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## **INCENTIVES IN THE SYSTEM OF FORMATION OF LAWFUL BEHAVIOR**

*This article discusses the issues of stimulating the formation of lawful behavior and the problems that arise in this process. Lawful behavior, although it was considered an insignificant topic, is now becoming increasingly important, and therefore a number of problems arise related to the classification of such behavior, determining the characteristic features inherent in each species within these classifications, as well as determining the ways of transition from one type of lawful behavior to another. The most important part of the process of forming the desired socially active behavior of people is the correct definition of methods to stimulate their desire to follow the rules laid down in legal norms. It is precisely the observance of such a balance between private and public interests, in the form of discovering the form of encouragement that would be suitable for meeting private needs, that is the most urgent issue in this area.*

*Keywords: lawful behavior, public utility, responsibility, incentive, legal awareness, motivation.*

### **Introduction**

From an early age and throughout the life of people, their behavior is constantly influenced by various legal institutions and norms, acting as special subjects of such influence. At the same time, the law first affects the person's personality itself, and after that – on behavior.

The mechanism of such interaction is that the legal norm, acting as a source of information, interacts with the subject, who determines whether the content of the norm corresponds to his personal needs and interests. If such a correspondence is found, then the norm begins to integrate into the consciousness of the subject. If the level of legal consciousness of the subject is sufficient for the implementation of the legal prescription contained in the norm, then these prescriptions find their expression in the lawful behavior of a person.

Lawful behavior is behavior that complies with the requirements of legal norms [4, p. 103]. Through lawful behavior, society is governed, its normal life is carried out, civil rights and obligations are realized. The bulk of the legal relations that arise and exist in our society are based on legitimate behavior. Varieties of lawful behavior, in particular, are paying taxes and using the Internet, performing official duties at work and parental functions in the family, and many others.

Previously, it was considered that this issue is insignificant compared to other issues of social and legal regulation, since the problem of combating offenders was in the foreground. However, the current trend in the development of legal science is to fight no longer with perfect manifestations of violations of the norm, but by strengthening work on preventive methods that would prevent or minimize violations of the law [7, p. 231].

### **Materials and methods**

The research is based on the analysis of the existing scientific literature on the topic of lawful behavior, as well as related topics: offenses and legal behavior in general. The work also uses data on various forms of motivation and stimulation. The research uses: a dialectical approach to the cognition of social phenomena, which allows analyzing their functioning in the context of a set of objective and subjective factors, which determined the choice of the following methods: logical and systemic.

In the course of the study, the main object was the classification of lawful behavior. So, based on the classifications, it is possible to identify the main problems of the formation of lawful behavior that currently exist. For example, the need to «move» people from the categories of passive and marginal behavior to the category of everyday or socially active behavior. However, the current primary system of punishments does not manifest itself as an incentive to these «movements».

### **Results and discussion**

In order to systematically approach the issue of the formation of the most important goals and objectives to establish the necessary level of legal behavior in society, it is necessary to determine according to what criteria such behavior is classified.

An important manifestation of lawful behavior is not only its legal side, but also its social side. So, depending on the social significance of lawful behavior, there are [3, p. 19]:

1) necessary behavior, that is, one that is necessary for the normal functioning of society. For example, compliance with internal labor regulations or service in the army. Ensuring compliance with such behavior can be expressed legislatively, in the form of mandatory legal norms;

2) desirable, that is, such behavior, which is fixed not as a duty, but a right, the implementation of which, first of all, depends on the will and interests of the

subject himself. Examples of such behavior can be: marriage, scientific creativity, participation in elections, higher education;

3) permissible behavior in which the state, frankly speaking, is not interested in its prevalence. However, this action is permitted by law. Such are, for example, the practice of religious cults, frequent job changes, divorce and others;

4) undesirable for society, that is, behavior that is fixed in the norms of law in the form of prohibitions. To establish a ban means to establish a legal obligation not to commit acts that are censured by the state. Currently, the prevailing element of the state's influence on people and their behavior is precisely the establishment of various prohibitions and punishments for their violation.

