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The impact of globalization processes on the formation of the legal culture of civil servants

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ABSTRACT

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This article aims to present a comprehensive analysis of the impact of globalization processes on the formation of civil servants' legal culture. The methodological basis for the analysis was the integrated use of general and special scientific research methods. It was found that globalization significantly affects the transformation, change, and improvement of state and legal institutions, as well as norms and relations at the global, macro-regional, and intra-national levels; also, it stimulates, accelerates, and renews the universalization in the state and legal sphere. Moreover, it was determined that there is a need to constantly improve civil servants' professional skills and increase their professional competencies. In addition, it was proved that signs of high legal awareness and legal culture are not only indicators of high public activity but should also be a priority in state formation because legal awareness, legal culture, and ethical culture are social guarantees of the rule of law in society. Accordingly, there is a need to increase the rule of law index, which is a reflection of the micro level of globalization, by improving the legal culture of the population and civil servants in particular. The role and importance of globalization in the development of the rule of law are growing every year. At the same time, there have been no separate studies on the impact of globalization on the formation of civil servants' legal culture, which determines the relevance of the study.

Contribution/Originality: Globalization has intensified the reforms of Ukraine's national legislation, particularly in the sphere of public administration. This research is the first attempt to analyze the impact of globalization on the work of civil servants in terms of their compliance with legal culture principles and the rule of law.

1. INTRODUCTION

Globalization is an established feature of modern society that does not require proof or argumentation. At the same time, the globalization processes themselves have their origins in the ancient world. Globalization affects economic, social, cultural, and political relationships among different states, legal cultures, and legal systems. Thus, international relations are undergoing changes, which are not limited to interstate ones but are becoming diffuse (Bilokopytov, 2016). Under the influence of globalization processes, a transformation is taking place of existing legal and state phenomena, as well as the emergence of new ones; therefore, there is a need to study them, rethink concepts and structures that do not correspond to modern realities, and create a new conceptual and categorical apparatus.

This stage has been brought about by the transformational period of society and the complication of social relations, and it requires not only the improvement of regulations but also the intensification of research on the development of law, lawmaking, law enforcement, and more. Thus, globalization processes penetrate into the domestic sphere through information, international law, and economic channels (Dzoban, 2013). The state is obliged to assume functions that are not inherent in it, such as information security and innovation, and must work to improve those functions that are characteristic of it.

Therefore, it is possible to say that globalization processes in the modern world have shaped all spheres of public relations, including the sphere of public administration (service). The unconditional connection between the sphere of public administration and globalization can be explained by the fact that constant development and newly discovered problems in public administration need to be rethought and solved using a wide range of tools. An important aspect that is given attention in the modern world is the legal culture of a society in general and of individual groups of actors in particular, and its role and importance are growing in all spheres of social relations. Thus, raising the legal culture level is an important element of the “micro-level” of legal globalization (Chubko, 2010). Hence, it is necessary and relevant to analyze the impact of globalization processes on the formation of civil servants’ legal culture.

The methodological basis of this study is the integrated use of general and special scientific research methods. We used analysis, synthesis, and the structural-functional method to analyze the structure, functions, and types of legal culture. The dialectical method was used to consider the problem of the unity of social content and a form of legal culture and to highlight the relationships among the categories of “legal culture,” “globalization,” “legal globalization,” and “civil servant” (Kotovych, 2019). The systematic method permitted us to analyze this issue by considering the unity of all components. Statistical and sociological methods were used to study the indices of the rule of law in Ukraine and other countries.

The study of the outlined issues was conducted in three interrelated and successive stages. In the first stage, an analysis of the current state of globalization processes and their impact on Ukraine and its legal system and public administration was carried out. The individual indicators of the KOF Index of Globalization (KOF Swiss Economic Institute, 2020), compiled annually by the Swiss Economic Institute to assess the degree of globalization, were analyzed. In particular, the position of Ukraine in the overall ranking of the Rule of Law Index was studied.

