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TÍTULO: Características del comportamiento deficiente en el contexto de la teoría legal de la marginalidad: las cuestiones de la psicología jurídica.

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RESUMEN: El artículo estudia modelos destructivos de comportamiento deficiente mediante la aplicación de un enfoque interdisciplinario que incluye los aspectos socio-psicológicos de las características de comportamiento de sujetos individuales de relaciones legales. El comportamiento marginal causa ansiedad, inquietud, conflicto, frustración, y en sus manifestaciones extremas, agresión y autoagresión distorsiona su conciencia legal y determina una predisposición a los delitos. Los factores socialmente negativos, como la indiferencia y la alienación del sistema de regulación de valores justifican las disposiciones sobre la susceptibilidad de los sujetos con comportamiento anormal y cuya situación (posición) marginada los predispone a cometer delitos, incluidos los delitos. Existe la necesidad de estudiar los mecanismos específicos, sociales y psicológicos de formación de este tipo de comportamiento no legal.

PALABRAS CLAVES: aislamiento, marginalidad, frustración, agresión, comportamiento anormal.

TITLE: Characteristics of poor behavior in the context of the legal theory of marginality: the issues of legal psychology.

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ABSTRACT: The article studies destructive models of deficient behavior by applying an interdisciplinary approach that includes the socio-psychological aspects of the behavior characteristics of individual subjects of legal relationships. Marginal behavior causes anxiety, restlessness, conflict, frustration, and in its extreme manifestations, aggression and self-aggression distorts their legal conscience and determines a predisposition to crimes. Socially negative factors such as indifference and alienation from the system of regulation of values justify provisions on the susceptibility of subjects with abnormal behavior and whose situation (position) marginalized predisposes them to commit crimes, including crimes. There is a need to study the specific, social and psychological mechanisms for the formation of this type of non-legal behavior.

KEY WORDS: isolation, marginality, frustration, aggression, abnormal behavior.

INTRODUCTION.

The general legal theory of marginality refers to a synergistic approach, the use of which means that in addition to understanding the complex political, socio-economic, demographic, cultural and other prerequisites traditionally considered in legal science for the formation of negative properties and tendencies of the substandard, abusive behavior, the knowledge of natural anthropological autodeterminants being inherent in the subjects of legal relations is a prerequisite for the expansion and justification of new cognitive practices of a preventive nature.

The interest of legal science is the area of manifestations of marginality, which causes harm (damages) legal relations and the state of law, and therefore the positive qualities of the aloof states of the subjects of legal relations (situational, temporary and permanent) remain outside the scope of our work.

DEVELOPMENT.

Methods.

The approaches and methods of synergistic jurisprudence that concerns complex legal phenomena using the methodology of interdisciplinarity and involves the congregation (connection) of humanitarian and natural-humanitarian approaches overcome only the legal methodological problems of studying the dichotomy of lawful and illegal behavior.

The perspective of synergetics in law is aimed at a wider scope of research on *substandard* behavior, where system integration recognizes the widest possible range of actions (actions and inaction) of individuals that go beyond the boundaries of generally accepted stereotypes of behavior, and in general, social norms, in the sphere of morality, culture, religion and other communicative social areas that cause rejection or negative reaction of public opinion. In its extreme negative manifestations, the prerequisites and sources of marginal (abnormal, extralegal) behavior require legislative and law-enforcement response.

The control of marginal behavior, which has its own well-known history (in the Soviet period, criminal liability for violations of the passport rules, vagrancy, begging, a parasitic lifestyle, etc.), served as an illustration of the obvious “going beyond” the legal regulation of social relations of the Soviet legal system.

The antagonism of the content of the legal norms in force in this period with the need to respect human and civil rights and freedoms was eliminated by the adoption of the Basic Law of the Russian Federation of 1993, which recognized constitutional human rights and freedoms to be the highest value. Definite types of behavior that contrasted with public opinion in the Soviet period

ceased to be the object of attention of the legislator, at the same time remaining abnormal events for the Russian mentality and traditions, such as same-sex marriages.

