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THE SYSTEM OF THE STRUCTURE OF LAW COGNITION IN THE MOGERN RUSSIAN THEORY OF LAW AND ITS ROLE IN SOCIETY

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Abstract: the urgency of the issue consists in studying the concept of law cognition and its structuring. The purpose of this article is to develop the concept and structure of legal knowledge. The leading approaches used in the study are: deduction, which assumes that law cognition is the result of mental processing of legal information, as well as induction, which creates the structure of legal knowledge, its constituent elements being legal intelligence, intellectual and legal will, and law-cognition interest. The result of the study is the development of the terms and the basic properties of legal knowledge, legal intelligence, intellectual and legal will, and law-cognition interest. The materials of the article can be useful for professional lawyers, scholars and academics, for their law-cognition activity and the formation of legal awareness.

Keywords: legal knowledge, law-cognition structure, legal empiricism, legal intelligence, intellectual and legal will, law-cognition interest.

Goal. To develop the concept of law cognition as mental processing of legal information. To develop the structure of the elements of law cognition for the formation of legal consciousness - legal intelligence, intellectual and legal will, and law-cognition interest.

Methods. The author used the general philosophical methods, namely, the materialist dialectic, the method of ascent from the abstract to the concrete. To develop the concept of legal knowledge, the author uses the method of materialistic dialectics, the method of ascent from the abstract to the concrete. The method of materialistic dialectics made it possible to draw the necessary

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conclusion, to arrive at logical generalizations and the creation of the concept of legal cognition as mental thought operations of processing legal information. The method of ascent from the abstract to the concrete helped the author to reveal the structural elements of law cognition - legal intelligence, intellectual and legal will, law-cognition interest.

General scientific research methods - analysis and synthesis, deduction and induction, the system-structural, historical, and sociological methods influenced the necessary constructions, generalizations and conclusions in the article. Analysis makes it possible to prove that law cognition is necessary for the formation of a person's legal consciousness. Synthesis substantiates the concept of law cognition as mental operations for the processing of legal information. Deduction helps to structure legal knowledge, to reveal such elements as legal intelligence, intellectual and legal will, and law-cognition interest. Induction contributes to the study of legal intelligence directly, the intellectual and legal will and law-cognition interest.

Results and discussion. The boundaries of the process of cognition of social reality are outlined by the law-cognition interests of the person. They define, firstly, the person's active participation in the legal system, the structures of legal life; secondly, the person's attitude towards assimilation and cognition of legal norms; thirdly, the estimates of legal reality (Danilyan, 2005; Radburkh, 2004, p.p. 4-46; Ikonnikova & Lyashenko, 2010, p.p. 285-297; Mikhalkin, N.V. & Mikhalkin, A.N., 2011, p.p. 4-393; Baburin, et al., 2011, p.p. 3-163).

The existence of an exact *concept of law cognition* is difficult to assert, since it is formed by the legal community. It is necessary to identify the most pronounced features: 1) law cognition is associated with the *interests and needs of an individual*; 2) law cognition involves the active *participation of a person in the legal system*; 3) in the process of legal knowledge, the *knowledge and assimilation of legal norms and assessment of legal reality take place*.

The object of law cognition – the measure of what is permitted and an incentive motive – are the *needs* and

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aspirations to satisfy the needs; *assimilation* of legal norms; *assessments* of legal reality.

By level, law cognition corresponds to legal empiricism and legal emotions. Legal empiricism includes experiential, pre-scientific perception, contemplation. The existence of legal empiricism (ordinary, pre-scientific) is explained as follows. It makes it possible to answer the question that lies at the basis of legal research and conclusions. It defines the ways of learning legal concepts, categories, phenomena and processes.

Legal empiricism is focused on legal reality. In the process of legal cognition, legal empiricism displays fragments of social reality in an individual's legal consciousness. Legal empiricism provides legal consciousness with "empirical" data on fragments of social reality.

Law cognition has been studied by many researchers (Kung, 1979, p. 219; Popper, 1972). The history of the development of this concept consists of two traditions.

First, there is the analytical tradition, which develops in the framework of the English linguistic philosophy, focused on the logical and semantic analysis of the natural language.

Secondly, there is the hermeneutic tradition, focused on the procedures of interpretation of texts and cultural phenomena, on the identification of general cultural contexts of understanding human reality and the specifics of human knowledge of man.

The specificity of human understanding of legal reality is that the semantic structure, developed by the subject of law, has a legal meaning (sense), mediating the subject's attitude to legal reality. Legal values act as a system of connections and functions of the elements of legal culture in the context of law-cognition. In other words, since the law-cognition activity is a part of social activity, it should be considered in more detail. If it is impossible to abandon the question of the practical significance of legal research by the analogy of fundamental mathematics, then this question should be transferred to another plane, the plane of law cognition of the theoretical and practical significance of the theory of law.

