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LEGAL CONSCIOUSNESS AS A BASIS OF MULTI-SOURCE NATURE OF LAW (ACCULTURAL ASPECT)

Approach to understanding the law from the standpoint of the theory of communicative action, supported by Jurgen Habermas, describes the historical development of Western legal systems. In the course of this development area of law is constantly expanding, and the regulation of social relations becomes more detailed. This is pointed out in sources of law which later became the basis of social institutions closely related to morality and those which form an integral part of the life of the world. Law as a result of social interaction is formed by society and regulates social relations.

It can be argued that there is a legal communication between sociological legal consciousness and jurisprudence as a source of law, because the dynamic development of the legal system requires additional legal regulations which exist in the real relationship and most effectively influence the regulation of social relations. Judicial practice should be understood as a combination of an abstract

legal norm and specific circumstances. Precedent is the best way to ensure the dynamics of law. Judicial precedent practice is forming during the process of activity of the courts of second instance, and in some crucial cases, requiring fundamental decisions of cases – courts of first instance. With that, the Supreme Court of the country in some cases can act as a court of first instance.

Sociological legal consciousness is the basis of jurisprudence and judicial precedent as a source of law. Historical legal consciousness creates legal custom as a source of law. Natural law concept reflects general principles of law and supports law doctrine and forms the basis of all concepts of legal consciousness. Romano-Germanic legal systems are based on integrative thinking, which combines different types of legal acts as a source of law creation. Accultural processes occur in view of the level of legal consciousness and dominant concepts in certain jurisdictions.