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THE INFLUENCE OF CIVIL SOCIETY ON THE ACTUALIZATION OF MOTIVATION FOR LEGAL ACTIVITY

ABSTRACT

The article is devoted to the administrative and legal analysis of the positive results of civil society's influence on the establishment of legal reality in modern conditions. The modern civil society is a complex system based on social inequality and social differentiation. Social differentiation is accompanied by the separation and isolation of various social groups, which construct social reality in their own way and significantly influence the consciousness and behavior of citizens. It has been substantiated that in modern Ukraine, there is an alienation of the individual from society and of society from the authorities, which is expressed in the so-called phenomenon of "negative morality". Law is not the only regulator of social relations; in any social system, it functions alongside morality, culture, spirituality, and religion. And given that legal values are the most important element of legal activity, then at the level of the functioning of a specific social system, values must project a specific form of legal obligation.

Attention is focused on the professional culture and qualities of lawyers, the effectiveness of legal institutions, and the need to form a model of a professional community that ensures law, order, and the "health" of the social system in a risk society. Within the scope of this research, it has been proven that the motivational resources of a state that implements the law are a dialectical synthesis of the dominant motives at the personal and group levels, the motives that dominate in civil society institutions, as well as the motives of self-development and self-actualization of the state itself, which differ from the motives of other subjects of law implementation. The boundaries of these differences reflect, in a certain sense, the legal content of the state, the level of representation of personal, community-group, and social principles in its functional and legal activities.

Keywords: state, civil society, legal relations, motivation, legal activity, socio-legal interaction, legal values, law

JEL Classification: K10, K38, D02, Z18, H83

INTRODUCTION

The key principle on which civil society is based is the rule of law, which provides maximum opportunities for the self-realization of lawyers. It is in this socio-cultural space that lawyers can manifest all their creative, intellectual, spiritual, and cultural abilities, their capacity to effectively combat violations of the law, and to implement the principle of social justice. Their legal activities can be manifested here in their entirety. Legal values form the basis of any legal activity. If moral and legal values are united and common at the state level, then at the level of a specific social system, values must take the form of a specific legal obligation.

Today, it is indisputable that power in civil society does not depend on its ability to ensure (motivate) voluntary compliance with the law. Motivational law enhances the chances of adhering to normative law by expanding both the methods and often the number of individuals involved in achieving compliance. The mechanism of motivational legislation is revealed through: motivational law as internal social control (self-motivation of citizens to follow the rules, regardless of sanctions or rewards); psychological mechanisms of motivational law (cognitive dissonance, shame, the formation of a moral

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and regulatory community, the promotion of legitimacy in religious and secular governance), etc. Thus, in this context, it is appropriate to speak of civil society as a historical stage in the development of society, expressing the latest achievements of modern civilization, a special way of human existence, and sociocultural reality. Its mandatory component is non-governmental public associations and organizations that express the individual and collective interests of people and create conditions for their realization; this is the unity of the social and spiritual spheres of society, which ensures the sociocultural reproduction of individuals and their communities.

LITERATURE REVIEW

The discussion about the influence of civil society on the actualization of motivation for legal activity is based on several interrelated theoretical lines: social capital and trust; the public sphere and the legitimacy of law; institutional design and collective action; legal mobilization and advocacy networks; procedural justice as a source of internal motivation for law-abiding behavior and participation in legal practices.

First, research by R. Putnam (Putnam, 2000) demonstrates that associative density and horizontal networks of trust ("social capital") determine not only the quality of democracy, but also the willingness of citizens to cooperate in formal legal processes, from jury service to voluntary compliance with regulations; the decline of such capital weakens both spheres. For example, Fukuyama (Fukuyama, 1995), developing the thesis of "high-trust" and "low-trust" societies, shows that trust as a social virtue is a resource for collective action that facilitates coordination and reduces transaction costs in interactions, particularly legal ones. In addition, G. Almond and S. Verba (Almond & Verba, 1963) in *Civic Culture* showed that the type of political culture – the balance of participatory, subject, and parochial orientations – correlates with the willingness of citizens to support the institutions of the rule of law and participate in procedures.

Second, J. Habermas (Habermas, 1996) constructs a discursive theory of law: the legitimacy of legal norms is based on inclusive procedures of public communication that take place in civil society. It is this discursiveness, in his opinion, that transforms external coercion into internal acceptance of norms – the core of motivation for legal action. J. Keane (Keane, 2009) also emphasizes the institutional autonomy and "supervisory" function of civil society, which ensures public accountability of the authorities and promotes voluntary compliance with rules through a sense of procedural fairness. Finally, from a comparative perspective, Linz and Stepan (Linz & Stepan, 1996) argue that the consolidation of democracy requires the interaction of five arenas, including civil society and the rule of law. Here, civic associations play the role of a "school of legality", where a culture of respect for norms and a willingness to defend rights through institutional channels, etc., is formed.