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In the process of legal activity, the individual assimilates, comprehends legal information and displays it in legal consciousness. The main things in this regard are the ideas of a person about the spiritual and moral benefits and universal human values, reflecting the most important aspect of the law-cognition activity as a purposeful, rational, socially-centered activity (ibid). Pursuing certain goals, a person, on the basis of his abilities for legal knowledge, creates ideas about law, legal ideas, thought forms, mental images, with the help of which he/she achieves his goals. At the same time, both the goals themselves and the means of their achievement act as universal human values. The subject of law cognition (an individual) considers legal reality as a complex system of universal human values. The value can be not only legal information, legal knowledge, legal ideas, but also the person him(her)self, the subject of law, his/her actions, deeds, transactions, legal relations (Bewley, 2011).

A person reveals common human values in the process of legal activity; they are assimilated and comprehended. Since the inner world of a person in the understanding of the author is always the world of spiritual and moral benefits and universal human values, it is full of meaning for him/her, i.e. comprehended and understandable. It can be concluded that comprehension and awareness take place in the context of law-cognition activity and are conditioned by goals and human values. The more complex the goals are, the greater the number of interrelations that have to be taken into account, the deeper it is required to penetrate the essence of legal phenomena and the greater the degree of understanding of legal reality that is achieved (Kung, 1979, p. 219; Popper, 1972; Duhem, 1976, p.p.8-9; Yash Ghai, 1996, p.p.128-133; Blachowicz, 2009).

Thus, every phenomenon, every element of reality, understood, comprehended, transformed and mastered by the subject in the law-cognition activity, becomes an element of legal culture, acquires significance and meaning for a person. The legal meaning and its understanding acquire the status of a legal category. These elements, on the one hand, serve the achievement of the objectives of the legal culture while, on the other hand, they accumulate legal experience, serve

as a means of its storage and transmission.

Universal values are the indissoluble unity of the subject and its meaning. In the process of purposeful law-cognition activity, a person assigns meaning to the various objects and phenomena of legal reality (laws, decrees, decrees, individual legal acts, legal transactions and actions), which due to this become values - means for achieving certain goals. In this sense, the ability to comprehend law cognition and legal meanings implies the ability of a person to purposeful legal awareness, the ability to "anticipate" the reflection of legal reality in his/her sense of justice, the ability to set certain goals and tasks on this basis and strive to fulfil them. It concerns not only the so-called "pragmatic" meanings associated with practically useful universal human values, but also the values pertaining to the theory of law, since they are necessary to achieve the relevant objectives of the law-cognition activity (Vanhala, 2011; Hinkle, et al., 2012).

Law cognition is the study and understanding of legal objects (law, the essence of law, legal norms, etc.). It should consider legal objects from the point of view of spiritual and moral principles and human values. Legal cognition cannot confirm or disprove legal knowledge, but is necessary to obtain, process and systematize legal information. Law understanding is necessary for a person to form his/her legal intellect, intellectual and legal will, law-cognition interest.

In the context of the present article, the author considers law cognition as mental operations for processing legal information. In this sense, law cognition as an operation for processing legal information should "determine the paradigm, principle, model (semantic model) of legal knowledge" (Nersesyants, 2000, p. 27; Perevalov, 2018, p.p. 27- 56; Ponomarenko, et al., 2007), "reflect the process and result of human purposeful cognitive activity, including the knowledge of law, its perception (assessment) and attitude to it as a holistic social phenomenon" (Perevalov, 2005, p.104).

The levels of law cognition are associated with a number of factors and can be classified into temporary, spatial, socio-economic, political, axiological. The quality and results obtained in the

processing of legal information can be influenced by empirical (pre-scientific, ordinary) and theoretical (scientific) law cognition.

The law cognition of an individual is limited by space-time characteristics and is expressed in legal traditions, legal teachings, legal legacy, etc., which are inherited by the descendants and followers.

The political and economic basis of human existence in society (Who am I? What am I? And how? - according to what thoughts the person enters into human interaction) is characterized by two types of law cognition – legalistic and libertarian (Nersesyants V.S.). The legalistic type is based on positivism, where law embodies the legal norms, and the legal norms are the product of state power. The libertarian type proceeds from the rational law cognition, the distinction between law and legal norms, the normative expression of the principle of formal equality and its reflection in a person's legal consciousness as a measure of freedom, justice, morality, good faith, and dignity.

To the axiological human existence in society correspond legal anthropology and legal humanism. Modern legal humanism stems from the idea of a person as a value and the universal human values (Alekseev, 1993, p. 17; Nado, 2008; Kelman, 2013). It should be understood as the legal ideas of the development of humanism by man and society. These ideas can be defined by the mental, rational-critical, intellectual-legal activity of the person who cognizes law in the form of mental images, thought forms, legal ideas, who embodies himself in the center of the legal system, and who has an intellectually strong-willed character.

Law cognition involves not only identifying the meaning of knowable legal objects. It creates and displays a known legal object in legal intelligence.

The result of law cognition is the transformation of legal information (Lageson, 2017), obtaining legal knowledge of legal objects, the classification of legal objects in accordance with legal rationalism, legal empiricism, legal intuition. The results of law cognition form the legal intelligence, intellectual and legal will, and law-cognition interest.

