of behaviour and seeking for new ones as well as with the increase of the number of representatives of asocial subcultures who are characterized by a low / decreased level of the legal culture, which often is the basis for social tension, disturbances and conflicts.

2. INVESTIGATION OF THE LEGAL CULTURE OF LATVIAN SENIOR GRADE ELEMENTARY SCHOOL PUPILS

2.1. The specific character of the legal culture of senior grade elementary school pupils

Senior grade elementary school pupils, incl. grade 9 elementary school pupils, i.e. young people at the age of 15–17, on average,¹⁷⁶ like any other subjects of legal relations – representatives of various social groups in the given age group – are generally characterized by specific features and attitudes that distinguish them from the representatives of other age groups. Also, within the frames of the study of the legal culture it is possible to analyse the legal culture of the youth / elementary school pupils (as a group) and the specific character / peculiarities of its development and manifestation.

Characterising grade 9 elementary school pupils it should be noted that at this age stage the youth, alongside the compulsory everyday study process, must start searching their own ways in life and their place in society, plan their future career making the choice about the future studies in the secondary school or a professional secondary school, or joining the labour market, or choosing another scenario for their future life and activity.

Simultaneously, this time is important for the continue process of formation of the young man's personality – gradually he becomes corresponding to the standards of a “grown-up” man declaring his self-dependence and freedom at the same time being influenced by, and overtaking separate features, traits and models of behaviour (action) from the surrounding environment and society. One of the processes characterising the inclusion of the youth in the society of adults is legal socialisation – the process of formation of the cognitive, affective and behavioural components of the legal consciousness, as well as social adaptation and acquisition of the legal culture and standards and forms of the legal behaviour¹⁷⁷ in various situations that are associated with youth's study process, way of life and spending their time, the first steps in a profession, contact with a new social environment, etc.¹⁷⁸

Similarly as in other age groups, the youth often have their own rules of behaviour, customs, traditions, language (slang, jargon) and a set of concepts about what is allowed and what is prohibited, about the limits of the permissible action and a characteristic

¹⁷⁶ In accordance with Art. 1 of the Youth Law, a young person is a person aged 13–25. Jaunatnes likums // <http://www.likumi.lv/doc.php?id=175920> (last viewed 12.08.2010).

¹⁷⁷ Legal (also, legally justified) behaviour – the desirable and permissible behaviour of a subject of law that is provided for in laws and regulations and correspond to their requirements / standarts. See Plotnieks A. Tiesību teorija & juridiskā metode. – Rīga: SIA “Izglītības solī”, 2009. – 270. – 277. lpp.; Зарубаева Е. Правомерное поведение: подходы к определению дефиниции, социальная значимость и типология // Сибирский юридический вестник. – 2005. – Nr.1. – с.18 – 20.

¹⁷⁸ On legal socialisation see in greater detail Fagan J., Tyler T. Legal Socialization of Children and Adolescents // <http://www.springerlink.com/content/f6wh17324g1j4514/fulltext.pdf> (last viewed 19.09.2010); Mihailova M. Jauniešu socializācijas šķēršļi un iespējamie risinājumi 21.gadsimta sākumā // Sociālo Zinātņu Vēstnesis. – 2010. – Nr.1. – 83. – 102.lpp.; Osipova S. Ievads tiesību socioloģijā. – Rīga: Tiesu namu aģentūra, 2010. – 102. – 108.lpp.; Гулевич О. Психологические аспекты юриспруденции. – Москва: Московский психолого-социальный институт, 2006. – с.109 – 110.

feature is division into small subgroups (that are often called subcultures) with a definite model of behaviour and values. Thus, it would be incorrect to see the youth as a single united (social) group of the society. However, considering the peculiarities of the youth's age stage and social status that are traditionally characteristic for people at the age of 15–22,¹⁷⁹ incl. senior grade elementary school pupils, it is possible to make some general assertions and suppositions about separate aspects of the legal behaviour and legal culture of Latvian youth.

Present-day conclusions of psychology indicate more and more clearly at the disproportion of the youth's physical and social development, when the physical development considerably pulls ahead of social and intellectual maturity, and knowledge (of life) and social experience is lacking.¹⁸⁰ This is a basis for crises, emotional uncertainty, impulsivity, stubbornness, changes of mood, inadequate reactions, increased impressionability which alongside the efforts to be / become self-assured, independent, wishes to prove (declare) oneself and unstable values, incl. values of the legal culture and legal behaviour, as well as the problems of socialisation and adaptation in a given environment (for example, at school), can stimulate the choice of models of behaviour traditionally unaccepted in society and further adaptation difficulties in the given situation / environment (till 20% of all young people), withdrawal from generally accepted behavioural standards and as a result – delinquent / deviant behaviour which can be manifested also by alcohol and drug abuse, smoking etc.¹⁸¹ The youth of this age stage are characterised also by an inclination for risk, overcoming difficulties or declaring their existence. As highlighted by researchers, these risks that can directly affect the life, health, financial and social status of the youth, can be associated with uncertainty of identity and values orientation, with lack of self-realisation opportunities, lack of concrete plans for life and of experience, and an unstable system of values.¹⁸²

It should be taken in consideration that at the youth's age one has a rather weakly developed system of "self-control", a characteristic feature is rapid decision making and

¹⁷⁹ It is to be noted that scientists still are not able to come to common agreement about the age (limits) of the youth. The youth age chosen for and characterised in this subchapter of the Doctoral Dissertation corresponds to the time when a (young) person studies in the senior grades of the elementary school (grades 8 – 9), secondary school (grads 10 – 12) and higher education institutions – acquires his/her first higher education or masters a profession and makes his first steps in it. See in greater detail about the research of youth in Latvia and in the post-Soviet space as well as about the specific character of youth personality and behaviour in Šteinberga A., Tunne I. *Jauniešu pašizjūta un vērtības*. – Rīga: Raka, 1999. – 132 lpp.; Jirgena S. *Jaunieši un adiktīva uzvedība*. – Rīga: Drukātava, 2006. – 160 lpp.; Koroļeva I., Rungule R., Sebre S., Trapenciere I. *Latvijas jaunatnes socioloģisks portrets*. – Rīga: Filozofijas un socioloģijas institūts, 1999. – 252 lpp.; *Latvijas jaunatnes portrets: integrācija sabiedrībā un marginalizācijas riski*. – Rīga: LU Akadēmiskais apgāds, 2010. – 362 lpp.; *Подросток на перекрестке эпох*. – Москва: Генезис, 1997. – 288 с.; Чупров В., Зубок Ю., Уильямс К. *Молодёжь в обществе риска*. – Москва: Наука, 2003. – 230 с.

¹⁸⁰ For greater detail see Муслумова Т. *Правовая культура подрастающего поколения*. Диссертация на соискание учёной степени доктора философских наук. – Уфа: Башкирский государственный университет, 2004. – с.135 – 137.

¹⁸¹ Ibid. – с.137 – 140.; *Latvijas jaunatnes portrets: integrācija sabiedrībā un marginalizācijas riski*. – Rīga: LU Akadēmiskais apgāds, 2010. – 211. – 296.lpp.

¹⁸² Чупров В., Зубок Ю., Уильямс К. *Молодёжь в обществе риска*. – Москва: Наука, 2003. – с. 115.; Zubok Ju., Chuprov V. *On the Shaping of the Legal Culture of Young People in Russia and Belarus // Russian Education and Society*. – Nr.8. – 2007. – p.63 – 64.

attempts to act, to accomplish “heroic deeds” to gain authority among equals in age, to seek for a model of behaviour and a system of values acceptable for oneself (especially at the time when a change of the traditional system of values and behavioural models has taken place / is occurring). At the same time, adults – making use of teenagers’ and youth’s lack of experience and the features and inclinations characteristic of the age stage (incl. criminogenic personal qualities) – have considerable opportunities to manipulate and influence the young people’s behaviour, incl. stimulating youth’s withdrawal from the generally accepted legal values, “supporting” a violation of the law and injuring of other persons’ interests. The young people themselves often do not reflect on the severity and dangerousness of their misdemeanours / offences, about the damage caused and the consequences of their actions. As well-groundedly highlighted by the Russian researcher Tatiana Muslumova (Татьяна Муслумова), the youth often are characterised by legal infantilism and “childish motivation”¹⁸³ forgetting that the responsibility for their deeds will be demanded as from adults. At the same time, reaching full age, and also the age of responsibility, allows making a supposition that the person has had a chance of acquiring the social standards and values as well as the models of behaviour, with the formation of a definite world outlook and understanding of the consequences of the decisions made and actions performed, and thus with the development of individual’s legal consciousness and legal culture.¹⁸⁴

At this time, the young man often comes in touch with group culture where universal rules of behaviour that are accepted in the group, and traditions, are valued higher than manifestations of one’s individual life; common, algorithmized, understandable behaviour form him to become “comfortable” so that he can be influenced / guided. Thus, problems arise concerning the difficult / unacceptable reality of life where he fails to find his place, or fails to find contact with the group and successfully integrate. Thus, a desire to commit a suicide may arise, or to join another group where the young person will be accepted, maybe a sect, or the wish for self-actualisation, including making “a heroic deed”, a violation or even a criminal offence.¹⁸⁵

According to statistics about persons having committed criminal offences, the number of juveniles (i.e. persons at the age of 14–17), for example, in 2007 was 11.6% of the number of persons having committed criminal offences, they had committed 1350 criminal offences a year; in 2009 – 7.4% (1369 persons) having committed 1038 criminal offences a year; in 2010 – 6.2% (984 persons), having committed 793 criminal offences. It is to be noted that comparing with the situation in mid-1990s, the number of criminal offences in Latvia, committed by juveniles, is decreasing. Besides, the most widely spread criminal offences committed by juveniles are thefts, robberies and hooliganism. At the same time, in 2007, when a study was started about nonattendances in educational institutions, 3066 protocols for administrative offences were written involving juveniles, most frequently concerning their staying in a public

¹⁸³ Муслумова Т. Правовая культура подрастающего поколения. Диссертация на соискание учёной степени доктора философских наук. – Уфа: Башкирский государственный университет, 2004. – с.142.

¹⁸⁴ Osipova S. Ievads tiesību socioloģijā. – Rīga: Tiesu namu aģentūra, 2010. – 103. – 105.lpp.

¹⁸⁵ Абрамова Г. Возрастная психология. – Москва: Академия, 1997. – с.546, 549.

place in a drunken state and for storing, obtaining or use of psychotropic substances and drugs. In 2009, for commission of administrative violations provided for in the Latvian Code of Administrative Violations, 2467 juvenile persons, age 14–17, were called to justice. In 2007, 401 juveniles were registered by law enforcement institutions as having left their places of residence, but in 2009 – 342 juveniles (in 2010 – 249, respectively).¹⁸⁶

Drug abuse has become one of the most essential problems among the youth. According to research results, in Latvia 8.5% of the young people use ecstasy for a lengthy period of time, 6.1% – amphetamine, 1% – cocaine.¹⁸⁷ Doubtlessly, such drug abuse negatively affect young people's life and activity, their communication with the surrounding people as well as their attitude towards the legal order, discipline, their duty to study etc.

In modern society also other forms of deviation are common (alcoholism, game addiction (gambling) a.o. addictions); necessity for quick acquisition of means to satisfy one's desires can spontaneously motivate the youth to an unlawful action and become the basis for withdrawal from the social, legal and cultural values and standards (desocialisation) that have been acquired during the education and socialisation process. Also, criminalisation of various public (social) relations (in economics, politics, the social sphere), current anti-social and anti-state depressive moods of the Latvian society (dissatisfaction with power and the existing order) and a low evaluation of the legal order, weakened concepts about the limits of the allowed and the prohibited, social disillusionment, lack of the sense of safety in society, a high level of unemployment and inability of the state to create an effective mechanism of social protection and social support during the economic crisis determine the behaviour of delinquents.¹⁸⁸ One should agree to the opinion expressed in the scientific literature that the state, remaining the main guarantor of the legal order and legal protection, currently only on a minimum level influences / is able to influence the processes of formation of legal consciousness and the legal culture, since the possibilities (resources) of the state itself are limited, but the number of population being in need of help has grown essentially.¹⁸⁹

¹⁸⁶ After Kristapsone S. Noziedzīgo nodarījumu izdarījušo personu raksturojums Latvijā 21.gadsimta sākumā // *Ekonomika. Vadības zinātne*. – Latvijas Universitātes raksti Nr.743. – Rīga: LU Akadēmiskais apgāds, 2009. – 135. – 139.lpp.; Noziedzīgo nodarījumu izdarījušo personu sastāvs // <http://data.csb.gov.lv/Dialog/Saveshow.asp> (last viewed 11.03.2011); Pārskats par nepilngadīgo noziedzību un stāvokli ceļu satiksmē 2009.gada 12 mēnešos // http://www.vp.gov.lv/doc_upl/nepilngadigie_statistika_2009.doc (last viewed 11.03.2011); Pārskats par nepilngadīgo noziedzību, cietušiem bērniem, stāvokli ceļu satiksmē un prevencijas jomā 2010.gada 12 mēnešos // http://www.vp.gov.lv/doc_upl/nepilngadigie_2010lab.doc (last viewed 11.03.2011).

¹⁸⁷ 2010 Annual report on the state of the drugs problem in Europe // <http://www.emcdda.europa.eu/publications/annual-report/2010> (last viewed 11.11.2010).

¹⁸⁸ Vilks A. Globālā sabiedrības krīze un kriminalitātes eskalācijas tendences // *Globālā krīze: kriminālo realitāšu aprises*. – Rīga: Jumi, 2009. – 141. – 143.lpp. Sk. arī Burgmanis Ģ. Nepilngadīgo jauniešu noziedzība Rīgas centrā // *Zemes un vides zinātnes*. – Latvijas Universitātes raksti Nr.752. – Rīga: LU Akadēmiskais apgāds, 2010. – 197. – 210.lpp.

¹⁸⁹ Mihailova M. Jauniešu socializācijas šķēršļi un iespējamie risinājumi 21.gadsimta sākumā // *Sociālo Zinātņu Vēstnesis*. – 2010. – Nr.1. – 89. – 92.lpp.

At the same time, legal socialisation of the youth can be burdened by “isolation” from everyday reality, a concept having been cultivate in a definite environment (for example, the family) about a special personality of the young person, his achievements, status, as well as a drastic differentiation of views and values of generations (for example, parents and child, educators and the educatee) – problems concerned with parents – children, adults – youth relations, as well as avoidance / non-willingness of the youth to fulfil certain duties¹⁹⁰ (incl. to study for obtaining the compulsory elementary education). In particular cases a negative experience and a low cultural level of the family, or more precisely, parents, as the primary stage of socialisation, becomes an essential obstacle to legal socialisation, correspondingly impeding the proceeding of legal socialisation in other stages, mainly in the educational institution (school), and relations with other children / youth.¹⁹¹

At the same time, successful socialisation, incl. legal socialisation, is one of the most essential prerequisites of society development that focuses on the acquisition of culture, incl. the legal culture, values, ideals and the accepted models of behaviour. However, the legal education, the level of legal knowledge and legal awareness (informability) by itself cannot replace a person’s action when he makes a decision and acts in a definite situation, unless the law, the legal culture and models of legal behaviour and values have not become people’s (incl. the youth) inner value. Besides, also the factor should be taken into consideration that in separate cases the youth’s legal culture can form and develop spontaneously as a result of the effect of the existing legal reality (which often is rather contradictory, changing, dynamic, especially during the time of social instability and transformation).¹⁹²

Besides, it is to be acknowledged that being of any young person – elementary school pupil – in society is connected with submitting to the goals of various groups / society, as well as with restricting one’s own wishes and action, self-organisation in choosing the (legal) model of behaviour that is adequate to the requirements of the situation.¹⁹³

Thus, taking into account the fact that the development processes of the legal culture of each individual / group / society can be influenced to stimulate legal socialisation and acquisition of legal culture values by the youth / elementary school pupils, it should be necessary for both the state (incl. the local governments) and society to pay attention to undertakings of legal education and legal training as well as to preventive and

¹⁹⁰ Ромашов Р, Шукшина Е. Правовая культура и правовой нигилизм в молодёжной среде // Правовая культура. – 2006. – Nr.1. – с.62 – 63.

¹⁹¹ Mihailova M. Jauniešu socializācijas šķēršļi un iespējamie risinājumi 21.gadsimta sākumā // Sociālo Zinātņu Vēstnesis. – 2010. – Nr.1. – 98.lpp.

¹⁹² Каландаришвили З. Теоретико-правовой анализ понятийно-категориального аппарата правовой культуры // Известия Российского государственного педагогического университета имени А.И.Герцена: Общественные и гуманитарные науки (философия, языкознание, литературоведение, экономика, право, история, социология, культурология). – 2009. – Nr.87. – с.124.; Зубок Ю., Чупров В. Правовая культура молодёжи в ракурсе трансформационных стратегий // http://www.ecsocman.edu.ru/data/721/792/1219/005_zubok.pdf (last viewed 10.10.2010).

¹⁹³ For greater detail see Vilks A. Tiesības, brīvības un tavi pienākumi pret valsti. – Rīga: Latvijas Pieaugušo izglītības apvienība, 1999. – 6.lpp.

prophylactic measures (especially in elementary education institutions which the young people must attend mandatorily¹⁹⁴).¹⁹⁵

Thus, in the Republic of Latvia each grade 9 elementary school pupil must compulsorily attend an educational institution where he must spend a definite period of time (according to Art. 33, point 8, of the Law on General Education, the amount of lessons per week in an elementary education programme is not more than 34 lessons¹⁹⁶). The process of education and training realised in the educational institution directly influences the formation of views, attitudes and values, incl. also the legal culture, of each pupil. Thus, taking into consideration the conclusion of Chapter 1 of this Doctoral Dissertation, that the legal culture is to be connected with the choice of a definite model of behaviour, fulfilling one's duties as well as with values and attitudes towards laws / the legal order and their evaluation, trust in the state and laws, interest in law and duties and (good) knowledge of them, the author of the Doctoral Dissertation has decided to study the legal culture of Latvian grade 9 elementary school pupils analysing the attitude of the pupils towards their duty to study for acquisition of compulsory elementary education, fulfilling this duty (choice of the definite model of behaviour), attitude of elementary school pupils towards the state and law (laws) / legal order (recognition of the law as a value), as well as the possibilities of acquisition and quality of the legal knowledge. The abovementioned considerations were the ones to determine planning and implementation of the research, incl. obtaining information, the content of questionnaires, the necessity of content analysis of the chosen study subject "Social science".

2.2. Attitude of senior grade elementary school pupils towards the duty to study and attending schools as an element of the legal culture

The negative attitude of the youth (educatees) towards the duty to study stipulated in laws and regulations, in order to acquire the compulsory elementary education, and

¹⁹⁴ For greater detail see Камчибеков М. Становление правосознания современной молодёжи. – Москва: Московский психолого-социальный институт, 2004. – 146 с.

¹⁹⁵ As mentioned above, Art. 112 of Satversme of the Republic of Latvia provides that "the basic education is compulsory". See Latvijas Republikas Satversme // <http://www.likumi.lv/doc.php?id=57980> (last viewed 16.06.2010).

Article 4 of the Education Law specifies that „The preparatory basic education acquisition by five-year and six-year old children and the acquisition of basic education, or the continuation of acquisition of basic education until reaching the age of 18, shall be mandatory.” See

Izglītības likums // <http://www.likumi.lv/doc.php?id=50759> (last viewed 18.06.2010).

Article 32 of the General Education Law provides: „(1) The acquisition of primary education shall be mandatory.

(2) The acquisition of basic education shall be commenced in the calendar year when the student reaches the age of 7 years.

(3) A student is entitled to commence the acquisition of the basic education programme one year earlier or later depending on his or her state of health and psychological preparedness in conformity with the wishes of parents and the opinion of the family doctor or a psychologist.

(4) Institutions (children's homes, orphanages, medical treatment institutions, places of imprisonment, shelters for asylum seekers etc.) in which students aged up to 18 years permanently reside shall ensure the possibility for the acquisition of the basic education programme. See Vispārējās izglītības likums // <http://www.likumi.lv/doc.php?id=20243> (last viewed 18.06.2010).

¹⁹⁶ Vispārējās izglītības likums // <http://www.likumi.lv/doc.php?id=20243> (last viewed 18.06.2010).

respectively, nonattendances of elementary education institutions (schools) is not only one of the most essential problem issues of the Latvian educational system, but also a problem of the whole Latvian society – parents, teachers, the young people themselves, and other representatives of society.

At the basis of it there are varied reasons. In several sociological and pedagogical studies made until now (often ignoring the legal specific character and duties set for the youth) it was found that there are the following factors at the basis of school nonattendances: a negative attitude of the youth and their families towards studies and school, lack of understanding about the meaning of education in one's further life and low evaluation of education, untoward social status of the family, education problems and lack of financial means, necessity for the youth to maintain themselves and do everyday job, an education environment and organisation of the education process that are unfriendly for the youth, problems in the relations with educators and school / classmates, lack of motivation and weak skills of socialisation / adaptation, negative experience in contact with school / educational environment and equals of age, as well as the lack of effective mechanism of normative and institutional control and support, which would ensure infliction of sanctions for school nonattendance and, in case of necessity, would ensure support for the young people – nonattenders in their studies and in combining the lives of study and of job, and handle psychological problems, those connected with social life, and others, allowing to overcome difficulties and handle conflict situations, and also would promote cooperation between the youth, their parents (family) and school for acquisition of elementary education and reduction of the number of nonattendances.¹⁹⁷ Besides, as indicated by the researcher from Daugavpils University, Margarita Mihailova, the youth aged 14–16 are characterised by inconstancy, a trend to perceive more sharply the negative social processes, to protest, as well as instability of social, legal, psychological positions which can be manifested in difficulties

¹⁹⁷ Trapenciere I. Par dažiem nabadzības un sociālās izstumtības aspektiem Latvijā // Sociālekonomiskā procesa trajektorija Latvijā laikā no 1985. līdz 2002. gadam. Kur tā ved Latviju? – Ventspils: Ventspils Augstskola, 2002. – 82. – 86.lpp.; Bebriša I., Ieviņa I., Krastiņa L. Skolēnu atbrīšana pamatskolās. Problēmu risinājumi // http://www.politika.lv/temas/sabiedribas_integracija/14892 (last viewed 09.09.2010); Kraitone Dž., Budiene V., Dedze I. Pamatizglītību nepabeigušie skolēni. Skolu nepabeigušie un tās sekas: nenodrošināties, neapmierināties, nozudušie. Albānija, Latvija, Kazahstāna, Mongolija, Slovākija, Tadžikistāna // www.politika.lv/index.php?f=1040 (last viewed 09.09.2010); Dedze I., Krūzmēra M., Mikiško I. Savālicīgu pamatizglītības atgūvi traucējošo faktoru kopums // www.politika.lv/index.php?f=490 (last viewed 09.09.2010); Zepa B., Bebriša I. Izglītības izmaksu ietekmē uz skolēnu atbrīšanu pamatskolās // http://www.biss.soc.lv/downloads/resources/dropout/izmaksu_ietekme_dropout.pdf (last viewed 09.09.2010), Daniela L. Skolēni un mācību disciplīna. – Rīga: RaKa, 2009. – 222 lpp.; Zepa B. Education for Social Integration // How Integrated is Latvian Society? An Audit of Achievements, Failures and Challenges. – Rīga: University of Latvia Press, 2010. – p.203 – 217.

Pedagogical scientists Alvars Baldiņš and Astrīda Ražēva directly emphasise the significance of cooperation between the school and parents within the context of education, development, socialisation etc. of educatees. See Baldiņš A., Ražēva A. Skolas un ģimenes sadarbība. – Rīga: Pētergailis, 2001. – 82 lpp. Representatives of parent non-governmental organisations Kārlis Boldiševics and Maija Upmane indicate that „full-fledged collaboration ... must proceed on three levels, namely, on the levels of school, local government and the state”. See Boldiševics K., Upmāne M. Vecāku un skolas dialoga atziņas un perspektīvas // Izglītība zināšanu sabiedrības attīstībai Latvijā. – Rīga: Zinātne, 2007. – 111.lpp.

of socialisation and behaviour and critical periods in which also the interest / wish to study can be lost.¹⁹⁸

It is to be noted that in Latvia, until now, the problems of acquisition of elementary education have not been considered in a complex way, combining the approaches of sociology, law and other branches of science, and respectively, no proposals have been elaborated for reduction of the number of nonattendances.

As is well-groundedly highlighted by Docent of the University of Latvia, *Dr. paed.* Linda Daniela, "After the restoration of independence, changes set in at school. Abandoning the demands characteristic of the normative pedagogy it was accepted that in a democratic school no requirements and rules are necessary to regulate the pupils' activity. However, the increased problems of study discipline during the lessons indicate at the invalidity of such suppositions. Also, a free and creative personality in his / her behaviour and life activity must observe various provisions that facilitate mutual cooperation, promote creative study environment and a possibility for everyone to act in it."¹⁹⁹

PhD Māra Kiope justifiably emphasises that "training policy is the main problem of the Latvian education system".²⁰⁰ Sociologist from Daugavpils University *Dr. paed.* Inta Ostrovska in her article about training crisis, which is to a large extent determined by the period of transfer (transformation), highlighted that at schools "the training work is almost not funded", and thus, a new generation is formed "that gain an eclectic values orientation under these conditions, its socialisation is restricted, and therefore, deformation of social relations takes place".²⁰¹ In this connection, it is necessary to mark the provision provided for in Art. 1, point 4, of the Education Law that "the education process encompasses teaching and training activity".²⁰²

Thus, it is natural that currently it is necessary both on the normative level and in education practice to change / improve the training measures, facilitate the acquisition of the legal culture and legal behaviour, as well as to demand more strictly the observance of the requirements and standards provided for, especially, attendance of educational institutions, stimulating educatees' discipline – observance of the rules of the educational institution and the requirements and rights of educators and other staff of educational institutions, assuming responsibility for one's action and its consequences, as well as the ability to acknowledge one's own unacceptable behaviour.²⁰³ Such a demand is "felt" by pedagogical scientists indicating that "nowadays there is an ever-increasing

¹⁹⁸ Mihailova M. Jauniešu socializācijas šķēršļi un iespējamie risinājumi 21.gadsimta sākumā // Sociālo Zinātņu Vēstnesis. – 2010. – Nr.1. – 89.lpp.

¹⁹⁹ Daniela L. Skolēni un mācību disciplīna. – Rīga: Izdevniecība RaKa, 2009. – 6.lpp.

²⁰⁰ Kiope M. Izglītības sistēma un kristīgās vērtības // Kristīgās vērtības un modernitātes izaicinājums Eiropā un Latvijā. – Rīga: LU Filozofijas un socioloģijas institūts, 2005. – 113.lpp.

²⁰¹ Ostrovska I. Jaunieši un izglītība Latvijā audzināšanas socioloģijas aspektā // Sociālo Zinātņu Vēstnesis. – 2007. – 2 (6). – 148.lpp.

²⁰² Izglītības likums // <http://www.likumi.lv/doc.php?id=50759> (last viewed 18.06.2010).

²⁰³ Daniela L. Skolēnu disciplīnas problēmas. Cēloņi un iespējamie risinājumi // http://www.bti.gov.lv/lat/apmacibas_seminari/Konferencu_materiali/?doc=1446 (last viewed 12.03.2010).

The author of this Doctoral Dissertation supports the definition created by L. Daniela: „study discipline is a self-regulated study activity in the environment where certain social conventions / norms shall be observed”. – Daniela L. Skolēni un mācību disciplīna. – Rīga: Izdevniecība RaKa, 2009. – 192.lpp.

demand to change the training paradigm and set new accents in the organisation of the school pedagogical process”,²⁰⁴ by state administration institutions whose competence is directly connected with monitoring children’s rights and education,²⁰⁵ and by the Latvian legislator (Saeima of the Republic of Latvia) that, after more than two-years-long discussions, has adopted Amendments to the Education Law (effective since 26 March 2010), essentially increasing the range of educatees’ duties and specifying the rights of educators, educatees and parents.²⁰⁶

It is certain that the amendments of laws and regulations are unable to make an instant change in the situation in educational institutions, a mechanism of implementing the legal standards and the practice of law enforcement is required, adapting the legal provisions provided for to everyday life situations. It is to be noted that already previously, on 30 June 2009, the Cabinet of Ministers 01.11.2005 Regulation No. 822, „Regulations on compulsory requirements for the admission of students and their transfer to the next grade in general education institutions (except boarding schools and special education institutions)” were amended raising the requirements for transferring of educatees to the next grade, and thus, reducing the possibilities for backward and undisciplined educatees, who have a weak notion about the limits between what is allowed and what is prohibited, and respectively, a low cultural and behavioural level, to be transferred to the next grade and acquire education without effort and diligence.²⁰⁷

Whereas on 1 July 2011, with the amendment of the Law on General Education, it was established that beginning with the 2011/2012 study year only those students would be able to finish the secondary school who have got no less than four points in any study subject (i.e. all marks are not less than the passing grade); upon graduation from elementary school only one mark that is below the minimum passing grade will be acceptable (previously one could graduate the elementary school also with two, but the secondary school – with one mark below the passing grade).²⁰⁸

In the new 28 February 2012 Regulations of the Cabinet of Ministers No. 149 „On the order in which the educatees are enrolled in general educational institutions and expelled from them, and the compulsory requirements for transfer to a higher grade” an option is provided for, to expel an educatee who is of age from the general elementary education programme and the general secondary education programme of

²⁰⁴ Špona A., Čamane I. Audzināšana. Pašaudzināšana. – Rīga: Izdevniecība RaKa, 2009. – 4.lpp.

²⁰⁵ For example, in 2008, the State Inspectorate for Protection of Children’s Rights organised a number of conferences about issues of children discipline (in greater detail see http://www.bti.gov.lv/lat/apmacibas_seminari/Konferencu_materiali/ (last viewed 19.08.2009)), but the State Inspectorate of Education committed an analytical research, „Analysis of implementation of the compulsory preparation of five-year and six-year old children for the acquisition of basic education and the acquisition of basic education or the continuation of acquisition of basic education until reaching the age of 18”.