The second stage described the key concepts of the study, namely “legal culture” and its relationship with general culture. The main indicators of civil servants’ legal culture were determined, and the manifestations of civil servants’ state culture were established. The third stage described the impact of globalization on the modern legal culture of civil servants. Specific proposals were then formulated to improve and enhance civil servants’ level of legal culture.

It should be noted that scientists have, until now, not analyzed the impact of globalization processes on the formation of civil servants’ legal culture. Some aspects of the formation and development of civil servants’ legal culture have been covered in the works of such scholars as Sydorenko (2013), Kotovych (2019), Mushenok (2019), Bytiak (2004), and Tarasyuk (2016). The impact of globalization on the legal system and legal culture, in general,

has been highlighted in the works of scholars such as [Sydorenko \(2016\)](#), [Biryukova \(2018\)](#), [Biryukov \(2009\)](#), [Dzoban \(2011\)](#), [Dzoban \(2013\)](#), [Chubko \(2010\)](#), and [Bilokopytov \(2016\)](#).

In the context of our study, the work of [Biryukov \(2009\)](#) requires special attention. Their study on the “National legal system in the context of globalization (main directions of transformation)” analyzed the genesis of globalist ideas and concepts, which are reflected in the works of leading domestic and foreign researchers. Legal globalization as one of the most important aspects of general globalization was studied. Legal globalization manifests in the transformation of national legal systems, the changes of which are both formal and substantive in nature. The main directions of globalization’s impact on national legal systems were identified and analyzed, in particular: the universalization of national law (the methods and techniques of which include reception, harmonization, unification, standardization, adaptation, approximation, and infiltration), the strengthening of the influence of international law on national law, the strengthening of the position of regional law in the functioning of the national legal system, and the impact of supranational law on the national legal system as a product of globalization processes.

Research on the legal culture of civil servants should also refer to the findings of [Tarasyuk's \(2016\)](#) study on the “Theoretical features of determining the professional culture of public officials.” This study emphasized that there is currently a process of administrative reform taking place in Ukraine, which requires managers to display professionalism, patriotism, high spirituality, professional culture, and morals. She argued that any issue of management also has a moral or ethical aspect because the determining factor in management is people with their individual interests, views, and needs. Public officials should become active participants in administrative reform, applying it in their staffing, updating state structures with human resources, and adapting their training to the changes, which will promote mobility, ensure their professional development and culture, and improve the quality of services to the population.

Another work that should be considered is [Sukhonos's \(2000\)](#) study on the “Legal culture of civil servants as a means of improving the efficiency of public administration.” The author concluded that while the amount of professional knowledge is certainly an important part of professional legal culture, this amount also depends on the person’s ability to acquire certain knowledge. Therefore, according to the author, it is necessary to conduct examinations to investigate workers’ intelligence quotient (IQ) to identify people who are unable to acquire a certain amount of knowledge about their profession. Thus, the most reliable means of improving public administration is through the important components of legal culture: professionalism, legal knowledge, and ethics of civil servants, developed in Order No. 158 “On approval of the general rules of ethical behavior of civil servants and officials of local self-government” ([National Civil Service Agency of Ukraine, 2016](#)).

2. THE ROLE AND IMPORTANCE OF GLOBALIZATION IN UKRAINE’S LEGAL SYSTEM

The development of civilization, from its origins to the present day, is a movement from various local histories to the general history of mankind, accompanied by changes in periods, stages, and historically determined processes and, corresponding to these processes, legal norms, forms, and procedures of their legal expression, organization, and consolidation. Globalization of law itself and the progressive development of universal properties, norms, forms, and legal procedures of public life is a necessary step and demonstrates the ability of law to regulate the processes of social globalization within the general (universal and mandatory) law and order for both domestic and international relations.