The second classification is based on the degree of responsibility of the subject in relation to his legal behavior. Depending on this factor, legal behavior can be [1, p. 30]:

1) socially active behavior. It is the highest form of lawful behavior, which is expressed in a high level of legal awareness and legal culture, responsibility and voluntariness. To ensure normal conditions of existence and development, influence on the development and adoption of laws, a person must be active in all respects, starting with conscientious official activity, initiative and discipline in work and ending, figuratively speaking, cooperation with various state bodies, attending rallies and other social actions;

2) ordinary behavior – prevails in the structure of lawful behavior. Unlike active, it is not associated with additional costs and efforts. In other words, this is an act of deep and comprehensive awareness, without high legal activity. This is the daily household, office and other life of a person corresponding to legal norms;

3) passive behavior – behavior in which the subjects of legal relations intentionally do not use their rights and freedoms. Examples are banal: refusal to start a family, avoidance of participation in socially useful work, participation in elections. Such social seclusion, first of all, has a bad effect on the self-development of the citizen himself, but his apathy, pessimism also affects the immediate environment, as a result of which the socio-political activity of the whole society decreases. Legal passivity is effectiveness at a minimum level, bordering and sometimes turning into unlawful inaction. In this regard, there are many means that stimulate active and (or) ordinary lawful behavior. A good example is the incentive measures for high-performance and impeccable work (the issuance of one-time and permanent awards, the awarding of a valuable gift, and others). Among the legal incentives for active legal behavior may be ambition, the desire to take a higher-paid position;

4) marginal behavior is an act that, although legitimate, is on the verge of antisocial. This behavior is committed under the influence of state coercion, out of fear of being punished, or due to some selfish motives. It is the disincentives

here that are significant for behavior, connected in a literal sense with the value that the subject's interest is oriented towards. A marginal person, having lost the usual conditions of existence, cannot immediately adapt to a new social situation and in this regard shows dissatisfaction, stiffness in his actions.

So, the first classification, to a greater extent, indicates how legitimate behavior is for society as a whole, and the second – how such behavior appears at the level of an individual. Certain parallels can be drawn between them, revealing similarities [6, p. 113]. So, for example, the most priority on the part of society is to form in each individual the “desired” and socially active lawful behavior. Such a combination has many similar features, and, in a certain sense, forms the image of the “ideal” unit of society. However, at the same time, it is worth noting that such an image of lawful behavior requires significant involvement of the subject in social and political processes, which means a large amount of resources, time, energy required to perform the necessary actions [5, p. 228].

It is here that the main problem of forming the most desirable model of legal behavior manifests itself. Each individual subject, as noted earlier, analyzes the content of legal norms with its own interests, and only if they do not contradict each other or coincide, the rule contained in the norm becomes part of a person's legal behavior. However, if the norm and the interests of the subject do not coincide, then, in order to form the desired behavior of the subject, the state must provide the subject with a system of “rewards”, incentives.

Despite the fact that, having fixed the relevant norm in the law, and ensuring its implementation by the presence of punishment for its violation, it cannot be expected that the subject will show interest in the implementation of such a rule. So, on the part of the subject, one can expect at best ordinary behavior (if there is no significant contradiction with personal interests), or passive or marginal [2, p. 178].

However, the main task of law-making in this matter is precisely the formation of such legislation that would minimize possible contradictions with the interests of the individual, maintaining a balance between public and private interests, and would also provide a sufficient level of incentive for compliance with legal norms [8, p. 321].

The art of law-making consists in choosing exactly those incentive in specific historical conditions that would allow neutralizing negative disincentives. And here, as we see it, the main task of the state is to take care of the increase in lawful behavior. It is, especially in an active form, stimulated by the state by methods of encouragement, awards for noble initiatives. Currently, there are a number of circumstances that cause difficulties in the implementation of law-abiding behavior, namely [9, p. 273]:

1) constantly updated legislation, which is difficult for even experienced lawyers to keep track of, what can we say about ordinary citizens, some of whom do not even know basic regulations;

2) there is no legal regulation and insufficient ordering of the legal norms themselves;

3) the need for systematization of legislation;

4) insufficiently high level of legal culture and lack of professionalism of the law enforcement officer;

5) insufficiently active activity of law enforcement agencies;

6) the changing way of life of people in connection with the ongoing reforms in the country.