²⁰⁶ Izglītības likums // <http://www.likumi.lv/doc.php?id=50759> (last viewed 18.06.2010).

²⁰⁷ Ministru kabineta 2005.gada 1.novembra noteikumi Nr.822 „Noteikumi par obligātajām prasībām izglītojamo uzņemšanai un pārceļšanai nākamajā klasē vispārējās izglītības iestādēs (izņemot internātskolas un speciālās izglītības iestādes)” // <http://www.likumi.lv/doc.php?id=120648&from=off> (last viewed 30.03.2010).

²⁰⁸ Vispārējās izglītības likums // <http://www.likumi.lv/doc.php?id=20243> (sk.17.11.2011.).

an educational institution in case the educatee repeatedly disregards the responsibilities of an educatee provided for in the Law on Education.²⁰⁹

Thus, on the normative level, the right of the director of an educational institution was consolidated to expel the educatee from the educational institution in case the educatee disregards the generally accepted rules of behaviour, breaches his / her responsibilities, violates the rights of other educatees and the staff of the educational institution.

In 2010, the system of registration of educates was consolidated in the normative level by introducing a united State Information System,²¹⁰ where each general education establishment enters information about its educatees. Four times a year the information entered by educational establishments is compared with the data of the population register of the Office of Citizenship and Migration Affairs checking whether all inhabitants of Latvia who are at the age of compulsory education are included in the lists of educational establishments.²¹¹ In case it is established that any Latvian inhabitants of the respective age are not included in the list of any educational establishment, the respective state administration institution – the State Service of Education Quality – contacts with the local government where this person's place of residence is declared and provides information about such a situation. The responsibility of the local government is, in cooperation with the branch of State Social Insurance Agency, the local registry office and police department, to check the received information to clear up the reasons for nonattendance of the educational establishment and handle the issues of acquisition of compulsory education.²¹² It is to be noted that Art. 15, point 4, of the Law on Local Governments provides that “The autonomous function of the local government is to care for population education...” while Art 15, point 22, provides that “The autonomous function of the local government is to maintain records about children residing in the respective administrative territory.”²¹³ Thus, the local governments must have at their disposal data about children who are included in the list of an educational institution but due to some reasons do not attend it.

Thus, one must conclude that intensification of requirements for training and discipline of educates in educational institutions in Latvia has become a non-reversible

²⁰⁹ Ministru kabineta 2012.gada 28.februāra noteikumos Nr.149 „Noteikumi par kārtību, kādā izglītojamie tiek uzņemti vispārējās izglītības iestādēs un atskaitīti no tām, un obligātajām prasībām pārceļšanai uz nākamo klasi” // <http://www.likumi.lv/doc.php?id=245006> (sk. 15.03.2012.).

²¹⁰ Ministru kabineta 2010.gada 17.augusta noteikumi Nr.788 „Valsts izglītības informācijas sistēmas saturs, uzturēšanas un aktualizācijas kārtība” // <http://www.likumi.lv/doc.php?id=215853> (last viewed 11.11.2010).

²¹¹ Ministru kabineta 2009.gada 4.augusta noteikumi Nr.871 “Obligāto izglītības vecumu sasniegušo bērnu uzskaites kārtība” // <http://www.likumi.lv/doc.php?id=195933> (last viewed 12.08.2010).

²¹² For example, as a result of data comparison made in 2009, it was ascertained that after the re-organisation process of general education establishments the reason for which was administratively territorial reform and the negative socially economic situation (crisis), only two children at the age of compulsory education were not included in the list of any educational establishment. In cooperation with local governments, the State Service of Education Quality has ascertained the children's fate and causes for nonattendances of educational establishments. See *Pēc skolu slēgšanas divi bērni nekur nemācās* // <http://www.delfi.lv/news/national/politics/pec-skolu-slegsanas-divi-berni-nekur-nemacas.d?id=27954171> (last viewed 11.11.2009).

²¹³ Likums “Par pašvaldībām” // <http://www.likumi.lv/doc.php?id=57255> (last viewed 12.08.2010).

process corresponding to its time, meanwhile stimulating also acquisition of the legal culture values and assuming responsibility for one's actions and their consequences.

At the same time, it cannot be denied that "making a pupil to repeat the study year" as a peculiar punishment can be traumatic and can negatively affect pupil's self-evaluation disturbing socialisation among equals of age, etc, as the pupil him / herself deliberately / unconsciously protest against this form of punishment by ignoring the order established in the educational establishment, demanding increased attention and aid / support from the side of educators, psychologists, administration members of the educational establishment and other persons.²¹⁴

Thus, the started process of addressing the training and discipline problems as well as pupils' legal training (incl. acquisition of the values and principles of the legal culture) should be continued. As indicated by L. Daniela, there are several reasons that burden the training process in an educational institution and stimulate the discipline problems: poor results (as mentioned in the statement prepared by the Ministry of Education and Science, in 2007, the number of backward pupils in Latvia is approximately 10%, and in separate districts – 15–16%; the number of pupils repeating the study year for a second or a third time is 3.4%, and in separate districts – 6%,²¹⁵ while in 2009 the mean number of pupils of Latvia repeating the study year for a second or a third time was 3%, but in some evening schools it reached even 13.7% of the number of educatees;²¹⁶ also in the 2010/2011 study year, the total number of the pupils repeating the study year, on average in the state, was 2.5% of the total number of educatees²¹⁷), inability to communicate, inability to assume responsibility for one's actions, inability to study, failure to evaluate one's own capabilities, ones character and abilities.²¹⁸ A broader listing of the factors impeding a successful acquisition of elementary education has been provided in the research of 2004: outer factors – inadequate cooperation between the school and parents, parents' inability of upbringing their children, lack of professionalism among teachers, non-compliance of study curricula, books and methods to the present-day situation, the attitude of the media facilitating the concept that education does not bring success; internal factors – pupil's system of values, satisfaction with him / herself and ability to study, lack of motivation for studying protest against the surrounding environment / actions of adults, negative self-feeling, family conditions.²¹⁹

²¹⁴ Школьные проблемы глазами психолога. – Москва: Российское психологическое общество, 1998. – с.168.

²¹⁵ Informatīvais ziņojums par pasākumiem, lai samazinātu skolēnu ar zemiem mācību sasniegumiem daudzumu vispārējā izglītībā // http://izm.izm.gov.lv/upload_file/Normativie_akti/info_zinojumi/IZMZino_260408_sekmiba.doc (sk. 30.03.2010.).

²¹⁶ Berke A., Raževa A. Jauniešu nepietiekamais izglītības līmenis kā viens no pozitīvās socializācijas riska faktoriem // Rīgas Tehniskās universitātes zinātniskie raksti. – 8. sērija, Humanitārās un sociālās zinātnes. – 17. sējums. – 2010. – 36.lpp.

²¹⁷ Bērna atstāšana uz otru gadu ļoti retos gadījumos sniedz cerēto rezultātu // Izglītības un zinātnes ministrijas informatīvais izdevums. – 2011.gada 31.oktobris.

²¹⁸ Daniela L. Skolēnu disciplīnas problēmas. Cēloņi un iespējamie risinājumi // http://www.bti.gov.lv/lat/apmacibas_seminari/Konferencu_materiali/?doc=1446 (last viewed 12.03.2010).

²¹⁹ Dedze I., Krūzmētra M., Mikiško I. Savlaicīgu pamatizglītības apguvi traucējošo faktoru kopums // <http://www.politika.lv/index.php?f=490> (last viewed 02.04.2010).

Therefore, taking into consideration the existing conditions, to ascertain reasons for nonattendances, analyse the actions of educational institutions and their attitudes towards nonattendances and the youth – nonattenders, as well as to elaborate proposals for improvement of the given situation, the author of this Doctoral Dissertation, in cooperation with doctoral students of the Riga Stradiņš University, Aivars Stankevičs and Vairis Ļaudams, also taking into account their scientific and professional interests and themes of the Doctoral Dissertation, carried out a survey about pupils at the age of compulsory education registered in educational establishments who had been nonattenders for a lengthy time period, about the actions of the school in this situation and involvement / involving of other institutions in addressing the problems of nonattendances of educational institutions.²²⁰

Within the frames of the survey, all boards of education of Latvia's local governments were asked to provide information about the educates who more than two weeks had not attended an educational establishment and had not declared the cause of their absence or the educational establishment had failed to ascertain that cause. Simultaneously, the analytical materials in education of the State Education Inspectorate (now State Service for Education Quality) – a state administration institution that ensures enforcement of the laws and regulations ensuring regulation of education – were used in the research.

During 2008, making a research it was ascertained that in Latvia in the 1st half-year of 2007/2008 study year, at the level of basic education (grades 1–9), 1396 pupils did not attend school for a lengthy time period (of them 489 in Riga), which makes, respectively, 1% of the total number of primary and elementary school pupils in the state (see Table 2.).

Table 2. Number of pupils who are nonattenders of school for a lengthy time period, in the 1st half-year of 2007/2008 study year

Grades	1	2	3	4	5	6	7	8	9	Total
Beyond Riga	25	26	28	33	69	136	205	227	158	907
Riga	8	4	9	18	29	55	85	148	133	489
In total	33	30	37	51	98	191	290	375	291	1396

Source: Table created by V. Ļaudams, I.J. Mihailovs, A. Stankevičs.²²¹

These data indicate the formation of a comparatively new risk group of the Latvian society which is especially topical within the context of endangered achievement of the goal set by „Eiropa 2020”, development and strategy of the knowledge society – till 2020, to reach a situation when the number of persons having acquired higher education makes 28%)²²² – already in the nearest future demanding to address the respective

²²⁰ The research results are partly reflected in the article. Ļaudams V., Mihailovs I.J., Stankevičs A. Skolēnu kavējumi Latvijā: problēmas, cēloņi, risinājumi // Sabiedrība un kultūra. Rakstu krājums XI. / Sastād. A.Medveckis. – Liepāja: LiePA, 2009. – 281. – 286.lpp.

²²¹ Ļaudams V., Mihailovs I.J., Stankevičs A. Skolēnu kavējumi Latvijā: problēmas, cēloņi, risinājumi // Sabiedrība un kultūra. Rakstu krājums XI. / Sastād. A.Medveckis. – Liepāja: LiePA, 2009. – 281. – 286.lpp.

²²² Eiropa 2020. Stratēģija gudrai, ilgtspējīgai un integrējošai izaugsmei // http://ec.europa.eu/eu2020/pdf/1_LV_ACT_part1_v1.pdf (last viewed 06.05.2009); Izglītības stratēģija Latvijā // Skolotājs. – 2010. – Nr. 1 (79). – 4. – 5. lpp.

problems that would be related with integrating into life, educational system and / or other social processes of society members who have not acquired elementary education.

At the same time, it is to be noted that it is necessary to distinguish the educatees who are at the age of compulsory education and are registered in an educational establishment but do not regularly attend it from the educatees who are not registered in educational establishments. Thus, with collaboration of the author of the Doctoral Dissertation, at the end of 2010, comparing with the data of the State Education Information System, it was found that 11 327 children at the age of compulsory education were not included in the lists of an educational institution, of these, there is no information about 4484 children, i.e., approximately 4% of the number of primary school pupils (see Table 3.).²²³ It is to be noted that the number of children at the age of compulsory education who are not registered in any educational establishment and about whom there are no data at the disposal of the state, is constantly growing.²²⁴ It can be explained with the unfavourable economical situation in Latvia, with the increase of population migration, as well as with decrease of contacts between the state and local governments, and with the formation of the open EU work and life space, allowing each individual to choose the place of life and work in any state without informing the state of Latvia about it, and with some social problems.

Table 3. The number of children who are not included in the list of any educational establishment, and reasons of their absence (2010)

The number of children who are not included in the list of any educational establishment including:	11 327
- Adopted	31
- annulled the declared place of residence	670
- missing	71
- does not attend the educational establishment due to other reasons	214
- ailing for a long time	11
- disabled person	199
- has left the state	5646
- the local government has no information	4484

Source: Table created by the author.

For comparison, at the end of 2011, comparing the data of the Office of Citizenship and Migration Matters with the data of the State Education Information System, with participation of the author of this Doctoral Dissertation, it was found that 12 463 children are not enlisted in any educational institution, i.e. information is lacking about

²²³ These data are puzzling with regard to the information distributed by the State Inspectorate for Protection of Children's Rights in September 2010, informing the Latvian society about the fact that at the beginning of 2010/2011 school year schools were not attended by approx. 3000 children including those who had set off abroad together with their parents (i.e., the cause for their absence is known). See Jaunajā mācību gadā mācības nesāks ap 3000 skolas vecuma bērnu // <http://www.delfi.lv/news/national/politics/jaunaja-macibu-gada-macibas-nesaks-ap-3000-skolas-vecuma-bernu.d?id=33870737> (last viewed 17.09.2010).

²²⁴ Cf. Berke A., Raževa A. Jauniešu nepietiekamais izglītības limenis kā viens no pozitīvās socializācijas riska faktoriem // Rīgas Tehniskās universitātes zinātniskie raksti. – 8. sērija, Humanitārās un sociālās zinātnes. – 17. sējums. – 2010. – 35.lpp.

3327 children, which makes approximately 3% of the total number of elementary school pupils (see Table 4.).

Table 4. Number of children who are not enlisted in any educational institution and the reasons of their absence (2011)

Number of children not enlisted in any educational institution including:	12463
- Adopted	8
- The declared place of residence annulled	763
- Missing	42
- Not enlisted in educational institutions due to other reasons	284
- Arrived from foreign countries	41
- Long-term illness	9
- Disabled	72
- Went abroad	7915
- Local government lacks information	3327

Source: Table created by the author.

Thus, it can be seen that although the total number of children at the age of compulsory education, who are not enlisted in any educational institution, is growing, however, thanks to regular data comparison and information gathering the number of children about whom the state / local governments lack any information is decreasing.

At the same time one must conclude that in Latvia for a long time, incl. in 2008, when the abovementioned research was made, there was a lack of common understanding about the length of the period of time to which the term „lengthy nonattendance of the educational establishment” is referred, and moreover, the term was not explained / defined in any laws and regulations, or a working paper of educational establishments or Educational Board institutions.²²⁵ Thus, the approach of each local government and school to identification of lengthy nonattenders was rather varied. Thus, the author of the Doctoral Dissertation once offered to define a lengthy nonattendance of school (an educational establishment) as a nonattendance that is longer than five study days (a week) and the reasons of which are unknown or unjustified / unreasonable (in case the attendance of the educational establishment is compulsory).²²⁶

On 26 March 2010, the Amendments to the Education Law of 4 March 2010 entered into force, providing in Art. 14, point 35, of this Law the duty of the Cabinet of Ministers to „establish the order in which an educational establishment informs the educatee's parents (persons who realise auspice), local government or state institutions in case the educatee

²²⁵ Also pedagogical scientists Mag. Paed Anita Berķe and Dr. paed. Asrīda Raževa in their research have found that „Nonattendances at schools are not always established and registered in due time, and no analysis is made of unjustified nonattendances.” See Berķe A., Raževa A. Jauniešu nepietiekamais izglītības līmenis kā viens no pozitīvās socializācijas riska faktoriem // Rīgas Tehniskās universitātes zinātniskie raksti. – 8. sērija, Humanitārās un sociālās zinātnes. – 17. sējums. – 2010. – 39.lpp.

²²⁶ It is to be noted that a school nonattendance that is longer than 5 study days considerably burden further studies of the educatee and demands additional attention by educators in order to prevent the „gap” in acquisition of the study material.

does not attend an educational establishment without a justifiable reason".²²⁷ Such authorisation provides to assign the duty to educational institutions, in case of a lengthy nonattendance of an educatee, to inform the local government about the existing situation. Whereas the duty of the local government, for example, cooperating with institutions / structural units of education management and social care, to ascertain the reasons for the lengthy nonattendance and facilitate school attendance, i.e., acquisition of compulsory basic education, incl. deciding on possible support of the educatee / his family or deciding on the responsibility of the educatee or his parents. Thus, also basing on the results of the author of this Doctoral Dissertation, on 1 February 2011, the Cabinet of Ministers Regulations No. 89 were adopted, „Procedure how an educational establishment informs the parents of the educatee, local governments or state institutions if the educatee has not attended the educational establishment without a justifiable reason” where the offered length of a lengthy nonattendance was reduced, considering the result of discussion of draft regulations, and a lengthy nonattendance was defined as a nonattendance „in case the educatee has not attended a pre-school educational establishment for more than three days or more than 20 lessons in a term in a general or professional education institution, and the educational institution has no information about the reason of nonattendance, or the reason cannot be deemed as justifiable”²²⁸

In continuation of the research started in 2008, and considering the fact found during analysis of the data obtained during the survey, that the majority of youth nonattenders are grades 7 – 9 pupils, i.e., in the second stage of basic education, a standardised letter was written in cooperation with the State Education Inspectorate – a requirement for information for educational establishments with a request to inform about measures that the school has carried out in 2007 / 2008 study year to ascertain the situation and the further action so that these pupils would start / resume school attendance, and what were the results of the undertakings carried out by the school. Such a letter was sent to 328 schools of Latvia where the largest number of nonattenders are studying.

Processing of the 441 responses received about grades 7 – 9 pupils – nonattenders has allowed to establish that a considerable number of pupils have a job or they are forced to work to earn their everyday living (on average, 28% pupils), and the proportion of pupils (girls) who are pregnant or nurture a child is fairly high. Moreover, pupils are working more in Latvia's regions but not in Riga, and the number of pupils who nurture a child or are pregnant is also larger in Latvia's regions. Other pupils (the largest proportion of nonattenders – on the average in the state, 67%) do not attend school due to their laziness, lack of will, lack of wish to study, communication / relations problems

²²⁷ Izglītības likums // <http://www.likumi.lv/doc.php?id=50759> (last viewed 18.06.2010).

²²⁸ Ministru kabineta 2011.gada 1.februāra noteikumi Nr.89 “Kārtība, kādā izglītības iestāde informē izglītojamo vecākus, pašvaldības vai valsts iestādes, ja izglītojamais bez attaisnojoša iemesla neapmeklē izglītības iestādi” // <http://www.likumi.lv/doc.php?id=225270> (last viewed 12.02.2011). Also see Ministru kabineta noteikumu projekta „Kārtība, kādā izglītības iestāde informē izglītojamo vecākus (personas, kas realizē aizgādību), pašvaldības vai valsts iestādes, ja izglītojamais bez attaisnojoša iemesla neapmeklē izglītības iestādi” sākotnējās ietekmes novērtējuma ziņojums (anotācija) // <http://www.mk.gov.lv/lv/mk/tap/?pid=40195057&mode=mk&date=2011-02-01> (sk.15.04.2011.); Ieteikumi kārtības, kādā izglītības iestāde informē bērna vecākus, pašvaldības vai valsts iestādes, ja bērns bez attaisnojoša iemesla neapmeklē izglītības iestādi, piemērošanai // <http://izm.izm.gov.lv/nozares-politika/izglitiba/vispareja-izglitiba/aktualitates/6415.html> (last viewed 15.04.2011.).

or other subjective reasons or family social problems (see Table 5.).²²⁹ In the majority of cases, parents are informed about such a situation, they support it or are powerless to change the choice / action of their children, showing their passivity, lack of interest or reconciliation with their children's choice. Thus, one must conclude that such an attitude of pupils and their parents towards the duty to study, provided for in laws and regulations, to acquire compulsory basic education, attests to the low level of the legal culture and law abidingness, showing their general nihilistic attitude.

Table 5. Pupils who work, nurture a child or are pregnant

Area	Work %	Nurture child or are pregnant %
City of Riga	23	3
Beyond Riga	33	7
On average in the country	28	5

Source: Table created by V. Ļaudams, I. J. Mihailovs and A. Stankevičs.²³⁰

Similar results were obtained in her research by the doctoral student of the Riga Stradiņš University Biruta Briško, researcher in psychology and sociology, in January 2010, while investigating the reasons for nonattendances of educatees of professional education institutions of Riga. Having surveyed 144 respondents she ascertained that the reasons for nonattendances were the following: dislike for the study subject or unfulfilled homework – 19% of respondents; conflicts with educators or schoolmates – 17%; spent time with friends – 12%; cannot get up in the morning – 8%; problems in the family – 16%; totally disinterested in studies – 13%; only 15% – have a job.²³¹

Thus, the majority of educatees do not attend school mainly due to subjective reasons (basically, due to lack of interest, poor results, laziness etc.). Thus, the conclusions of previous researches were confirmed that “unjustified nonattendances are sooner consequences than causes of poor results.”²³²

The research results allow to conclude that basically (with particular exceptions of a subjective character) schools strive to ascertain the reasons of nonattendances and carry out varied undertakings working with pupils and their parents to facilitate school attendance and acquisition of compulsory basic education. Pupils' places of residence are visited and the life conditions / problems of pupils are ascertained. Basically, the class

²²⁹ At the disposal of the State Inspectorate of the Protection of Children's Rights there are similar data about the state of affairs at the beginning of 2010/2011 indicating that part of „children come from untoward families, besides, not infrequently parents themselves are the ones who do not motivate children to attend school. Sometimes parents urge children to start a job. There are cases when children are afraid to go to school due to their equals of age.” See Jaunajā mācību gadā mācības nesāks ap 3000 skolas vecuma bērnu // <http://www.delfi.lv/news/national/politics/jaunaja-macibu-gada-macibas-nesaks-ap-3000-skolas-vecuma-bernu.d?id=33870737> (last viewed 17.09.2010).

²³⁰ Ļaudams V., Mihailovs I.J., Stankevičs A. Skolēnu kavējumi Latvijā: problēmas, cēloņi, risinājumi // Sabiedrība un kultūra. Rakstu krājums XI. / Sastād. A.Medveckis. – Liepāja: LiePA, 2009. – 281. – 286.lpp.

²³¹ Бришко Б. Пропуски уроков в свете проблемы социализации молодежи. – Unpublished.

²³² Bebrīša I., Ieviņa I., Kratiņa L. Skolēnu atbīšana pamatskolās. Problēmu risinājumi // http://www.biss.soc.lv/downloads/resources/dropout/skolenu_atbirsana_pamatskolas.pdf (last viewed 02.04.2010).

supervising teacher work with pupils and their parents, as well as school administration and if possible (in case the following specialists are available) – the school support staff – education psychologist and / or social pedagogue, and also representatives of the local community and non-governmental organisations are involved. However, the results of the undertakings carried out are not always positive. Therefore, schools try to inform various institutions (incl. law enforcement institutions) about pupils – nonattenders inviting them to help in the work with pupils or requesting to bring parents to administrative justice about nonfulfillment of the responsibility of child care (see Table 6.).

Table 6. Cooperation between schools and the responsible institutions

Area	Social service informed, %	Orphanage informed, %	Parents punished, %	Local police informed, %
City of Riga	27	6	10	33
Beyond Riga	72	32	17	15
In the state (mean %)	51	20	14	23

Source: Table created by V. Ļaudams, I.J. Mihailovs and A. Stankevičs.²³³

The data obtained show that the schools of Riga more frequently inform the local police and social service about nonattenders, while the schools of Latvia's provinces cooperate more with the staff of the social service of local governments. At the same time, a comparatively small number of parents are administratively punished for nonfulfillment of the responsibility of child care.²³⁴

However, the possibilities of the social service officials of local governments in preventing school nonattendances, or providing support to pupils nonattenders, are rather restricted, actually mainly confirming the information provided by the school about school nonattendance, advising to turn to the local police to draw up a protocol for an administrative violation, calling parents to administrative justice for non-fulfillment of their duty of child care, or in particular cases even actually formally “write up and archive the case”.

During the research, some cases were established when the social services of local governments actually (unlawfully) support school nonattendance encouraging pupils’ “fair labour” (incl. the work in violation of the standards of legal labour relations) maintaining the fact that the pupil has knowingly chosen labour relations instead of studies and considering that “it would not be good to carry out measures to force to study”, since the pupil’s labour is essential for ensuring his family welfare. However, it should be indicated

²³³ Ļaudams V., Mihailovs I.J., Stankevičs A. Skolēnu kavējumi Latvijā: problēmas, cēloņi, risinājumi // Sabiedrība un kultūra. Rakstu krājums XI. / Sastād. A.Međveckis. – Liepāja: LiePA, 2009. – 281. – 286.lpp.

²³⁴ Article 177 of the Civil Law provides that child care implies maintaining a child, i.e. ensuring his food, clothing, habitation and medical care, child care, education and upbringing (ensuring the spiritual and physical development, as much as possible considering his individuality, skills and interests and preparing the child for a job useful for society). See Civillikums. Ģimenes tiesības // <http://www.likumi.lv/doc.php?id=90223> (last viewed 10.10.2010).

Whereas Art. 24, Part 1, of the Law on the Protection of Children’s Rights provides that corresponding to the provisions of the Civil Law the parents’ duty is to take care for the child and his property and represent the child in his personal and property relations. See Bērnu tiesību aizsardzības likums // <http://www.likumi.lv/doc.php?id=49096> (last viewed 10.10.2010).

that according to the received information such a job is not always associated with earning everyday living but sometimes – with deliberate choice due to the fact that the pupil “does not want to study”. However, the issue of acquisition of compulsory education is not addressed in point of fact in these cases (for example without seizing the opportunity to study in an evening (shift) school or distance learning school).

A similar cooperation is observed between schools and orphan's courts. Orphan's courts often inform schools about problems in pupils' families but they do not risk / are not authorised to tackle the issue in point of fact so that the pupil resumes school attendance. There are cases when the school is informed that the family is registered as a family that inadequately ensures child's development and upbringing, but still the orphan's court does not carry out various undertakings or the effectiveness of these undertakings is questionable, or quite on the contrary, an application by the parents is received with the indication that the child will not attend school. Such applications are contradictory to the provisions of laws and regulations and do not promote awareness of education as an essential value, as well as testifies to the low understanding of educates, their parents, officials of local governments about their duties, a nihilistic attitude towards the provisions in laws and regulations and fulfilment of one's duties, and respectively, the low level of the level of culture in general.

Also, the police in separate cases inform schools that parents fail to respond to invitations to arrive in the police offices, that it is impossible to meet parents, that the pupil does not obey to their parents, and ask the school to address this problem (which actually is not included in schools' duties, thus, the law-enforcement institutions are actually avoiding fulfilment of their own duties / prevention of violations of law).

One of the most “effective” means in the struggle against nonattendances in educational institutions are negotiations / discussions with the pupil and his / her parents, however, their effectiveness is not always positive. Thus, it must be concluded that administration of educational institutions, the support staff – psychologists, social pedagogues and class supervising teachers, are to be taught to lead such discussions, for example, applying mediation approaches and techniques.²³⁵

²³⁵ It is to be noted that already in 2005 the Ministry of Children and Family Affairs complemented initiatives that were focused on introduction of the principles of mediation in educational establishments, incl. using it as an instrument for addressing the problems of activity of educational establishments and their cooperation with educatees and their parents. See *Mediācija skolā*. – Rīga: Bērnu un ģimenes lietu ministrija, 2007. – 110 lpp. At present, according to the information at the disposal of the author of this Doctoral Dissertation, such activities have been ceased, except for the workshops for teachers, “Organisation of peer mediation at school” that are implemented within the frames of the project “Peer mediation – a way to cooperation!” by the union “Integration for society” with the financial support of the Department of Education, Culture and Sport of the Riga City Council. See *Mediācija un ADR* // <http://www.mediacija.lv/ADR/?Jaunumi> (last viewed 11.10.2010).

Notably, during the time when the elaboration of this Doctoral Dissertation was completed, in May 2011, Ieva Sprōģe promoted a similar thought about the necessity to include the study subject dedicated to mediation in the teacher education programme. See Sprōģe I. „Ievads mediācijā” kā studiju priekšmets skolotāju izglītībā // *Pedagoģija un skolotāju izglītība*. – Latvijas Universitātes raksti Nr.759. – Rīga: LU Akadēmiskais apgāds, 2011. – 151. – 157.lpp.

In 2011, issues concerning mediation were included in the content of teachers' further education, within the frames of the project „Further Education of Teachers of General Education” of the European Social Fund, whereas teachers at secondary schools who teach the study subject of Psychology received a recommendation to dedicate two lessons to mediation. See *Psiholoģija vidusskolai*. Skolotāja grāmata. – Rīga: Zvaigzne ABC, 2011. – 45. – 46.lpp.

Introduction and implementation of such measures is especially essential considering that the information obtained during the research facilitates the concept that part of the social services of local governments and local police institutions and their staffs fail to accomplish, or due to different reasons are incapable to accomplish purposeful work, cooperating with educational establishments, to tackle nonattendance problems in educational institutions and stimulate attendances.

The information obtained in the research shows also essential problems in information exchange between the involved institutions, for example, the educational institutions do not receive information in due time that a pupil is in some medical institution, or in some social correction education institution of or has left the state together with his parents “to live and work abroad’.

Presently, one of the most essential problems for children is an unfavourable educational environment. However, this environment, alongside consolidation of normative regulations, inter-institutional cooperation and cooperation between the pupils, their families and the school, as well as implementation of undertakings / programmes of facilitating the legal culture, is an essential prerequisite for reduction of the number of school nonattendances by pupils, for promotion of a positive attitude of pupils towards their studies and ascertaining the meaning of education. Thus, the administration of each educational institution should facilitate the creation of a friendly (school) environment, search for possibilities to improve the environment of the educational institution and the attitude of pupils towards their school paying greater attention to formation of psycho-emotional welfare in the educational establishment, to opportunity to receive support / advice, incl. about a possible career and possibilities of acquiring education in an educational establishment offering a more flexible organisation of the educational process (for example, in an evening (shift) school, distant learning school etc.), which is also one of the preconditions for reduction of the number of nonattendances of an educational institution.

