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Specific Characteristics of the Legal Symbols

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The article identifies specific characteristics of the legal symbols. They compare to the symbols of a different reality. It is the art, science, journalism, education and law. Is compared with the culture of the symbol. Reveals the symbolic chain. Examines the nature and purpose of social the symbol. Determination of the essential values of the legal symbols allows you analyzed, synthesized, their role and purpose in the state-legal sphere. The author also contrasted with the category «symbol» and «legal symbols» as a means of legal techniques. The author formulates a definition of the considered definitions. This allows us to prove the specificity of legal symbols in the legal environment enforcement. Revealed specific legal symbols in enforcement. In support of the above are specific examples of symbols enforcement.

Keywords: the symbols, the reality of cultural studies, the legal symbols, the legal environment, enforcement, legal consciousness.

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of the above are specific examples of symbols enforcement.

Introduction / Methods: In his article, we base on the works of of famous philosophers, scholars of philosophy and legal theory. In support of the views presented, we relied on the existing theory and practice in the State and Law of the empirical material. The study was conducted by us with the general scientific and private – of scientific methods of cognitive activity. This method of materialist dialectics, a group of logical methods, the formal-legal and comparative legal research methods.

Theoretical framework: The symbolic reality is diverse and inexhaustible and it manifests itself in various spheres such as art, science,

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journalism, education, and law (Rechitskiy, 2007, 11-12). Symbol can be based on everything. For example on the contour of the shadow which belongs to an insect in the sunshine or on the result of complex intellectual efforts (the law). «Symbols impact on us increasingly» (Bulletin of the Bureau of Information for the sake of Europe in Ukraine, 2003, 33.) Symbol is one of the most complex objects of study in the context of different cultures (Ten, 2009, 66). «Symbol isn't an abstract concept. Only the study of the cases of using a symbol makes it possible to understand the issue of a symbol» (Florensky, 1984, 114). Symbol as a phenomenon can be revealed at the intersection of cognitive problems. It concerns the natural, human and social sciences, culture and practical application. Any human activity is a culture (Ten, 2009, 5). For that reason it is quite difficult to give unambiguous, clear definition of the term "symbol". On the one hand the symbol is a multidimensional phenomenon, on the other hand it can be defined in different ways (Svasyan, 1980).

Statement of the problem: So it is possible to define the symbol through the analysis of the culture. Culture is a complex of symbols and its components. The latter include language, religion, art, philosophy, history, politics, sociology, and law. Symbol as the kernel of culture has a position of mediator which leads a human to the knowledge of existence (Ten, 2009, 5). A man and his activities are the meatspace. Everything that surrounds him is a symbolic reality. They are in constant interaction.

Discussion: The nature and social destination of the symbol can be defined in two ways: 1. Through its symbolic forms (Svasyan, 1980); 2) Through the revealing of specific of the symbol category in relation to other symbolic forms (Sycheva, 2000, 24). Consequently, the symbol is a clash of form and content. For that reason the symbol and reality are inseparable. It shows two-

dimensionality of the symbol. Thus the nature of the symbol can be found in the movement where variable form is a content.

In summary, we analyze the existing forms of the symbol (Svasyan, 1980; Sycheva, 2000; Rechitskiy, 2007). That makes it possible to determine the characteristics and properties of the symbol.

Sign is one of the symbolic forms. There is an opposition of a symbol and a sign can be found here: 1) Symbol has a sign essence (Roshal, 2005; Tressidder, 1999; Ozhegov, 1953; Gritsanov, 1998; Berdyayev, 2001; Mamardashvili et al., 1999; Losev, 1982, 246-279; Mantatov, 1980; Radugin, 2001, 14; Vasylyk et al., 2001, 256-257; Bykova, 2008, 146; Baklanov, 2007, 11; Wittgenstein, 2003, 403; Kristeva, 2004, 93) 2) Symbols are not signs (Mamardashvili et al., 1997, 27,94-95; Papas, 2006, 1747; Gritsanov, 1998, 614-615; Sycheva, 2000, Goethe, 1964, Kant, 1994, Levit, 1998, Gajiyev, 1998; Baklanov, 2007, 11-12) . The multiplicity of interpretations of the symbol indicates that the sign can be a symbol, but symbol can not be a sign. The sign is just a sign (Mamardashvili et al., 1997, 96). He becomes a symbol only under certain conditions. For example, 12 December 1993 is the date in the calendar, but 12 December 1993 as the Day of the Constitution is a symbol. So, a symbol is an idea that lives in human consciousness, and a sign is a symbolic form, which gives to the idea specified framework. Because of this the symbol is endowed with a sense through the consciousness and passed on from generation to generation. The value of the symbol can not be reduced to the sign. On the contrary, signs are the integral part of the symbol (Mamardashvili et al., 1997, 101). Signs help to pass to the knowledge through the language. Therefore, the symbol is a bridge between the ideal and the sensual worlds (Sycheva, 2000, 28).