Law cognition, as mental operations on legal information processing, is necessary for the

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formation of legal consciousness and finds expression in the concepts of law as people's ideas about law. Namely, in positivism, sociology, natural law.

Law cognition contributes to the formation of justice as a set of ideas about knowledge, ideas, and feelings that characterize the attitude of a person to legal phenomena and legal objects. The author regards law cognition as a substance where legal intelligence, law-cognition interest, intellectual and legal will are reproduced.

Thus, the author of this paper proposes to structure law cognition for the formation of law awareness. The author offers the following elements of the structure of legal knowledge: legal intelligence, law-cognition interest, intellectual and legal will.

The legal intelligence of a person should be understood as his/her capacity for law cognition, which consists in the formation of thoughts (thought forms, thought-images) about law in legal consciousness, exists in the form of legal ideas, legal hypotheses and induces intellectual-legal will and law-cognition interest. Under *the intellectual and legal will*, one should understand the abilities and efforts of a person to think in advance, realize, comprehend, develop and reproduce with the help of legal intelligence his/her actions in law, legal knowledge, sources of law, legal status and legal acts. *Law-cognition interest* is the aspirations created by the legal intelligence of a person, which consist in how to use the spiritual and moral benefits and human values for him(her)self and society in the legal system as intended, and in how to obtain intellectual benefits.

The problem of legal intelligence as a phenomenon of the theory of law has not been studied yet. The interest to this issue was caused by the development of law cognition, the identification of its structure for the process of formation of the legal consciousness of a specific individual.

For the development of law cognition and the formation of legal consciousness in the modern Russian legal tradition, it is necessary to pay attention to the fact that the phenomena and processes occurring in law are difficult to understand and explain in existing terms, definitions and properties in order to think the unthinkable and say the unsaid. For improvements and transformations of law, the legal system,

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which legal consciousness is part of, such categories are needed that could characterize the changing law cognition processes in more detail and more comprehensively.

The legal intelligence of man is still an understudied concept for the theory of law and the legal system. However, with the designation of a person as a conscious, intellectually-willed cause of everything that is happening, an appeal to the study of his legal intelligence is fully justified, as it allows to reveal the components of the formation of human legal knowledge.

The legal intelligence of a person should be understood as the person's capacity for law cognition, which consists in the formation of thoughts (thought forms, thought-images) about law in legal consciousness, exists in the form of legal ideas, legal hypotheses and induces intellectual-legal will and law-cognition interest.

For the development of legal intelligence, as a concept in the theory of law, we propose to consider law cognition not only as feelings, judgments, and beliefs, but also as a substance where legal intelligence is formed, intellectually – as legal will and law-cognition interest.

Psychologists began to study various types of intelligence in the mid-twentieth century. They paid attention to the biological, psychometric, and social intellects. The emergence of these seemingly strange collocations was caused by the discussion of the problems of social intelligence by experts, who revealed in the indicators of human cognitive activity a high prognostic value. At the end of the twentieth century, these scientists began to connect the cognitive activity of a person with his/her ability of effective interpersonal interaction, the ability to navigate in social situations, and to form communication skills.

J. Guilford defined social intelligence as the intellect of an individual person, which is formed during his/her socialization, under the influence of conditions of a certain social environment and proposed to structure it into variables characterizing the process of information processing (Guilford, 1965, p.p. 433-456).

Legal intelligence as an element of law cognition has not yet been formulated, studied and developed. However, the

study of a number of problems that exist for the theory of law – overcoming the alienation of man from the forms of vital activity in law (Alekseev, 1993, p.17); justification of such legal phenomena as the intellectual and legal will; law-cognition interest – makes the focus on defining the place of legal intelligence fully justified. Thus, the study will make it possible to transform and improve ideas about law cognition and legal consciousness, to reveal elements of law cognition for the formation of a person's legal consciousness.

The legal intelligence of a person is the ability of a person to law cognition, which consists in the formation of thoughts (thought forms, mental images) about the law in legal consciousness, exists in the form of legal ideas, legal hypotheses and induces intellectual and legal will and law-cognition interest.

The structure of legal intelligence contains a number of operations divided into stages and should include: a) the content of legal information; b) legal information processing operations; c) the results of the processing of legal information.

The first stage of legal intelligence includes the content of legal information. The content of legal information is an intangible form of movement, a form of energy, an impulse, created by legal intelligence in the form of information reflecting scientific and legal facts, transactions, actions and containing a specific legal meaning. The exchange of legal information takes place at the socio-psychological level. The purpose of the exchange of legal information is the transfer of legal meanings contained in it for the management of legal processes. Manifestations of legal ideas and legal meanings, the carrier of which is legal information, are reflected in a person’s legal consciousness. The content of legal information displayed by a person’s legal awareness includes: legal meanings, thought forms, mental images, legal ideas, legal versions, legal hypotheses.

Legal sense is the essence of a legal phenomenon, a concept, a process, which is reflected in a person’s legal consciousness in the form of thought forms, mental images, legal ideas, and finds a place and significance in law, legal system, and legal reality. A person builds legal senses in legal awareness into unified sequences of legal meanings.