Another prerequisite of addressing the problem of nonattendances is the necessity to consolidate, not only on the normative level but also in practice, an inter-institutional cooperation system for reduction of the number of nonattendances at educational institutions in each local government, involving the representatives of state, local government, educational institutions and other interested parties, to be able not only to ascertain the reasons of school nonattendances but also to search for ways how to help the pupils (re)integrate in the educational environment.

At the same time, it is necessary to effectivize the mechanism of applying administrative punishments to parents for non-fulfillment of their duty of child care, and to the pupil himself (i.e. beginning with the age of 14, when the administrative responsibility has set in) for nonattendances at an educational establishment and avoidance to acquire compulsory basic education. Doubtlessly, the application of this punishment should be associated with comprehensive and objective evaluation of each case. However, the situation “when a 15-years pupil does not attend grade 5 since he simply does not want to...” is inadmissible, since thus potential damages are inflicted for both the state and society, totally ignoring the normative prescriptions provided for by the state and one’s own duties.

At the same time, it would be necessary to ensure the possibility for working pupils (especially those who are forced to earn their daily living) to attend evening (shift) secondary schools after their work or during holidays (weekends), since currently in part of these schools the studies in basic education programmes are held during daytime, at the time when the pupils are working. Also, the system of recognising the competence obtained beyond the formal education should be developed, referring it also to basic education and general secondary education, the system being introduced in Latvia only at the beginning of 2011 and presently referring only to acquisition of the 1st, 2nd or 3rd level professional qualification. This system allows each person, incl. those who “dropped out of” the education system, to pass the professional qualification exam, evaluating their knowledge and skills (competence), and receive a state-recognised document certifying their qualification.²³⁶

However, these solutions do not include situations when a particular juvenile educatee (especially at the age of 10 – 14, i.e., under the age of administrative of criminal liability), with a weak concept about what is allowed and what is prohibited, behave themselves absolutely in a nihilistic way in educational establishments, ignore their duties and other persons’ rights, “terrorize” educators, other staff members of the educational establishment, their class- and schoolmates (for example, provoking and involving in fights, humiliating and unjustifiably insulting educates, educators and other persons, ignoring the rules of internal order of the educational establishment and the basic principles of the general behavioural culture, with their actions denying any values and decencies, etc., endangering not only person’s right for education and work, injuring not only their honour and esteem but also their health or even life).

It shall be concluded that the possibilities of the staff of educational establishments (incl. due to weak legal knowledge) to discontinue such a nihilistic attitude and action by particular educatees, even involving representatives of the local governments, orphan’s courts and other employees of law enforcement institutions, are minimal, which testifies also to weak inter-institutional cooperation mechanisms. Also, the possibilities are for the most part restricted / inefficient, to apply the regulation provided for in laws and regulations and call the parents of the mentioned group of educatees to administrative justice for non-fulfillment of their duties of child care, since they often are in need of financial means or their way of life show their low interest in their own children.

For children at the age of 11 to 18, coercive measures of educative character can be applied (incl. social correction for a period of 1 – 3 years but not longer than until the age of 18).²³⁷ However, this requires considerable time resources and several administrative procedures in which representatives of state and local governments are involved, etc. Besides, the punishments inflicted, warnings stated or other measures of coercion often fail to reach their goal and the desirable result, but the chosen destructive action is continued, for the most part with the pretext of some social or other reasons,

²³⁶ Ministru kabineta 2011.gada 22.februāra noteikumi Nr.146 „Kārtība, kādā novērtē ārpus formālās izglītības sistēmas apgūto profesionālo kompetenci”// <http://www.likumi.lv/doc.php?id=226788> (last viewed 01.03.2011).

²³⁷ See Likums „Par audzinoša rakstura piespiedu līdzekļu piemērošanu bērniem” // <http://www.likumi.lv/doc.php?id=68489> (last viewed 03.04.2010).

education problems, unfavourable environment etc. Also, the parents in some cases not only “cannot cope with” their children, “delegating” their non-fulfilled upbringing work to the educational establishment, but in essence are even not interested in training and education of their children.

Therefore, the author of this Doctoral Dissertation deems it possible to make a proposal – to elaborate a special programme of social training / correction (the designation is disputable) for such educatees, i.e. nonattenders of educational institutions and educatees who have behavioural and educational problems; this programme could be realised by separate educational institutions (for example, one in a local government or a group of local governments) offering the persons with essential behavioural (discipline) and educational problems aid and a possibility of acquiring education correspondingly facilitating the acquisition of legal values and growth of the level of the legal culture.

It is to be noted that such an educational programme can become a new possibility not only for educational establishments but also for the society of Latvia at large promoting not only observance of the law and internal rules in educational establishments but also ensuring aid for persons who due to weak socialisation or education problems are incapable to meet at least minimum requirements and fulfil their duties as educatees, as well as cannot receive corresponding aid in an “ordinary” educational establishment, thus also widening the range of educational and social services in our country.

It should be noted that such an experience occurred in Latvia in recent past. In accord with information at the disposal of the author of this Doctoral Dissertation, at the end of the 20th century – beginning of the 21st century, in several “large” local governments such educational establishments were actually functioning, where the services of a psychologist and a social pedagogue were additionally available, and a purposeful educational and correctional work was realised, as well as planned cooperation with law enforcement institutions. Also, sociologist Ilze Trapenciere has indicated that school nonattendances have several reasons, incl. poverty, lack of financial means, and lack of parents’ understanding about the meaning of education. Therefore, the children having dropped out and remained without education is an actual problem in the whole Latvia. As one of possible solutions for this problem she mentions offering the opportunity for needy children to attend boarding schools where they would receive education, clothing and wholesome food. At the same time, she analyses a successful example of Daugavpils where an educational institution for young people having failed to attend school for a long time has been established, ensuring the necessary aid and support by specialists.²³⁸

Taking into consideration that the Cabinet of Ministers Regulation No. 822, „Regulations on compulsory requirements for the admission of students and their transfer to the next grade in general education institutions (except boarding schools and special education institutions)” and the 28 February 2012 Regulations of the Cabinet

²³⁸ Trapenciere I. Par dažiem nabadzības un sociālās izstumtības aspektiem Latvijā // Sociālekonomiskā procesa trajektorija Latvijā laikā no 1985. līdz 2002. gadam. Kur tā ved Latviju? – Ventspils: Ventspils Augstskola, 2002. – 82. – 83.lpp.

of Ministers No. 149 „On the order in which the educatees are enrolled in general educational institutions and expelled from them, and the compulsory requirements for transfer to a higher grade” provide the general principle that admission or transfer of educatees to another educational institution or educational programme is possible only with the consent of their parents,²³⁹ it would be necessary to specify the content of the abovementioned regulations, providing the right for the educational institution, without the consent of parents, basing on the decision of the pedagogical board, and coordinating this with the orphan’s court, social service and / or local government, to transfer the educatee who regularly severely violates the internal rules of behaviour of the educational institution or does not attend it, to continue his studies in this programme of social training / correction.

Besides, taking into account the circumstance that at present the principle “Money follows the student”²⁴⁰ of general education financing has been introduced, allowing to determine precisely how much the studies of an educatee cost in each class (for example, the cost of studies for the state of one educatee in grade 7, 8 or 9 analysed in this research is LVL 678 per year),²⁴¹ it would be necessary to discuss the educatees’ responsibility (incl. the financial one), if the educatee, without justifiable reasons (for example, the state of health, development disorders, family situation) repeats a study year even for a third or a fourth time. The author of the Doctoral Dissertation considers that in this case an educatee, beginning with the age of 11, i.e. the age when it is possible to apply coercive measures of educational character, would assume at least partial financial liability and cover the investments that the state / society is forced to “overpay” for his / her second-time or even third-time attempt of acquisition of education in the same class, thus burdening the (state and local government) education budgets. In essence, the situation when the state spends a considerably larger amount of money for acquisition of education of such backward pupils than for an “average” educatee does not correspond to the principle of equality and stimulates irresponsibility of the persons acting in bad faith, while their acquisition of education becomes a redundant burden for tax payers and educational establishments. Besides, introduction of such payment would doubtlessly become another stimulus for such a person to study and attend the educational establishment.

Being aware of the fact that the juvenile educatee could possess no means to cover the abovementioned payment the author of this Doctoral Dissertation deems it possible to introduce a study credit – a mechanism that would be similar to the study credit in higher education which should be covered only after acquisition of education and

²³⁹ Ministru kabineta 2005.gada 1.novembra noteikumi Nr.822 „Noteikumi par obligātajām prasībām izglītojamo uzņemšanai un pārceļšanai nākamajā klasē vispārējās izglītības iestādēs (izņemot internātskolas un speciālās izglītības iestādes)” // <http://www.likumi.lv/doc.php?id=120648&from=off> (last viewed 30.03.2010).

²⁴⁰ Stankevičs A., Mihailovs I.J. Izglītības finansējums „nauda seko skolēnam” kā vispārējās izglītības iestāžu attīstības iespēja // 2010.gada zinātniskā konference. Tēzes. – Rīga: Rīgas Stradiņa universitāte, 2009. – 383.lpp.

²⁴¹ Šogad pēc principa „nauda seko skolēnam” par katru izglītojamo maksās 678 latus // <http://www.izglitiba-kultura.lv/zinas/sogad-pec-principa-nauda-seko-skolenam-par-katru-izglitojamo-maksas-678-latus> (last viewed 10.10.2010).

reaching full age, and to provide an opportunity for the educatee's family to cover this sum (if the family would express such a wish). It would be mandatory to determine the responsible institution, for example, the State Inspectorate for Protection of Children's Rights, and provide a mechanism for evaluation whether the educatee, due to objective reasons, taking into account the peculiarities of person's age, health, social status etc., could not be released from such a tuition charge, then without restrictions quaranteeing this person's right to education, incl. also repeating the study year for a second or third time.

At the same time, the author of this Doctoral Dissertation critically evaluates the amendments made in spring 2010 to the Law "On Application of Coercive Means of Educational Character to Children" (in force from 26 March 2010); Art. 10¹ of this Law provides the right for the judge or the administrative commission to impose a coercive means of educational character for the period from 30 days to one year – restrictions of behaviour, incl. imposition of an obligation to continue acquisition of the basic education.²⁴² To the opinion of the author of this Doctoral Dissertation, the existence of such coercive means of educational character is disputable and sooner is an evidence of low legal culture level in Latvia's society, since the child's (educatee's) main duty to study in order to acquire compulsory basic education which is provided for in Art. 112 of the Satversme (Constitution) of the Republic of Latvia and Art. 4 of the Education Law, should not be made as a coercive means of educational character since the control of its application actually is impossible. According to this law, representatives of local governments can control the attendance of an educational institution, but it is physically impossible to control the pupil's attitude towards studies / acquisition of education, progress and genuine studying. Besides, it is incorrect, from the legal and ethical aspect to turn the basic duty provided for by the state into an actual "punishment" when, corresponding to the provisions of this law, studies in this educational institution would imply restrictions of child's / educatee's behaviour.

Thus, the author of the Doctoral Dissertation considers that such a restriction of child's behaviour would be deleted from the normative act substituting it with the opportunity to continue studies / acquisition of education within the frames of the abovementioned programme of social training / correction, elaborating support programmes and ensuring already now the possibilities of application of coercive means of educational character provided for in the Law "On Application of Coercive Means of Educational Character to Children", including also by force, and to consult with the respective specialist – a psychologist, doctor or other specialist.

It is to be noted that any introduction of legal means is ineffective unless a complex informative and explanatory work is performed, and unless persons are provided with an opportunity to find out / obtain information about their rights and duties, and moreover, in an understandable (available) way. Thus, the issue is actualized about the improvement of the content of legal education in an educational establishment and beyond it (in society), about the knowledge and training of educators and officials of other responsible institutions in addressing the problems of discipline, training and

²⁴² Likums „Par audzinoša rakstura piespiedu līdzekļu piemērošanu bērniem” // <http://www.likumi.lv/doc.php?id=68489> (last viewed 03.04.2010).

nonattendances of educational establishments, as well as about the formation of a support mechanism and its purposeful activity.²⁴³

Traditionally, the formation of legal education and legal culture in an educational establishment encompasses several components: provision of information in due time about the internal order of the educational institution, rules of safety and behaviour, rights and duties, improvement and actualization of the legal knowledge of the staff of educational institutions (educatees, other employees of these institutions, educatees), qualitative teaching of study subjects that include legal issues (in Latvia – “Social Science”, “Politics and Law”) and actualisation of the study content in due time, special undertakings (incl. of training and support) for transgressors and victims, availability of legal information, formation of the educatee’s attitude etc.²⁴⁴ Thus, these issues have become the subject of further research of the author of this Doctoral Dissertation.

Otherwise the “good intentions” registered in normative prescriptions will remain on the paper or at the level of good intentions, but the concepts of individuals about the allowed and the prohibited and limits between them will level, thus negatively affecting the discipline in the educational establishment at large stimulating violations of rights and preventing from reaching of one of the basic aims of education and training – to train a free personality who is able to assume responsibility and make a choice.

2.3. Attitude of grade 9 elementary school pupils towards law / the legal order and choice of the model of legal behaviour

The situation in Latvia’s educational establishments and in society at large shows that the majority of senior grade elementary school pupils routinely choose legal behaviour /

²⁴³ It is to be noted that in this research the issues were not touched that are associated with possibilities of acquisition of education by juvenile persons being in places of imprisonment, applying other criminal punishments or coercive means of educational character, and undertakings of resocialisation of juvenile persons having committed a criminal offences were not analysed. These issues require separate research and have been analysed by researcher of Centre for Public Policy „Providus” *Dr. iur.* Andrejs Judins and assistant professor (docent) of Daugavpils University *Dr. iur.* Jānis Teivāns-Treinovskis.

See Judins A. *Nepilngadīgo ieslodzīto statuss. Ieteikumi starptautisko standartu sasniegšanai.* – Rīga: Sabiedriskās politikas centrs „Providus”, 2005. – 132 lpp.; Judins A., Pelikana K. *Atjaunojošā justīcija nepilngadīgo noziedzības kontekstā: Baltijas valstis Eiropas dimensijā* // http://www.politika.lv/temas/tiesiska_valsts_un_korupcija/18129/ (last viewed 12.03.2011); Teivāns-Treinovskis J. *Probācijas sistēma Latvijā: tendences, problēmas, perspektīvas.* – Daugavpils: Akadēmiskais apgāds „Saule”, 2009. – 248 lpp.

At the same time it must be noted that, considering the work started in prevention of nonattendances in educational establishments, presently the Ministry of the Interior in cooperation with other state administration institutions elaborate the system of support information envisaging to compile information that is necessary for children’s protection ensuring that the responsible institutions have information about cases when the child has come into a crisis situation, and that a timely, full-fledged and coordinated action by an inter-institutional team would be ensured in order to diffuse the crisis situation, provide support to the child, prevent repeated crisis situations and carry out other preventive measures, incl. in the case when a child does not attend the educational establishment for a long time.

See the Cabinet of Ministers draft Regulations on the support information system for minors – unpublished.

²⁴⁴ For greater detail see Гулевич О. *Психологические аспекты юриспруденции.* – Москва: Московский психолого-социальный институт, 2006. – с.140 – 143.; *Правовое воспитание школьников* // http://unesco.edusite.ru/book/pupils_law_education.pdf (last viewed 03.04.2010).

the model of legal behaviour.²⁴⁵ This choice is always determined by several factors, incl. the level of legal consciousness and the legal culture, but more widely – the system of world outlook and system of values, interests and the set goals, fear from punishment, effect / behaviour of the surrounding society / groups, parent example etc.²⁴⁶ Thus, for example, the lecturer of Riga Pedagogical Education and Leadership Academy Mg. Vairis Ļaudams and associated professor Dr.paed Valdis Krastiņš, during his studies of attendances of elementary schools in 2010, has found that the pupils most frequently attend school “to get a better job in the future” and “to acquire new knowledge”, which is followed by “to meet friends” and “so that the parents are satisfied with me” as well as “to reach better study progress” and “so that parents do not punish me”.

As indicated by Professor of Riga Stradiņš University, *Dr. iur.* Andrejs Vilks, “when fulfilling the requirements of law the person’s behaviour is determined by three groups of factors:

- a) fundamentally critical attitude towards non-observance of laws. The key motive determining observance of the legal standards in this case is included in the principle “laws are written in order to be fulfilled”;
- b) possible condemnation from the side of the surrounding environment, and a negative perception. Here the public opinion and public evaluation are essential;
- c) fear from punishment and direct negative moral and material sanctions”²⁴⁷

Thus, it is essential to study not only the behaviour of elementary school pupils, i.e., their choice of a definite model of behaviour in a concrete situation (for example, whether to attend or not attend the educational establishment), but also their attitude towards the existing legal order / law, since as shown by the data obtained during the research, pupil’s (outer) behaviour and pupil’s (inner) conviction / attitude can differ, which indicates potential problems / risks in the future actually showing personality’s double reaction / attitude. Doubtlessly, in an ideal case, person’s attitudes, values and behaviour should not come into conflict.

Taking into account the abovementioned considerations, the author of this Doctoral Dissertation, in March 2009, carried out a survey of grade 9 elementary school pupils, with the aim to ascertain their attitude towards law / legal order and the basic reasons for the choice of a model of the legal behaviour. In total, 600 grade 9 elementary school pupils participated in the survey (316 females and 284 males) from 24 schools of Latvia (from all regions of Latvia) – four from Riga, four from Daugavpils, four from Liepāja, four from Jelgava, four from Valmiera and from four schools situated beyond towns (16 schools with Latvian as the language of instruction and 8 schools with Russian as the language of instruction).

²⁴⁵ See Kristapsone S. Noziedzīgo nodarījumu izdarījušo personu raksturojums Latvijā 21.gadsimta sākumā // Ekonomika. Vadības zinātne. – Latvijas Universitātes raksti Nr.743. – Rīga: LU Akadēmiskais apgāds, 2009. – 135 – 139.lpp.; Daniela L. Skolēni un mācību disciplīna. – Rīga: RaKa, 2009. – 158. – 196.lpp.

²⁴⁶ Ļaudams V., Krastiņš V. Izglītojamo izglītības iestādes neapmeklēšanas socioloģiskie aspekti// Sabiedrība, integrācija, izglītība. Starptautiskās zinātniskās konferences materiāli. – 1.daļa. – Rēzekne: RA izdevniecība, 2011. – 409. – 416.lpp.

²⁴⁷ Vilks A. Tiesības, brīvības un tavi pienākumi pret valsti. – Rīga: Latvijas Pieaugušo izglītības apvienība, 1999. – 12.lpp.

The choice and formulation of the questions were determined by the following considerations:

- 1) Results of the study of pupils' nonattendances made in 2008;
- 2) Previously made studies of pupils ascertaining their civic values, attitude to the state, discipline, behaviour etc., as a result of which it is possible to compare, at least partly, the results of author's research with the results of other researches; this correspondingly extends the certainty and comparability of the research made by the author, as well as allows to follow the dynamics of the development of society's / pupils' opinions;
- 3) The social economic crisis as a result of which increase of citizens' pessimism and frustration was registered in Latvia's society, confidence in the state had decreased and people's wish grew to abandon Latvia. However, at the time when the research was made, the above issues were almost not investigated.

Carrying out of any survey is to be connected with observance of several basic principles to achieve safe and trustworthy results: making a selection which is directly determined by the target audience / general group, structural composition of the target audience, quantitative structure of the target audience, respondents' competence – ability to provide substantiated / well-grounded responses to the questions included in the questionnaire, etc.

While planning the survey it was found that, according to the information provided by the Central Statistical Board, the general group made by all educatees of grade 9 of basic education programmes included 25 505 educatees.²⁴⁸ If it is planned to include a large number of pupils in a research, it is more rational to make random selection of whole groups instead of separate individuals (in the given case, the 9th grades of the chosen schools of Latvia).²⁴⁹ Considering the size of the general group and in light of the information mentioned in scientific literature about how to form representative selections, the required size of the selection was not less than 390 elementary school pupils (sample error – 5%).²⁵⁰

Since in the research whole classes of pupils were studied instead of separate pupils, the chosen mode of selection was cluster selection, or “nest” selection (n). “Nest” selection is made by dividing the total general group of pupils into subgroups – in the given case, schools and classes.

However, in order to encompass all traditional regions of Latvia, as well as educational institutions where education curricula are implemented in both Latvian and bilingually (in Russian and Latvian), the size of the selection was increased till 600 educatees.²⁵¹ Thus, the general group was divided into typical, innerly possibly uniform groups, embracing all regions of Latvia: Riga, Vidzeme, Latgale, Zemgale, and Kurzeme.

²⁴⁸ Centrālās statistikas pārvaldes datu bāzes // <http://data.csb.gov.lv/Dialog/Saveshow.asp> (last viewed 12.03.2009).

²⁴⁹ Raščevska M., Kristapsone S. Statistika psiholoģijas pētījumos. – Rīga: Izglītības solī, 2000. – 104.lpp.

²⁵⁰ Kristapsone S. Izlase un tās veidošanas metodes // Ievads pētniecībā: stratēģijas, dizaini, metodes. – Rīga: RaKa, 2011. – 77.lpp.

²⁵¹ Sk. Паниотто В., Максименко В. Количественные методы в социологических исследованиях // <http://www.ecsocman.edu.ru/data/428/641/1219/chap5.pdf> (last viewed 10.10.2010).

The required number of respondents were included in the selection – 600 grade 9 basic education curricula educatees.

The choice of grade 9 pupils was determined by the abovementioned pupils' competence, i.e., knowledge and experience as well as the ability to be aware of and justify one's choice. These pupils should already be aware of the meaning of education, they must decide on their further education / work, they have already acquired the minimum of legal knowledge while studying the subject "Social Sciences" and during the research they finished their compulsory studies at school, etc. Thus, these pupils formally and actually were prepared for the life of adults where they further will constantly have to choose a definite model of behaviour and assume responsibility. Alongside with their views, behaviour, opinions, attitudes these pupils demonstrated the study and training results. One can conclude that they are "products" of the educational system who, considering their age, acquired education and other factors, are becoming full-fledged members of society.

To obtain empirical information, a questionnaire was elaborated in the form of survey (the questionnaire was prepared in Latvian, see Appendix 1).

Being aware of the fact that the most recommendable way of returning the questionnaire is its filling in "on the spot", during realization of this research the questionnaires were filled in on the spot – in general education establishments, in a written form.

When preparing questions of the questionnaire it was necessary to envisage various levels of knowledge and understanding of the elementary school pupils about the investigated issues, incl. in connection with knowledge of Latvian; thus, the structure of questions was made possibly simple and easy to grasp so that the respondent could provide a maximum precise reply. Part of the questions of the questionnaire were closed (of closed form) questions but the majority of questions were open or half-open when respondents could express their views, evaluations, opinions, attitudes. To check the verity of the given responses, quality of the obtained information and stability of respondents' opinions, also control questions were included in the questionnaire.

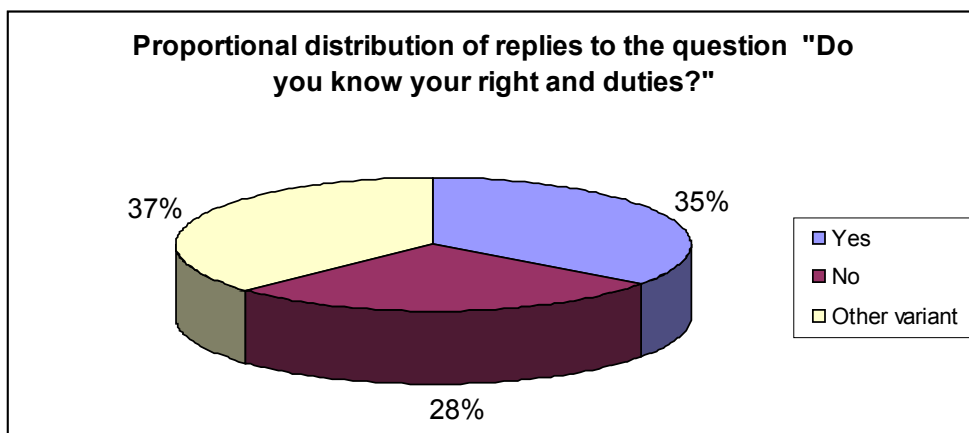
The questionnaire consisted of three parts: introductory part, main part and concluding part. The function of the introductory part of the questionnaire was to "address the respondent" and do maximum effort to make him / her interested in writing answers. Its content was concrete, compact and short. While elaborating the introductory part of the questionnaire the following aspects were encompassed: data about those who carry out this survey, the goal of survey and explanation of use, importance of respondent's participation, instruction how to fill in the questionnaire as well as data about observance of anonymity of responses. The main part or basic part of the questionnaire was larger by size and more complicated by content. At the beginning of the basic part simpler questions were included to stimulate respondent's interest, dispose him favourably to cooperation and facilitate his full involvement in filling in the questionnaire. Further, more complicated questions were included in the basic part. The concluding part of the questionnaire consisted of social demographic questions where the respondent provided information about his / her gender and place of residence.

In processing the research data and preparation of images the Microsoft Word and Microsoft Excel software was used.

Processing and analysis of the responses to the questions included in the questionnaire allowed to obtain the following results:

1. To the question „Do you know your rights and your duties?” only 35% of respondents gave an affirmative answer, 28% of respondents gave a negative answer, while 37% of respondents had chosen other response variant, stating generally that they partly know their rights and duties, or have difficulty to define them, but in some (2) responses an utterly negatory concept about rights and duties was expressed – “need not know them” / “what for to know them” (see Fig. 5.).

Fig. 5. Distribution of respondent' replies to the 1st question of the questionnaire.

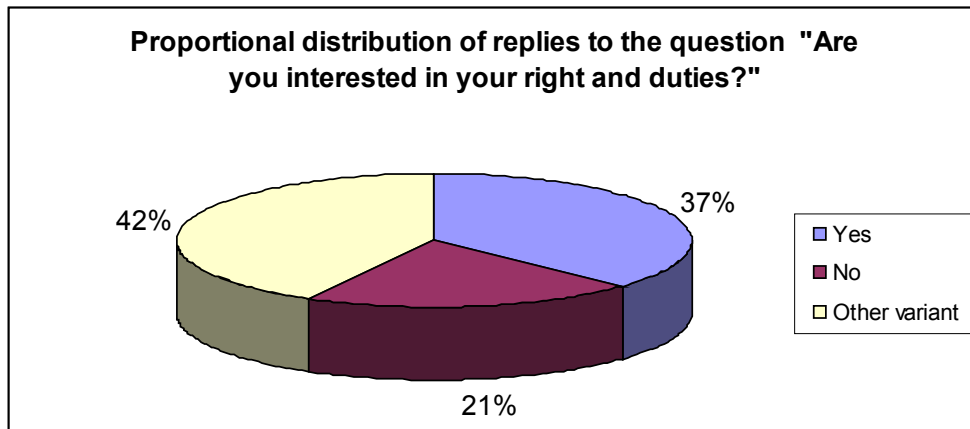


Source: Image created by the author.

Thus, one must conclude that the general level of legal knowledge of elementary school pupils, i.e., knowledge about rights and duties (corresponding to the results of self evaluation) is unsatisfactory. The young people lack (and at least part of the respondents are aware that they lack) knowledge / a concept about their rights and duties in society / state.

2. The replies made to the question “Are you interested in your rights and duties?” show that the absolute majority – 42% of respondents – have chosen other variant of reply indicating that they are sometimes interested in their rights and duties, or in case of necessity, or when rights and duties are explained to them by parents / teachers or other persons, or they find them out “just so”. 37% of respondents acknowledge their interest in their rights and duties, while 21% of respondents lack such interest (see Fig. 6.). Also, the replies to this question testify to a comparatively low interest in their rights and duties, which generally correlates also with the replies made to the previous question.

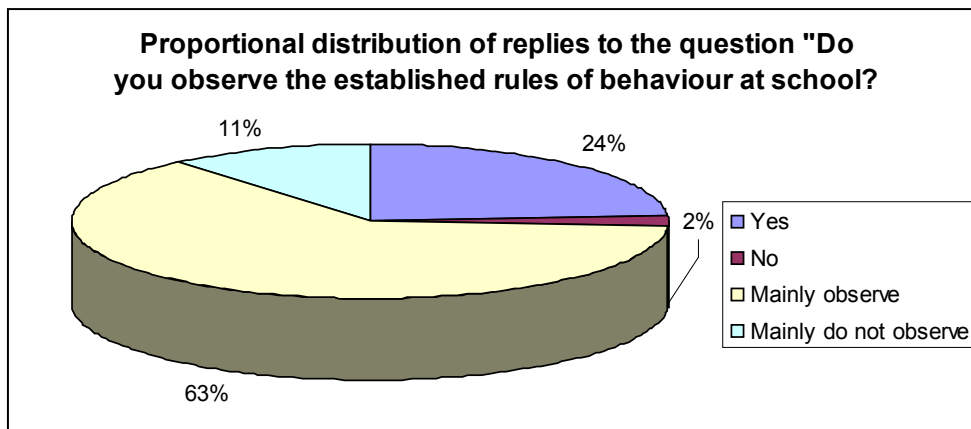
Fig. 6. Distribution of respondents' replies to the 2nd question of the questionnaire



Source: Image created by the author.

3. To the question "Do you observe the established rules of behaviour at school?" the majority of respondents – 63% – had made a reply "mainly observe", 24% gave a positive answer while 11% – "mainly do not observe" and 2% answered negatively mentioning that the rules are outdated, they are written "for teachers, not for children", are not flexible, "restrict us", "are redundant", "are impossible to meet", "do not observe in details", "know myself how to behave" etc. (see Fig. 7.).

Fig. 7. Distribution of respondents' replies to the 3rd question of the questionnaire.