Globalization is a universal phenomenon, covering an extremely large number of spheres of public life, including law. At the same time, the law is not just a means of formally consolidating globalization processes and managing them but is itself significantly impacted by them. In this regard, the study of issues related to the transformation of legal phenomena and processes in the context of globalization is extremely relevant today ([Sydorenko, 2016](#)). The scientific literature includes a large number of attempts to understand the essence and

vision of globalization in the context of its impact on the legal system of Ukraine. We propose considering the two most reasonable.

The first is institutionalized and allows globalization to be considered as a process characterized by the formation of a common economic, political, and cultural space across the world, which operates based on universal legal values and principles and is mediated by common organizational forms (institutions) (Chubko, 2010). The second is complex and describes globalization as a “multidimensional process that occurs simultaneously in almost all spheres of life, and involves increasing integration, unification of practices, increasing interdependence” (Bilokopytov, 2016). It should be noted that globalization, depending on the sphere of social relations, is divided into different aspects, one of which is legal globalization. Examining the “micro level” of legal globalization, Biryukova pointed out the expediency of referring to the available quantitative indicators (indices), which indirectly allow one to assess the state of the national legal system (Biryukova, 2018).

Chief among these indices is the KOF Index of Globalization, which is compiled annually by the Swiss Economic Institute (KOF Swiss Economic Institute, 2020), with the participation of the Swiss Federal Institute of Technology. The index is positioned as a combined indicator that can be used to assess the scale of integration of a country in the world and compare different countries through its components. The index provides an assessment of countries using 24 indicators grouped into three blocks reflecting the economic, social, and political aspects of globalization (KOF Swiss Economic Institute, 2020). Table 1 presents the assessment of the globalization of the legal system of the state, which can be carried out more substantively, in particular using indicators related to individual legal phenomena, institutions, and procedures.

Table 1. The world justice project rule of law index (Independent development).

Country	2014		2015		2016		2017-2018		2019		2020		2021	
	Place	Weight coefficient	Place	Weight coefficient	Place	Weight coefficient	Place	Weight coefficient	Place	Weight coefficient	Place	Weight coefficient	Place	Weight coefficient
 Ukraine	68	0.47	70	0.48	78	0.49	77	0.50	77	0.50	72	0.51	74	0.51

Thus, every few years, the international non-governmental organization The World Justice Project conducts a global survey to appropriately rank countries in terms of their adherence to the rule of law – the Rule of Law Index (The World Justice Project, 2021). The Rule of Law Index is a combined indicator calculated using data obtained from expert sources and the results of public opinion polls in the countries under analysis. The index covers 47 categories, including 1) authority limits of government institutions, 2) absence of corruption, 3) order and security, 4) protection of fundamental rights, 5) transparency of government institutions, 6) observance of laws, 7) civil justice, and 8) criminal justice. According to the latest ranking of 2021, Ukraine ranked 74th out of 113 countries, a lower figure than in 2014 (The World Justice Project, 2021).

The impact of globalization processes on the national legal culture, as part of the national legal system, which is considered a phenomenon that is formed within the relevant cultural, civilizational, and legal traditions, is ambiguous. The fact is that the impact of globalization on this area is not as intense as on other components of the national legal system and is carried out primarily through the impact on legal ideology – a set of fundamental principles that determine the specifics of the national legal system. Along with legal ideology, a key factor shaping the national legal culture is legal psychology, which reflects the mass legal consciousness. Legal ideology and legal psychology, as the most stable components of the national legal system, are the basis of the formation of a national legal culture and ensure its identity (Dzoban, 2013).

Currently, the process of reforming and updating the national legal framework is intensifying significantly in Ukraine. This process can be attributed to the transformational period of society and the complication of social relations, which requires not only the improvement of regulations but also the intensification of research on lawmaking. The improvement of the legal framework is directly related to the phenomenon of lawmaking, which is a complex social institution of law as a system of binding legal norms, manifested in the legal consciousness and legal culture of the whole population and individual citizens (Popadynets, 2014).