Thirdly, E. Ostrom (Ostrom, 1990) showed that jointly developed rules, monitoring, and graduated sanctions can maintain cooperation even in the absence of centralized enforcement. The key is the participation of stakeholders in the development of rules, which strengthens the sense of fairness and internal motivation to comply with them. Her conclusions have a direct continuation in legal contexts, from public monitoring to mediation. For example, in legal philosophy, J. Raz (Bellamy, 2005) interprets the "rule of law" as a virtue of the legal order: predictability, generality, and transparency of norms reduce arbitrariness and reinforce voluntary behavior adjustment – an important mechanism for internalizing legal requirements.

Fourth, as an example at the transnational level, M. Keck and K. Sikkink (Keck & Sikkink, 1998) describe advocacy networks that, through a "boomerang pattern," increase pressure on states and create repertoires of legal action for local groups. Such an infrastructure of knowledge and connections increases the expected effectiveness of legal interventions and, consequently, the motivation for them. Moreover, studies of social movements (Tarrow, 2011) explain how changes in the "opportunities" and "constraints" of the political field generate new repertoires of legal tactics in public campaigns, thereby normalizing legal participation as a component of collective action.

Fifth, a key empirical line links perceptions of procedural justice with voluntary law-abiding behavior and support for legal institutions. For example, Tyler (Tyler, 2006) showed that perceived procedural fairness and the legitimacy of authority are stronger predictors of law compliance than fear of sanctions, thus stimulating internal rather than external motivation. Finally, research by Sunshine and Tyler (Tyler, 2003) shows that perceptions of fairness in police actions increase citizens' willingness to support law enforcement, cooperate, and comply with legal requirements. These effects are the mechanism through which the interaction between institutions and civil society fuels motivation for legal practices and so on.

In general, it is worth noting that contemporary literature converges on three mechanisms through which civil society actualizes the motivation for legal activity: the accumulation of social capital and trust; discursive legitimization of norms in the public sphere; institutional "rules of the game" and support structures; procedural justice, etc. Nevertheless, many

problematic issues remain unstudied, which I have attempted to address in this article, leaving many problems for future research in this area.

AIMS AND OBJECTIVES

The purpose of this article is to examine the positive results of civil society's influence on the establishment of motivation for legal reality in modern conditions. In order to achieve this goal, several tasks need to be accomplished, including the following: to assess the impact of civil society on the actualization of motivation for legal activity and the personality of future lawyers; to reveal the essence of the mechanism of motivational legislation and determine its impact on the legal activity of individuals and normative law; to determine the essence and features of motivational laws, their connection with regulatory laws, their role in the formation of a sociocultural space for the actualization of motivation for legal activity, etc.

METHODS

The methodology of the study is based on a synthesis of a number of scientific approaches that allow us to determine how civil society institutions influence the strengthening and actualization of motivation for legal activity. The study also uses systematization and critical analysis of scientific literature to organize concepts related to administrative law, social philosophy, philosophy of law, and public administration. Particular attention is paid to contemporary interpretations of the relationship between civic initiatives and motivational factors in legal activity. A comparative method was used to compare the results, which made it possible to study the practices of different countries in the sphere of interaction between the state and civil society in the context of forming proper legal motivation.

RESULTS

Professionalism is highly valued not only in the legal community but also in other areas of professional activity, and thus becomes a universal value in modern society. However, in the legal profession, professionalism, as the ability of a person to competently and effectively apply their knowledge and skills in any circumstances, including complex ones, is of particular importance, since any legal decision must be reasoned and lawful. Human lives, for example, directly depend on court decisions.

Motivation is also a subjective factor in the formation of the professional community of legal practitioners. Empirical data show that positive motivation (achieving high moral goals in the administration of justice, striving for social justice and legality) contributes to the reproduction of legal and civic values, the effective functioning of legal institutions, and institutionalized social practices.

Among the motives that influence the choice of a legal profession, the following can be identified: prestige, the ability to protect oneself, when necessary, the presence of a creative component in one's work, the opportunity to fight crime, and implement the principle of social justice.

In turn, motives such as the possession of power along with the opportunities for high social status and elitism, the achievement of material well-being, disregard for the law, and the use of laws to serve personal and someone else's interests give rise to a completely different nature of the professional community.

Subjective personal qualities – flexibility, a creative approach to work, nonconformity, control, responsibility, productivity, objectivity, erudition, emotional stability, insight, and cognitive activity – are not in themselves a factor in the formation of a professional community, but together they determine the value and motivational indicators of the personality of a legal professional as a subject. In our opinion, the personal social status of an employee can also be considered a subjective factor. Practice shows that the higher the personal status of a legal professional, the stronger their influence on the content and direction of the professional community. The reason is that the ethos of the leaders of legal structures largely determines the direction of development not only of the professional community (the motivation of lawyers), but also of the legal sphere in general.