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Moving the focus of attention from one legal sense of phenomena or events to another, a person forms semantic sequences in legal consciousness in the form of mental images, legal ideas, and cognitive activity.

Thought forms and mental images can be displayed by a person's legal consciousness, induced by his legal intelligence and embodied in legal ideas, versions, and hypotheses, and accumulated information and legal experience.

Legal ideas can concentrate the qualitative definiteness and significance of a particular legal substance in legal consciousness and act as its initial point.

The second stage of legal intelligence involves *the processing of legal information*. Legal information processing operations are the awareness, understanding of legal information, legal comprehension.

Legal comprehension as an operation for processing legal information should "determine the paradigm, principle, model (semantic model) of law cognition" (Nersesyants, 2000, p. 27), "reflect the process and result of human purposeful cognitive activity, including the knowledge of law, its perception (assessment) and attitude to it as to a holistic social phenomenon (Perevalov, 2005, p.104). "

The levels of law understanding are associated with a number of factors and can be classified into temporary, spatial, socio-economic, political, and axiological. The quality and results obtained in the processing of legal information can be influenced by empirical (pre-scientific, ordinary), and theoretical (scientific) legal thinking.

The temporal and spatial levels of legal thinking should be considered on the basis of what A.Enstein said - the human brain is part of the universe limited by time and space. Legal knowledge of a person is limited by space-time characteristics and is expressed in legal traditions, legal teachings, legal legacy, etc., which are inherited by the descendants and followers.

So, for example, "the human dimension is defined and normatively defined in international regulatory documents and the Constitution of Russia. The Constitution states: "A person, his rights and freedoms are the

highest value" (Article 2); "The rights and freedoms of a person and a citizen are directly applicable"; "They determine the meaning, content and application of laws, the activities of the legislative and executive authorities, local self-government and are ensured by justice" (Article 18); "The exercise of the rights and freedoms of a person and a citizen must not violate the rights and freedoms of others" (Article 17). In the above articles, the generalizing criterion "human dimension" was specified and presented in the form of general rules of behavior (action) addressed to all legal subjects. The human dimension changes the approach to the content of law. For a person, it is not the norms themselves that matter, but the values that are fixed, realized, and reflected by them. These vital values are rights, freedoms and obligations. Consequently, it is not formal legal norms, but the rights, freedoms and obligations defined by them that are elements of the content of the law. (Shafirov, 2017)"

The above statement by prof. V.M. Shafirov, as well as his article, is the result of a heated debate among scholars on the topical topic of modern legal thinking (integrative legal thinking or hard positivism) and represents a discussion that has been formed in the legal conscience of scientists for the development of legal thinking, in the direction of transformations and improvements in the theory of law for the law, the legal system, etc. It is the proof of the presence of both original, new legal ideas and legal versions, and the embodiment of these legal ideas in legal consciousness, legal thinking, and legal doctrines (Shafirov, 2004, p.6.).

Thus, the thoughts about law formulated by legal intellect were embodied in legal ideas, transformed and recreated in the legal theory of natural-positive law. The debate about the scientific and legal knowledge is always an intellectual confrontation (the struggle of legal intelligences) of the supporters of the new, progressive legal knowledge with its opponents. This is the essence of the transformations and improvements in the theory of law. Intellectual scientific disputes are associated with the formation of thoughts about law, legal ideas and hypotheses and lead to the development of new legal theories, doctrines, and paradigms.

Legal intelligence forms the ability of a person to think about law, to create legal ideas (thought forms and mental images) and legal hypotheses.

Thoughts on law (thought forms, thought-images) can be reflected in a person's legal consciousness, reproduced by his legal intellect and embodied in legal ideas and hypotheses, in the accumulated legal experience.

Legal intelligence forms legal thinking, critical legal thinking, and legal intuition to find the right solution to legal problems.

Legal intelligence is aimed at the formation of legal thinking. Legal thinking in the modern theory of law is represented by the works of V.M. Baranov (1999, p.89), V.N. Sinyukov (1994, p.p. 34-36), I.A. Ovchinnikova, N.N. Tarasov (2001, p.97.). In the works of the above-named authors, the historical genesis and modern development of theoretical and professional legal thinking are considered. In order to substantiate and solve the methodological problems of the theory of law, the formation of professional legal thinking is necessary, namely, as N.N. Tarasov says, "the formation of professional legal thinking ... in the general context of the development of science. If we assume that lawyers are able to conceive law differently than non-lawyers, then those terms in which lawyers think can be considered as the essence of the legal thinking (Tarasov, 2001, p.97)." Consequently, professional legal thinking and scientific legal consciousness must have "terms" for thinking about law, for presenting, designing and operating with legal thoughts. Legal thinking and scientific sense of justice has passed a difficult path of formation. Over a thousand-year history, it was filled, refined and integrated by the European philosophical tradition, the pre-revolutionary Russian legal tradition, and the Soviet legal tradition. Legal thinking forms mental, thinking skills - an element of the human mind; besides a human, no other subject can think; the subject's thinking about law, legal norms, etc. happens individually in the legal consciousness of each person. Mental, thinking skills exist as the beginnings of current legislation, and Clause 2, Article 6 of the Civil Code requires in the exercise of civil rights to show such a human quality as rationality.

