

# Methodology of Psychological Regularities and Mechanisms of Legal Relations

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**Abstract:** The article deals with the concept, structural elements, and functional links of the mechanism of psychological regularities that form legal relations. The mechanism of legal relations based on methods and theory of law. This mechanism determines the stages of psychological regularities, which is relevant for the practical application of law. Objectives. To disclose psychological patterns, substantiating the legal facts, for the formation of the mechanism of legal relations. Purpose of research: to investigate and determine the methods, stages and steps of the mechanism of legislative regulation. Results. The mechanism of legal relations is interactive system of psychological patterns involved in legal regulation. The main elements of psychological regularities include the rules of law, legal relations and legal acts that govern the realization of subjective rights and obligations. The authors state that the legal relations of psychological regularities include various areas of scientific knowledge. These relations considered as applied science in the field of relations that regulated by the rules of law. With the implementation of practical skills, they are able to solve management tasks. Practical implementation of legal relations lies in special actions that specialists of the legal sphere perform, while applying different methods, which aimed to obtain realistic results. Mechanism of legal relations are investigated using methods and approaches that determine the levels of psychological patterns. Analysis of the psychological processes that occur in a controlled subject as reactions to the impact of legal norms or an act of their application forms psychological element of the mechanism of legal relations. Studies at the intersection of different sciences lead to a substantial enrichment of knowledge. In this case, legal relationships become an instrument for regulating social interactions. Psychological patterns of interaction and the entire mechanism of legal relations aimed at the awareness and cooperation of subjects of social interactions. Study determines that legal facts cannot be included in the mechanism of legal relations, since they not considered

separately from it. These legal facts activate the mechanism of legal relations, turning this model into reality.

**Index Terms:** mechanism of legal relations, methodology of the system of methods, methods of legal relations, principles, psychological patterns, stages of the mechanism of legal relations.

## I. INTRODUCTION

The concept of "psychological patterns and mechanisms" is associated with human sciences, and his inner world. From 1850-s this kind of science gradually evolved into experimental science instead of theoretical one. Study of psychological patterns and mechanisms of legal relations include various fields of knowledge. It is also applied science in the field of social relations. It is regulated by the rules of law. Researches in the field of legal relations apply the methods of psychological science, and provide both understanding and ways of managing the mental activity of the subject. Notion of the mechanism of legal relations as a legal category in legal science used in study of social relations. In recent years, a broader interpretation of the mechanism of legal relations were applied according to the methodology of psychological regularities, where the central object of research is transferred to the individual as subject of action. According to scientists, the mechanism of legal relations has firmly entered the theory of law, not only as mechanism, but as a system based on psychological regularities organized in the most consistent way, relying on the basic elements of the mechanism of legal relations [1]-[7].

According to Rubtsova N.V., Gruzdeva V.V., Vitchenko A.M., the concept of the mechanism of legal relations goes beyond the field of law study and has both procedural component and internal structure in the system of functioning [8]-[13].

According to the authors, the main elements of the legal relations mechanism consist of:

- Science and practice of law;
- Legal acts and facts of organized execution of law;
- Protective law enforcement documents;
- Methods of legal regulation;
- Phases and stages of the legal relations mechanism.

Other point of view considers legal regulation as a science that studies forms and means of influence of the right to public life, shaping the behavior of society, thereby realizing legal rules. Legal relations narrow the unjustifiably possible applicable palette of legal regulation, expressed unilaterally [8], [9].

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## Methodology of Psychological Regularities and Mechanisms of Legal Relations

The right, as a system of legal means such as laws and regulations, is a planned, purposeful, organized legal instrument. Features of legal regulations:

- - Constant improvement of legal acts affecting the order of public relations, aimed to maintain stable and effective law supremacy;
- - Power of government provides regulation: relations between subjects are written in laws that provide subjective rights and obligations. Implementation of these norms and rights goes without state intervention;
- - Regulation is systematical and fully implemented through the system of legal norms, has a high degree of legal protection for guaranteed execution of laws [11], [12].