Thus, globalization significantly affects the transformation of legal institutions, norms, and relations at the global, macro-regional, and intra-national levels. Apart from that, it stimulates, accelerates, and renews the universalization of law. All this determines the relevance of the legal analysis of the influence of globalization on the current state and prospects of Ukrainian legislation, taking into account global trends in social development and the formation of the legal system.

3. CIVIL SERVANTS' LEGAL CULTURE AS AN INTEGRAL PART OF THEIR COMPETENCIES

Earlier, we saw that globalization as a multifaceted phenomenon affects Ukraine's legal system. Consequently, we must understand that the legal system's level of development in the state depends, inter alia, on the level of legal culture. One of the most influential factors on which the development of Ukraine as a legal, democratic, and social state depends is the legal culture of its citizens. This culture embraces legal values, determines the level of democracy and the rule of law, and regulates public relations. In addition, legal culture is an integral part of the mechanism through which citizens exercise their constitutional rights, as well as the source of the norms that enshrine these rights, their guarantees, legal obligations, and legal awareness.

Tarasjuk (2016) rightly noted that the phenomenon of culture is an objective fact that organically combines material and ideal. The whole sphere of culture is concentrated, "revolving" around the active subject – man – as around its "axis" because this subject through its activities fills the material and ideal world of culture, developing and changing it while developing itself. Hence, man acts as the measure of all things and the chief value of culture; at the same time, man is the measure of all things only because of his activity concerning them, which depends on the degree of his freedom. As the degree of human freedom grows, the world of culture becomes more developed.

An analysis of the legal literature shows that its definitions of legal culture focus on the subjective and psychological components, such as the level of legal knowledge and understanding of the law, to determine the ideological and legal state of society. In the legal literature of the Soviet era, there was no consensus on the place of legal culture in society's legal system. It was identified with the legal superstructure, considered an element of legal consciousness or a component of legal education, etc. (Popadynets, 2014).

Kotovykh (2019) considered legal culture in both the broad and the narrow sense. In the broad sense, she sees legal culture as a positive in her research devoted to the analysis of this concept created by mankind in the legal field. It reflects the state of legal awareness, legal science, and the level of professionalism of law enforcement and law enforcement agencies. In the narrow sense, legal culture is the level of knowledge of the law displayed by members of society and their attitude to the law, as well as the prestige of law in society.

Legal culture is an integral part of the general culture of the individual and the state. In this sense, legal culture includes all the achievements of legal theory and practice. Legal culture depends on morality, on a society's level of economic development, and on the material well-being of the people. If a society has a certain level of legal culture, then we can talk about building the rule of law; in its absence, however, the formation of the rule of law is extremely difficult and is associated only with ways to form a legal culture. Legal culture and the rule of law are organically linked, and the existence of a democratic civil society is a prerequisite for the rule of law and legal culture. Legal culture as a system of spiritual, moral, and legal values is expressed in the achieved development level of legal reality (Kovbasiuk et al., 2013).

Thus, legal culture is a system of legal values that corresponds to the level of legal progress achieved by society and reflects, in legal form, the state of individual freedom and other social values. As part of the cultural heritage of mankind, it must be constantly improved to ensure the harmonious and progressive development of society and individuals. Conversely, the progressive development of society must directly affect the level of its legal culture. Components of this progress include the creation and protection of legal values that ensure the conflict-free existence of society, the prevention of illegal activity by subjects of public relations, and more.

Having defined the essence of legal culture, it is possible to focus on a special category of subjects who are obliged to follow the rules of legal culture in the performance of their professional duties. Civil servants. In accordance with Part 2 of Art. 1 of the Law of Ukraine No. 889-VIII "On Civil Service" (Verkhovna Rada of Ukraine, 2016), a civil servant is a citizen of Ukraine who holds a position of civil service in a public institution or other state body, receives a salary from the state budget, exercises the authority established for this position, directly related to the performance of tasks and functions of such a state body, and adheres to the principles of civil service.