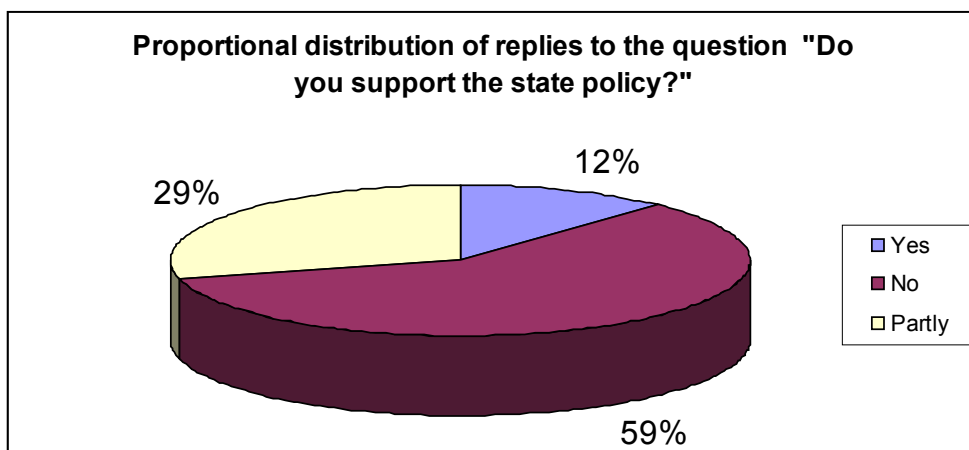
Source: Image created by the author.

The obtained results generally correspond to the results obtained by researcher on pedagogy Linda Daniela in her research about study discipline, where the pupils considered that study discipline during the lesson (in an educational establishment) is

to be observed, while at the same time they themselves sometimes violate the rules of the educational establishment.²⁵²

4. To the question „Do you support the state policy?” only 125 of respondents gave a positive answer. 29% supported partly, while 59% of the respondents do not support it, since it is “undemocratic”, “inhuman”, “against a person”, “good for the rich”, “I can change nothing”, “not good for Latvia”, “Russian population ignored”, “is carried out in their own interests”, “violates human rights”, “does not provide and protect us”, “the state socially does not support and protect”, “shortsighted”. Among 59% of respondents, 3% of respondents made a reply “politics does not interest me” or similar answers (se Fig. 8.).

Fig. 8. Distribution of respondents' answers to the 4th question of the questionnaire

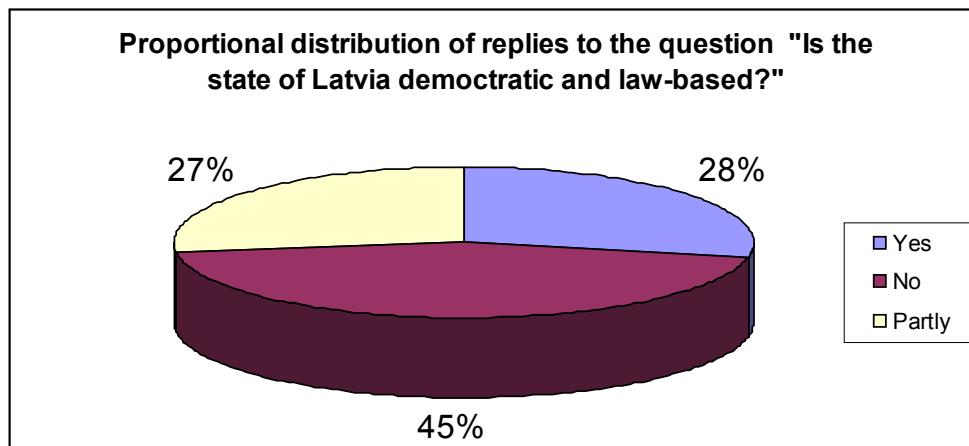


Source: Image created by the author.

These data correspond with the answers given to the 9th question “Is the state of Latvia democratic and law-based?”, since 28% of the respondents gave a positive answer, 27% consider that Latvia is a partly democratic and law-based state, but 45% consider that “no” justifying their reply with expressions similar as when giving answers to the 4th question. They mention also a high level of corruption, the condition that “laws are written for the authorities”, “arrest for 100 lats but never does for millions”, “does not take care about a person”, “the government takes care about itself and its own pockets”, “since one cannot believe them”, “since all Latvia is sold”, “Latvia is not independent and democratic”, “since everything is decided just so”, “since the politicians lie very often”. One of the respondents has marked that “the question is ridiculous” thus actually expressing her attitude towards the state system of Latvia and the legal system in general (see Fig. 9.).

²⁵² For greater detail see Daniela L. Skolēni un mācību disciplina. – Rīga: RaKa, 2009. – 158. – 196.lpp.

Fig. 9. Distribution of respondents' replies to the 9th question of the questionnaire



Source: Image created by the author.

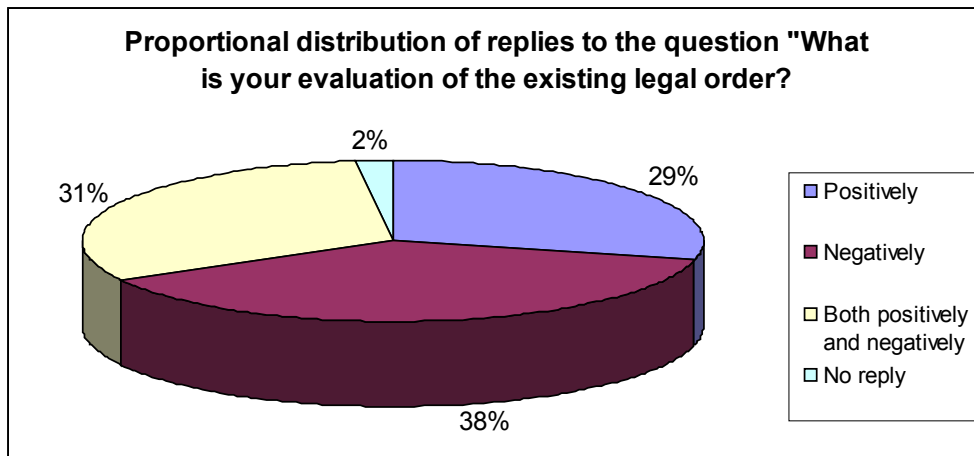
It is to be noted that the data obtained during this research only partly correspond to the results of researches made previously. Thus, for example, in 2006 the results of the youth research "A young person in modern school", after the survey of 150 senior grade pupils, the results show that 51.3% of the youth sometimes are interested in politics, 25.2% does it irregularly, but 23.4% are not interested. The most part of the youth – 40.8% consider Latvia to be a democratic state, 28.8% have an opposite opinion, but 30.4% do not know.²⁵³ An assumption can be made that such results were influenced by an essentially different political and socially economical state of Latvia in 2006 and in 2009.

5. Giving answers to the 5th question "What is your evaluation of the existing legal order?", the majority – 38% of respondents evaluated it negatively mentioning the words "unjust", "restrict a person", "restrict freedom and words", "protect the rich", "cut down everything", "everything is decided by money", "arbitrariness of the state and state authorities", "it is frequently changing". A bit smaller proportion of respondents – 29% – approve the legal order: "positively", "turns against thieves", "protect us", "we are on our way to Europe", "building a law-based state", "has become better". Whereas 31% of respondents consider that "there are problems", "a lot to be done for it", "there is both justice and injustice", "possible to seek for justice", "it will be good", "it used to be worse", etc. 2% of respondents have not made any reply (see Fig.10.). In this case, too, one must conclude that the youth have expressed a multiform attitude towards the existing legal order and the legal system, besides, a high proportion of negative evaluation of the legal

²⁵³ Bilingvālā izglītība: pasaules un Latvijas pieredze / sast. S.Mickeviča, A.Visocka. – Rīga: LVAVA, 2008. – 117. – 119.lpp. It is interesting to note that in the study of Nicolo group (leded by the professor of the University of Latvia Dr.sc.pol. Jānis Ikstens) in February – March 2009, when 1311 secondary school pupils were surveyed, it was found that 29% of the respondents have high interest in politics, 54% - medium, and 15% - low interest or lack of it. See Pilsoniskās izglītības apguves ietekme uz vidusskolēnu vērtīborientāciju un politisko uzvedību. Galvenie secinājumi un grafiskā atskaite. – Rīga: Nikolo grupa, 2009 (unpublished).

order is not only a potential indicator of several existing problems but also testify that purposeful undertakings in order to facilitate the legal culture are needed.

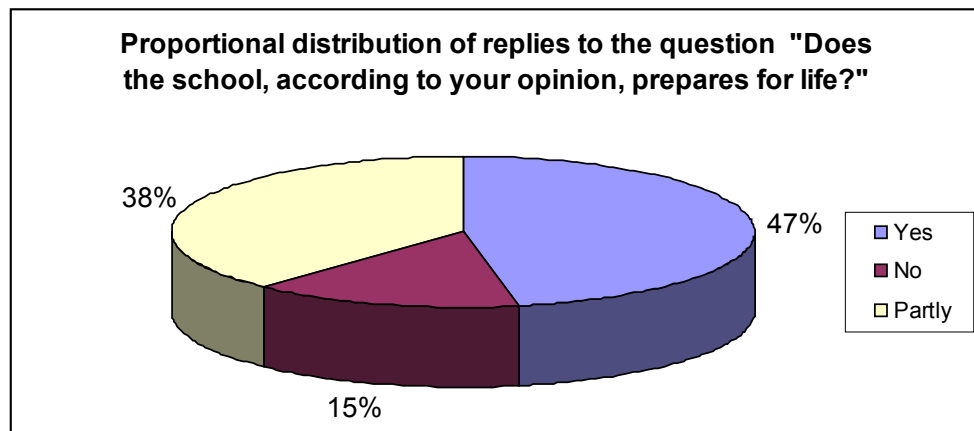
Fig. 10. Distribution of respondents' replies to the 5th question of the questionnaire



Source: Image created by the author.

6. In reply to the 6th question “Does the school, according to your opinion, prepares for life?” the majority of respondents – 47% – answer affirmatively, 38% support the opinion “partly” and the other – 15% - consider that the school does not prepare for life, because “much theory”, “teach many things”, “teach out-of-date things”, “teachers and study curricula must be substituted”, “many redundant things”, “don’t allow to express oneself”, “is not democratic”, “is formal, teachers are not interested in you”, “it is not clear what to do further” (see Fig. 11.).

Fig. 11. Distribution of respondents' replies to the 6th question of the questionnaire

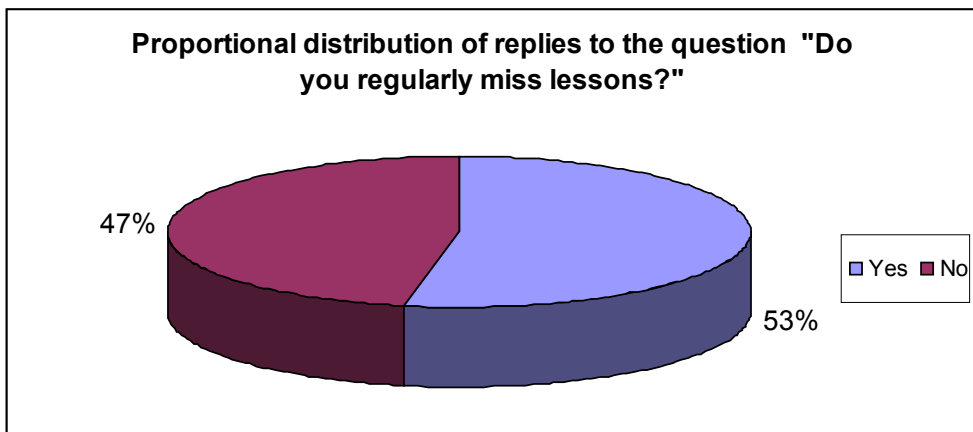


Source: Image created by the author.

It is to be noted that the data obtained during this survey only partly correspond to the results of previously made researches. Thus, for example, the results of the mentioned youth research of 2006 show that 53.8% of youth answered affirmatively to this question, 23.1% made a negative reply and 23.1% did not have any opinion.²⁵⁴ Such a variety in youth opinions, to the opinion of the author of this Doctoral Dissertation, similarly as the structure of replies to the 5th question, is essentially determined by the diverse social economic conditions during the time of both the researches, since in 2009, during the crisis period, it is much more complicated for the youth to make a responsible choice of their further model of life (activity, education). General depressive mood in the Latvian society and pessimistic statements of several politicians and experts determined to a great extent the choice / attitude of the youth.

7. In reply to the 7th question, „Do you regularly (i.e., at least once in a two-week time) miss lessons?” 47% of respondents answered negatively, i.e. they denied nonattendances, while 53% gave a positive answer, among justifications mentioning “work” (2%), lack of motivation / wish, bad mood or lack of mood / disposition, dislike for the subject or problems in its acquisition (26%), incl. 4% of pupils consider that some subjects are not needed and they need not spend time on them. Several elementary school pupils declared that there are other, more interesting occupations (18%), indicated that the teacher is unsatisfactory or that the material of the subject can be acquired faster (5%), mentioned that they better study by themselves (1%) but 1% of respondents mentioned other reasons, incl. problems in their family, necessity to spend their time on things more important etc. (see Fig. 12.).

Fig. 12. Distribution of respondents' replies to the 7th question



Source: Image created by the author.

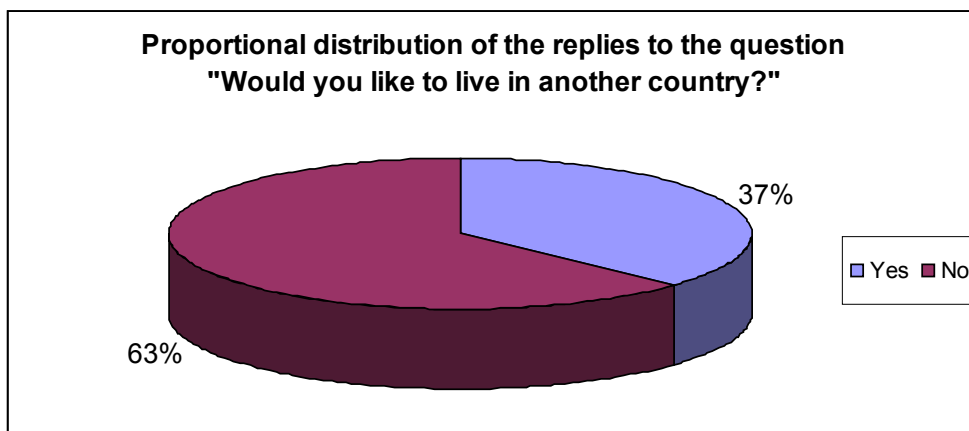
Thus, the responses made show that nonattendances of an educational institution is an essential and complex problem which actually overrides the limits of education environment and which it is necessary to solve. Moreover, the existence of such a large

²⁵⁴ Bilingvālā izglītība: pasaules un Latvijas pieredze / sast. S.Mickeviča, A.Visocka. – Rīga: LVAVA, 2008. – 102.lpp.

number of nonattenders (more than a half) who admit their nonattendances of lessons / educational establishments testifies, to a certain extent, also about the lack of mechanism of nonattendance prevention and of responsibility in the educational establishment, as the nonattendance itself becomes an actual “standard” of the educational environment. Thus, one can conclude that more than a half of elementary school pupils regularly fail to fulfill their duty to study when they choose other occupation during the time when they should be in the educational establishment.

8. To the 8th question “Would you like to live in another country?” the majority of respondents – 63% - answered negatively, while 37% of respondents answered in the affirmative justifying this with a better social economic state, better possibilities of education and work, a poor and un stable situation in Latvia, lack of optimism concerning Latvia’s development. Also rather pessimistic responses were made, for example, “there is nothing to do in Latvia”, “the best people have already gone” (see Fig. 13.).

Fig. 13. Distribution of respondents’ replies to the 8th question of the questionnaire



Source: Image created by the author.

Doubtlessly, the present complicated social economic state is one of the reasons for such a reaction / views. However, it should be indicated that in comparatively better conditions, with optimistic prognosis of Latvia’s development, in 2006, 52% of respondents answered positively to the question “Would you like to live somewhere else?”, 17% answered negatively but 31% had not thought about that.²⁵⁵

In comparison, it can be noted that the results of a research of civil education in 2002 in Latvia showed that 23% of more than 2000 surveyed grade 8 and 9 elementary school pupils wished to live somewhere else.²⁵⁶ On the contrary, in the newest international research, studying the attitude of more than 1000 grade 8 and 9 pupils towards the state of Latvia, it was ascertained that the wish to live somewhere else (in another country) is expressed by 39% of the so-called Latvian schools and 63% of pupils of the Russian

²⁵⁵ Ibid. – 111.lpp.

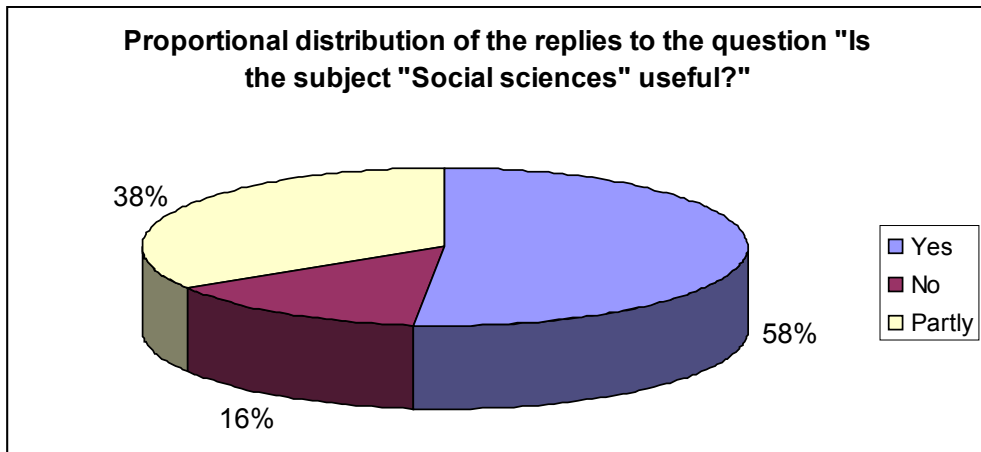
²⁵⁶ Drīvdale-Karuškina S., Geske A., Grīnfelds A., Kangro A., Sarma V., Tipāns O. Starptautiskais pilsoniskās izglītības pētījums Latvijā. – Rīga: Mācību grāmata, 2003. – 129.lpp.

schools, but, respectively, 41% and 18% of pupils consider that in comparison with other countries, Latvia is the best state to live in.²⁵⁷ Thus, the number of elementary school pupils who wish to live in other countries is increasing, which can be explained with unfavourable social economic conditions as well as with a low level of loyalty to the state and the existing order, and with possibilities and prospects available abroad.

9. To the 10th question „Is the subject ‘Social sciences’ useful?“, 56% of respondents answered in the affirmative, 38% of respondents had chosen the reply “partly” but 16% of respondents utter a negative evaluation basing it on the interdisciplinary character of this subject (“there is much of everything”), markedly theoretical character, poor teaching, lack of their own interest about these things (see Fig. 14.). Thus, these results show the necessity to improve the content of the study subject “Social sciences” and improve its teaching as well as raise the qualification of the teachers of this subject, and the state should support the preparation of teachers and the system of raising qualification.

Within this context, the results of the research made in spring 2009, on values orientation and political behaviour of secondary school pupils, finding that “the effect of the factor of acquisition of social sciences on pupils’ values orientations is statistically not large”. Also, 53% of the secondary school pupils surveyed during this research, who master the study subject “Politics and law”, which is the actual continuation of the subject “Social sciences” in the secondary school, had average interest in this study subject, 38% showed great interest but 7% - little interest or lack of it. However, it should be noted that the subject “Politics and law” is an optional subject and approximately 40% of secondary school pupils do not study it.²⁵⁸ The mentioned circumstance is considerably important with the results of this study and the research carried out by the author of this Doctoral Dissertation.

Fig . 14. Distribution of respondents’ replies to the 10th question of the questionnaire



Source: Image created by the author.

²⁵⁷ Kangro A. Skolēnu attieksme pret Latvijas valsti // Skolotājs. – 2010. – Nr.1 (79). – 77.lpp.

²⁵⁸ See Pilsoniskās izglītības apguves ietekme uz vidusskolēnu vērtīborientāciju un politisko uzvedību. Galvenie secinājumi un grafiskā atskaite. – Rīga: Nikolo grupa, 2009 (unpublished).

Generally evaluating the results of the survey involving grade 9 educatees of general basic education curricula of the Republic of Latvia it is possible to conclude that the surveyed youth show a medium legal culture level, eclectic, fragmented values orientation, at the same time clearly demonstrating features of legal infantilism and legal nihilism in their behaviour / attitude. Doubtlessly, complicated social economic conditions, structural changes (incl. general reduction of employees, reduction of salaries, changes in the tax policy etc.), a negative (depressive) mood in the society and instability (incl. lack of clear plans and visions about state development scenarios), especially during the realization of this research, directly influenced the given answers.

However, the research results allow to find several alarming trends concerning at least a considerable part of the youth, including a comparatively low interest in their rights and duties, their acquisition, a low level of trust to the state and a low evaluation of the legal order, high readiness to violate the legal order for one's own advantage or influenced by the behaviour of surrounding people, lack of respect towards school / teacher and the legal order in general. It is no less alarming that more than a half of surveyed elementary school pupils confirm the existence of nonattendances actually neglecting their duty to study and often in this way deepening the gap in their own education / knowledge. Besides the existence of such a number of regular nonattenders testify also to the fact that such action is actually allowed / not punished by the educational establishment and parents, a certain "conciliation" with the existing situation and lack of means / instruments for its changing.

It follows that the state should create legal culture development programmes paying special attention to acquisition of legal knowledge and legal education as well as to prepare specialists for implementation of such programmes (at least at the level of qualification raising courses), thus trying to influence the views and attitudes of the educatees. Otherwise the problems registered in this age stage will keep developing, be passed "to the next generations", will be manifested also in the secondary stage of general and professional education continuing to inflict damage to all subjects involved in education, the society and state in general.

2.4. Acquisition of the legal culture at the elementary school: analysis of study standards

As it was indicated before, the meaning of the legal culture and legal education at the elementary school are undeniable. It is clear that one of the tasks of education, incl. exactly on the level of basic education, is connected with training that includes the necessity to facilitate the development of the legal culture, acquisition of the values and principles of legal culture and legal behaviour in an educational establishment / study and training process.

It was already mentioned in this Doctoral Dissertation that presently in Latvia there is a lack for an educational programme, actually leaving the planning and implementation of the educational work to educational establishments, their administration members and educators. Traditionally, the main instrument of training, besides common undertakings of the educational establishment, is class education and training lesson

during which the educatees are acquainted with the laws and regulations regulating the activity of the educational establishment, with instructions for safety, rules of behaviour – internal order, and during these lessons also the topical issues in the activity of the educational establishment and the study process are discussed, the problem situations are addressed and the class supervising teacher provides support, etc.

At the same time, the state until now has not elaborated the requirements / standards for the work of class supervising teacher actually leaving these complicated duties to the educators themselves, relying on their knowledge, experience, interest in work. The class supervising teacher and also the educational establishments in general, as was found previously, lack also the normative and institutional cooperation instruments to reduce violations in educational environment, incl. nonattendances, ignorance of the rules of internal order etc. To the opinion of the author of this Doctoral Dissertation, in the existing situation, those who elaborate the content of education have not made use of the possibility to improve the arsenal of class supervising teacher's work consolidating this position in laws and regulations, the rights and duties of this position, and creating a support system concerning the content and methodology in the sphere of class supervision.

Alongside the work of class supervising teacher, an essential role in the acquisition of the legal culture and legal behaviour is dedicated to study subjects that include the respective issues. On the level of primary and elementary school such a subject is "Social sciences" which is mastered from grade 1 to 9. Evaluating the standard and themes of this subject, in its essence, it can be considered as a peculiar integrative interdisciplinary subject that integrates the conclusions of several branches of science – ethics, economics, political science, culturology, law, health science, psychology.²⁵⁹

Its aim is "to promote understanding of the social processes as well as the readiness of the educatee to make and implement socially responsible decisions in one's personal, professional and social life in a democratic society".²⁶⁰ Exactly the readiness for a socially responsible position which should manifest in views, legal and ethical behaviour / action, assuming responsibility, tolerant attitude, acknowledgement of the value of labour as well as being aware of one's rights and duties in a democratic society can be directly connected with the ideals of the legal culture and legal education.

Considering the fact that the acquisition of this subject is finished in grade 9, a conclusion can be made that a pupil of grade 9, correspondingly to the basic requirements set in the standard of the study subject,²⁶¹ must demonstrate his "readiness for a socially responsible position", must be able to evaluate his own actions, to assume responsibility,

²⁵⁹ It is to be noted that previously until the 2007 / 2008 study year grade 9 educatees acquired the study subject "Civil Science" the content, requirements and goal were in essence similar to the study subject "Social Sciences". See Ministru kabineta 2006.gada 19.decembra noteikumu Nr.1027 "Noteikumi par valsts standartu pamatizglītībā un pamatizglītības mācību priekšmetu standartiem" 35.pielikums „Civilzinības. Mācību priekšmeta standarts 9.klasei” // <http://www.likumi.lv/doc.php?id=150407&from=off> (last viewed 12.10.2010).

²⁶⁰ Ministru kabineta 2006.gada 19.decembra noteikumu Nr.1027 "Noteikumi par valsts standartu pamatizglītībā un pamatizglītības mācību priekšmetu standartiem" 17.pielikums „Sociālās zinības. Mācību priekšmeta standarts 1. – 9.klasei” // <http://www.likumi.lv/doc.php?id=150407&from=off> (last viewed 12.10.2010).

²⁶¹ Ibid.

know the notion of rule of law, distinguish a legal action from an unlawful one, be aware of one's own rights and duties, etc.

But in contrary to the provisions of the study subject standard, the results of the survey of grade 9 pupils show that at least a half of the surveyed respondents have a weak understanding about their rights and duties, that they regularly allow dare to ignore the legal order established in the educational institution expressing nihilistic views about this establishment, about society and the state. Also, the achievements of Latvia's elementary school pupils in the international civil education test, which comprise also questions associated with the law and the European Union, were among the lowest ones in Europe.²⁶²

Thus, one must conclude that, in essence, the goal of the study subject "Social sciences" is not reached, taking into account the self-evaluation of grade 9 pupils and the results on international and national researches.²⁶³

It is to be noted specifically that the notions "legal culture", "legal education", "legal behaviour" are not included in this study subject standard.²⁶⁴ Also, the analysis of the newest (and the only) text book shows that the notions of the legal culture and legal education are not included. However, the fact that large attention is paid to individual's rights and duties, and responsibility in this textbook should be evaluated positively.²⁶⁵

Within this context, one can agree to the conclusion based on the studies of Svetlana Trenihina, that modern school has actually isolated itself from the responsibility for child legal education and acquisition of the legal culture values.²⁶⁶

Taking into account the abovementioned, the author of this Doctoral Dissertation considers that the aspects of the legal culture and legal education are to be included in the content of the study subject of the elementary school, "Social Sciences", at the same time devoting more study time to acquisition of individual's rights and duties and other legal issues. The author of the Doctoral Dissertation also considers that a new study subject, "Basis of Law", should be introduced in the curricula of the elementary school (which could also be integrated in the content of the study subject "Social sciences" as a separate module), and the author of the Doctoral Dissertation has already started this work. Such an action in its essence corresponds to the tendencies of development

²⁶² In 2009, 4782 elementary school pupils of grades 8 and 9 from 151 schools of Latvia were tested. See Čekse I., Geske A., Grīnfelds A., Kangro A. Latvijas skolēnu pilsoniskā izglītība un identitāte Eiropā. Starptautiskā pilsoniskās izglītības IEA ICCS 2009 pētījuma Eiropas moduļa pirmie rezultāti. – Rīga: Latvijas Universitāte, 2010. – 16. – 22.lpp.

²⁶³ A similar conclusion has been made also concerning the study subject of the secondary school „Politics and Law”. See Pilsoniskās izglītības apguves ietekme uz vidusskolēnu vērtīborientāciju un politisko uzvedību. Galvenie secinājumi un grafiskā atskaite. – Rīga: Nikolo grupa, 2009 (unpublished).

²⁶⁴ For comparison an interesting fact can be mentioned that in the Russian Federation there is a facultative study subject "Law. Basis of the Legal culture" which is taught to grades 8 – 11 pupils. In the concrete case the notion 'legal culture' is used in its broader sense actually comprising the whole legal reality. As indicated by the author of the text book Jelena Pevtsova, "the legal culture is an essential part of general culture" which should be acquired by everyone on both the theoretical and practical level. For example, see Певцова Е. Право. Основы правовой культуры. – Москва: Русское слово, 2007. – 272 с.

²⁶⁵ Andresone G., Catlaks G. Sociālās zinības 9.klasei. – Rīga: Zvaigzne ABC, 2010. – 192 lpp.

²⁶⁶ Тренихина С. Правовая культура учащихся: социологический анализ. Автореферат диссертации на соискание учёной степени кандидата социологических наук. – Екатеринбург: Уральский государственный университет имени А.М. Горькова, 2009. – с.16.

of a law-based state in Latvia envisaging the opportunity for each citizen of the state to acquire the minimum of legal knowledge that is necessary to be able to enter full-fledgedly in the proceedings of a law-based state.²⁶⁷ In order that the introduction of the new study subject is successful it is necessary to plan the system of raising teachers' education and qualification, ensuring that the teacher of this study subject would be competent and able to orient in the system of law and to provide support / advice to the pupil in a problem situation.

Besides, to consolidate the acquired study material, it is necessary to ensure a practical link between the knowledge acquired and each pupil's behaviour and its consequences, which can be ensured by a purposeful work done by the class supervising teacher – nonattendances can be reduced, the nihilistic attitude towards the internal order established in the educational institution can be lessened etc. Otherwise, the knowledge acquired about the rights and duties of an individual, incl. about the duty to study and observe the rights of other persons, actually remain on the (theoretical) level of knowledge and intentions, but in practice irresponsible and often uncontrolled and unpunished action is realized, which, doubtlessly, affects the general level of society's legal behaviour and legal culture. Moreover, the acquisition of the legal culture and legal behaviour should be primarily directed not towards punishments, possibilities of punishment, but towards positive results of observing legal standards and principles, emphasizing the legal prescription as an inner value and the necessity of observing it in everyday life.