### II. PROPOSED METHODOLOGY

The methodology of the mechanism of legal relations bases on the study of the psychological patterns that determine the direction of theoretical and applied research. It covers the entire set of basic concepts that reflect the reality of legal psychology. The principles that form the cornerstone of legal psychology are:

- Objectivity of legal relationships, human condition and behavior, which is realized through the methods of observation, the accuracy of the experiment, and reasonable evaluation of data;
- Determinism which is realized through the study of the reasons of actions and researching the available facts about certain actions by the means of integrated approach; and also prediction of the further development of events, applying different methods of influence on the person;
- Principle of the unity of acceptance of the deed realized through the study of environmental and characteristic features of human consciousness;
- Principle of development that states that person acquires new knowledge and qualities while getting new life experience;
- Systematic principle that considers all psychological processes and properties of a person as a system where communicative, cognitive and regulatory functions interact with each other. Personality described as a self-regulating system, striving to maintain the internal equilibrium of its structure;
- Principle of personal approach – person studied as the subject of anti-legal activity, and carries antisocial forms of behavior;
- Principle of legality – guarantees that during investigation and adjustment the laws are respected;
- Principle of justice – to ensure, whether only objective evidence and facts were taken into account while investigating;
- Principle of equality of citizens expressed via democracy and objectivity;
- Humanity principle involves respect for the person in the process of pre-trial investigation, compliance with ethical standards. Prohibition of usage of tortures, verbal techniques that cause stress, hypnosis, psychological pressure.

Principles based on psychological patterns, lay the groundwork for methodological approaches. These approaches are designed using general and personalities'

psychology principles. Framework of these approaches built within the system of legal norms.

Various tasks in legal relations solved by psychological regularities that tightly connect psychology and law. These relations combine the variety of theoretical and practical issues that are an object of interest for law enforcement agencies.

### III. RESULT ANALYSES

According to the knowledge of legality, general psychology and the psychology of the individual, the main tasks of psychological regularities in legal relations include the following tasks (Table I).

Table I. The main objectives of psychological regularities in legal relations [7]

Objectives	Tasks
Examination of psychological mechanisms of unlawful activities	Identification of criminal-friendly motivation
Designing of psychological methods	Identification of personality's features, studying their influence on the person's behavior under criminogenic factors in the light of law relations
Defining the categories of "mental capacity" and "mental incompetence"	Identification of such pathological features of the character as immaturity (infantilism), suggestibility, weak social adaptation.
Analysis of age dynamics	Detection of factors of unlawful actions among minors and possibilities for their elimination
The study of the motives and possible mechanisms of crime committing	Determining features of social environment of transformations in social, political and economic fields
Rational methods of interaction	Obtaining objective indicators of any specific case, assessment of possibility resocialization of the subject
Studying the psychological structure of law enforcement officers	Identification of practical skills in vocational training and psychography in their activities
Psychological training of law enforcement officers	Formation of professional personality characteristics, psychological analysis of subjects of unlawful behavior
Provision of psychological service in law enforcement system	Providing advice and practical assistance to officials during implementation of their procedural actions

Development of psychodiagnostic methods	Conducting professional control over the activities of law enforcement officials, forming adequate motivation and preventing professional deformation
Organizational work against violence	To organize psychological education and preventive measures for offenses

Certain types of patterns of psychological knowledge are being viewed while solving objectives of legal relations. These patterns affect individual's psychological

characteristics of participants in various legal relationships

This research took place within the framework of an interdisciplinary complex where legal relationships interact with general psychology, applied psychology, criminal procedure law and help in solving complex issues of evidentiary theory, also laying basis concepts. Legislative regulator predetermines legal relations. Instruments of legal regulation affect the questions of legal influence on not only subjects and objects. Their influence also affects social processes capable of performing different functions.

Legal relations always based on law, psychology and logic. Law regulation uses methods that form a mechanism of influence on the subjects, objects, society.

Table II. Methods of legal regulation [4]

Methods	Application area of methods
Method of structural analysis	The identification of structural and functional dependencies.
The method of qualitative and quantitative analysis	Makes it possible to identify a system of causes and conditions in the study of a subject, object, or phenomenon
The method of natural experiment	Used in the study of data and helps to determine the influence of various circumstances on the reliability of the testimony. Same event is repeated in different circumstances, and then statistical processing of the results is carried out
Method of structural genetic analysis	Explores the origin and development of the studied object, the identification of the dependencies of functioning
Method of conversation	Confidential communication with the surveyed person using indirect questions, excluding leading questions
Method of studying civil criminal cases	It is aimed at studying materials, finding errors, inaccuracies in time
Biographical method	Biography is investigated for the presence of positive or negative experiences from the past life of the subject of the study
Method of forensic psychology	It is aimed at revealing the state of health of the subject at the time of committing a crime
Method of generalization of independent characteristics	It is aimed at comprehensively examining the accused or suspect to establish a true portrait of the person
Questionnaire method	It is intended to clarify some questionable inconsistencies or coincidences
Method of personality-diagnostic tests	It is aimed at revealing both positive and negative personal qualities in order to complete and confirm the hypothesis put forward during the investigation