These problems significantly affect the implementation of legitimate behavior by people, however, their eradication will also not be a solution to the problem of stimulating citizens to form more socially useful behavior [10, 145].

#### Conclusions

Thus, the problem of forming the desired socially active behavior of the subject includes two main groups of tasks: the elimination of specific legal, legislative problems, inaccuracies and gaps, and the formation of a system of incentives for the implementation of socially active behavior.

The most important element of the formation of positive lawful behavior is considered to be the development of human legal awareness. It is a sufficient level of legal awareness of a person, his awareness of his role in the system of society and the state, that can provide an understanding of why it is necessary to be socially active, respond to the requirements of legal norms and fulfill their prescriptions.

The incentives that exist at the moment, such as awards, honorary titles or benefits, cannot make up for the contradiction in the interests of most people. The motivation system is based on the fact that different people require different incentives, therefore, the incentives offered by the state at the moment can only stimulate those who are susceptible to such abstract categories.

Consequently, there are two ways to overcome this problem: the education of legal awareness among the masses in order to make more people susceptible to non-material incentives, or to create a system of incentives that would include property incentives.

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## **ЗАҢДЫ МІНЕЗ-ҚҰЛЫҚТЫ ҚАЛЫПТАСТЫРУ ЖҮЙЕСІНДЕГІ ЫНТАЛАНДЫРУ**

*Бұл мақалада заңды мінез-құлықты қалыптастыруды ынталандыру және осы процесте туындайтын мәселелер қарастырылған. Заңды мінез-құлық, маңызды емес тақырып болып саналғанымен, қазіргі уақытта маңызды бола түсуде, осыған байланысты осы мінез-құлықты жіктеумен байланысты бірқатар проблемалар туындайды, осы жіктеулер аясында әр түрге тән белгілерді анықтау, сонымен қатар заңды мінез-құлықтың бір түрінен екіншісіне өту жолдарын анықтау. Адамдардың қалаған әлеуметтік-белсенді мінез-құлқын қалыптастыру процесінің маңызды бөлігі-олардың құқықтық нормаларға енгізілген ережелерді ұстануға деген ынтасын ынталандыру әдістерін дұрыс анықтау. Бұл жеке және қоғамдық мүдделер арасындағы тепе-теңдікті сақтау, жеке қажеттіліктерді қанағаттандыру үшін қолайлы болатын ынталандыру нысанын табу түрінде және осы саладағы ең өзекті мәселе болып табылады.*

*Кілтті сөздер: заңды мінез-құлық, әлеуметтік пайдалылық, жауапкершілік, ынталандыру, құқықтық сана, мотивация.*

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## **СТИМУЛЫ В СИСТЕМЕ ФОРМИРОВАНИЯ ПРАВОМЕРНОГО ПОВЕДЕНИЯ**

*В данной статье рассматриваются вопросы стимулирования формирования правомерного поведения и проблемы, возникающие в этом процессе. Правомерное поведение, хотя и считалось незначительной темой, в настоящее время приобретает все большее значение, и поэтому возникает ряд проблем, связанных с классификацией такого поведения, определением характерных черт, присущих каждому виду в рамках этих классификаций, а также определением путей перехода от одного типа правомерного поведения к другому. Важнейшей частью процесса формирования желаемого социально активного поведения людей является правильное определение методов стимулирования их желания следовать правилам, изложенным в правовых нормах. Именно соблюдение такого баланса между частными и общественными интересами в виде поиска формы поощрения, которая была бы подходящей для удовлетворения частных потребностей, является наиболее актуальной проблемой в этой области.*

*Ключевые слова: правомерное поведение, общественная полезность, ответственность, стимул, правосознание, мотивация.*

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