In conclusion of Chapter 2 of the Doctoral Dissertation one must conclude:

1) The legal culture of senior grade elementary school pupils is characterized by dynamism, instability, spontaneous change of views and attitudes, impressionability, lack of concepts about their rights and duties, and responsibility, which is determined also by a disproportion in the physical and social development, a weak self-control system etc.;

2) A large part of senior grade elementary school pupils choose legal behaviour / model of legal behaviour in their everyday life. However, a considerable part of senior grade elementary school pupil of Latvia have nihilistic, irresponsible attitude towards the duty provided for in laws and regulations to acquire compulsory basic education, which is manifested in regular nonattendances of the educational institution (missing from school) thus demonstrating a low level of legal culture. This situation is actually stimulated by a lack of efficient mechanism of responsibility for the violations committed and for avoidance to fulfill the duties in the educational establishment, provided for in laws and regulations;

3) Analysis of the responsible institutions (i.e., educational establishments, social services, local government, law enforcement institutions) testify to the lack of instruments for struggle with nonattendances of educational institutions / studies, avoidance of

²⁶⁷ It is to be noted that also as a result of the civil education research involving secondary school pupils a proposal was made "to increase the number of lessons devoted to teaching social sciences". See *Pilsoniskās izglītības apguves ietekme uz vidusskolēnu vērtīborientāciju un politisko uzvedību. Galvenie secinājumi un grafiskā atskaite.* – Rīga: Nikolo grupa, 2009 (unpublished).

the responsible persons to fulfill their duties, incl. avoiding to apply the punishments provided for in laws and regulations and the nihilistic attitude, in concrete cases actually accepting the existing situation of school nonattendances. The existing problems are complicated by the weakly consolidated duties of educational establishments, local governments and other institutions for action / cooperation in this situation. Thus, inter-institutional cooperation between educational establishments, local governments and other interested institutions for reduction of school nonattendances should be developed and consolidated;

4) The coercive means of educational character provided for in the Law of Application of Coercive Means of Educational Character to Children – restriction of behaviour imposing as a duty for the child to continue acquisition of the basic education should be evaluated negatively. The mentioned restriction of behaviour in essence is contradictory to the goals of education, actually making the compulsory duty of acquiring the basic education, set by the state, as a punishment;

5) The results of the survey of grade 9 elementary school pupils of Latvia show the average level of youth's legal culture simultaneously demonstrating features of legal infantilism and legal nihilism in youth's behaviour / attitude. The abovementioned is aggravated by complicated social economic conditions, structural changes, negative (depressive) mood and instability in the state and society at large;

6) The research results allow the finding that a considerable part of the youth are comparatively little interested in their rights and duties and acquisition of them, and demonstrate a low level of trust in the state, and a low level of evaluation of the legal order, readiness to violate the established legal order for one's own advantageousness or under the influence of the surrounding people, lack of respect towards the school / teacher and the society at large;

7) More than a half of the surveyed youth declare their nonattendances actually irresponsibly treating their duty to study and often in this way aggravating the problems in the educational establishment and increasing the gaps in their education / knowledge. Besides, the existence of the number of such regular nonattenders testifies to the fact that the educational institution / local government / parents actually permit / do not punish such a situation, in a way it is "reconciliation" with the existing situation and lack of means / instruments for changing it;

8) The notions of the legal culture and legal education are not included in the content of the elementary school study subject "Social Sciences". Also, inadequate attention has been paid to the issues that are directly connected with their content / acquisition.

In general, the state and institutions responsible for the content of education should create programmes facilitating the legal culture, paying special attention to acquisition of legal knowledge and legal education, trying to positively influence the views and attitudes of elementary schoolpupils. Otherwise, the problems found in this age stage will keep developing and will be "transferred to the next generations". Moreover, the acquisition of the legal culture should be primarily directed not towards punishments and possibilities of punishment but towards positive results of observing legal standards and principles, emphasising the legal provision as an inner value, and the necessity of its observance in one's everyday life.

CONCLUSION

As a result of the research of legal culture of senior grade elementary school pupils made in this Doctoral Dissertation, as well as of theoretical analysis of the phenomenon of the legal culture it is possible to make the following conclusions:

1. Interaction of the law and culture in society is the basis for existence of a definite system of social relations and legal order, which is possible to be studied from the legal sociological aspect. The legal culture is one of the elements characterizing this system;

2. The term 'tiesiskā kultūra' (legal culture) more precisely than the term 'juridiskā kultūra' (juridical culture) reflects the content of the English term 'legal culture', German term 'Rechtskultur' and Russian term 'правовая культура' in Latvian;

3. Legal culture as a specific branch of common culture, an inalienable element of the society's culture is a complicated, multifunctional, dynamic social and legal phenomenon having been analysed and interpreted in manifold ways. It ensures the possibility to study knowledge, attitudes, standards, ideals, views about rights and duties of an individual / group / society as well as the level of their implementation (respect for rights) in everyday life, as an individual / group / society chooses a definite model of behaviour / action / activity and confers the law a definite place in one's own hierarchy of values, and it also allows to study the legal system (legal reality) and the real activity / functioning of various legal institutions;

4. The term 'legal culture' can be used at least in two meanings / understandings. In a narrow understanding the legal culture refers to an individual / group / society establishing definite (legal) models of behaviour, values, ideals and attitudes. This is the level of knowledge and understanding of the law (legal standards and principles as well as responsibilities) of an individual / group / society, and the basis of legal behaviour / action / activity. Whereas the legal culture in a broader sense is a phenomenon characterising the legal system (legal reality), it is a special social mechanism comprising all components / institutions of legal / juridical activity (reality) and is manifested in their actual functioning in the concrete time period;

5. In general the legal culture can be defined as an aggregate of spiritual and material values in the legal life (legal relations) of society. It reflects the qualitative level of society's legal life and manifests as accepting and implementing an aggregate of the law (legal standards, principles, institutions, responsibilities, knowledge) in everyday life and their evaluation in a given time period;

6. Currently it is possible to analyse the new social and legal phenomenon – legal anti-culture – the negative features of views, concepts, attitudes and actions / behaviour / activity of an individual / group / society, fully or partially denying the law as a value, impeding a peaceful, evolutionary activity and development of an individual / group / society and the established legal order. Legal anti-culture is characterised by deformation of legal consciousness and legal culture, inc. legal nihilism, legal infantilism, legal demagoguery, legal dilettantism. However, the legal anti-culture has also a positive role stimulating the dynamics of law, intensifying the efforts and attraction of means for cultivating the legal culture;

7. It is possible to distinguish between three levels of the legal culture: individual's legal culture, group legal culture and society's legal culture that interact in different ways

in the legal reality, also coming into mutual conflict, with the formation of a definite legal order and manifesting in legal behaviour, legal relations and in the process of acquisition of legal knowledge and training / socialisation, and in legal communication, etc.;

8. The legal culture constantly interacts with other social phenomena / branches, which is most directly expressed in implementation of legal culture functions and mutually interdependent functioning of elements / components of the legal culture. This is the basis for the legal culture as a phenomenon of an essential socio-normative regulator to be the subject not only of the law but also the political science, philosophy, sociology, culturology and other branches of science;

8. As a new variation of the legal culture, virtual legal culture should be mentioned, the mechanisms of acquisition, manifestation and regulation of which essentially differ from those of everyday legal culture. Taking into account that the possibilities of regulation of and interference in the virtual space by the state are restricted, the role and responsibility of each individual is considerably growing, as well as the significance of the legal culture in choosing a definite model of action in the virtual space. However, the formation and manifestation of the (virtual) legal culture of an individual / group / society in the Global Web (Internet), due to its specific character, deserves a separate research;

9. The problems of legal culture development become increasingly topical during the transformation and crisis of the state and society, with implementation of the breach model of the legal culture and with the change of traditional (customary) rights and duties, withdrawing from previously accepted sample models of legal culture and seeking for new ones, as well as with the increase of the number of representatives of asocial subcultures who have a characteristic low / decreased level of the legal culture, which is often the basis for a social tension, disturbances and conflicts;

10. The legal culture of senior grade elementary school pupils is characterised by dynamism, instability, a spontaneous change of views and attitudes, impressionability, lack of concepts about one's rights and duties, and responsibility, which is determined also by a disproportion in physical and social development, and a weak self-control system;

11. The majority of Latvia's senior grade elementary school pupils choose legal behaviour in their everyday life, i.e. observe the legal prescriptions. However, a considerable part of senior grade elementary school pupils of Latvia have a nihilistic, irresponsible attitude towards the duty provided for in laws and regulations to acquire compulsory basic education, which is manifested in regular nonattendances of educational establishments (missing from school) testifying to their low level of legal culture. This situation is actually stimulated by a lack of efficient mechanisms of responsibility about the violations made and for avoidance to fulfil the duties provided for in laws and regulations in an educational institution;

12. Analysis of the action of the responsible institutions (i.e., educational institutions, social service, local government, law enforcement institutions) show the lack of instruments for struggle against nonattendances of educational institutions, and avoidance of the responsible persons to fulfil their duties, incl. avoiding to apply the punishments provided for in laws and regulations, as well as against the nihilistic attitude, in concrete cases actually accepting the existing situation with school nonattendances. The existing problems are complicated by weakly consolidated duties of educational

establishments, local governments and other institutions for action / cooperation in this situation. Thus, inter-institutional cooperation should be developed and consolidated between educational establishments, local governments and other interested institutions, for reduction of nonattendances;

13. The coercive measure of educational character provided for in the Law “On Application of Coercive Measures of Educational Character to Children” (2010) should be evaluated negatively, since it imposes on children the duty to continue acquisition of the basic education. The mentioned restriction of behaviour is in essence contradictory to the goals of education actually making the duty of compulsory acquisition of basic education, set by the state, as a punishment;

14. The results of the survey of grade 9 elementary school pupils show the average level of youth’s legal culture at the same time demonstrating features of legal infantilism and legal nihilism in youth’s behaviour / attitude. The abovementioned is aggravated by complicated social economic conditions, structural changes, a negative (depressive) mood in society and instability in the state and society at large;

15. The results of the research allow to draw a conclusion that a considerable part of the youth are comparatively little interested in their rights and duties, acquisition of them, demonstrate their low level of trust in the state and a low evaluation of the legal order, readiness to violate the established legal order for their own advantage or under the influence of the surrounding people, lack of respect towards the school / teacher and the society at large;

16. More than a half of the surveyed youth acknowledge their lesson nonattendances, actually neglecting their duty to study, and often in this way aggravating the problems in the educational establishment and increasing the gaps in their own education / knowledge. Besides, the existence of such a number of regular nonattenders testifies that such an action is actually permitted / is not punished by the educational establishment, local government / state and parents, and to a certain “reconciliation” with the existing situation and lack of means / instruments for its change;

17. The notions of the legal culture and legal education are not included in the content of the study subject of the elementary school “Social Sciences”. Also, the issues that can be directly associated with its content / acquisition have received inadequate attention. Moreover, to consolidate the acquired study material, it is necessary to ensure the link with each pupil’s behaviour and its consequences, which can also be ensured by purposeful work by the class supervising teacher, for example, reducing nonattendances, the nihilistic attitude towards the internal order established in an educational institution etc. Otherwise, the acquired knowledge about individual’s rights and duties, incl. about the duty to study and observe other persons’ rights, actually remain on the level of knowledge and intentions, but in practice irresponsible and often uncontrolled and unpunished action is realised.

As a result of research made in this Doctoral Dissertation it is possible to make the following proposals:

1) The term ‘tiesiskā kultūra’ (legal culture) should be consolidated in the list of Latvian legal terminology;

2) Legal culture research should be developed in Latvia and inclusion of this phenomenon in the content of basic education in Latvia, incl. improving the acquisition of legal knowledge in educational institutions, should be stimulated;

3) Formation of a positive attitude of elementary school pupils should be facilitated, towards their duty to study to acquire compulsory basic education, which is to be connected also with consolidation of discipline and responsibility and reduction of the number of nonattendances of the educational institution. Inter-institutional cooperation for reduction of nonattendances of the educational institution should be envisaged in each local government. Moreover, the informative and explanatory work should be improved not only explaining the essence of a new regulation of nonattendances and responsibility for school nonattendances, but also attracting the attention of the responsible persons – educators, staff of local governments and law enforcement institutions to accurate fulfilling of their duties, making use of all resources and instruments that are at their disposal for prevention of nonattendances of educational institutions (for example, not only applying the punishments provided for in laws and regulations but also providing support for employed educatees' studies in an evening (shift) school or distant learning school, informing them about the possibility to evaluate the competence acquired outside the formal education system);

4) Considering the number of conflict situations, incl. in connection with non-attendances of educational institutions, the administration of educational institutions, the support staff – psychologists, social pedagogues and class supervising teachers should acquire the skills to lead supportive negotiations / discussions with the pupil and his parents, and other interested parties making use of so-called alternative methods of dispute settlement, for example, mediation approaches and techniques. The abovementioned measures can be realised within the frames of raising qualification of pedagogues using the funding destined for this goal, incl. the projects of continuing education for pedagogues realised by the State Education Content Centre;

5) It would be necessary to ascertain the possibilities to effectivise the mechanism of applying administrative punishments to parents for non-fulfillment of the duty of child care and to the pupil him / herself (i.e., beginning with the age of 14 – the age of administrative responsibility) for nonattendances of the educational establishment and avoidance to acquire the compulsory basic education, incl. consolidating the capacity of the responsible institutions – local governments and their Education Boards, the State Inspectorate for Protection of Children's Rights, and the State Service for Education Quality;

6) To elaborate a special programme of social training / correction (the designation is disputable) for nonattenders of educational institutions as well as for the educatees who have behavioural and education problems, which could be realised by separate educational establishments (for example, one on the large local government or group of local governments), offering persons with essential educational and behavioural (discipline) problems the necessary help and possibility of acquisition of education. The right of the educational institution should be envisaged, without parent consent, basing on recommendation of the school pedagogical board and having received agreement from the orphans court, social service and / or local government, to transfer an educatee, who regularly essentially violates the rules of internal order of the educational

establishment or does not attend it, for continuation of studies in this programme of social training / correction;

7) It is necessary to study and dispute about the responsibility of the educatee (incl. the financial responsibility) in case he / she, without justifying reasons (for example, connected with health state, development disorders, family situation) repeats the study year for a second, third or even fourth time. In this case such an educatee, beginning with the age of 11, i.e. at the age when it is possible to apply coercive means of educational character, should (at least partly) assume financial responsibility and cover the investment which the state / society is forced to overpay for his acquisition of education. Considering the fact that the juvenile educatee could have no means to cover such payment, the author of this Doctoral Dissertation deems it possible to introduce a study credit – a mechanism that would resemble the study credit in higher education, which should be covered only after acquisition of the higher education and coming of full age, as well as to grant the right to cover this sum to the educatee's family (in case the family wishes so). It would be compulsory to determine the responsible institution, for example, the State Inspectorate for Protection of Children's Rights, and envisage a mechanism of evaluation whether the educatee, due to objective reasons, considering the peculiarities of person's age, health, social status etc., should not be exempt from such payment, at the same time without restrictions ensuring this person's right to education.

8) The author of the Doctoral Dissertation critically evaluates the amendments made in spring 2010 in the Law of Application of Coercive Means of Educational Character to Children (in effect since 26 March 2010), providing in Art. 10¹ of this article the right to the judge or an administrative commission, to impose a coercive means of educational character for the time period of 30 days till one year – restrictions of behaviour, incl. imposition of the duty to continue acquisition of the basic education. The existence of such coercive means of educational character testifies to a low level of the legal culture in Latvia's society, since the basic duty of the child (educatee), to study, provided for in Art. 112 of the Satversme (Constitution) of the Republic of Latvia and Art. 4 of the Education Law, should not be transferred into a coercive means of educational character, the control of application of which is actually impossible, i.e., in light of the provisions of this Law, the representatives of the local government can control the attendance of the educational institution, but it is impossible to control pupil's attitude towards studies / acquisition of education, progress at school, and genuine studying. Thus, the author of this Doctoral Dissertation considers that such a restriction of child's behaviour should be deleted from the normative acts substituting it with an opportunity to continue one's studies / acquisition of education in the abovementioned programme of social training / correction, elaborating the support programmes and ensuring already now the opportunities to apply the possibilities of applying coercive means of educational character provided for in the Law of Application of Coercive Means of Educational Character to Children, including also forced consultation with the respective specialist – a psychologist, doctor or other specialist.

9) In Latvia, programmes facilitating the legal culture and education should be elaborated for educational institutions, paying special attention to acquisition of legal knowledge, trying to positively influence the views and attitudes of the educatee;

10) Aspects of the legal culture and legal education should be included in the content of the primary and elementary study subject „Social Sciences”, at the same time extending acquisition of individual’s rights and duties and introducing a new elementary school study subject, „Basis of Law” (which could also be integrated into the content of the study subject „Social Sciences” as a separate module). This is one of the nearest work tasks for the author of this Doctoral Dissertation, who now engages in the work of the working group for improvement of elementary school and secondary school study standards and study curricula.

11) To consolidate the acquired study material of the study subject “Social Sciences”, it is necessary to ensure a practical link between the acquired knowledge and each pupil’s behaviour and its consequences, incl. promoting respect for the surrounding people, and the legal values becoming as individual’s inner values, which can be ensured by a purposeful work of the class supervising teacher, for example, reducing the number of nonattendances, nihilistic attitude towards the rules of internal order established in the educational establishment etc. Moreover, the acquisition of the legal culture and legal behaviour should be primarily directed not towards punishments and possibilities of punishment and repressive measures, but to positive results of observance of legal standards and legal prescriptions, declaring the legal prescription as an inner value, and the necessity of their observance in one’s everyday life.

12) In order that introduction of a new, improved content of the subject of law would be successful, it is necessary to plan the system of raising teachers’ education and qualification, ensuring that a teacher of the study subjects „Social Sciences” and „Basis of Law” would be competent, incl. also able to orient himself in the legal system and could provide support / advice to a pupil in problem situations. Thus, it is necessary to improve the content of higher education study programmes of teachers including study courses in law, incl. the study subject „Education Law”, „Rights and Duties of Children and Educatees” etc. Whereas it is necessary to ensure the opportunity to improve knowledge to the functioning educators, within the frames of compulsory raising of pedagogical qualification, using the funding designed for this goal, incl. the projects for further education realised by the Education Content Centre.

In general the Republic of Latvia should elaborate and form purposeful programmes for promoting the legal culture, with following realisation of them, paying special attention to acquisition of legal knowledge and legal education in educational establishments and the society at large. Otherwise, the problems connected with Latvian youth’s behaviour and attitudes discussed in this Doctoral Dissertation will keep developing and will be „transferred to future generations”, inflicting increasing damage to the Latvian society and state.

Regular theoretical and practical studies of the legal culture should be continued encompassing a possibly larger number of Latvian population and groups, and elaborating proposals for promoting the legal culture.

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Questionnaire

Dear pupil of the 9th grade!

At present, a research is being made to ascertain the attitude of Latvian senior grade elementary school pupils towards law / the legal order and the choice of the model of legal behaviour.

You are invited to fill in this questionnaire, since exactly your opinion is essential to understand the models of youth legal culture and behaviour and to elaborate support measures for the youth.

The questionnaire is anonymous and the acquired information will be used in the research about the legal culture of Latvia's senior grade elementary school pupils.

Ivans Jānis Mihailovs, Doctoral student of Riga Stradiņš University, e-mail for contacts, questions, cooperation: ivans.mihailovs@inbox.lv

1. Do you know your rights and your duties? (Please, check the adequate variant)

Yes

No

Other variant _____

2. Are you interested in your rights and duties?

Yes

No

Other variant _____

3. Do you observe the established rules of behaviour at school?

Yes, always

Mainly observe

Mainly do not observe, because _____

No, because _____

4. Do you support the state policy?

Yes

Partially

No, because _____

5. What is your evaluation of the existing legal order?

6. Does the school, according to your opinion, prepares for life?
 Yes
 Partially
 No, because_____
7. Do you regularly (i.e., at least once in a two-week time) miss lessons?
 Yes, because_____
- No
8. Would you like to live in another country?
 Yes, because_____
- No
9. Is the state of Latvia democratic and law-based?
 Yes
 Partially
 No, because_____
10. Is the subject ‘Social sciences’ useful?
 Yes
 Partially
 No, because_____
11. Please, indicate your gender:
 Female
 Male
12. Please, indicate your place of residence:
 Riga
 Other city / town
 Outside the city / town

Thank you for your responsiveness!

MYKOLAS ROMERIS UNIVERSITY

Ivans Jānis Mihailovs

LEGAL CULTURE OF THE LATVIAN YOUTH:
EXAMPLE OF THE SENIOR-GRADE ELEMENTARY
SCHOOL PUPILS

Summary of the Doctoral Dissertation
Social Sciences, Law (01 S)

Vilnius, 2012

The Doctoral Dissertation was prepared during the period of 2006-2011 at Riga Stradiņš University (Latvia) and 2012 at Mykolas Romeris University (Lithuania) according to the right to carry out doctoral studies provided to Mykolas Romeris University and Vytautas Magnus University by the order of the Minister of Education and Science of the Republic of Lithuania No. V-1019 dated on June 8, 2011.

The dissertation is defended as an external work.

Scientific Consultant:

Prof. Dr. Saulius Arlauskas (Mykolas Romeris University, Social Sciences, Law – 01 S).

The Doctoral Dissertation is defended at the Law Research Council of Mykolas Romeris University and Vytautas Magnus University:

Chairman:

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Prof. Dr. Andrejs Vilks (Riga Stradiņš University, Social Sciences, Law – 01 S).

The public defence of the Doctoral Dissertation will take place at the Law Research Council at Mykolas Romeris University on 7th of December, 2012 at 1:00 PM in the Room II-230 of Mykolas Romeris University.

Address: Ateities str. 20, LT-08303 Vilnius, Lithuania.

The Summary of the Doctoral Dissertation was sent out on 7th of November, 2012.

The Doctoral Dissertation is available at Martynas Mažvydas National Library of Lithuania (Gedimino ave. 51, Vilnius) and Mykolas Romeris University libraries (Ateities str. 20, Valakupių str. 5, Vilnius; V. Putvinskio str. 70, Kaunas).

**LEGAL CULTURE OF THE LATVIAN YOUTH:
EXAMPLE OF THE SENIOR-GRADE ELEMENTARY SCHOOL PUPILS**

**GENERAL CHARACTERISTICS OF THE DOCTORAL DISSERTATION
Grounds for the choice of the research theme and the Dissertation topicality**

Investigation of various social phenomena is one of the tasks of contemporary science, by reflecting the current state of affairs and problems in a definite sphere as well as by providing an overview of the present situation to the society including decision makers, and marking the development prospects, stimulating discussions, elaborating proposals / suggestions for improvement of the laws and regulations and policy documents.

Beginning with the 1990s, several research studies appeared in Latvia in which representatives of various branches of science analyse the situation in the definite branch. Unfortunately, most of researches in the sphere of social sciences are mainly confined to narrow specialised issues, frequently making use of broader contexts of social sciences and an interdisciplinary approach. Besides, increasing attention concerning science policy and science funding in Latvia is being paid to exact / natural sciences. As a result, several social phenomena are currently neglected as regards research and also higher education studies, taking into consideration the inseparability of studies and research provided for in Article 5 of the Law on Institutions of Higher Education. One of such phenomena is legal culture (also, juridical culture) and the related processes and problems.²⁶⁸

Culture is a complicated and multiform phenomenon which undergoes constant transformations concerning an individual / various groups / society at large, its functioning, forming values, opinions, standards etc. In its essence, culture affects all kinds and spheres of man's activities. Thus, specific branches of common culture are distinguished – political culture, legal culture, religious culture, language culture etc., which are attributable to every individual / group / society and are constantly interacting with the common functioning system of the society and the social standards. Thus, it is to be noted that investigation of the legal culture is an essential part of the social and cultural sciences as well as sociology, political science, pedagogy, legal science and other branches of science.

After the restoration of Latvia's independence, the phenomenon of legal culture is still being studied rather little especially considering the development of the Latvian society in the late 20th century – beginning of the 21st century, with the change of traditional (legal) values and understanding, goals and frames of the admissible action, declining previously accepted normatives (prescriptions) and ethical standards; moreover, Latvia is taking part in modern global integrative processes that essentially affected and continue to influence the whole society including the legal culture.

²⁶⁸ See more on the terms 'legal culture' and 'juridical culture' in Chapter 1 of the Doctoral Dissertation.

Thus, no research studies of legal culture are actually being made in Latvia, and also attention is insufficiently paid to it in the studies of law, and in political and sociological studies. Besides, several essential issues of legal culture, legal behaviour, education and discipline have been recognised as insignificant, whereas the analysis of legal culture in the USA, Western Europe, and Russia takes an important place in the investigation of social phenomena.

It is to be noted that several legal disciplines – legal theory, philosophy of law, sociology of law, legal policy, human rights, legal ethics, legal anthropology, constitutional rights etc. – turn to the legal culture and its specific aspects. However, most frequently legal culture is being analysed within the frames of the approaches of the sociology of law. The studies are directed towards investigation of the social reality within the context of functioning of elements of the legal system, focusing on legal actions, values, practice, since the legal culture is one of the central concepts of the sociology of law. Elements of legal culture also can be seen in the research objects of politics and communication science, sociology, psychology, pedagogy, economics and other sciences, which is the basis for significant interdisciplinary studies. Therefore, these aspects have been taken into consideration in the elaboration of the Doctoral Dissertation in defining the choice and topicality of the theme of the Doctoral Dissertation affecting its further investigation and its theoretical basis.

It is to be noted that the legal culture is characterised both as an abstract theoretical concept which summarises the characteristic elements of the legal institutions, and the routine practical approaches of an individual / group / society towards legal values and phenomena that are in dynamics and are being evaluated in relation to legal ideals. Thus, research studies of the legal culture are characterised by a wide theoretical and practical applicability.

In the situation of the present-day Latvia investigation of the legal culture of youth, particularly of 15 – 16 years-old Latvian elementary school pupils (grade 9) become especially topical, which is provided for by several conditions:

1) Representatives of this group gradually become full-fledged society members who have to make their choices concerning further studies, or joining the labour market, or the choice of other life scenario, at the end of grade 9. This means that exactly at the elementary school, at the level of general compulsory education, it is possible to educate and teach the values, incl. those of the legal culture, which would be the determinant ones for at least most part of the society in their further life;

2) Reaching a definite level of legal informability and legal culture is an essential factor for these elementary school pupils to observe the prescriptions of legal order and for their full-fledged participation „in the life of grown-ups”;

3) At this age (14) the administrative and criminal liability for committed offences has started for elementary school pupils. Beginning with the age of 11 they may be subject to compulsory means of educational character. Thus, the tasks of educational institutions include:

- a) to prepare the elementary school pupils so that they become aware of the meaning of the legal culture, legal behaviour and legal responsibility;
- b) to teach and train the legal values that could affect the decision concerning the choice of a specific model of behaviour in a definite situation;

4) Also, the condition is no less important that at this age the elementary school pupils have a certain set of responsibilities to be fulfilled (the main responsibility, in accordance with the provisions provided by Article 54, point 1, of the the Law on Education, is to study, i.e. to acquire the elementary education curriculum). Conscientious fulfilment of responsibilities should result from the level of person's legal consciousness and legal culture;

5) Modern democratic society is interested in acquiring a potentially active, independent, motivated member of the civil society who is ready to adapt him / herself to new conditions, is loyal to the existing order / state and law-abiding, trusts the state and has chosen a model of legal behaviour and legal culture that is corresponding to society's and state's interests and appropriate for a law-abiding citizen.

The object and subject of the research

Research object – Legal culture.

Research subject – Elements of the legal culture of Latvian youth.

Research issues:

- 1) What is the content, functions, manifestations and forms of the concept “legal culture”?
- 2) What is the specific character of the legal culture of the Latvian youth, i.e., senior-grade elementary school pupils?

The aim and tasks of the research

The aim of the research – to define the content, functions, manifestations, forms of the concept of legal culture and to investigate the specific character of the legal culture of Latvian senior-grade elementary school pupils, developing proposals for improvement of acquisition of the legal culture by elementary school pupils.

Research tasks:

1. To investigate the interaction between the law and culture as relations between normative systems.
2. To analyse the understanding and interpretation of the legal culture in researches made in various branches of science;
3. To characterise the elements, functions and basic types of the legal culture;
4. To investigate the specific character of the legal culture and its formation regarding the senior-grade elementary school pupils;
5. To clarify the attitude of Latvian elementary school pupils towards their basic duty – to study, as well as the reasons for their failure to attend lessons, to analyse the mechanisms that allow to decrease / prevent nonattendances.
6. To investigate the opinion of nine-formers about the choice of the model of legal behaviour, their attitude towards law and legal order, to clarify the con-

fidence the elementary school pupils have in the state and law by the questionnaire method and processing the results of the questionnaires.

7. To clarify whether in educational standards and text-books of elementary schools subjects („Social sciences”) attention is paid to the specific character of acquisition of the legal culture;
8. To elaborate proposals for stimulation / improvement of the legal culture by the youth (elementary school pupils).