The mechanism of legal relations represents a unified system of legal levers, the unity of means of legislative influence means, legal documents, by means of which a legal effect on all social relations provided. Above mentioned notion complies the scientific value of legal relations [8], [12]. The mechanism of legal relations characterizes the stages of the process of influence that legal factors show on other applied phenomena. It is possible to identify and give a deep analysis of impact that legislation authority has on relationship. In fact, the mechanism of legal relations is an impact, which is emerging within the legal system. Characteristic feature of systemic work is the process. According to the authors, the mechanism of legal relations allows us:

- Disclose and use structural add-ins of the system;
  - Consider the system as permanently changing and dynamic;
  - Identify the causes that arise in the process of disrupting the sequence of this process;
- Transform the sequence of events into effective

mechanism.

#### IV. CONCLUSION

In order to formulate the concept of the influence that law relations mechanism has on legal system disclosure of psychological patterns, justifying the legal facts of legal impact and legal relationships is principal. When researching methods of legal regulation, their methods and the purposes of their use are determined. The stages and phases of legal regulation defined. The mechanism of legal relations includes both general elements of legal regulation and an integral part of the legal impact mechanism, which is based on relevant information sources. Phenomenon of transformation of legal relations into a legal influence system lies in the analysis of legal effects, based on psychology that emerging during this process. These phenomena affect the reality of legal relations and legal impact, as they accompanied by general ideology of law.



In this case, powerful legal phenomenon affects society.

The results of the study characterized by the correlation of legal impact in the sphere of legal regulation, where the sphere of legal actions is not constant. Direction of legal regulation depends on the purposes of a person. Legal impact of legal relations includes all types of influence on the current reality and is a process in a "living environment", where norms, rules, rights and obligations are setting the shape of social relations. Typical opportunities and the need to identify the main elements of the mechanism of legal impact are a regulatory system and linked by consecutive steps of the regulatory framework. This framework determines the stages of legal relationships for the implementation of their rights and responsibilities. At this stage a process of legal settlement is taking place, and the goals of a bilateral legal order are achieved. These achievements of legal relations are expressed in the forms of compliance in this relationship.

Important role in legal relations and mechanism of legal relations occupied by a person. It is necessary to study the internal behavioral structure of the personality under the influence of various methods, and only after having data about its behavior it will be possible to determine the legal conditions of personality in the mechanism of application of law.

### REFERENCES

1. D. A. Kerimov, "Psychology and Law: Some Aspects of Interaction". Psychology and Law. Moscow, 1985.
2. V. V. Lazarev, "Socio-psychological aspects of the application of law". Kazan: Publishing house of Kazan University, 1982.
3. S. S. Alekseev, "The mechanism of legal regulation in a socialist state". Moscow, 1966.
4. S. S. Alekseev, "Problems of theory and law". Sverdlovsk, 1972.
5. M. I. Baitin, "The essence of law (Modern normative law enforcement on the verge of two centuries)". Moscow: Publishing House "Law and the State", 2005.
6. A. N. Bobylev, "The mechanism of legal impact on public relations". *State and Law*, vol. 5, 1999, pp. 54-56.
7. A. M. Vitchenko, "The mechanism of legal regulation of socialist social relations, its concept and structure". *Questions of theory and law*, vol. 1, 1968.
8. V. V. Gruzdev, "Issues of correlation of legal impact and legal regulation". *Bulletin of the Kostroma State University*, vol. 2, 2011.
9. V. M. Gorshkov, *Methods and organizational forms of legal regulation in a socialist society*". Moscow, 1972.
10. N. V. Rubtsova, "On the issue of the stages of the mechanism of contractual legal regulation". *The series "Right"*, vol. 3(44), 2015, pp. 107-112.
11. F. M. Ryanov, "Problems of the theory of state and law (Jurisprudence)". Moscow: Law and the State, 2003.
12. F. M. Radko, "Theory of State and Law". Moscow, 2010.
13. V. A. Sapun, "The theory of legal means and the mechanism for the realization of law". The thesis of the Doctor of Legal Sciences. Nizhny Novgorod, 2002.