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Legal thinking is a process of understanding social and legal reality. Everyday legal thinking or “thinking in law” is an integral element of the mechanism of social action of law and lies at the basis of professional and scientific theoretical legal thinking, or “thinking about law”, being a hidden prerequisite of explanatory models in jurisprudence.

The modern Russian legal tradition can be complemented by critical legal thinking. It is able to bring humanity closer to a completely new value-based legal worldview and legal knowledge, contributing to the spiritual and moral revival of man and society, their meaningful value existence in legal reality. Critical legal thinking should be formed as an improvement of scientific legal knowledge, the development of modern legal knowledge. This improvement should take place with the skills to use the standards of correct assessment of the thinking process in law cognition.

Critical legal thinking is the ability to think critically and improve thoughts about the law, an ability aimed at identifying and correcting the individual’s mistakes in law cognition, a certain operation for processing legal information. Criticism in order to eliminate errors and lies should be directed to the processing of legal information, the promotion of legal versions to solve the problems of law cognition.

Critical thinking is the ability to rationally and critically put forward legal versions for searching for, finding and correcting a problem.

A general approach to the sociocultural rationale for critical thinking should be found in Karl Popper’s famous “Open Society and Its Enemies”. “In the Open Society, I argued that the rational-critical method can be generalized to the level when ... one of the best meanings of "reason" or "rationality" is openness to criticism, that is, being willing to be criticized ... this critical understanding of rationality should spread as widely as possible..." argued Popper (Popper, 1982, p.p. 115-116).

Modern Russian law is based on dogmatic, uncritical legal thinking. It makes assumptions about the concepts, doctrines, and paradigms existing in law, and is a justified and necessary component of legal knowledge. Legal

dogma has two features. On the one hand, legal dogma is a legitimate element of scientific knowledge at the stage of development of concepts, doctrines, and paradigms. This is a justified dogma, a prerequisite for criticism. On the other hand, legal dogma is associated with the relationship between faith and trust in authority. It should be designated as unacceptable pseudoscientific dogma.

Legal intelligence influences the formation of legal empiricism - experienced, pre-scientific perception or contemplation. The existence of legal empiricism (ordinary, pre-scientific) is explained as follows. Empiricism determines the basis of future legal research and conclusions, determines the ways, directions of understanding legal concepts, legal phenomena and categories.

Theoretical (rational) manifestations of legal intelligence are associated with the sequence of the process of knowledge of legal phenomena, with the definition of the logic of obtaining knowledge of legal phenomena. It should be recognized that in the surrounding world there is an order, logic and laws of human existence. Law cognition is based on certain criteria of rationality as logic, as the stability of the rules and values of spiritual activity.

In law cognition, as the main criteria of rationality, there are laws of emergence and development, a system of logical rules and methods for obtaining legal information. At first glance, the study of rationality is beyond doubt necessary, since legal knowledge must be rational. It should be a system of mental operations, with the help of which systematic legal information is accumulated.

The relationship of faith and mind in the knowledge of law should be disclosed in several aspects. The first aspect is related to the understanding of faith as trust in legal authority. Faith or trust in the legal authority of an educated person and its manifestation - dogmatic thinking - precedes the independent law cognition as a means of accumulating a stock of legal information and shaping legal thinking. Such dogmatic legal thinking as the nomination of legal versions and their refutation should be considered acceptable or justified.

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The second aspect of dogmatic legal thinking exists, as pseudo-scientific dogma according to the principle "I understand in order to believe". Putting it differently, if the same words can be used by the authors in different meanings, then the belief-trust postulate loses meaning, otherwise the polysemy of the meaningful load of words loses faith-confidence. The postulate of "faith-trust" for a person who learns the law is universal, both from the point of view of scientific criticism and religious dogma (Tyaglo & Voropai, 1999, p.3).

The third stage is the results of the processing of legal information. These should include classifications, systematization, synthesis, evaluation, analytics, and conclusions. The empirical results of the processing of legal information include experiential, pre-scientific perception and contemplation. The existence of an empirical (ordinary, prescientific) result of processing legal information is explained as follows. It allows you to answer the question that formed the basis of legal research and conclusions. The answer lies in determining the path of knowledge of legal concepts, categories, phenomena and processes. The study of the empirical results of the processing of legal information is connected not only with the logical means of law cognition - judgments, conclusions, legal syllogisms, but also with the understanding and determination of values when choosing the directions of law cognition.

The empirical results of legal information processing can be focused on the legal reality. In operations on the processing of legal information in the process of law cognition, there is an objective mapping of fragments of social reality in the legal consciousness of a person - a particular individual. The result of the processing of legal information is the transformation of the displayed fragments of legal consciousness and the embodiment of their legal reality.

Empirical processing results provide legal consciousness with "experienced" data on legal information. It makes it possible to predict the results of the study and transform the universal basis of knowledge of the phenomena of nature, society, and thinking into concrete results of law cognition, law comprehension, legal thinking, and critical legal thinking.