Table 1. Key Factors Influencing the Formation of the Legal Professional Community.

Category	Examples / Description	Impact on Legal Professional Community
Subjective Factors	▪ Motivation (moral goals, justice) ▪ Personal traits (responsibility, creativity, objectivity, emotional stability, etc.) ▪ Social status of the legal professional	Determine the values and inner motivation of the legal professional; affect professional influence
Objective Factors	▪ Socio-political and economic conditions ▪ Ideological context ▪ Socio-cultural features ▪ Legal system quality ▪ Status of civil service	Create the external framework for legal activity and define the legitimacy and effectiveness of law
Motivational Drivers	▪ Positive: protection of rights, justice, creativity ▪ Negative: desire for power, wealth, elitism, legal nihilism	Shape professional behavior and public trust in the legal field
Informal Legal Practices	▪ Corruption ▪ Legal nihilism ▪ Burnout and professional stress	Lead to ethical degradation and systemic dysfunction
"Motivational Law" Domains	▪ Judicial system ▪ Executive and legislative power ▪ Civil, criminal, and administrative law	Influences legal culture and promotes compliance through persuasion, not just coercion
Role of the State	▪ Democracy, rule of law, and rights protection as outlined in the Constitution	Emphasizes human-centered legal values and the state's motivational role

As we can see from Table 1, the formation of the legal professional community is influenced by a complex combination of subjective and objective factors. These not only determine the quality of legal services and decisions but also affect the public's perception of justice and the legitimacy of the legal system.

Objective factors influencing the formation of the professional legal community include socio-political, economic, ideological, and socio-cultural factors, as well as the social status of civil servants, which is enshrined in (About civil service, 2016). The peculiarities of the socio-political factor are largely due to the fact that, despite the fact that the Constitution of Ukraine defines our state as a democratic state governed by the rule of law with a republican form of government, in reality, legal regulation in Ukrainian society lags significantly behind the actual state of affairs. Moreover, the existence of such characteristics of a state governed by the rule of law as the presence of a civil society (based on mutual responsibility between the individual and the state) and guarantees of citizens' rights and freedoms remains a subject of heated debate, not only in academic circles. As for the role of ideology, it should be noted that modern Ukraine declares ideological pluralism, which means that no ideology can be state-wide or mandatory. However, an analysis of existing social and legal practices in Ukrainian society leads to the conclusion that the authorities often use the law for their own nomenclature and political purposes, protecting their corporate (and personal) interests.

The sociocultural factor is expressed through national (Ukrainian) characteristics, spiritual traditions, a particular understanding of the role of the state, and established legal stereotypes and attitudes. Some stereotypes, especially those of a nihilistic nature (for example, denying the value and fairness of the law), are not only preserved but also reproduced today, largely due to the "activity" of the modern mass media. As experts note, in modern conditions, stereotypes most often "live" in the sphere of criminal, labor, and family law, since practically every person is involved in one way or another in the system of family or labor legal relations.

Changes in the value foundations of professional culture, associated with the widespread dissemination and institutionalization of informal legal practices, professional stress, and burnout, are the cause of professional deformation of lawyers – legal nihilism, legal infantilism, negative legal radicalism, etc. The increase in informal practices in modern Ukrainian society has been facilitated by the ineffectiveness of reforms in various spheres of life (economic, political, and social). Corruption has become an indicator of the ineffectiveness of institutional reforms in society.

Corruption is a system of actions by members of civil society that allows them to achieve their goals in violation of state norms, rules, and laws through the use of officials – employees of the state apparatus – to satisfy their needs, and symmetrically, the use by civil servants of their own opportunities to satisfy their needs. The causes of corruption in modern Ukrainian society are imperfect legislation, a weak judicial system, ineffective enforcement of court decisions, and lengthy proceedings in arbitration courts. Corruption at the level of state administrators, both senior and junior, affects

the population's attitude to the legitimacy of power and shapes attitudes towards the acceptability of any means of personal enrichment.

Constant changes in society have a greater impact on changes in the law and on changes in the motivational resources for its practical implementation. "In a sense," wrote A. Maslow, "almost every organism is in a state brought about by a specific motivation. Apparently, modern scientists continue to base their concepts on the assumption that the state of motivation is a special, unusual state that differs sharply from all other states of the organism. A reasonable theory of motivation, on the contrary, should assume that motivation is continuous, it does not stop, it is complex and unstable, and it is an almost universal characteristic of virtually any state of the organism" (Maslow, 2013).