In situations of equilibrium when open dynamic and self-developing systems, including the legal system, are not in a state of multiple and ultimate transformations, when “the destructive energy of local foci of “disturbing” behavior” (V. A. Bachinin) does not fit the bifurcation points; i.e., on the verge of disintegration, then the abnormal behavior should be recognized as normal. Here our point of view correlates with the well-known conclusion made by E. Durkheim about crime as “a normal phenomenon” inherent in any society. However, as noted by R.A. Romashov, outlawry being a social phenomenon, as objective as politics, economy, science and education, at the same time, at the level of state-legal ideology, forms a negative attitude towards it [See: Romashov R.A. 2018].

Results and Discussion.

The problem of studying legal marginality and marginal behavior, from the point of view of social psychology and law, in addition to studying the subjective reasons for indifference, alienation and denial of normative-value institutions, involves the unwillingness or inability of individuals to adapt to the conditions of existence offered by the state, legislative sphere, social community, group, etc., which is predetermined by the biopsychological features of individuals as well.

According to the author of the concept of marginality, R. Park, the complex of psychological traits of the personality of the marginal includes the following characteristics: the individual’s doubts about his/her own personal value, the uncertainty of family, friendship and professional ties, the constant fear of being rejected, loneliness, over dreaminess, overanxiety or indifference to future, etc. [See Park R.E. 1928].

In the context of the above factors determining marginality, and abnormal behavior, it can be argued that the problem of the functioning of negative characteristics for the right in the normative space is closely related to the problem of general socialization (sociability, according to G. Gurvich) at micro and macro levels.

The problems of the sociability of a person in the humanities are most often viewed one-sidedly, either in terms of biological, or more often, in social terms. Such judgments are often opposed by leading experts in the field of social psychology.

Social ties are, according to B.F. Lomov, the problem of the social and of the biological in psychology, which prove to be leading in the process of formation of behavioral forms. However, the formation of certain personal traits and characteristics is possible only by certain levels of the neuropsychological development of a person. These levels are an essential internal condition for formation, becoming and development of the personality. Formation of the personality and maturation of the human body are not two different parallel processes, but “a single process of ontogenetic development of a person” [Lomov B.F. 1996].

One of the adherents of the general theory of marginality, American psychologist E. Stoonquist, believed that such psychological features as disorganization, stupor, inability to determine the source of the conflict; a feeling of “an impenetrable wall”, unsuccessfulness, anxiety, uneasiness, inner tension; isolation, non-participation, frustration and despair; the destruction of “the life structure of the organization”, the meaninglessness of existence, self-centeredness, ambition, aggressiveness distinguish the personality of a marginal person and inexorably lead to violations of generally accepted patterns of behavior [Social Marginality: Characteristics of the Main Conceptions and Approaches in Modern Sociology (Survey) // 1992].

It appears that among the factors affecting the characteristics and patterns of substandard behavior of the personality (in a marginal situation) are internal, biopsychological conditions which include hereditary-genetic factors, innate properties of the individual, imprinting (memorization at the early stages of ontogenesis), as well as the specifics of mental development, including age, professional, gender and other differences. In this regard, the study of the personality of the marginal should include procedures aimed at identifying either the presence or absence of psychological and biological prerequisites for the formation of behavior that impedes social adaptation. These include mental developmental lagging or mental retardation, the presence or absence of neuropsychiatric

diseases and pathologies (neuroses, psychopathies, psychiatric disorders, epilepsy, various borderline states), aggravated, in most cases, with the diseases such as chronic alcoholism, drug addiction, toxicomania, etc.

The marginal personality, dominantly characterized by a low ability to adapt in the conditions of a social society, experiences a variety of negative mental states, such as mental and emotional tension, anxiety, stress – anxiety, frustration, and dysphoria. These conditions are accompanied by low mood, irritability, anger, hypersensitivity to the behavior of others, a tendency to aggression or auto-aggression.