Empirical results help to create logical forms of the legal process, reveal the essence of legal phenomena and processes, and build a system of legal concepts and categories. The perception and display of empirical results are influenced by the views and beliefs of a person (a particular individual). So, for example, the natural inalienable human rights and freedoms in accordance with empirical material should be considered as abstract human rights and freedoms, since the list of these rights and freedoms is fixed in international legal documents and is the result of the development of civilization and culture. In the process of law cognition, they are reflected in the legal consciousness of a person, are specified in the form of an individual's ideas about spiritual and moral benefits and universal values. They can be embodied in the legal interest of the person and his intellectual and legal will.

Empirical results are refracted in the specifics of the subject of law cognition, are manifested in the content of specific concepts, categories and phenomena, constitute a rationale and provide an explanation for the formation of separate scientific trends and views.

The theoretical (rational) results of legal information processing are associated with the sequence of the process of cognition of legal phenomena, with the definition of the logic of obtaining knowledge about legal phenomena. It should be taken into account that in the surrounding world there must be order, logic and laws of human existence.

Law cognition is based on certain criteria of rationality as a relatively stable set of rules, norms, standards of spiritual activity, as well as values generally accepted and unambiguously understood by all individuals. Rational results of processing legal information are a form of certifying the truth, a set of demonstrations, causing some kind of evidence of truth. In this sense, given that the truth of the obtained and processed legal information is verified in different ways, it is appropriate to speak about its type. For the type of legal information, there must be all the objective signs conditioned by the characteristics of a person (a particular individual) and his adaptation to the world around him.

The rationality of the results of legal information processing plays the role of a logical tool in the study of legal phenomena and provides a comprehensive, in-depth understanding of legal phenomena.

The rational, theoretical results of processing legal information can be theories, categories, concepts, doctrines, and paradigms.

Theories, as rational results, provide for systems of basic ideas in a particular branch of legal knowledge; they are forms of scientific legal knowledge, giving a holistic view of the laws and essential relationships in reality (Perevalov, 2005, p.375). Theories should be considered the logically sound results of the knowledge of concepts, categories, constructions of the theory of law, as well as ideas, propositions and concepts. They can be represented by legal thought in the form of a systematized, classified, unified structure. They can exist in a complete form and be proved by legal practice and mastered by science.

Theories as rational results of processing legal information perform the tasks of disclosing the content, understanding, explaining concepts, categories, structures and raise them to a higher level of theoretical generalization and combine them with legal reality. In addition, in the process of building a theory, principles of legal science are formed and formulated. Thus, the theory of popular representation suggests the principle of election on which the theory of electoral law is based (Bogdanova, 2001, p.167).

Concepts of legal science exist in the system of legal knowledge, have their own separate value. They represent one of the directions of a particular theory and are in the process of creation and development. A concept is a theoretical construction that connects various structural elements and qualitative characteristics of a subject to be learned by legal science, contributing to its holistic perception, understanding, and explanation. The relevance and significance of concepts as rational results of processing legal information is necessary for building legal dogmas, legal technologies (lawmaking), and legal practice.

Concepts influence the development of legal science and interact with it, summarize legal knowledge and make up a system of a

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particular theory (Mishin, 1984; Avtonomov, 1999, p.p. 5-8; Trainin, 1939; Kutafin, 2002, p.p. 11-20). Concepts are the basis of legal regulation of legal relations (Bogdanova, 2001, p.189). They determine the knowledge of legal phenomena and serve as a guide to clarify and explain the rules of law. They express various aspects of legal activity, facilitate the perception and study of the whole diversity of legal phenomena. Some of the types of concepts can be positive (normative), sociological, natural-legal concepts of law, legal anthropology, legal axiology, the concept of the legal status of a person, etc.

For example, legal anthropology is understood as the humanitarian essence, the purpose of man and mankind, the scientific analysis of the legal existence of man in reality, including the legal one (Kutafin, 2000. p.99; Rulan, 1999; Vengerov, 1983; Puchkov, 2002, p. 15.). Legal anthropology exists as a scientific area, the subject of study of which is the legal being of a person, the person's legal activity, specific connections and relations with the law-governed state, social and personal freedom.

A doctrine is a systematic theory, a holistic concept, a set of principles used as the basis of program action, a system of official provisions on any issue of state life (Sociological encyclopedic dictionary. Moscow, 1998. P.142.).

A legal doctrine should be understood as a systematized set of fundamental views and theoretical concepts that establish the strategic perspectives of the legal development of Russia, in which the tasks of philosophical understanding, comprehension, mastering the place and role of law and its sources in the state, social and legal systems are solved. A legal doctrine determines the legal standards of relations between a person, society and the state, investigates the legal features of the norms of the basic law. Legal doctrines have a historical and national character.

A legal doctrine is of great importance for the development of legal practice (Babayev, 1993, p.255), the improvement of current legislation and the correct interpretation of laws. Unfortunately, judicial and administrative acts have never referred to the works of legal scholars. This is due to the harmful effects of a totalitarian

state system, when only acts of state bodies had force. World experience shows that the importance of legal doctrine and its role as an element of law cognition is growing.