Methods used in the research

The author of the Doctoral Dissertation has applied the following **methods** in this Dissertation:

1. General scientific research methods:
 - Descriptive method to make a detailed study of the definite phenomenon, i.e. the legal culture, as well as to apply the existing scientific conclusions and theories;
 - Method of analysis, to divide the research object into separate parts and to analyse separately each of them;
 - Method of synthesis, to join separate elements of the research object into a united system and study their interrelations;
 - Logical constructive method, to provide author's own conclusions and proposals as a result of the analysis accomplished.
2. Research methods of law science:
 - Analysis of laws and regulations and other documents to clarify the specific character of regulation associated with the legal culture in Latvia as well as the inclusion of the aspects / elements of the legal culture into the content of elementary school curricula;
3. Research methods of the science of sociology:
 - Inquiry to investigate the opinion of senior-grade elementary school pupils about the choice of the model of legal behaviour, their attitude to law and legal order, and to clarify the reasons for nonattendances;
 - Data explication method to make summarisation, grouping and clear representation of the statistical data.
 - In the course of this Doctoral Dissertation the research study of the legal culture of elementary school pupils was realised in several stages:
 - a. in the 1st stage (2007 – 2009), applying the questionnaire method, the attitude of Latvian senior-grade elementary school pupils was clarified towards their basic duty – to study, to acquire the compulsory elementary education. The reasons for nonattendances were investigated and mechanisms were analysed that can allow to decrease / prevent nonattendances, and proposals have been worked out to decrease them and to improve the legal culture of elementary school pupils;
 - b. in the 2nd stage (2008 – 2009), applying the questionnaire method, the attitude of Latvia senior-grade elementary school pupils towards the law / legal

order was clarified as well as their attitude towards the choice of the model of legal behaviour, i.e. the confidence that elementary school pupils have for the state and law, their knowledge of rights and responsibilities and other issues were also clarified;

- c. in the 3rd stage (2009 – 2010), by analysing the standard of the document, elementary school subject „Social sciences”, it was clarified whether adequate attention is paid to the legal culture and its acquisition in the elementary school.

The scientific novelty of the research:

The **scientific novelty** of the Doctoral Dissertation is characterised by the fact that the Doctoral Dissertation is dedicated to the legal culture, its updating and consolidating in the scientific and research environment in Latvia. Moreover, such an original research study of the legal culture of Latvian elementary school pupils has been made for the first time in Latvia. The following elements of the scientific novelty of the Doctoral Dissertation are to be outlined within this Doctoral Dissertation:

1. Interpretation of interrelation between the comprehensive concept of the legal culture and law and culture;
2. Intensified analysis of acquisition of the legal culture by Latvian senior-grade elementary school pupils;
3. Proposal of improvement of the legal culture acquisition options by Latvian senior-grade elementary school pupils.

The structure of the Dissertation

The Doctoral Dissertation consists of the Introduction, two basic chapters and 10 subchapters, the conclusion, the list of literature, laws and regulations and other documents, and appendixes.

Chapter 1 of the Doctoral Dissertation, „Legal Culture: Its Content, Functions, and Specific Character”, provides a comprehensive theoretical characteristics of the phenomenon of the legal culture broadly analysing the works of Latvian, West-European and Russian scientists.

Subchapter 1 characterises the relations between law and culture and provides an overview of the theories on the relations between law and culture elaborated by outstanding scientists from Western Europe, the USA (P. Sorokin, V.G. Sumner, G.A. von Hayek) and Latvia (V. Sinaiskis, A. Krugļevskis), emphasising the interrelation between law and culture as two regulatory systems of the society, as the basis for existence of a definite system of social relations (order) which is characterised, inter alia, by the legal culture.

Subchapter 2 focuses on the solution of the terminological dilemmas associated with the terms “legal culture”, “juridical culture” and “law culture”; analogical terms in English, German and Russian have been widely used and the grounds for using the term

“tiesiskā kultūra” (legal culture) in Latvian have been provided, also in the common system of Latvian legal terms.

Subchapter 3 provides an overview of the manifold understanding / interpretation of the legal culture in the works of representatives of various branches of science, marking the narrow and the broad understanding of the concept of legal culture. Therefore, the conclusion is made that the legal culture in the narrow sense basically focuses on an individual / group society by prescribing definite (legal) models of behaviour, ideals, values and attitudes that usually are formed within a lengthy period of time. In brief, it may be interpreted as the level of knowledge and understanding reached by an individual / group / society about the legal regulations and standards, the inalienable part of legal consciousness which is correspondingly the basis for legal behaviour / action / activity.

The author of the Doctoral Dissertation while studying the legal culture of Latvian elementary school pupils has analysed the pupils' attitude towards their duties and their fulfilment (choice of a definite model of behaviour), as well as their attitude towards the state and law (recognising law as a value), and the chances of acquiring legal knowledge and its quality. Thus, through studies of the legal culture, it is possible to analyse the psychological, political ideological, behavioural etc. aspects (elements) of the legal culture of an individual / group / society. While the legal culture according on a broader (macro level) is directed towards the legal system (legal reality), it is the specific social mechanism that comprises all components of legal / juridical activity (reality) and manifests in their actual functioning.

Subchapter 4 reviews the basic types of the legal culture, its functions and elements. Subchapter 5 is dedicated to the specific character of virtual legal culture justifying it as a new form / level of legal culture, which demands separate studies. Subchapter 6, taking into consideration the current political, social, economic etc. Changes in the Latvian society, characterising the specific character of the legal culture (transformations) during the crisis period.

Chapter 2 of the Doctoral Dissertation, „**Investigation of the Legal Culture of Latvian Senior-grade Elementary School Pupils**”, reflects the study of the legal culture of Latvian senior-grade elementary school pupils, and its results.

Subchapter 1 offers a theoretical overview about the specific character of the legal culture of senior-grade elementary school pupils, Subchapter 2 analyses the studies of senior grade elementary school pupils' attitude towards the duty to study and reasons for school nonattendance – the number of those who regularly miss their attendance at Latvian elementary schools are 1396 pupils in total, of them 489 in Riga, and reasons for nonattendances (the conclusion is that the largest proportion of them – 67% on average – do not attend school due to laziness, lack of will-power, unwillingness to study, problems of communication / relationships or other subjective reasons). Also, proposals for prevention of such nonattendances have been worked out, part of which are already included in the laws and regulation for education and policy planning documents.

Subchapter 3 analyses the research results about the attitude of 9-grade elementary school pupils towards the law / legal order and choice of a behavioural model. The conclusion is made that the 9th graders of Latvian general elementary schools show an

average level of legal culture and eclectic, fragmented values orientation at the same time clearly demonstrating features of legal infantilism and nihilism in their behaviour / attitude. Simultaneously, a comparatively low interest in their rights and responsibilities has been found, and about their acquisition, as well as a low level of confidence in the state and a low evaluation of the legal order, readiness to violate the established the legal order in favour of advantageousness or under the influence of the surrounding people's behaviour, lack of respect towards the school / teacher and the legal society at large. More than a half of the respondents acknowledged nonattendances actually neglecting their duty to study.

Subchapter 4 presents an overview of the requirements for legal culture acquisition included in educational standards, and the conclusion is made that the aspects of legal culture and legal education are to an insufficient extent included in the elementary school curricula. Therefore, proposals were made for improvement of elementary school educational content.

At the conclusion of the Doctoral Dissertation the conclusions are made and proposals set forth that are directed towards the elaboration of a purposeful programme facilitating the legal culture paying special attention to the acquisition of legal knowledge and legal education in educational institutions and in society at large. Otherwise the problems of Latvian youth concerning behaviour and attitudes, that have been marked in the Doctoral Dissertation, will keep growing and will be „transferred to the further generations” thus causing damage to the Latvia's society and the state. Thus, regular studies of the legal culture should be continued, and moreover, possibly larger numbers of Latvia's population and its groups should be covered.

Theses for defending:

1. Interrelation of law and culture in society form a definite system of social relations which is characterised also by the legal culture;
2. The term 'legal culture' (in the narrow as well as the broad sense) has not been investigated sufficiently until now and it is to be consolidated in the list of Latvial teegal terminology;
3. The legal culture is an element of popular culture, a multi-functional interdisciplinary social and legal phenomenon which has been analysed and interpreted in different ways;
4. Several levels of the legal culture should be distinguished: individual's legal culture, group's legal culture and society's legal culture;
5. A new form of the legal culture is virtual legal culture and the mechanisms of its implementation and regulation essentially differ from the everyday legal culture;
6. The development problems of the legal culture becomes more urgent during the periods of state and society transformations and crises when the model of breach of the legal culture development is realised
7. The legal culture of senior-grade elementary school pupils is characterised by dynamism, inconsistency, a sudden shift of views and attitudes, impressionability, lack of conceptions about their own rights and duties, and responsibility which is determined also by a disproportion in the physical and social development, a weak system of self control, etc.;

8. The majority of senior-grade elementary school pupils choose the model of legal behaviour in their daily routine, i.e. their behaviour corresponds to the one prescribed by law;

9. A considerable part of Latvian senior-grade elementary school pupils have a nihilistic, irresponsible attitude towards the compulsory obligation provided for in laws and regulations, to acquire the elementary education, which manifests in regular nonattendances at the educational institution (missing from school);

10. A lengthy nonattendance and inter-institutional cooperation to decrease nonattendances has not yet been prescribed in laws and regulations;

11. The existing measure of compulsion of an educational character – behavioural restriction by imposing a child the responsibility to continue the acquisition of elementary education, is contradictory to the goals of education, since the responsibility of acquisition of compulsory elementary education is made as a punishment (a compulsory duty implies this);

12. The interest of Latvia's 9th grade elementary school pupils in their rights and responsibilities and their acquisition is comparatively low, they show a low level of confidence to the state and low evaluation of the legal order, and high readiness to violate the prescribed legal order in favour of advantageousness or under the influence of the surrounding people, lack of respect towards the school / teacher and the legal society at large;

13. More than a half of Latvian elementary school pupils declare their nonattendance, which testifies to the fact that such actions are actually not punished by the educational institution and parents, implying a certain reconciliation with the existing situation and lack of means / instruments for its transformation;

14. The concepts of the legal culture and legal education are not included in the content of the elementary school subject „Social sciences”. Thus, a new elementary school subject. „The Basis of Law” should be developed which in its essence corresponds to the ideas of formation of a legal state in in Latvia.

Conclusion

As a result of the research of legal culture of senior grade elementary school pupils made in this Doctoral Dissertation, as well as of theoretical analysis of the phenomenon of the legal culture it is possible to make the following conclusions:

1. Interaction of the law and culture in society is the basis for existence of a definite system of social relations and legal order, which is possible to be studied from the legal sociological aspect. The legal culture is one of the elements characterizing this system;

2. The term 'tiesiskā kultūra' (legal culture) more precisely than the term 'juridiskā kultūra' (juridical culture) reflects the content of the English term 'legal culture', German term 'Rechtskultur' and Russian term 'правовая культура' in Latvian;

3. Legal culture as a specific branch of common culture, an inalienable element of the society's culture is a complicated, multifunctional, dynamic social and legal phenomenon having been analysed and interpreted in manifold ways. It ensures the possibility to study knowledge, attitudes, standards, ideals, views about rights and duties

of an individual / group / society as well as the level of their implementation (respect for rights) in everyday life, as an individual / group / society chooses a definite model of behaviour / action / activity and confers the law a definite place in one's own hierarchy of values, and it also allows to study the legal system (legal reality) and the real activity / functioning of various legal institutions;

4. The term 'legal culture' can be used at least in two meanings / understandings. In a narrow understanding the legal culture refers to an individual / group / society establishing definite (legal) models of behaviour, values, ideals and attitudes. This is the level of knowledge and understanding of the law (legal standards and principles as well as responsibilities) of an individual / group / society, and the basis of legal behaviour / action / activity. Whereas the legal culture in a broader sense is a phenomenon characterising the legal system (legal reality), it is a special social mechanism comprising all components / institutions of legal / juridical activity (reality) and is manifested in their actual functioning in the concrete time period;

5. In general the legal culture can be defined as an aggregate of spiritual and material values in the legal life (legal relations) of society. It reflects the qualitative level of society's legal life and manifests as accepting and implementing an aggregate of the law (legal standards, principles, institutions, responsibilities, knowledge) in everyday life and their evaluation in a given time period;

6. Currently it is possible to analyse the new social and legal phenomenon – legal anti-culture – the negative features of views, concepts, attitudes and actions / behaviour / activity of an individual / group / society, fully or partially denying the law as a value, impeding a peaceful, evolutionary activity and development of an individual / group / society and the established legal order. Legal anti-culture is characterised by deformation of legal consciousness and legal culture, inc. legal nihilism, legal infantilism, legal demagoguery, legal dilettantism. However, the legal anti-culture has also a positive role stimulating the dynamics of law, intensifying the efforts and attraction of means for cultivating the legal culture;

7. It is possible to distinguish between three levels of the legal culture: individual's legal culture, group legal culture and society's legal culture that interact in different ways in the legal reality, also coming into mutual conflict, with the formation of a definite legal order and manifesting in legal behaviour, legal relations and in the process of acquisition of legal knowledge and training / socialisation, and in legal communication, etc.;

8. The legal culture constantly interacts with other social phenomena / branches, which is most directly expressed in implementation of legal culture functions and mutually interdependent functioning of elements / components of the legal culture. This is the basis for the legal culture as a phenomenon of an essential socio-normative regulator to be the subject not only of the law but also the political science, philosophy, sociology, culturology and other branches of science;

8. As a new variation of the legal culture, virtual legal culture should be mentioned, the mechanisms of acquisition, manifestation and regulation of which essentially differ from those of everyday legal culture. Taking into account that the possibilities of regulation of and interference in the virtual space by the state are restricted, the role and responsibility of each individual is considerably growing, as well as the significance of

the legal culture in choosing a definite model of action in the virtual space. However, the formation and manifestation of the (virtual) legal culture of an individual / group / society in the Global Web (Internet), due to its specific character, deserves a separate research;

9. The problems of legal culture development become increasingly topical during the transformation and crisis of the state and society, with implementation of the breach model of the legal culture and with the change of traditional (customary) rights and duties, withdrawing from previously accepted sample models of legal culture and seeking for new ones, as well as with the increase of the number of representatives of asocial subcultures who have a characteristic low / decreased level of the legal culture, which is often the basis for a social tension, disturbances and conflicts;

10. The legal culture of senior grade elementary school pupils is characterised by dynamism, instability, a spontaneous change of views and attitudes, impressionability, lack of concepts about one's rights and duties, and responsibility, which is determined also by a disproportion in physical and social development, and a weak self-control system;

11. The majority of Latvia's senior grade elementary school pupils choose legal behaviour in their everyday life, i.e. observe the legal prescriptions. However, a considerable part of senior grade elementary school pupils of Latvia have a nihilistic, irresponsible attitude towards the duty provided for in laws and regulations to acquire compulsory basic education, which is manifested in regular nonattendances of educational establishments (missing from school) testifying to their low level of legal culture. This situation is actually stimulated by a lack of efficient mechanisms of responsibility about the violations made and for avoidance to fulfil the duties provided for in laws and regulations in an educational institution;

12. Analysis of the action of the responsible institutions (i.e., educational institutions, social service, local government, law enforcement institutions) show the lack of instruments for struggle against nonattendances of educational institutions, and avoidance of the responsible persons to fulfil their duties, incl. avoiding to apply the punishments provided for in laws and regulations, as well as against the nihilistic attitude, in concrete cases actually accepting the existing situation with school nonattendances. The existing problems are complicated by weakly consolidated duties of educational establishments, local governments and other institutions for action / cooperation in this situation. Thus, inter-institutional cooperation should be developed and consolidated between educational establishments, local governments and other interested institutions, for reduction of nonattendances;

13. The coercive measure of educational character provided for in the Law "On Application of Coercive Measures of Educational Character to Children" (2010) should be evaluated negatively, since it imposes on children the duty to continue acquisition of the basic education. The mentioned restriction of behaviour is in essence contradictory to the goals of education actually making the duty of compulsory acquisition of basic education, set by the state, as a punishment;

14. The results of the survey of grade 9 elementary school pupils show the average level of youth's legal culture at the same time demonstrating features of legal infantilism

and legal nihilism in youth's behaviour / attitude. The abovementioned is aggravated by complicated social economic conditions, structural changes, a negative (depressive) mood in society and instability in the state and society at large;

15. The results of the research allow to draw a conclusion that a considerable part of the youth are comparatively little interested in their rights and duties, acquisition of them, demonstrate their low level of trust in the state and a low evaluation of the legal order, readiness to violate the established legal order for their own advantage or under the influence of the surrounding people, lack of respect towards the school / teacher and the society at large;

16. More than a half of the surveyed youth acknowledge their lesson nonattendances, actually neglecting their duty to study, and often in this way aggravating the problems in the educational establishment and increasing the gaps in their own education / knowledge. Besides, the existence of such a number of regular nonattenders testifies that such an action is actually permitted / is not punished by the educational establishment, local government / state and parents, and to a certain "reconciliation" with the existing situation and lack of means / instruments for its change;

17. The notions of the legal culture and legal education are not included in the content of the study subject of the elementary school "Social Sciences". Also, the issues that can be directly associated with its content / acquisition have received inadequate attention. Moreover, to consolidate the acquired study material, it is necessary to ensure the link with each pupil's behaviour and its consequences, which can also be ensured by purposeful work by the class supervising teacher, for example, reducing nonattendances, the nihilistic attitude towards the internal order established in an educational institution etc. Otherwise, the acquired knowledge about individual's rights and duties, incl. about the duty to study and observe other persons' rights, actually remain on the level of knowledge and intentions, but in practice irresponsible and often uncontrolled and unpunished action is realised.

As a result of research made in this Doctoral Dissertation it is possible to make the following proposals:

1) The term 'tiesiskā kultūra' (legal culture) should be consolidated in the list of Latvian legal terminology;

2) Legal culture research should be developed in Latvia and inclusion of this phenomenon in the content of basic education in Latvia, incl. improving the acquisition of legal knowledge in educational institutions, should be stimulated;

3) Formation of a positive attitude of elementary school pupils should be facilitated, towards their duty to study to acquire compulsory basic education, which is to be connected also with consolidation of discipline and responsibility and reduction of the number of nonattendances of the educational institution. Inter-institutional cooperation for reduction of nonattendances of the educational institution should be envisaged in each local government. Moreover, the informative and explanatory work should be improved not only explaining the essence of a new regulation of nonattendances and responsibility for school nonattendances, but also attracting the attention of the responsible persons –

educators, staff of local governments and law enforcement institutions to accurately fulfilling of their duties, making use of all resources and instruments that are at their disposal for prevention of nonattendances of educational institutions (for example, not only applying the punishments provided for in laws and regulations but also providing support for employed educatees' studies in an evening (shift) school or distant learning school, informing them about the possibility to evaluate the competence acquired outside the formal education system);

4) Considering the number of conflict situations, incl. in connection with nonattendances of educational institutions, the administration of educational institutions, the support staff – psychologists, social pedagogues and class supervising teachers should acquire the skills to lead supportive negotiations / discussions with the pupil and his parents, and other interested parties making use of so-called alternative methods of dispute settlement, for example, mediation approaches and techniques. The abovementioned measures can be realised within the frames of raising qualification of pedagogues using the funding destined for this goal, incl. the projects of continuing education for pedagogues realised by the State Education Content Centre;

5) It would be necessary to ascertain the possibilities to effectivise the mechanism of applying administrative punishments to parents for non-fulfillment of the duty of child care and to the pupil him / herself (i.e., beginning with the age of 14 – the age of administrative responsibility) for nonattendances of the educational establishment and avoidance to acquire the compulsory basic education, incl. consolidating the capacity of the responsible institutions – local governments and their Education Boards, the State Inspectorate for Protection of Children's Rights, and the State Service for Education Quality;

6) To elaborate a special programme of social training / correction (the designation is disputable) for nonattenders of educational institutions as well as for the educatees who have behavioural and education problems, which could be realised by separate educational establishments (for example, one on the large local government or group of local governments), offering persons with essential educational and behavioural (discipline) problems the necessary help and possibility of acquisition of education. The right of the educational institution should be envisaged, without parent consent, basing on recommendation of the school pedagogical board and having received agreement from the orphans court, social service and / or local government, to transfer an educatee, who regularly essentially violates the rules of internal order of the educational establishment or does not attend it, for continuation of studies in this programme of social training / correction;

7) It is necessary to study and dispute about the responsibility of the educatee (incl. the financial responsibility) in case he / she, without justifying reasons (for example, connected with health state, development disorders, family situation) repeats the study year for a second, third or even fourth time. In this case such an educatee, beginning with the age of 11, i.e. at the age when it is possible to apply coercive means of educational character, should (at least partly) assume financial responsibility and cover the investment which the state / society is forced to overpay for his acquisition of education. Considering the fact that the juvenile educatee could have no means to cover

such payment, the author of this Doctoral Dissertation deems it possible to introduce a study credit – a mechanism that would resemble the study credit in higher education, which should be covered only after acquisition of the higher education and coming of full age, as well as to grant the right to cover this sum to the educatee's family (in case the family wishes so). It would be compulsory to determine the responsible institution, for example, the State Inspectorate for Protection of Children's Rights, and envisage a mechanism of evaluation whether the educatee, due to objective reasons, considering the peculiarities of person's age, health, social status etc., should not be exempt from such payment, at the same time without restrictions ensuring this person's right to education.

8) The author of the Doctoral Dissertation critically evaluates the amendments made in spring 2010 in the Law of Application of Coercive Means of Educational Character to Children (in effect since 26 March 2010), providing in Art. 10¹ of this article the right to the judge or an administrative commission, to impose a coercive means of educational character for the time period of 30 days till one year – restrictions of behaviour, incl. imposition of the duty to continue acquisition of the basic education. The existence of such coercive means of educational character testifies to a low level of the legal culture in Latvia's society, since the basic duty of the child (educatee), to study, provided for in Art. 112 of the Satversme (Constitution) of the Republic of Latvia and Art. 4 of the Education Law, should not be transferred into a coercive means of educational character, the control of application of which is actually impossible, i.e., in light of the provisions of this Law, the representatives of the local government can control the attendance of the educational institution, but it is impossible to control pupil's attitude towards studies / acquisition of education, progress at school, and genuine studying. Thus, the author of this Doctoral Dissertation considers that such a restriction of child's behaviour should be deleted from the normative acts substituting it with an opportunity to continue one's studies / acquisition of education in the abovementioned programme of social training / correction, elaborating the support programmes and ensuring already now the opportunities to apply the possibilities of applying coercive means of educational character provided for in the Law of Application of Coercive Means of Educational Character to Children, including also forced consultation with the respective specialist – a psychologist, doctor or other specialist.

9) In Latvia, programmes facilitating the legal culture and education should be elaborated for educational institutions, paying special attention to acquisition of legal knowledge, trying to positively influence the views and attitudes of the educatee;

10) Aspects of the legal culture and legal education should be included in the content of the primary and elementary study subject „Social Sciences”, at the same time extending acquisition of individual's rights and duties and introducing a new elementary school study subject, „Basis of Law” (which could also be integrated into the content of the study subject „Social Sciences” as a separate module). This is one of the nearest work tasks for the author of this Doctoral Dissertation, who now engages in the work of the working group for improvement of elementary school and secondary school study standards and study curricula.

11) To consolidate the acquired study material of the study subject “Social Sciences”, it is necessary to ensure a practical link between the acquired knowledge and each pupil's

behaviour and its consequences, incl. promoting respect for the surrounding people, and the legal values becoming as individual's inner values, which can be ensured by a purposeful work of the class supervising teacher, for example, reducing the number of nonattendances, nihilistic attitude towards the rules of internal order established in the educational establishment etc. Moreover, the acquisition of the legal culture and legal behaviour should be primarily directed not towards punishments and possibilities of punishment and repressive measures, but to positive results of observance of legal standards and legal prescriptions, declaring the legal prescription as an inner value, and the necessity of their observance in one's everyday life.

12) In order that introduction of a new, improved content of the subject of law would be successful, it is necessary to plan the system of raising teachers' education and qualification, ensuring that a teacher of the study subjects „Social Sciences” and „Basis of Law” would be competent, incl. also able to orient himself in the legal system and could provide support / advice to a pupil in problem situations. Thus, it is necessary to improve the content of higher education study programmes of teachers including study courses in law, incl. the study subject „Education Law”, „Rights and Duties of Children and Educatees” etc. Whereas it is necessary to ensure the opportunity to improve knowledge to the functioning educators, within the frames of compulsory raising of pedagogical qualification, using the funding designed for this goal, incl. the projects for further education realised by the Education Content Centre.

In general the Republic of Latvia should elaborate and form purposeful programmes for promoting the legal culture, with following realisation of them, paying special attention to acquisition of legal knowledge and legal education in educational establishments and the society at large. Otherwise, the problems connected with Latvian youth's behaviour and attitudes discussed in this Doctoral Dissertation will keep developing and will be „transferred to future generations”, inflicting increasing damage to the Latvian society and state.

Regular theoretical and practical studies of the legal culture should be continued encompassing a possibly larger number of Latvian population and groups, and elaborating proposals for promoting the legal culture.

The practical significance of the research

Practical applicability of research results:

1. In undertakings by state authorities and educational institutions that are directed towards raising the level of the legal culture, legal behaviour, discipline and legal awareness among Latvian elementary school pupils and other Latvian society members;
2. In improvement and elaboration of the laws and regulations and policy planning documents of Latvia, with regard to the branches of law and of education;
3. In the solutions for nonattendance problems at the educational institutions as well as the pupils' behaviour, and in elaboration of educational and training programmes (especially the subject of Social Sciences) and in planning and implementation of educational undertakings and lessons of education;

4. In the lectures and workshop classes connected with the theme of the Doctoral Dissertation;
5. In the scientific theoretical activity associated with the theme of the Doctoral Dissertation (in scientific monographies, scientific papers etc.) and applied research.

Aprobation of the research results

The author of the Doctoral Dissertation has 160 publications (15 books and brochures, 84 scientific papers, incl. with co-authors). Of these, the following ones are directly connected with the Doctoral Dissertation:

LIST OF ACADEMIC PUBLICATION

Chapters in monographs and scientific papers (National and foreign scientific publications acknowledged by the Latvian Council of Science)

1. Mihailovs I. Vasilija Sinaiska ieguldījums Latvijas kultūrā // Literatūra un kultūra: process, mijiedarbība, problēmas. – Daugavpils: DU izdevniecība “Saule”, 2002. – 212. – 217.lpp.
2. Mihailovs I. Aleksandrs Krugļevskis: dzīve un darbi // Likums un Tiesības. – 2004. – Nr.9 (61). – 281. – 287.lpp.
3. Ёиргена С., Михайлов И.Я. Динамика ценностных ориентаций в структуре личностных характеристик молодежи Латвии // Межкультурная коммуникация: концепты и модели поведения. – Астрахань: Издательский дом “Астраханский университет”, 2007. – с. 191 – 195.
4. Mihailovs I. Tiesības komunikācijas kontekstā // Актуальные проблемы психологии, бизнеса и социальной сферы общества: теория и практика. – Rīga: Psiholoģijas augstskola, 2007. – 176. – 180.lpp.
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9. Hanovs D., Laicāne M., Mihailovs I.J. Dažādības vadība multietniskā vidē. – Rīga: Drukātava, 2009. – 190 lpp. (t.sk. nodaļu „Dažādības tiesiskie ietvari”, „Dažādības vadība un Latvijas politikas plānošana” autors un nodaļas „Dažādības vadība izglītības pieredzē: vidējā izglītība, profesionālā izglītība, augstākā izglītība, pedagoģiskā darbība” līdzautors).

10. Михайлов И.Я. Влияние социально-экономического кризиса на правовую культуру латвийского общества // Partnerstwo i współpraca a kryzys gospodarczo-społeczny w Europie środkowej i wschodniej. – Lublin: Wydawnictwo, 2010. – т.1. – с.282 – 286.
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CURRICULUM VITAE

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2003 – 2005 Faculty of Law, LU, Mg. soc.in Law
2011 – 2003 Latvian Academy of Culture, MA in Humanities
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1997 – 2001 Latvian Academy of Culture, BA in Humanities
1985 – 1997 Pushkine Lyceum

Academic degree: Assistant professor (docent)

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Professional activities:

Since 200 Guest lecturer at the Latvian Academy of Culture
Since 2005 Lecturer, assistant professor – Faculty of Communication and Faculty of Law, Riga Stradiņš university
Since 2004 State inspection of Education (Since 2009 – State Service of Education Quality), legal adviser, also from 2005 state inspector in questions on higher education, since 2011 – Head of Educational and scientific registers
2004 Secretariat of Special Assignment Minister for Social Integration, law consultant
2004 – 2006 Riga Technical university – lecturer
Since 2004 Baltic International Academy (Baltic Russian institute) – lecturer, assistant professor
2003 – 2004 senior referent, Department of European Law, Ministry of Welfare
2002 – 2003 Latvian Radio – lawyer, personal consultant
2002 – 2003 Latvian Radio – member and vice chairmen of the Commission of Purchases
Since 1999 Pushkin Lyceum – teacher

Scientific work and publications:

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REMIANTIS PAGRINDINĒS MOKYKLOS
VYRESNIŪJŪ KLASIŪ MOKINIŪ PAVYZDŽIU

Daktaro disertācijas santrauka
Socialiniai mokslai, teisė (01 S)

Vilnius, 2012

Daktaro disertacija rengta 2006–2011 metais Rygos Stradinš universitete (Latvija) ir 2012 m. Mykolo Romerio universitete (Lietuva) pagal Mykolo Romerio universitetui ir Vytauto Didžiojo universitetui 2011 m. birželio 8 d. Lietuvos Respublikos švietimo ir mokslo ministro įsakymu Nr. V-1019 suteiktą doktorantūros teisę.

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Disertacijos santrauka išsiuntinėta 2012 m. lapkričio 7 d.

Disertaciją galima peržiūrėti Lietuvos nacionalinėje Martyno Mažvydo bibliotekoje (Gedimino pr. 51, Vilnius) ir Mykolo Romerio universiteto (Ateities g. 20 ir Valakupių g. 5, Vilnius; V. Putvinskio g. 70, Kaunas) bibliotekose.