It should be noted that under the influence of negative biopsychological states and “alienation” from society in the synthesis, a marginal person may become inclined to commit various offenses – from the commission of insignificant offenses to the extreme manifestations of marginality and anormatism such as extremism and terrorism, the causes of which are varied, most often associated with the problems of de-socialization.

The commission of extremely socially dangerous wrongdoings due to the manifestations of aggression as a protest mechanism to the existing system in the society or the state structure is connected with the non-perception of everything that seems marginalized and contradicts its convictions. This is how nationalism, xenophobia and national enmity are generated, note E. P. Shlyakhtin and R. F. Stepanenko [2017].

In summary, in addition to studying the social and psychological characteristics of the processes of general socialization of individuals who are in a marginal position (situation), the provisions of the concept of legal socialization are important for legal science.

As noted by Z.N. Kalandrishvili, the institute of legal socialization is a two-way process that involves the assimilation of positive legal experience and its reproduction by actively incorporating a person into the social and legal environment. In another case, when a person does not want to perceive and execute models, standards, and norms of generally accepted patterns of behavior, legal socialization develops in a destructive direction, manifesting itself in axiological, cognitive, and

behavioral spheres, deforming individuals' legal conscience [See Z.N. Kalandrishvili 2009]. In essence, this process can be defined as non-legal socialization or legal de-socialization combined, in our opinion, by the concept of legal marginality.

Aloofness, disregard and rejection of the meanings and values of law for objective and subjective, including biopsychological, reasons demonstrate various forms of legal association. On the other hand, the imperfection of the legislative sphere, the gap and defects in the processes and procedures of lawmaking, the adoption of non-legal laws, in a reverse manner, destructively affect public and individual legal consciousness, cause unwillingness of individuals to join the legal environment and intensify the loss of meaning, goals and motives of legal existence.

The factors that exacerbate legal de-socialization, in our opinion, can and should be attributed to the psycho-physiological properties of individuals such as: legal isolation of the individual, indifference or a complete negation of the requirements of the sociocultural and regulatory systems, which together determine the propensity to commit offenses, including crimes. These characteristics are interrelated and should be considered in synergy (interaction) as they have an inseparable and interdependent relationship.

The abusive (marginal) behavior is formed, including at the stage of an individual's inability or unwillingness to adapt to society, which leads to frustration, disruption, dissatisfaction with life, nihilism and a cynical attitude to social, including legal norms, which are generally characteristic of the persons leading a marginal lifestyle. It is in order to counteract the abnormal behavior of these subjects, the social and legal norms in the form of their prohibitions, restrictions, adjustments, etc., are introduced [Pogodin A.V., Krasnov E.V., Valiev R.G. 2018]. It should be noted that some deviations from the generally accepted rules of behavior can be found in professional legal environments, where, for example, imitation of advocacy has very negative consequences for principal citizens, doing harm to their rights and legitimate interests [Pogodin Aleksandr, Krasnov Eduard, Valiev Rafail', Rozalina Shagieva. 2017].

In this regard, it should be noted that leading a marginal life style of itself cannot be called illegal, but it carries “the charge” of anormativity. At the same time, the marginal person commits offenses, not because he leads this lifestyle, but because of his social, psychophysiological and cultural characteristics.

The inability and unwillingness (apathy) to control their socio-cultural, moral and mental states entails all sorts of negative consequences. Therefore, when studying substandard (marginal) behavior or justifying measures to prevent the commission of offenses by marginal individuals, special attention should be paid to the study of the properties of their nervous system, biopsychological properties and socio-cultural peculiarities.

CONCLUSIONS.

Thus, the basis of the formation of abusive behavior is the sociocultural and psychophysiological peculiarities and patterns that we consider lead, as a rule, to the inability to adapt to generally accepted conditions of vital activity in the normative space, as well as to the commission of offenses. For their conceptual study, first of all, the latest developments of interdisciplinary approaches are needed, in the substantiation and formation of which the scientific legal schools of Kazan (Volga Region) Federal University are engaged [See: Bakulina L.T., Stepanenko R.F.2016].

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