Given the special legal status of civil servants, they should incorporate an appropriate level of legal culture in the performance of their professional duties. Article 8 of the Law of Ukraine No. 889-VIII "On Civil Service" defines the main responsibilities of civil servants; these include: "honestly and professionally perform their duties, adhere to the principles of civil service and rules of ethical conduct, respect human dignity, prevent violations of rights and freedoms of man and citizen" (Verkhovna Rada of Ukraine, 2016), which confirms the need for and priority of civil servants' legal culture.

According to Bytiak (2004), specific requirements for civil servants depend on the body in which the service is performed and the nature of the work performed. Nevertheless, several requirements for civil servants and their behavior are general in nature and apply to all persons in the civil service. Thus, the author distinguished a generally high level of legal culture and communication culture, high moral qualities, devotion to the people of Ukraine, prioritizing the interests of the state and human and civil rights and freedoms over personal or corporate interests, professionalism, experience, and the necessary skills to successfully perform official tasks and functions, the ability to put into practice the achievements of modern management science, and good faith. At the same time, issues of personal legal and moral responsibility, as well as the culture of language, office work, and more are important for civil servants.

Sydorenko (2013) pointed out that by mastering the values of culture, a civil servant can interpret and transform them based on his personal qualities and the nature of his professional activities. The professional culture of a civil servant is thus a sphere of creative application and realization of an individual's professional abilities. In values, each individual objectifies his subjective forces and mediates the process of assigning moral, aesthetic, ethical, legal, and other relations. That is, in interacting with colleagues, he creates himself, and he determines his development by realizing himself in professional activities. Based on knowledge of culture and possession of the relevant skills, a person realizes his place and role in society, his purpose and meaning in life, his responsibility for his actions, and his attitudes to other people. Thanks to culture, a person chooses hobbies, forms intentions, interests, styles of thinking and behavior, professional interests, and attitudes toward particular professions. Human culture largely determines spiritual potential, perseverance and success in learning, the acquisition of new knowledge, and the formation of professional needs.

Lytvyn (2011) concluded that it was necessary to consider improving the current legislation on attestation, as several problems have not been resolved; in particular, the criteria and methods for the evaluation of civil servants have not been regulated. Employees show no interest in obtaining the best results of the attestation, there is no method of conducting the interview, and job descriptions are often a formality.

We entirely agree with the conclusions of Ansari (Khan, Mishra, & Ansari, 2021), who studied the importance of culture for workers in general. He concluded that the culture of each employee directly depends on the

environment in which the person works. Thus, it is important that in the work environment, culture is given special attention by both the employee and the employer (Khan, Mishra, & Ansari, 2021). In short, it can be concluded that the relationship between legal culture and civil servants is to constantly improve their professional skills, increase their professional and related competencies, and realize their potential in accordance with the rules, which are constantly updated in a legal, democratic state.

4. THE IMPACT OF GLOBALIZATION ON THE FORMATION OF CIVIL SERVANTS' LEGAL CULTURE

The Constitution of Ukraine defines the tasks of creating a democratic, social, and legal state. These tasks cannot be completed without the necessary level of legal consciousness and legal culture among citizens and in society (Verkhovna Rada of Ukraine, 1996). Therefore, in the context of Ukraine's integration into the European Union, an important objective is to rethink and adopt new democratic values. This can be achieved through a critical review of the legal awareness of civil servants and by instilling new legal values.

Melnyk (Artemenko, Melnyk, Yarosh, Lytvyn, & Gabrelyan, 2021) noted that an important condition for the development of an independent state is an increased level of legal culture among citizens and officials. Therefore, in Ukraine, a rather slow change in stereotypes and behavior is taking place among people who see a significant discrepancy between the declarative content of the law and everyday life. It should be noted that a significant part of Ukraine's population must increase their legal awareness and knowledge (Artemenko, Melnyk, Yarosh, Lytvyn, & Gabrelyan, 2021).