LATVIJOS JAUNIMO TEISINĒ KULTŪRA REMIANTIS PAGRINDINĒS MOKYKLOS VYRESNĪJŪ KLASIŪ MOKINIŪ PAVYZDŽIU

BENDRAS DAKTARO DISERTACIJOS APIBŪDINIMAS

Daktaro disertācijas tēmas pasīrīnkīmo pagrīndīmas īr darbo aktualumas

ĪvairīŪ socialīnīŪ reīškīnīŪ tyrīmas yra vīenas īš šīandīenos mokslo ūzdavīnīŪ, tiek atspīndīnt dabartīnē padētī īr tam tīkros srtīes problēmas, tiek pateīkīant vīsuomēnē, taip pat īr sprendīmŪ prīēmējams, esamos sītūacījos apžvalgā īr nubrēzīant plētros perspektyvas, skatīnant diskusījas, rengīant pasīŪlymus / rekomendacījas normīnīams aktams īr politikos dokumentams tobūlīntī.

Īr Latvījōje nuo XX amžīaus paskūtīno dešīmtmēčīo pasīrodē keletas tyrīmŪ, kurīose ĪvairīŪ mokslŪ atstovai analizuoja tam tīkros srtīes sītūacījā. Deja, dauguma socialīnīŪ mokslŪ srtīes tyrīmŪ daugīausīa apsrīboja sīauros specialīzacījos klausīmāms, dažnai nepakankamai īšnaudojant platesnīus socialīnīŪ mokslŪ kontekstus īr tarpdalykīnī požiŪrī. Tuo pačīu, vīs dīdesnis dēmesys tiek mokslo politikōje, tiek mokslo finansavīme īr valdyme Latvījōje skīriamas tīksliesīems / gamtos mokslams. Dēl to daugelīs socialīnīŪ reīškīnīŪ šīuo metu faktīškai līeka tyrīmŪ (taip pat īr aukštōjo mokslo studījŪ, ypač atsīzvelgīant ī AukštŪjŪ mokyklŪ īstatymo 5 straīpsnīo pīrmojōje dalyje nustatytā studījŪ īr tyrīmŪ nedalomumā) nuošalēje. Vīenas īš tokiŪ reīškīnīŪ – teīsīnē kultŪra (taip pat jurīdīnē kultŪra)²⁶⁹ īr su ja susījē procesai bei problēmas.

KultŪra yra komplīkuotas, daugīalypīs, nepalīaujamai besītransformuojantīs fenomenas, susījēs su īndīvidu / Īvairīomīs grupēmīs / vīsuomēne apskīrītai īr jos funkcionavīmu, bei formuojantīs vertybes, pažiŪras, normas īr t. t. KultŪra savo esmē turi ryšī su vīsomīs žmogaus veīklos rŪšīmīs, sferomīs īr srtīmīs. Kartu īšskīriamos specīfīnēs bendrosīos kultŪros srtīys – polītīnē kultŪra, teīsīnē kultŪra, religīnē kultŪra, kalbos kultŪra īr t. t., kurīos būdīngos kiekvīenam īndīvidu / grupēi / vīsuomēnēi īr nepalīaujamai sŪveīkauja su bendra vīsuomēnēs funkcionavīmo sītēma īr socialīnēmīs normomīs. Taīgī, darytīna īšvada, kad teīsīnēs kultŪros tyrīmas yra esmīnis tiek vīsuomēnēs īr kultŪros, tiek sociologījos, politikos mokslŪ, pedagogīkos, teisēs īr kitŪ mokslŪ kontekstē.

AtkŪrus Latvījos nepriklausomybē, nepasīant kardīnālīos vīsuomēnēs īr teisēs sītēmos transformacījos, teīsīnēs kultŪros fenomenas īkī šīol īšlīeka mažai tyrīnētās, ypač atsīzvelgīant ī Latvījos vīsuomēnēs vystymāsi XX amžīaus pabaīgōje – XXI amžīaus pradžīoje, keīčīantīs tradīcīnēmīs (teīsīnēmīs) vertybēmīs īr sampratāi, tīkslams īr leīstīno elgesīo rīboms, atsīsakant anksčīau akceptuotŪ normatyvŪ (dīrektyvŪ) īr moralēs normŪ, taip pat Latvījai dalyvaujant šīandīenos globālīuose īntegracīnīuose procesuose, kurīe žymīamī paveīkē īr toliau veīkia vīšā vīsuomēnē, o kartu īr teīsīnē kultŪrā.

²⁶⁹ Apīe terminus 'teīsīnē kultŪra' īr 'jurīdīnē kultŪra' plačīau žr. daktaro disertacījos 1-jame skyrīuje.

Taigi, teisinės kultūros tyrimai Latvijoje iš esmės nevykdomi, taip pat jai skiriamas nepakankamas dėmesys ir teisės, politikos, sociologijos studijose.²⁷⁰ Be to, dauguma esminių teisinės kultūros, teisinio elgesio, ugdymo ir disciplinos klausimų buvo pripažinti mažareikšmiais.

Tuo pačiu metu teisinės kultūros analizė JAV, Vakarų Europoje ir Rusijoje užima reikšmingą vietą socialinių reiškinių tyrimuose.

Pažymėtina, kad keletas teisės disciplinų – teisės teorija, teisės filosofija, teisės sociologija, teisės politika, žmogaus teisės, teisės etika, teisės antropologija, konstitucinė teisė ir kt. krypta į teisinę kultūrą bei atskirus jos aspektus. Vis dėlto, dažniausiai teisinė kultūra analizuojama remiantis teisės sociologijos pozicija, kreipiant tyrimus link socialinės realybės pažinimo teisinės sistemos elementų funkcionavimo kontekste, tiriant teisinio pobūdžio veiklas, vertybes, praktiką, nes teisinė kultūra yra vienas iš centrinių teisės sociologijos konceptų. Teisinės kultūros elementų galima išvelgti ir politikos bei komunikacijos mokslų, sociologijos, psichologijos, pedagogikos, ekonomikos ir kitų mokslų tyrimo objektuose, o tai yra reikšmingų tarpdalykinių tyrimų pagrindas. Todėl ir į šiuos aspektus pagal galimybes atsižvelgta rengiant daktaro disertaciją, nusakant daktaro disertacijos temos pasirinkimą ir jos aktualumą, darant įtaką tolesniam tyrimui ir jo teoriniam pagrindimui.

Pabrėžtina, kad teisinė kultūra apibūdinama tiek kaip abstraktus teorinis konceptas, kuris jungia teisės institutų būdinguosius elementus, tiek kaip kasdieniame gyvenime konstatuojamas praktinis individo / grupės / visuomenės požiūris į tiesines vertybes ir reiškinius, kurie yra dinamiški ir vertinami teisinių idealų atžvilgiu. Todėl teisinės kultūros tyrimams būdingas platus tiek teorinis, tiek praktinis pritaikomumas.

Ypatingai aktualus šiandienos Latvijos sąlygomis tampa jaunuolių – konkrečiu atveju devintų klasių, t. y., vidutiniškai 15–16 metų amžiaus Latvijos mokinių – teisinės kultūros tyrimas. Tai lemia keletas aplinkybių:

1) šios grupės atstovai pamažu tampa visateisiais visuomenės nariais, jie baigdami devintą klasę turi apsispręsti, ar tęsti mokslus, ar bandyti integruotis į darbo rinką, ar rinktis kitą gyvenimo scenarijų. Tai reiškia, kad būtent pagrindinėse mokyklose – visiems privalomo bendrojo lavinimo lygiu – galima išugdyti ir įdiegti tas vertybes, taip pat ir teisinės kultūros vertybes, kurios tam tikra prasme bent jau didžiąjai visuomenės daliai bus lemiamos tolesniame gyvenime;

2) tam tikro teisinio informuotumo ir teisinės kultūros lygio pasiekimas šiems mokiniams yra esminis faktorius, kad jie ateityje paisytų teisinės tvarkos ir visavertiškai įsiliėtų į suaugusiųjų visuomenę;

3) šiame amžiuje (nuo 14 metų) jau taikoma mokinių administracinė ir baudžiamoji atsakomybė už padarytus nusizengimus. Savo ruožtu, jau nuo 11 metų amžiaus yra galimybė taikyti auklėjamąsias priverstines priemones. Taigi, vieni iš švietimo įstaigų uždavinių yra:

- a) parengti mokinius, kad jie sugebėtų suvokti teisinės kultūros, teisinio elgesio ir teisinės atsakomybės svarbą;
- b) mokyti ir ugdyti tas tiesines vertybes, kurios lemia sprendimą dėl tam tikro elgesio modelio ir jo pasirinkimą konkrečioje situacijoje;

²⁷⁰ Teisinės kultūros tyrinėjimų Latvijoje apžvalgą plačiau žr. daktaro disertacijos įvade.

4) ne mažiau reikšminga ir aplinkybė, kad šiame amžiuje mokiniai turi daugybę pareigų (pagrindinė pareiga pagal Švietimo įstatymo 54 straipsnio 1 punktą – mokyti, t. y., išeiti bendrojo lavinimo programą), kurias mokiniai turi įvykdyti. Sąmoningas pareigų vykdymas turėtų kilti iš asmens teisinės suvokimo ir teisinės kultūros lygio;

5) šiandienos demokratinė visuomenė yra suinteresuota įgyti potencialų aktyvų, savarankišką, motyvuotą pilietinės visuomenės narį, kuris būtų pasirengęs adaptuotis prie naujų sąlygų, būtų lojalus esamai tvarkai / valstybei, laikytųsi įstatymų, pasitikėtų valstybe ir būtų pasirinkęs visuomenės ir valstybės interesus atitinkantį besilaikančio įstatymų piliečio teisinio elgesio ir teisinės kultūros modelį.

Tyrimo objektas ir tiriamasis dalykas

Tyrimo objektas – teisinė kultūra.

Tiriamasis dalykas – Latvijos jaunuolių teisinės kultūros elementai.

Tiriamieji klausimai:

- 1) Koks yra teisinės kultūros sąvokos turinys, funkcijos, apraiškos ir rūšys?
- 2) Kokia yra Latvijos jaunuolių, t. y., pagrindinės mokyklos vyresniųjų klasių mokinių, teisinės kultūros specifika?

Tyrimo tikslas ir uždaviniai

Tyrimo tikslas – nustatyti teisinės kultūros sąvokos turinį, funkcijas, apraiškas ir rūšis bei ištirti Latvijos pagrindinės mokyklos vyresniųjų klasių mokinių teisinės kultūros specifiką, parengiant pasiūlymus, kaip patobulinti mokinių teisinės kultūros žinių įsisavinimą.

Tyrimo uždaviniai:

1. ištirti teisės ir kultūros sąveiką kaip norminių sistemų santykius;
2. išanalizuoti teisinės kultūros sampratą ir interpretavimą įvairių mokslų sričių tyrimuose;
3. apibūdinti teisinės kultūros elementus, funkcijas, pagrindinius tipus;
4. ištirti vyresniųjų klasių mokinių teisinės kultūros ir jos formavimo specifiką;
5. išaiškinti Latvijos mokinių požiūrį į savo pagrindinę pareigą – mokyti, taip pat mokyklos nelankymo priežastis, išanalizuoti mechanizmus, kurie padeda sumažinti / užkirsti kelią mokyklos nelankymui;
6. sužinoti devintų klasių jaunuolių nuomonę apie teisinio elgesio modelio pasirinkimą, požiūrį į įstatymą ir teisinę tvarką, išaiškinti mokinių pasitikėjimą valstybe ir įstatymu, atlikus Latvijos vyresniųjų klasių mokinių anketavimą ir apdorojus jo rezultatus;
7. išaiškinti, ar pagrindinės mokyklos mokymo dalykų („Socialiniai mokslai“) švietimo standartuose ir vadovėliuose skiriamas dėmesys teisinės kultūros įsisavinimo specifikai;
8. parengti pasiūlymus jaunuolių (mokinių) teisinės kultūros įsisavinimui skatinti / tobulinti.

Taikyti tyrimo metodai

Daktaro disertacijos autorius disertacijoje taikė šiuos tyrimo **metodus**:

1. bendramokslinius tyrimo metodus:
 - aprašomąjį metodą, kad atliktų apibrėžto fenomeno, t. y., teisinės kultūros, detalų tyrimą, taip pat kad rengdamas daktaro disertaciją pasinaudotų esamomis mokslinėmis išvadomis ir teorijomis;
 - analizės metodą, kad suskaidytų tyrimo objektą į atskiras sudedamąsias dalis ir išanalizuotų kiekvieną atskirai;
 - sintezės metodą, kad sujungtų atskirus tyrimo objekto elementus į vieningą sistemą ir ištirtų jų tarpusavio ryšį;
 - loginį konstruktyvinį metodą, kad atlikęs analizę pateiktų savo išvadas ir pasiūlymus;
2. teisės mokslų tyrimo metodus:
 - norminių aktų ir kitų dokumentų analizę, kad išsiaiškintų su teisine kultūra susijusio reguliavimo specifiką Latvijoje bei teisinės kultūros aspektų / elementų įtraukimą į pagrindinės mokyklos mokymo turinį;
3. sociologijos mokslų tyrimo metodus:
 - apklausos metodą, kad sužinotų vyresniųjų klasių mokinių nuomonę apie teisinio elgesio modelio pasirinkimą, požiūrį į įstatymus ir teisinę tvarką bei išaiškintų mokyklos nelankymo priežastis;
 - duomenų eksplikavimo metodus, kad apdorotų, sugrupuotų ir aiškiai pavaizduotų statistinius duomenis.

Šios daktaro disertacijos rengimo metu mokinių teisinės kultūros tyrimas vykdytas keliais etapais:

1-jame etape (2007–2009 metai) atlikus apklausą išaiškintas Latvijos vyresniųjų klasių mokinių požiūris į pagrindinę pareigą – mokytis ir įgyti privalomąjį pagrindinį išsilavinimą. Konstatuotos mokyklos nelankymo priežastys ir išanalizuoti mechanizmai, kurie padeda mažinti / užkirsti kelią mokyklos nelankymui, bei parengti pasiūlymai šiam reiškiniui mažinti ir mokinių teisei kultūrai tobulinti.

2-jame etape (2008–2009 metai) atlikus apklausą išaiškintas Latvijos vyresniųjų klasių mokinių požiūris į įstatymus / teisinę tvarką bei požiūris į teisinio elgesio modelio pasirinkimą, t. y., išaiškintas mokinių pasitikėjimas valstybe ir įstatymu, žinios apie teises ir pareigas bei kiti klausimai.

3-jame etape (2009–2010 metai), išanalizavus dokumentą – pagrindinės mokyklos mokomojo dalyko „Socialiniai mokslai“ standartą, išsiaiškinta, ar pagrindinėje mokykloje skiriamas dėmesys teisei kultūrai ir jos įsisavinimui.

Tyrimo mokslinis naujumas

Daktaro disertacijos **mokslinį naujumą** apibūdina faktas, kad daktaro disertacija skirta teisei kultūrai, jos aktualizavimui ir įtvirtinimui Latvijos mokslinėje ir tyrimų terpėje. Be to, toks originalus Latvijos mokinių teisinės kultūros tyrimas, naudojantis

teisės mokslo ir sociologijos išvadomis, Latvijoje atliktas pirmą kartą. Daktaro disertacijoje akcentuojami atskiri daktaro disertacijos mokslinio naujumo elementai:

1. išsami teisinės kultūros sąvokos, taip pat teisės ir kultūros sąveikos interpretacija;
2. gili Latvijos vyresniųjų klasių mokinių teisinės kultūros įsisavinimo analizė;
3. Latvijos vyresniųjų klasių mokinių teisinės kultūros įsisavinimo galimybių tobulinimo pasiūlymas.

Daktaro disertacijos struktūra

Daktaro disertacijos struktūra. Daktaro disertaciją sudaro įvadas, du pagrindiniai skyriai ir 10 poskyrių, išvados, naudotos literatūros sąrašas, norminių aktų ir kitų dokumentų sąrašas bei priedai.

Daktaro disertacijos pirmajame skyriuje „*Teisinė kultūra: turinys, funkcijos, specifika*“ pateiktas išsamus teisinės kultūros fenomeno teorinis apibūdinimas, plačiai analizuojant Latvijos, Vakarų Europos ir Rusijos mokslininkų darbus.

Pirmajame poskyryje apibūdinti teisės ir kultūros santykiai, taip pat pateikta žymių Vakarų Europos, JAV (P. Sorokin'as, W. G. Samner'is, F. A. von Hayek'as) ir Latvijos mokslininkų (V. Sinaiskis, A. Krugļevskis) sukurtų teisės ir kultūros santykių teorijų apžvalga, pabrėžiant teisės ir kultūros kaip dviejų visuomenės reguliacinių sistemų tarpusavio sąveiką bei nustatytos socialinių santykių (tvarkos) sistemos egzistavimo, kuri taip pat apibūdina teisinę kultūrą, pagrindą.

Antrasis poskyris skirtas terminų 'teisinė kultūra', 'juridinė kultūra' ir 'teisės kultūra' terminologinėms dilemoms spręsti, analizėje plačiai vartojant analogiškus terminus anglų, vokiečių ir rusų kalbomis bei pagrindžiant termino 'teisinė kultūra' vartojimą latvių kalboje, taip pat ir bendrojoje latvių juridinių terminų sistemoje.

Savo ruožtu, trečiajame poskyryje pateikta apžvalga apie įvairiapusę teisinės kultūros sampratą / interpretaciją įvairių mokslų atstovų darbuose, išskiriant teisinę kultūrą siaurąja ir plačiąja prasme. Sykiu, daktaro disertacijoje konstatuota, kad teisinė kultūra siaurąja (mikrolygiu) prasme iš pagrindų tiesiogiai orientuojasi į individą / grupę / visuomenę, nustatydamą tam tikrus (teisinius) elgesio modelius, idealus, vertybes ir požiūrius, kurie paprastai susiformuoja per ilgesnį laikotarpį. Trumpai ją galima interpretuoti kaip individo / grupės / visuomenės pasiektą teisės (teisės normų ir principų) pažinimo ir suvokimo lygį, neatsiejamą teisinio suvokimo dalį, kuri atitinkamai yra teisinio elgesio / veiksmų / veiklos pagrindas. Ir daktaro disertacijos autorius, tirdamas Latvijos mokinių teisinę kultūrą, analizavo mokinių požiūrį į savo pareigas ir jų vykdymą (tam tikro elgesio modelio pasirinkimą), mokinių požiūrį į valstybę ir teisę (teisės kaip vertybės pripažinimą), taip pat teisinių žinių įgijimo galimybes ir kokybę. Taigi, tiriant teisinę kultūrą, galima analizuoti individo / grupės / visuomenės teisinės kultūros psichologinius, politinius, ideologinius, elgesio ir kt. aspektus (elementus). Savo ruožtu, teisinė kultūra plačiąja (makrolygiu) prasme nukreipta į teisės sistemą (teisinę realybę), ji yra specialus socialinis mechanizmas, kuris apima visus teisinės / juridinės veiklos (realybės) komponentus ir pasireiškia jiems faktiškai funkcionuojant.

Ketvirtajame poskyryje apžvelgtos pagrindinės teisinės kultūros rūšys, funkcijos ir elementai. Virtualiosios teisinės kultūros specifikai, pagrindžiant ją kaip naują teisinės

kultūros porūši / lygmenį, kuris reikalauja atskirų tyrimų, yra skirtas penktasis poskyris. Šeštajame poskyryje, atsižvelgiant į dabartinius politinius, socialinius, ekonominius ir kt. kitus pokyčius Latvijos visuomenėje, apibūdinta teisinės kultūros (transformacijos) specifika krizės metu.

Daktaro disertacijos antrajame skyriuje „*Latvijos vyresniųjų klasių mokinių teisinės kultūros tyrimas*“ atspindėtas atliktas Latvijos pagrindinės mokyklos vyresniųjų klasių mokinių teisinės kultūros tyrimas ir jo rezultatai.

Pirmajame poskyryje pateikta teorinė apžvalga apie vyresniųjų klasių mokinių teisinės kultūros specifika. Antrasis poskyris skirtas vyresniųjų klasių mokinių požiūrio į pareigą mokytis ir mokyklos nelankymo priežasčių tyrimo analizei, išsiaiškinant tiek Latvijos pagrindinių mokyklų nuolatinių nelankančiųjų skaičių (1396 mokiniai (iš jų 489 Rygoje)), tiek mokyklos nelankymo priežastis (konstatuojant, kad didžiausias mokyklos nelankančiųjų lyginamasis svoris – vidutiniškai valstybėje 67 % – mokyklos nelanko dėl savo tingumo, valios trūkumo, nenoro mokytis, bendravimo / santykių problemų ar kitų subjektyvių priežasčių), tiek parengiant pasiūlymus, kaip užkirsti kelią pamokų nelankymui (į kai kuriuos iš jų jau atsižvelgta švietimą reguliuojančiuose norminiuose aktuose ir politikos planavimo dokumentuose).

Trečiajame poskyryje analizuoti devintų klasių mokinių požiūrio į įstatymą / teisinę tvarką ir teisinio elgesio modelio pasirinkimo tyrimo rezultatai, konstatuojant, kad Latvijos bendrojo lavinimo programų devintų klasių mokiniai liudija vidutinį teisinės kultūros lygį, eklektišką, padriką vertybinę orientaciją, tuo pat metu aiškiai demonstruodami teisinio infantilizmo ir teisinio nihilizmo požymius savo elgesyje / požiūryje. Tuo pačiu metu konstatuotas palyginti žemas susidomėjimas savo teisėmis ir pareigomis, jų įsisavinimu, žemas pasitikėjimo valstybe lygis ir žemas teisinės tvarkos vertinimas, pasiryžimas pažeisti nustatytą teisinę tvarką dėl naudos ar aplinkinių elgesio įtakos, pagarbos mokyklai / mokytojui ir teisei visuomenei apskritai trūkumas. Daugiau kaip pusė apklaustųjų paliudijo praleidinėjantys pamokas iš esmės dėl aplaidaus požiūrio į savo pareigą mokytis.

Savo ruožtu, ketvirtajame poskyryje pateikta apžvalga apie į mokymo standartus įtrauktus teisinės kultūros įsisavinimo reikalavimus pagrindinėje mokykloje, konstatuojant, kad teisinės kultūros ir teisinio ugdymo aspektai yra nepakankamai įtraukti į pagrindinės mokyklos mokymo turinį. Todėl ir buvo pareikšti pasiūlymai pagrindinės mokyklos mokymo turiniui tobulinti.

Daktaro disertacijos pabaigoje padarytos išvados ir pareikšti pasiūlymai, kurie yra nukreipti į tikslingos teisinę kultūrą skatinančios programos sukūrimą, ypatingą dėmesį skiriant teisinėms žinioms įsisavinti ir teisiniam ugdymui švietimo įstaigose ir visuomenėje apskritai. Priešingu atveju daktaro disertacijoje konstatuotos Latvijos jaunuolių elgesio ir požiūrio problemos ir toliau didės, bus perduotos ateities kartoms, pridarydamos vis daugiau žalos Latvijos visuomenei ir valstybei. Taigi, nuolatinius teisinės kultūros tyrimus būtina tęsti, apimant kuo didesnę Latvijos gyventojų ir jų grupių skaičių.

Ginami teiginiai:

1. Teisės ir kultūros sąveika visuomenėje suformuoja tam tikrą socialinių santykių (tvarkos) sistemą, kurią taip pat apibūdina teisinė kultūra.

2. Terminas 'teisinė kultūra' (tiek siaurąja, tiek plačiąja prasme) iki šiol nėra pakankamai išaiškintas ir yra įtvirtintinas latvių juridinės terminologijos sąrašė.

3. Teisinė kultūra yra visuomenės kultūros elementas, įvairiapusiškai analizuojamas ir interpretuojamas daugiafunkcis tarpdalykinis socialinis ir teisinis fenomenas.

4. Išskirtini keli teisinės kultūros lygmenys: individo teisinė kultūra, grupės teisinė kultūra ir visuomenės teisinė kultūra.

5. Naujas teisinės kultūros porūšis yra virtualioji teisinė kultūra, kurios įgyvendinimo ir reguliavimo mechanizmai iš esmės skiriasi nuo kasdienės teisinės kultūros.

6. Teisinės kultūros plėtros problematika tampa vis aktualesnė valstybės ir visuomenės transformavimosi ir krizių laikotarpiais, realizuojantis teisinės kultūros plėtros prasilaužimo modeliu.

7. Vyresniųjų klasių mokinių teisinę kultūrą apibūdina dinamiškumas, nestabilumas, staigus nuomonės ir požiūrio keitimas, poveikumas, savo teisių ir pareigų bei atsakomybės suvokimo trūkumas, kurį taip pat nulemia ir fizinio bei socialinio vystymosi disproporcija, silpna savikontrolės sistema ir kt.

8. Didžioji dalis vyresniųjų klasių mokinių kasdienybėje renkasi teisinio elgesio modelį, t. y., jų elgesys atitinka tai, kas nustatyta teisės aktuose.

9. Žymios dalies Latvijos vyresniųjų klasių mokinių elgesyje pastebimas nihilizmas, neatsakingas požiūris į norminiuose aktuose nustatytą pareigą privalomai įgyti pagrindinį išsilavinimą, kuris ir pasireiškia nuolatiniu švietimo įstaigos nelankymu (pamokų praleidinėjimu).

10. Užsitęsęs mokyklos nelankymas ir tarpinstitucinis bendradarbiavimas mokyklos nelankymui mažinti iki šiol nėra apibrėžtas norminiuose aktuose.

11. Esama auklėjamojo pobūdžio priverstinė priemonė – elgesio apribojimas, įpareigojant vaiką tęsti mokymąsi ir įgyti pagrindinį išsilavinimą, prieštarauja švietimo tikslams, paversdamas nustatytą privalomą pagrindinio išsilavinimo įgijimo pareigą bausme (kuri yra privaloma pareiga).

12. Latvijos devintų klasių mokiniai palyginti mažai domisi savo teisėmis ir pareigomis, jų įsisavinimu, liudija žemą pasitikėjimo valstybe lygį ir žemą teisinės tvarkos vertinimą, pasiryžimą pažeisti nustatytą teisinę tvarką dėl naudos ar aplinkinių elgesio įtakos, pagarbos mokyklai / mokytojui ir teisei visuomenei apskritai trūkumą.

13. Daugiau kaip pusė Latvijos mokinių paliudijo praleidinėjantys pamokas. Šis nuolatinių mokyklos nelankančiųjų skaičius liudija apie faktinį leidimą taip elgtis / nebaudimą iš švietimo įstaigos ir tėvų pusės, tam tikrą susitaikymą su esama situacija ir priemonių / instrumentų jai pakeisti trūkumą.

14. Teisinės kultūros ir teisinio ugdymo sąvokos nėra įtrauktos į pagrindinės mokyklos mokomojo dalyko „Socialiniai mokslai“ turinį. Sykiu, reikėtų parengti ir įvesti naują pagrindinės mokyklos mokomąjį dalyką „Teisės pagrindai“, kuris iš esmės atitinka ir teisinės valstybės kūrimo idėjas Latvijoje.

Išvados

Daktaro disertacijoje atlikus Latvijos pagrindinės mokyklos vyresniųjų klasių mokinių teisinės kultūros tyrimą bei teisinės kultūros fenomeno teorinę analizę galima daryti šias išvadas:

1. Teisės ir kultūros tarpusavio sąveika visuomenėje yra nustatytos socialinių santykių ir teisinės tvarkos sistemos egzistavimo, kurią galima tirti ir teisės sociologijos požiūriu, pagrindas. O teisinė kultūra yra vienas iš šią sistemą apibūdinančių elementų.

2. Terminas 'teisinė kultūra' tiksliau nei terminas 'juridinė kultūra' atspindi anglų k. termino 'legal culture', vokiečių k. termino 'Rechtskultur', rusų k. termino 'правовая культура' turinį latvių kalba.

3. Teisinė kultūra kaip specifinė bendrosios kultūros sritis ir neatsiejamas visuomenės kultūros elementas yra sudėtingas įvairiapusiškai analizuojamas ir interpretuojamas daugiafunkcis, dinamiškas socialinis ir teisinis fenomenas. Tai užtikrina galimybę tirti individo / grupės / visuomenės žinias, nuostatas, normas, idealus, pažiūras į teises ir pareigas, taip pat jų įgyvendinimo kasdieniame gyvenime (teisės laikymosi) lygį, individui / grupei / visuomenei pasirenkant tam tikrą elgesio / veiksmų / veiklos modelį ir suteikiant teisei tam tikrą vietą savo vertybių hierarchijoje, taip pat leidžia tirti teisės sistemą (teisinę realybę) ir įvairių teisės institutų realią veiklą / funkcionavimą.

4. Terminas 'teisinė kultūra' gali būti vartojamas bent dviem reikšmėmis / prasmėmis. Siaurąja prasme teisinė kultūra yra susijusi su individu / grupe / visuomene, nustatant tam tikrus (teisinius) elgesio modelius, vertybes, idealus ir nuostatas. Ji yra individo / grupės / visuomenės pasiektas teisės (teisės normų ir principų, taip pat pareigų) pažinimo ir supratimo lygis, teisinio elgesio / veiksmų / veiklos pagrindas. Savo ruožtu, teisinė kultūra plačiąja prasme yra teisės sistemą (teisinę realybę) apibūdinantis fenomenas, specialus socialinis mechanizmas, kuris apima visus teisinės / juridinės veiklos (realybės) komponentus / institutus ir pasireiškia jiems faktiškai funkcionuojant konkrečiu laikotarpiu.

5. Apskritai teisinę kultūrą galima apibrėžti kaip dvasinių ir materialinių vertybių visumą visuomenės teisiniame gyvenime (teisiniuose santykiuose). Ji atspindi visuomenės teisinio gyvenimo kokybinį lygį ir pasireiškia kaip teisės visumos (teisės normų, principų, institutų, pareigų, žinių) akceptavimas ir įgyvendinimas kasdieniame gyvenime, taip pat jo vertinimas nustatytu laikotarpiu.