Sign is not the only, although prevalent form of the symbol. There are quite a lot of symbolic forms. Let's list them. "Metaphor" is an ornament of the symbol. "Image" is a way of climbing of the idea to the consciousness (Averintsev, 2001, 155-161). "Allegory" is a parable, a reflection which expresses an idea through the image (Ozhegov, 1987, 22). "Concept" is a general idea about the object (Ozhegov, 1987, 745). "Type" is a form, which has specific features of what is given (Ozhegov, 1987, 22). "Simile" is a form assimilated to the content. Personification is an expression of something in something. This is a mask (Svasyan, 1980). Myth is a fiction (Averintsev, 2001, 155-161; Losev, 1982, 139). "Emblem" is the picture of the specific objects and historical facts. "Archetype" is the opposition of conscious (Jung and Freud) and unconscious (Leibniz and Wolff). This is a scheme by which thoughts and feelings of all mankind are formed (Leibin, 1991, 28).

Analysis of the symbol forms and contents allow to define that the form of the symbol is a kind of restrictive framework, which are imposed on the culturological reality. Consequently, culture is the kingdom of symbols. Stages of this kingdom are symbolic forms (Sycheva, 2000, 28). This is the process of symbolization. It covers the entire culture in whole and its particular manifestations (religion, art, philosophy, history, politics, law).

All this allows you to identify signs of the symbol. They are expression, a creative nature, spirituality, conditional character, multiple meaning, uniqueness, dynamism, not objectness, authoritativeness, indication of the action, connection with consciousness, a means of representation by the use of concepts. Accordingly, the symbol is a dynamic, polysemantic, inexhaustible, meaningful idea, an element of communication. The symbol through the signs is within the scope of consciousness. The symbol synthesizes the external form and

internal content. So, a person perceives reality through the culture (art, religion, philosophy, history, politics, law), which contains the diverse symbols (artistic, religious, political, legal and etc.). The nature of the symbol in particular forms doesn't change. Diverse reality leaves its stamp on the understanding of the the symbol by the people around. For example, a family coat of arms has a different meaning than the flag state. Or judge's fall of the hammer has a symbolic significance for the lawyer, but not for a person who doesn't refer to the legal reality. If society uses social symbols whereas religion uses the religious ones, politics – the political ones, the law – the legal ones. That is why the predicate «legal» refers to the scope. This activity in the field of law is based on the sense of justice. We are talking about the symbols which are fixed in the law, recognized by the State, acting in a legal framework, exclusively in the sense of justice of a certain group of subjects. The legal symbols, as a means of legal techniques have specific features such as artificiality, conditional character, multiple meaning, dynamism, legality, legitimacy, sociality (Davidova, 2009; Davidova, 2007, 259-263). Also legal symbols have the following properties: the connection with the legal regulations, the storage form of the knowledge of legal rules and customs, the realization of the functions of the law, the forming of the respect for the law, public recognition and visual imagery (Voplenko, 1995, 71-73). Thus, the specificity of the legal symbolism includes the following. The legal symbol gains particular practical importance in law enforcement. It can be understood by a particular group of persons. Juridical legal space leaves its stamp on the consciousness of the subjects acting in this environment. So legal symbols can be perceived only by legal awareness. For those who is in a different modus of the consciousness, that is not related to the law, legal symbols doesn't matter.

But they can be understood only in the legal field. Any person in the court acts by analogy. In the courtroom everybody gets up, without exception. But this symbolic action isn't clear for everybody. It can be realized only by the subjects with legal consciousness. They are lawyers. Other people who are not related to the legal reality get up looking at the others. Which means that it will be wrong to say that the legal symbols are understandable for everyone. The legal symbols are the means of legal technique which are used and effective in the field of the law. In another reality legal symbols are meaningless. What makes the symbol legal is fixing in the law and legal awareness, actioning within the legal space.

If the basic part of the law realization is the law enforcement, than legal symbols gain practical relevance in the enforcement activities.

Conclusion / Results: The legal symbol created or sanctioned by the state. The legal symbol of regulatory zakrepleyaetsya regulations or in the legal field in the framework of justice. Legal symbol it is an idea, cultural education, an element of communication, which is used in a particular procedural order. Consequently, the legal symbol aimed at increasing the effectiveness of enforcement by pravorealizatsii. Therefore, the subject of legal rights attached to the symbolism of the special political and legal sense.

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Специфические особенности правовой символики

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В статье выявляются специфические особенности правовых символов, проводится их сопоставление с символами иной реальности. Определение сущностных значений правовых символов позволяет проанализировать их роль и предназначение в государственно-правовой сфере. Также автором освещаются вопросы соотношения символов и правовых символов как средств юридической техники, формулируются авторские определения рассматриваемых дефиниций, что позволяет обосновать специфичность правовых символов в области правоприменения.

Ключевые слова: символы, культурологическая реальность, цепочка проявления символического, правовые символы, правовое поле, правоприменение, правовое сознание.