Civil servants' level of legal education, which drives their legal behavior, is especially important in the formation of the rule of law and civil society because they make decisions that determine the future of Ukraine and the fate of its citizens. Due to the substantial increase in the regulatory framework and the introduction of new principles of civil service, this situation is becoming more complicated and even critical. This situation is occurring under conditions of political confrontation between the government and the opposition, which is increasing bureaucratic procedures in the executive branch, the development of departmental rule-making, and a certain uncertainty of government institutions among themselves. All these phenomena are leading to violations of the Basic Law of Ukraine and other normative acts, as well as violations of human and civil rights and freedoms, and they hinder the formation of a legal society. Therefore, the ethics of public service and the legal education of civil servants are a priority (Khavarivska, 2020).

As noted earlier, legal culture is in a dialectical relationship with such concepts as legal awareness and legal understanding. Regarding legal awareness, Dzoban (2011) noted that the globalization of law is carried out through the globalization of legal consciousness. At the same time, the level of globalization of the latter depends, first, on the level of development of public consciousness and, secondly, on the level of legal awareness of a particular social group (in our case, civil servants). Consciousness is a holistic and continuous phenomenon, a dynamic reflection of the image of the world around us, which is formed in the flow of sensations integrated by the living being under the influence of the received information.

This means that the change in legal awareness occurs mainly under the influence of externally obtained legal information (Dzoban, 2011). Thus, the identifying signs of high legal awareness and legal culture are not only indicators of high social activity but should also be a priority on the path to building our state, because legal awareness, legal culture, and ethical culture are social guarantees of the rule of law in society and the development of Ukraine as a country with high opportunities.

5. CONCLUSION AND RECOMMENDATIONS

Globalization has effects on various spheres of public life. In particular, it has a direct impact on the formation of the legal culture of the population and of civil servants. Thus, globalization is often an impetus for the

transformation of state legal institutions, norms, and relations at the global, macro-regional, and intra-national levels. It also stimulates, accelerates, and renews the processes of universalization in the state and legal sphere. All this determines the need for legal analysis of the influence of globalization on the current state and prospects of Ukraine's legislation, taking into account global trends in social and legal development.

It has been argued that civil servants' legal culture is an urgent problem in the contemporary world. Therefore, solving this issue can be considered a strategic goal worthy of acquiring the status of a national idea to adopt the democratic values of a legal and social state. Legal culture is closely connected to the awareness of the dialectical relationship between law and governance, with the recognition of the priority and role of public administration in solving pressing problems of economic, social, and legal life. Therefore, it should be a determining factor in Ukrainian legislation.

It has been determined that the relationship between legal culture and the civil servant is to constantly improve his professional skills, increase his professional and related competencies, and realize their potential in accordance with the rules that are constantly updated in a legal, democratic state. It is important to raise the level of legal culture and legal awareness in order to increase the indicators of public activity because they are indicators of a democratic, legal state and confirm the key principle of the state – the rule of law.

To increase civil servants' level of legal culture in the context of legal globalization (the micro level of general globalization), it is necessary to increase, first, their level of knowledge of legal norms, legal thinking, and training and, second, the professional and ethical qualities of civil servants, their professional integrity, professional discipline, good faith, and honesty. This includes developing a broad worldview of the economic and political reality and determining the level of general legal culture.

In addition, it is necessary to control the quality of training and retraining programs for civil servants of local executive bodies by including materials from the best domestic and foreign programs for forming the legal culture of public officials and organizing legal education. The modernization of civil servants' professional training requires, first of all, that the content, organization, and forms of professional and legal training of civil servants be brought in line with the modern paradigm of public administration. It is also necessary to more actively implement advanced educational technologies. Finally, the effective and competitive selection of civil servants for local executive bodies is necessary, in particular, their inclusion in competition commissions of representatives of the public, public organizations, specialists, and experts.

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