The role of legal doctrine is manifested in the fact that it creates concepts and constructions used by legal science, legal practice, legislative bodies, etc. (Mityukov, 1998, p.49; Ebzeev, 1995, p.35; Syukiyainen, 1985, p.65-83). It is the legal doctrine that develops the methods and technologies for establishing, interpreting and implementing the norms of current legislation. Moreover, the "creators" of the law themselves cannot be free from the influence of legal doctrine; they have to take the side of one or another legal concept and share its proposals and recommendations.

The existence of legal doctrine is conditioned by the dynamics of the development of legal existence. The legal doctrine itself is directly related to the legal constitution and current legislation. The subjects of law-making are related by the concepts, theories, views, judgments, and convictions that are at their disposal, which substantiate the direction of influence on the real relationships that develop between the subjects.

The legal doctrine develops formal provisions, creates a categorical apparatus, fills concepts and categories with content. It also creates typical solutions.

For example, the legal ontology of politics is one of the directions of development of legal science in the framework of its doctrine (Avtonomov, 1999, p.p. 5-8.). The legal ontology of politics is connected with the analysis of the system of categories of legal science at the level of legal existence.

Categories are the most common, extremely broad legal concepts. They represent the result of the generalization of the existing legal reality, the result of the generalization of legal concepts. For example, by summarizing the concept of civil, administrative, criminal, and other sectoral types of liability, one can get an extremely broad concept of legal liability (Babayev, 1993, p.255). The study of categories has philosophical and theoretical, methodological, practical and applied significance.

Legal categories reveal the general methodology of knowledge (essence, content and form, general, particular and

individual, historical and logical, abstract and concrete, etc.) in legal science. For the latter, categories have the value of legal tools that provide a comprehensive and deep, concise and clear, competent and professional study of the subject of science. For example, the disclosure of the essence of law in many respects predetermines its legal characteristics, and the identification of the specific features of law makes it possible to give its general definition applicable to the analysis of phenomena and processes in law.

Legal categories in legal science perform two functions: methodological and general theoretical. The methodological function of categories is to designate the path of learning, and the general theoretical function exists for the deployment of all the diversity of legal knowledge.

For example, the complete and systematized knowledge of legal categories among a wide range of participants in lawmaking process can create a favorable situation for the predictive development of objective law already at the stage of the formation of legal norms. Categories represent a rational result of legal information processing and determine the outcome of this process. Categories include a description of the content of the object, identify and solve problems for the study of the laws of existence, both the legal reality and the specific reality or a vast area thereof (Avtonomov, 1999, p.p. 5-23; Martynenko, 1987, p.p. 14-16; Anners, 1996, p. 264.).

For example, the category of "natural rights and freedoms of a person" can be studied not only from the point of view of positivism, objective law and subjective rights, but also from the point of view of natural law as a phenomenon of civilization and culture (Alekseev, 1991, p.9; Lazarev, 1992, p.p.112-116).

The value of a person is determined by the characteristics of his/her existence and universal human values. An individual exists in society as its component, reproduces its traditions, customs and norms; the individual becomes a value when his/her activity is governed by the natural laws of existence. The role of legal laws is to regulate the natural human existence, to implement such human qualities by legal means.

Constructions are a means of legal engineering and legal technologies that

play a significant role in the legal regulation of social relations (Babayev, 1993, p.102), participate in the knowledge of the law, the understanding of the fragments of social reality. Legal constructions model, reconstruct, transform social relations with specific legal tools and thereby significantly simplify and stabilize legal processes in diverse social life.

So, for example, the legal constructions of the composition of a legal relationship, the composition of an offense, the composition of legal development for determining the program, the behavior algorithm of the subjects of legal knowledge, law-making, and law enforcement are essential. Applying legal constructions to various social relations, the subjects of legal knowledge, law-making, law enforcement streamline social life, satisfy diverse interests, and stabilize public order.

Paradigms are a set of ideological knowledge about the surrounding social reality, a set of objective content that a person possesses. It is necessary to single out the sensual-spatial, spiritual-cultural, moral, and legal paradigms (Philosophical encyclopedic dictionary, 1997, p. 201).

Legal paradigms should be considered as representations of the subject of legal knowledge, lawmaking, law enforcement, a reasoned position, a verified approach of a particular scientist to a particular issue of conceptual knowledge of legal reality.

However, in some cases, rationality may encounter contradictions of the reality in which legal phenomena manifest themselves. Here, rationality turns out to be powerless, incapable of explaining, from the standpoint of logic, this or that lawful action or offense.

Legal intelligence in law cognition generates not only thought forms and mental images, but also induces and reproduces legal interest and intellectual-legal will. Law-cognition interest (Bewley, 2011) and the intellectual and legal will for a long time remained outside the study of legal knowledge in the modern Russian legal tradition. However, recently, references to the characteristics of the rationality of law as an objective phenomenon have been growing. This fact confirms the need to study the individual in the qualities and properties of an individual,

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separate, concrete, intellectual, and rational being, his/her legal intelligence, intellectual and legal will in law cognition.