6. Šiandien galima analizuoti naują socialinį ir teisinį fenomeną – teisinę antikultūrą – individo / grupės / visuomenės pažiūrų, sampratos, nuostatų ir veiksmų / elgesio / veiklos neigiamus požymius, visiškai ar iš dalies paneigiant teisę kaip vertybę, atitinkamai trukdant taikiai, evoliucinei individo / grupės / visuomenės veiklai, vystymuisi ir nustatytai teisei tvarkai. Teisinę antikultūrą apibūdina teisinės savimonės ir teisinės kultūros deformacija, taip pat teisinis nihilizmas, teisinis infantilizmas, teisinė demagogija, teisinis diletantizmas. Vis dėlto, teisinė antikultūra vaidina pozityvų vaidmenį, skatindama teisės dinamiką, intensyvindama pastangas ir priemonių pritraukimą teisei kultūrai puoselėti;

7. Galima išskirti tris teisinės kultūros lygmenis: individo teisinę kultūrą, grupės teisinę kultūrą ir visuomenės teisinę kultūrą, kurios įvairiapusiškai sąveikauja teiseje realybėje, taip pat veikiamos tarpusavio prieštarų, suformuodamos tam tikrą teisinę

tvarką, kuri pasireiškia tiek teisiniame elgesyje, tiek teisiniuose santykiuose, tiek teisinių žinių įgijimo ir ugdymo / socializacijos procese, tiek ir teisinėje komunikacijoje ir t. t.

8. Teisinė kultūra nepaliaujamai sąveikauja su kitais socialiniais fenomenais / sritimis, tai tiesiogiai pasireiškia teisinės kultūros funkcijų įgyvendinime ir tarpusavyje susijusių teisinės kultūros elementų / komponentų funkcionavime. Tai ir yra pagrindas, kad teisinė kultūra kaip esminio socionormatyvo regulatoriaus fenomenas būtų ne tik teisės mokslo, bet ir politikos mokslo, filosofijos, sociologijos, kultūrologijos ir kitų mokslų tyrimų objektas.

9. Nauju teisinės kultūros porūšiu laikytina virtualioji teisinė kultūra, kurios įsisavinimo, pasireiškimo ir reguliavimo mechanizmai iš esmės skiriasi nuo kasdienės teisinės kultūros. Atsižvelgiant į tai, kad valstybės reguliavimo ir įsikišimo į virtualią erdvę galimybės yra ribotos, žymiai padidėja kiekvieno individo vaidmuo ir atsakomybė, taip pat teisinės kultūros reikšmė, pasirenkant tam tikrą elgesio modelį virtualiojoje erdvėje. Vis dėlto, individo / grupės / visuomenės (virtualiosios) teisinės kultūros formavimasis ir pasireiškimas pasauliniame žiniatinklyje (internete) dėl savo specifikos reikalauja atskiro tyrimo.

10. Teisinės kultūros plėtros problematika tampa vis aktualesnė valstybės ir visuomenės transformavimosi ir krizių metu, realizuojantis teisinės kultūros plėtros prasilaužimo modeliui, keičiantis tradicinėms (įprastoms) teisėms ir pareigoms, teisinėms vertybėms ir sampratai, tikslams ir leistino elgesio riboms, atsisakant anksčiau akceptuotųjų ir ieškant naujų teisinio elgesio pavyzdinių modelių, taip pat didėjant asocialinių subkultūrų atstovų skaičiui, kuriems yra būdingas žemas / žemesnis teisinės kultūros lygis, kas dažnai sudaro pagrindą socialinei įtampai, neramumams ir konfliktams.

11. Vyresniųjų klasių mokinių teisinę kultūrą apibūdina dinamiškumas, nestabilumas, staigus pažiūrų ir nuostatų keitimas, paveikumas, savo teisių ir pareigų, taip pat atsakomybės suvokimo trūkumas, kurį lemia ir fizinio bei socialinio vystymosi disproporcija, silpna savikontrolės sistema.

12. Didžioji dalis Latvijos vyresniųjų klasių mokinių kasdien renkasi teisinį elgesį, t. y., laikosi to, kas numatyta teisės aktuose. Vis dėlto, didelei daliai Latvijos vyresniųjų klasių mokinių būdingas ir nihilizmas, neatsakingas požiūris į norminiuose aktuose nustatytą pareigą privalomai įgyti pagrindinį išsilavinimą, kuris pasireiškia nuolatinio švietimo įstaigos nelankymu (mokyklos nelankymu), liudydamas žemą teisinės kultūros lygį. Šią situaciją iš esmės skatina efektyvių atsakomybės už padarytus pažeidimus ir vengimą vykdyti norminiuose aktuose nustatytas pareigas švietimo įstaigoje mechanizmų trūkumas.

13. Atsakingųjų institucijų (t. y., švietimo įstaigų, socialinių tarnybų, savivaldybių, teisėsaugos įstaigų) veiklos analizė liudija instrumentų kovai su švietimo įstaigų nelankymu trūkumą, atsakingųjų asmenų vengimą vykdyti savo pareigas, įsk. vengimą taikyti norminiuose aktuose nustatytas baudas, taip pat nihilistinį požiūrį, konkrečiais atvejais iš esmės akceptuojant esamą mokyklų nelankymo situaciją. Egzistuojančias problemas komplikuoja silpnai įtvirtintos švietimo įstaigų, savivaldybių ir kitų institucijų pareigos veikti / bendradarbiauti šioje situacijoje. Todėl vystytinas ir įtvirtintinas švietimo įstaigų, savivaldybių ir kitų suinteresuotų institucijų tarpinstitucinis bendradarbiavimas mokyklų nelankymui mažinti.

14. Neigiamai vertinama įstatyme „Dėl auklėjamųjų priverstinių priemonių taikymo vaikams“ nustatyta (2010 metais) auklėjamoji priverstinė priemonė – elgesio apribojimas, įpareigojant vaiką tęsti mokslus ir įgyti pagrindinį išsilavinimą. Minėtasis elgesio apribojimas iš esmės prieštarauja švietimo tikslams, iš esmės paversdamas valstybės nustatytą privalomą pagrindinio išsilavinimo įgijimo pareigą bausme.

15. Devintų klasių mokinių apklausos rezultatai byloja apie vidutinišką jaunuolių teisinės kultūros lygį, tuo pačiu metu demonstruodami teisinio infantilizmo ir teisinio nihilizmo bruožus jaunuolių elgesyje / požiūryje. Tai, kas paminėta, sustiprina sudėtingos socialinės ekonominės sąlygos, struktūriniai pokyčiai, neigiamas (depresyvus) nusiteikimas visuomenėje ir nestabilumas valstybėje bei visuomenėje apskritai.

16. Tyrimo rezultatai leidžia konstatuoti, kad didelė dalis jaunuolių palyginti mažai domisi savo teisėmis ir pareigomis, jų įsisavinimu, liudija žemą pasitikėjimo valstybe lygį ir žemą teisinės tvarkos vertinimą, pasiryžimą pažeisti nustatytą teisinę tvarką dėl naudos ar aplinkinių elgesio įtakos, pagarbos mokyklai / mokytojui ir visuomenei apskritai trūkumą.

17. Daugiau kaip pusė apklaustų jaunuolių paliudijo praleidinėjantys pamokas iš esmės dėl aplaidaus požiūrio į savo pareigą mokytis, dažnai tokiu būdu pagilindami problemas švietimo įstaigoje ir pasidarydami savo išsilavinimo / žinių spragų. Taigi, toks nuolatinių mokyklos nelankančiųjų skaičius liudija apie faktinį leidimą taip elgtis / nebaudimą iš švietimo įstaigos, savivaldybės / valstybės ir tėvų pusės, tam tikrą susitakymą su esama situacija ir priemonių / instrumentų jai pakeisti trūkumą.

18. Teisinės kultūros ir teisinio ugdymo sąvokos nėra įtrauktos į pagrindinės mokyklos mokomojo dalyko „Socialiniai mokslai“ turinį. Taip pat klausimams, kurie tiesiogiai susiję su jų turiniu / įsisavinimu, yra skiriamas nepakankamas dėmesys. Be to, siekiant įtvirtinti išmoktą medžiagą, būtina užtikrinti įgytų žinių susiejimą su kiekvieno mokinio elgesiu ir jo pasekmėmis, o tai galima užtikrinti ir tikslingu klasės auklėtojo darbu, atitinkamai, pavyzdžiui, mažinant pamokų praleidinėjimą, nihilistinį požiūrį į švietimo įstaigoje nustatytą vidaus tvarką ir t. t. Priešingu atveju – įgytos žinios apie individo teises ir pareigas, įsk. pareigą mokytis ir paisyti kitų asmenų teisių, iš esmės lieka žinių ir ketinimų lygyje, praktiškai realizuojantis neatsakingam, dažnai nekontroliuojamai ir nebaudžiamam elgesiui.

Parengus daktaro disertaciją ir atlikus tyrimą galima pareikšti šiuos pasiūlymus:

1) Terminas 'teisinė kultūra' įtvirtintinas latvių juridinės terminologijos sąrašė.
2) Būtina plėtoti teisinės kultūros tyrimus Latvijoje, taip pat skatinti šio fenomeno turinišką įtraukimą į Latvijos pagrindinės mokyklos mokymo turinį, taip pat tobulinant teisinių žinių įsisavinimą švietimo įstaigose.

3) Skatintinas mokinių teigiamo požiūrio į savo pareigą mokytis, privalomai įgyjant pagrindinį išsilavinimą, formavimas, kuris susijęs ir su disciplinos bei atsakomybės įtvirtinimu ir švietimo įstaigos nelankymo mažinimu. Būtina numatyti tarpinstitucinį bendradarbiavimą siekiant užkirsti kelią švietimo įstaigos nelankymui kiekvienoje savivaldybėje. Be to, tobulintinas informacinis ir aiškinamasis darbas, ne tik išaiškinant naujo švietimo įstaigų nelankymo prevencijos įstatymo esmę ir atsakomybę už mokyklos nelankymą, bet ir atkreipiant atsakingųjų asmenų – pedagogų, savivaldybių ir

teisėsaugos įstaigų darbuotojų dėmesį į tikslų pareigų vykdymą, panaudojant visus jų žinioje esančius resursus ir instrumentus švietimo įstaigų prevencijai (pavyzdžiui, ne tik taikant norminiuose aktuose numatytas baudas, bet ir teikiant paramą dirbantiesiems mokiniams, besimokantiems vakarinėje (pamaininėje) mokykloje ar distancinio mokymo mokykloje, informuojant apie galimybę įvertinti už formaliojo švietimo sistemos ribų įgytą kompetenciją).

4) Atsižvelgiant į konfliktinių situacijų skaičių, taip pat ir susijusių su švietimo įstaigų nelankymu, švietimo įstaigų vadovybė (administracija), pagalbinis personalas – psichologai, socialiniai pedagogai, taip pat klasių auklėtojai turėtų įgyti gebėjimų ir įgūdžių vesti palaikomuosius pokalbius / derybas su mokiniu ir jo tėvais, kitomis suinteresuotomis šalimis, taikant vad. alternatyviojo ginčų sprendimo metodus, pavyzdžiui, mediacijos būdus ir technikas. Paminėtas priemonės galima įgyvendinti pagal privalomąjį pedagogų kvalifikacijos kėlimą, panaudojant šioms tikslams skirtą finansavimą, įsk. Valstybinio švietimo turinio centro įgyvendinamus pedagogų kvalifikacijos kėlimo projektus.

5) Reikėtų išnagrinėti galimybes su efektyvinti administracinių baudų taikymo mechanizmą tiek tėvams už vaiko priežiūros pareigų nevykdymą, tiek pačiam mokiniui (t. y., nuo 14 metų – administracinės atsakomybės amžius) už švietimo įstaigos nelankymą ir vengimą įgyti privalomąjį pagrindinį išsilavinimą, taip pat didinant atsakingųjų įstaigų – savivaldybių ir jų Švietimo valdybų, Valstybinės vaikų teisių apsaugos inspekcijos ir Švietimo kokybės valstybinės tarnybos kompetenciją.

6) Reikėtų parengti nelankantiesiems švietimo įstaigų, taip pat besimokantiesiems, kurie turi elgesio ir ugdymo problemų, ypatingą socialinio ugdymo / korekcijos programą (pavadinimas yra diskutuotinas), kurią galėtų įgyvendinti atskiros švietimo įstaigos (pavyzdžiui, vienoje didelėje savivaldybėje ar savivaldybių grupėje), pasiūlant asmenims, turintiems rimtų ugdymo ir elgesio (disciplinos) problemų, būtiną pagalbą ir išsilavinimo įgijimo galimybę. Reikėtų numatyti švietimo įstaigos teises be tėvų sutikimo, remiantis pedagogų tarybos rekomendacija, gavus našlaičių teismo, socialinės tarnybos ir / ar savivaldybės suderinimą, perkelti besimokantįjį, kuris nuolat iš esmės pažeidžia švietimo įstaigos vidaus tvarkos taisykles ar nelanko švietimo įstaigos, tęsti mokslus pagal šią socialinio ugdymo / korekcijos programą.

7) Būtina tirti ir diskutuoti apie besimokančiojo atsakomybę (taip pat ir finansinę atsakomybę), jei jis be pateisinamų priežasčių (pavyzdžiui, dėl sveikatos būklės, vystymosi sutrikimų, situacijos šeimoje) pakartotinai ar net trečią, ketvirtą kartą moko- si toje pačioje klasėje. Šiuo atveju tokiam besimokančiajam, pradedant nuo 11 metų, t. y., anksčiau, kai galima taikyti auklėjamąsias priverstines priemones, reikėtų (bent iš dalies) prisiimti finansinius išpareigojimus ir padengti tas lėšas, kurias valstybė / visuomenė buvo priversta „permokėti“ už jo išsilavinimo įgijimą. Atsižvelgiant į tai, kad nepilnamečiui besimokančiajam galėtų trūkti lėšų, kad padengtų šią sumą, disertacijos autorius mano, jog būtų galima įvesti mokymo kreditą – mechanizmą, kuris prilygtų studijų kreditui aukštajame moksle, kurį reikėtų padengti tik įgijus išsilavinimą ir sulaukus pilnametystės, taip pat suteikti galimybę padengti šią sumą besimokančiojo šeimai (jei ji pareikš tokį norą). Taip pat būtina reikėtų skirti atsakingą instituciją, pavyzdžiui, Valstybinę vaikų teisių apsaugos inspekcija, ir numatyti įvertinimo, ar besimokantysis

dėl objektyvių priežasčių, atsižvelgiant į asmens amžiaus, sveikatos, socialinės padėties ir kitas ypatybes, negalėtų būti atleistas nuo tokio mokesčio, mechanizmą, atitinkamai be apribojimų garantuojant šio asmens teisę į išsilavinimą.

8) Disertacijos autorius kritiškai vertina 2010 metų pavasarį padarytas įstatymo „Dėl auklėjamųjų priverstinių priemonių taikymo vaikams“ pataisas (galioja nuo 2010 metų kovo 26 d.), šio įstatymo 10.¹straipsnyje numatant teisėjui ar administracinei komisijai teises nustatyti laikotarpiui nuo 30 dienų iki vienerių metų auklėjamąją priverstinę priemonę – elgesio apribojimus, įpareigojant tęsti mokslus ir įgyti pagrindinį išsilavinimą. Tokios auklėjamosios priverstinės priemonės buvimas byloja apie žemą teisinės kultūros lygį Latvijos visuomenėje, nes nederėtų Latvijos Respublikos Konstitucijos 112 straipsnyje ir Švietimo įstatymo 4 straipsnyje nustatytos vaiko (besimokančiojo) pagrindinės pareigos mokytis, kad privalomai įgytų pagrindinį išsilavinimą, paversti auklėjamąją priverstine priemone, kurios taikymo kontrolė iš esmės yra neįmanoma. T. y., vadovaujantis tuo, kas nustatyta šiame įstatyme, savivaldybės įstaigų atstovai gali kontroliuoti švietimo įstaigos lankomumą, tačiau neįmanoma sukontroliuoti mokinio požiūrio į mokslus / išsilavinimo įgijimą, pažangumą ir realų mokymąsi. Taigi, disertacijos autorius mano, kad toks vaiko elgesio apribojimas išbrauktinas iš norminio akto, pakeičiant jį galimybe tęsti mokslus / išsilavinimo įgijimą pagal anksčiau paminėtą socialinio ugdymo / korekcijos programą, parengiant paramos programas ir užtikrinant jau šiuo metu įstatyme „Dėl auklėjamųjų priverstinių priemonių taikymo vaikams“ numatytas auklėjamųjų priverstinių priemonių taikymo galimybes, taip pat ir priverstinai, konsultuojantis su atitinkamu specialistu – psichologu, gydytoju ar kitu specialistu.

9) Reikėtų sukurti teisinę kultūrą ir jos ugdymą skatinančias programas Latvijos švietimo įstaigose, ypatingą dėmesį skiriant teisinėms žinioms įsisavinti, stengiantis teigiamai paveikti besimokančiųjų požiūrį ir nuostatas.

10) Teisinės kultūros ir teisinio ugdymo aspektai įtrauktini į pagrindinės mokyklos mokomojo dalyko „Socialiniai mokslai“ turinį, tuo pačiu metu praplečiant individo teisių ir pareigų įsisavinimą ir įvedant naują pagrindinės mokyklos mokomąjį dalyką „Teisės pagrindai“ (kuris gali būti integruotas į mokomojo dalyko „Socialiniai mokslai“ turinį kaip atskiras modulis). Tai taip pat yra vienas iš daktaro disertacijos autoriaus artimiausių darbo uždavinių, šiuo metu įsitraukiant į pagrindinės mokyklos ir vidurinės mokyklos mokymo standartų ir mokymo programų tobulinimo darbo grupės darbą.

11) Siekiant įtvirtinti išmoktą mokomojo dalyko „Socialiniai mokslai“ medžiagą, būtina užtikrinti įgytų žinių praktinį susiejimą su kiekvieno mokinio elgesiu ir jo pasekmėmis, taip pat skatinant pagarbą aplinkiniams žmonėms, teisinių vertybių virtimą individo vidinėmis vertybėmis, ką galima užtikrinti ir tikslingu klasės auklėtojo darbu, atitinkamai, pavyzdžiui, mažinant pamokų praleidinėjimą, nihilistinį požiūrį į švietimo įstaigoje nustatytą vidaus tvarką ir t. t. Be to, teisinės kultūros ir teisinio elgesio įsisavinimas turėtų būti pirmiausia nukreiptas ne į bausmes, baudimo galimybes ir represines priemones, o į pozityvius teisės normų ir principų laikymosi rezultatus, atitinkamai pabrėžiant teisinius nurodymus kaip vidinę vertybę ir jų laikymosi būtinybę kasdieniame gyvenime.

12) Kad naujo patobulinto teisės mokslo turinio įdiegimas būtų sėkmingas, būtina suplanuoti mokytojų išsilavinimo ir kvalifikacijos kėlimo sistemą ir taip užtikrinti, kad mokomųjų dalykų „Socialiniai mokslai“ ir „Teisės pagrindai“ mokytojas bus kompeten-

tingas, t. y., orientuosis teisēs sistemojē ir galēs suteikti paramā / duoti patarimā mokinīui probleminēs situacijosē. Taigi, būtina tobulinti mokytoju aukštojo mokslo studiju programū turinī, ītraukiant teisēs mokslo studiju kursus, īsk. studiju dalykus „Švietimo teisē“ „Vaiku ir besimokančiuju teisēs ir pareigos“ ir kt. Savo ruožtu, esamiems pedagogams būtina užtikrinti galimybē tobulinti savo žinias privalomojo pedagogu kvalifikacijos kēlimo ribosē, panaudojant šiem tikslams skirtā finansavimā, īsk. Valstybēs švietimo turinio centro īgyvendinamus pedagogu kvalifikacijos kēlimo projektus;

Apskritai Latvijas Republikai reikētū parengti ir sudaryti bei laikantis tēstinumo īgyvendinti tikslingas teisnē kultūrā skatinančias programas, ypatingā dēmesī skiriant teisiniū žiniū īsisavinimui ir teisiniam ugdymui švietimo īstaigose ir visuomenējē apskritai. Priešingu atvejū daktaro disertacijojē konstatuotos latviū jaunuoliū elgesio ir nuostatū problemas toliau liks neišsprēstos, bus perduotos ateities kartoms, darydamos vis daugiau žalos Latvijos visuomenei ir valstybei.

Nuolatinius teisnēs kultūros teorinius ir praktinius tyrimus būtina tēsti, apimant kuo didesnī Latvijos gyventojū ir ju grupiū skaičiu bei parengiant pasiūlymus teisei kultūrai skatinti.

Tyrimo praktinē reikšmē

Tyrimo rezultatu praktinis pritaikymas:

1. valstybēs valdymo īstaigu ir švietimo īstaigu priemonēsē, kurios orientuotos ī teisnēs kultūros, teisinio elgesio, disciplinos ir teisinio informuotumo lygio kēlimā tarp Latvijos mokiniū ir kitū Latvijos visuomenēs nariū;
2. tobulinant ir rengiant Latvijos norminiū aktu ir politikos planavimo dokumentus, kurie yra susiję su teisēs ir švietimo sferomis;
3. sprendžiant besimokančiuju elgesio ir švietimo īstaigu lankymo problemas, taip pat rengiant švietimo (ypač socialiniū mokslū dalyku) ir ugdymo programas, īgyvendinant ir planuojant ugdymo priemones bei ugdymo pamokas;
4. su daktaro disertacijos tema susijusiose paskaitose ir seminaruose, taip pat pamokose ir užklasinējē veiklojē;
5. su daktaro disertacijos tema susijusiojē mokslinējē teorinējē veiklojē (mokslinēs monografijosē, moksliniuose straipsniuose ir t. t.) ir dalykiniuose tyrimuose.

Tyrimo rezultatu aprobacija

Daktaro disertacijos autorius yra parengēs 160 publikacijū (15 knygu ir brošiuru, 84 mokslinius straipsnius, īsk. su bendraautoriais). Iš ju su daktaro disertacija tiesiogiai susijusios šios publikacijos:

Monografiju skyriai ir moksliniai straipsniai

(Latvijos mokslū tarybos pripažinti nacionaliniai ir užsienio mokslo leidiniai)

1. Mihailovs I. Vasilija Sinaiska ieguldijums Latvijas kultūrā // Literatūra un kultūra: process, mijiedarbība, problēmas. – Daugavpils: DU izdevniecība “Saule”, 2002. – 212. – 217.lpp.

2. Mihailovs I. Aleksandrs Krugļevskis: dzīve un darbi // Likums un Tiesības. – 2004. – Nr.9 (61). – 281. – 287.lpp.
3. Ёиргена С., Михайлов И.Я. Динамика ценностных ориентаций в структуре личностных характеристик молодёжи Латвии // Межкультурная коммуникация: концепты и модели поведения. – Астрахань: Издательский дом “Астраханский университет”, 2007. – с. 191 – 195.
4. Mihailovs I. Tiesības komunikācijas kontekstā // Актуальные проблемы психологии, бизнеса и социальной сферы общества: теория и практика. – Rīga: Psiholoģijas augstskola, 2007. – 176. – 180.lpp.
5. Jirgena S., Mihailovs I.J. Sociālā riska ģimeņu dzīves scenārijs // Sabiedrība un kultūra. Rakstu krājums X. / Sastād. A.Medveckis. – Liepāja: LiePA, 2008. – 48. – 55.lpp.
6. Ļaudams V., Mihailovs I.J. Ārvalstu pilsoņu bērnu vispārējā izglītība Latvijā // Sabiedrība, integrācija, izglītība. Starptautiskās zinātniskās konferences materiāli. – Rēzekne: RA izdevniecība, 2009. – 402. – 408.lpp.
7. Mihailovs I.J., Hanovs D. Tiesiskā kultūra Latvijā: problēmas un perspektīvas // Zinātniskie raksti 2008. Ekonomika. Komunikācija. Politika. Socioloģija. Sociālā politika un sociālais darbs. Tiesības. – Rīga: Rīgas Stradiņa universitāte, 2009. – 197. – 201.lpp.
8. Ļaudams V., Mihailovs I.J., Stankevičs A. Skolēnu kavējumi Latvijā: problēmas, cēloņi, risinājumi // Sabiedrība un kultūra. Rakstu krājums XI. / Sastād. A.Medveckis. – Liepāja: LiePA, 2009. – 281. – 286.lpp.
9. Hanovs D., Laicāne M., Mihailovs I.J. Dažādības vadība multietniskā vidē. – Rīga: Drukātava, 2009. – 190 lpp. (taip pat skyriņū „Dažādības tiesiskie ietvari”, „Dažādības vadība un Latvijas politikas plānošana” autorius ir skyriaus „Dažādības vadība izglītības pieredzē: vidējā izglītība, profesionālā izglītība, augstākā izglītība, pedagoģiskā darbība” bendraautoris).
10. Михайлов И.Я. Влияние социально-экономического кризиса на правовую культуру латвийского общества // Partnerstwo i wspolpraca a kryzys gospodarczo-spoleczny w Europie srodkowej i wschodniej. – Lublin: Wydawnictwo, 2010. – т.1. – с.282 – 286.
11. Ļaudams V., Mihailovs I.J. Bēglu un trešo valstu pilsoņu bērni Latvijas vispārējās izglītības iestādēs // Zinātniskie raksti 2009. Ekonomika. Komunikācija. Politika. Socioloģija. Sociālā politika un sociālais darbs. Tiesības. – Rīga: Rīgas Stradiņa universitāte, 2010. – 111. – 118.lpp.
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13. Stankevičs A., Mihailovs I. J. Globālās izglītības telpas veidošanās un Latvijas izglītība // Sociālo Zinātņu Vēstnesis. – 2010. – Nr.1. – 50. – 64.lpp.
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20. Станкевичс А., Михайловс И.Я. Значение государственной информационной системы образования в процессе совершенствования финансирования образования Латвии // Spoleczenstwo Sieci. Gospodarka sieciowa w Europie srodkowej i wschodniej. – Lublin: Wydawnictwo, 2011. – т.2. – с.160 – 163.
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22. Mihailovs I.J. Tiesiskās kultūras jēdziens un tā interpretācijas iespējas // īteikta spaudai 15-ajame moksliniame rinkinye „Sabiedrība un kultūra”.

CURRICULUM VITAE

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Kalbos:

Latvių ir rusų gimtoji

Anglų puikiai

Mihailovs, Ivans Jānis

LATVIJOS JAUNIMO TEISINĖ KULTŪRA REMIANTIS PAGRINDINĖS MOKYKLOS VYRESNIŲJŲ KLASIŲ MOKINIŲ PAVYZDŽIU. Daktaro disertacija. – Vilnius: Mykolo Romerio universitetas, 2012. 160 p.

Bibliogr. 104–118 p.

ISBN 978-9955-19-476-7

Daktaro disertacijos tikslas – santykio tarp įstatymo ir kultūros apibrėžimas, išryškinant reguliavimo sistemų tarpusavio santykį, kaip socialinių santykių, kurie taip pat yra apibrėžiami teisine kultūra, pagrindą. Autorius nagrinėja terminologijos, susijusios su terminais “teisinė kultūra”, “juridinė kultūra” ir “įstatymo kultūra”, dilemą, analizuoja teisinės kultūros interpretaciją per įvairių mokslo šakų tyrimus, išskirdamas siaurąjį (mikro lygį) ir platųjį (makro lygį) teisinės kultūros supratimą, apsvarstydamas pagrindines teisinės kultūros formas, funkcijas ir elementus, apibūdindamas virtualią teisinę kultūrą kaip naują teisinės kultūros lygį, taip pat pabrėžia specifinį teisinės kultūros pobūdį pasaulinės krizės sąlygomis.

Kaip šio tyrimo dalis, buvo atlikta vidurinės mokyklos aukštesniųjų klasių mokinių teisinės kultūros studija, kuria buvo siekiama išanalizuoti jų požiūrį į pareigą mokytis ir pamokų nelankymo priežastis, ypač atkreipiant dėmesį į 9 klasės mokinių požiūrį į įstatymą ir teisinės elgsenos modelio pasirinkimą, išanalizuojant teisinės kultūros pritaikymą studijų standartams.

Galiausiai, buvo padarytos išvados bei pateikti pasiūlymai dėl tolesniųjų tyrimų, įstatymų ir nuostatų tobulinimo, programos įdiegiant teisinę kultūrą plėtojimo, atkreipiant ypatingą dėmesį į teisinės kultūros įsisavinimą mokslo įstaigose ir visuomenėje apskritai.

The aim of the research – to define the content, functions, manifestations, forms of the concept of legal culture and to investigate the specific character of the legal culture of Latvian senior-grade elementary school pupils, developing proposals for improvement of acquisition of the legal culture by elementary school pupils.

Thus, no research studies of legal culture are actually being made in Latvia, and also attention is insufficiently paid to it in the studies of law, and in political and sociological studies.

The scientific novelty of the Doctoral Dissertation is characterised by the fact that the Doctoral Dissertation is dedicated to the legal culture, its updating and consolidating in the scientific and research environment in Latvia. Moreover, such an original research study of the legal culture of Latvian elementary school pupils has been made for the first time in Latvia.

Ivans Jānis Mihailovs

LEGAL CULTURE OF THE LATVIAN YOUTH:

EXAMPLE OF THE SENIOR-GRADE ELEMENTARY SCHOOL PUPILS

Doctoral Dissertation

Maketavo Birutė Bilotienė

SL 585. 2012 10 19. 12,38 leidyb. apsk. l.

Tiražas 20 egz. Užsakymas 17 687

Išleido Mykolo Romerio universitetas

Ateities g. 20, Vilnius

Puslapis internete www.mruni.eu

El. paštas leidyba@mruni.eu

Parengė spaudai UAB „Baltijos kopija“

Kareivių g. 13B, Vilnius

Puslapis internete www.kopija.lt

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ISBN 978-9955-19-476-7