The intellectual-legal will was studied in detail, reliably and profoundly in the classical German legal philosophy. Immanuel Kant substantiated the empirical, intellectual, and rational nature of a person's free will, including in law. He considered the content of the will in two aspects: 1. The will of each person has an empirical character, namely, "what excites and directly affects the senses," that is, experiential, pre-scientific perception and contemplation (Kant, p.470); 2. Free will has a rational character in the ideas and thoughts of man. "We are capable of thinking about what is harmful and what is useful ... to overcome impressions, ... sensual inclinations by considerations of what is desirable, what is good or useful, is based on reason (ibid)."

The empirical character of the will is considered by Immanuel Kant to be the sensual and contemplative perception subjected to the laws of nature. Man himself, in this sense, exists as a phenomenon in all events and sees only nature and gives only a physical explanation of these events. For Kant, the empirical nature of the will is the following: "Will has a purely *animal* nature ... and can only be determined by sensual impulses, that is, *pathologically* (ibid)." Thus, the empirical perception, contemplation and expression of this will in law exists beyond the limits of rational manifestation, that is, beyond legal intelligence. Legal will outside the intellect, formed on the basis of legal interest as the desire of a person to satisfy a need, is a legal instinct. Legal will exists on an emotional level. Human emotions can be different - instinctive, impulsive, meaningful. If by emotional perceptions and contemplations we mean instinctive right feelings, then for a person they are the right of instincts, the right of needs. That is, the formation and reproduction of legal interest at the level of emotions, in addition to legal intelligence, beyond logic and common sense, can activate only pseudo-will — instinctive right feeling.

Therefore, Immanuel Kant considered the empirical origin of the will and its reflection in the legal consciousness to be sensory-contemplative perception, pathology or the right of instincts, right feeling.

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Kant believed that free will has a rational character in the ideas and thoughts of man. The reasonable rational origin of free will was called by Kant practical freedom. He studied practical freedom as “considerations of what is desirable for our state, i.e. what brings good, benefit, is based on reason (ibid)." Man himself, in this sense, exists as a noumena, that is, he sees causality in all phenomena and "contains some conditions that should be considered as ... intelligible ... only by thinking in pure reason (ibid, p.334)."

Thus, free will can be developed by legal intelligence on the basis of the fact that any thought forms mental images and can be reflected in legal consciousness in the form of intelligible desires, establishments and obligations.

The intellectual purpose of the legal will was determined by G.W.F. Hegel in his work "The Philosophy of Law." He associated the origin of the will with instincts and intellect. Instincts do not possess a will, that is, "The animal, obeying instinct ... does not have a will, because it does not represent what it wishes (Hegel, p.p. 68-69)." There must be thought in determining and shaping of the will. The animal cannot think, therefore, it does not express desire with thoughts; That is, there is no thought without will.

Thus, if a person in his legal consciousness cannot express thoughts, thought forms, mental images and formulate desires, then his existence in law, legal being, is direct and unmediated right of instincts, instinctive sense of right. Hegel argued that development is “moving forward - from feelings through ideas to thinking, ... intelligence .... Will is a special way of thinking; thinking ... as an inclination to acquire a being (ibid)." That is, "Those who consider thinking as a special ability, separated from the will ... put thinking below the will, especially goodwill (ibid, p.p.70-71)."

It should be concluded that there is no thinking without will. Thinking, unconditioned, not bound by will for Hegel, is negative freedom, freedom of emptiness, fanaticism of Hindu contemplation, and the exercise of thinking, the embodiment of thoughts in abstraction without will, is a "fury of destruction."

Thoughts on law should be expressed in ideas and desires, that is, developed by legal intelligence. In this

sense, the intellectual and legal will exists as a goal for law cognition and the formation of legal consciousness, while legal intelligence can be a means of law cognition, a substance where ideas about conscious, meaningful, intelligible desires and attitudes are formed.

The modern Russian legal tradition considers the legal will abstractly, in isolation from human individuality, its law-cognitive and intellectual activity. In our opinion, the legal will in abstraction, apart from the intellectual activity of a person learning the law, should be considered the legal will existing outside legal intelligence, which can be either in error, or in suppression, or in submission, or in alienation and exists for satisfying pseudo wishes in legal instincts.

Conclusion

Thus, modern law cognition as a mental operations for processing legal information has a structure. The elements of the structure of legal knowledge include: legal intelligence, intellectual and legal will, and law-cognition interest. *The legal intelligence of a person* should be understood as his/her capacity for legal knowledge, which consists in the formation of thoughts (thought forms, thought-images) about law in legal consciousness, exists in the form of legal ideas, legal hypotheses and induces intellectual and legal will and law-cognition interest.

The intellectual and legal will should be understood as the abilities and efforts of a person to think in advance, to realize, comprehend, develop and reproduce with the help of legal intelligence one's actions in law, legal knowledge, sources of law, legal status and legal acts. *Law-cognition interest* is the aspirations created by the legal intellect of a person, which consist in how to use the spiritual and moral benefits and human values for themselves and society in the legal system as intended, to extract intellectual benefits.

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