The humanization of law and the democratization of the mechanisms for its implementation highlight the need for more productive interaction between representatives of various social sciences and humanities to study the motives of behavior, including in the field of law. Remaining on the position of legal person-centeredness, it is necessary to consider the problems of the dialectical relationship between personal, state, and public factors of motivation for lawful behavior at the level of the state and society. The unchanging ideal of the individual is their independent position, autonomy, and freedom. This unchanging ideal is applicable both to the personal vision of ideal law and to the motivation for purposeful activity in the implementation of law.

A modern democratic, civilized, law-based state does not claim ascendant, genetic, authoritarian-legal monopolism, and therefore, dominance in the legal space of state motivational law enforcement resources. The Preamble to the Constitution of Ukraine and Chapter 1 thereof contain unique, fundamental, systematic, and generalized guidelines for motivating the state's law enforcement activities. The main guideline is undoubtedly the individual, the person. "The individual," states Article 2 of the Constitution of Ukraine, "an individual's rights and freedoms are of utmost importance. It is the state's responsibility to acknowledge, uphold, and safeguard the rights and freedoms of every person and citizen" (Constitution of Ukraine, 1996).

The modern state is accountable to the population and determines the structure and content of motivational law enforcement resources. At the same time, the legislative, executive, and judicial bodies of the state form their own motivational law enforcement resources, which have a rather complex structure determined both by the functional specialization of the legislative, executive, and judicial authorities and by the many subjective personal characteristics of officials who perform relevant state functions.

The functional activities of the structures, bodies, and officials of the legislative branch of each state at all levels are dominated and manifested by motives that primarily determine the effectiveness of law making, although deputies at all levels, who are elected by the population, are motivated to use all available means, forms, and methods to influence the qualitative and effective application of current legislation, especially those related to improving the living standards of the population, including their constituents, and their economic, social, and environmental security.

The motivational resources of structures, bodies, and officials of the state executive power in the legal space are directed towards law-making activities. Bodies and officials of the state executive power traditionally participate in the development of most draft regulatory and legal documents before they are submitted to the relevant legislative bodies for consideration, and also independently adopt internal regulatory acts. Structures, bodies, and officials of the state executive power are motivated to engage in systematic, comprehensive law enforcement activities, which are a sufficiently effective means of solving management tasks and performing management functions.

A classic example of law enforcement is the structures, bodies, and officials of the judicial branch of government. As a rule, their law enforcement activities are associated with coercion or threats against individuals or legal entities to ensure their compliance with the norms of current law. Such specific features of law enforcement directly and indirectly influence the genesis and reproduction of relevant motivational resources and the application of current legislation. In the judicial process, during court proceedings, the motivational attitudes of various law enforcement officials, as well as the specific norms of current legislation, are manifested – judges, defendants, plaintiffs, respondents, prosecutors, lawyers, and other participants in the judicial process.

The continuity, complexity, and instability of motivation determine the behavior of individuals, families, the state, political parties, and other entities with regard to the implementation of legal ideology, legal policy, legal culture, principles of law, and specific provisions of current legislation. Only the combination of personal, state, and social needs and interests, and the existence of legal mechanisms for their implementation, ensures the stable development of society.

Legislators utilize the law not only to issue commands and grant authority, but also to appeal, influence, and inspire action. To paraphrase Richard E. Neustadt, the ability to create laws is just as significant as the ability to convince people to follow them (Neustadt, 2000).

"Motivational law" implies the existence of motivational functions of law and laws that serve these functions. One law can encourage people to obey another law. Frequently, laws that aren't primarily motivational use persuasive or exhortatory language to encourage compliance or create the illusion that they will have such an impact.

Motivational law is present in various areas, including contract enforcement, obscenity laws, censorship, religious rules on diet, dress, and rituals, military regulations, and more. Even due process serves a motivational purpose. While procedural rules may not always result in fair outcomes, the perception of fairness they provide helps motivate citizens to accept judicial decisions and comply with court orders (Tyler, 2006).

Nevertheless, motivational law also has its drawbacks. By its nature, it tends to be conservative, reinforcing the power of regimes and authorities while resisting legal and social progress. However, individuals or groups that oppose the existing authority can create their own competing form of motivational law. These opposing motivational laws often lead to legal divisions and social unrest. Essentially, motivational law is made up of rules and principles designed to inspire compliance. A law does not qualify as motivational merely because citizens are willing to follow it. To truly be considered motivational law, a law must have the power to actively encourage adherence to regulations.

Often, authorities rely on boosting motivation to comply with requirements as an alternative to the traditional command-and-control framework (Lobel, 2004). Theorists of new governance and legal pluralism reject the traditional Austinian view of law as a command enforced by the threat of sanctions. Instead, they support a form of regulation that is cooperative, decentralized, or "orchestrated" across different levels of government, flexible, shared, and dynamic, operating through the recognition and pursuit of common interests. Governments can enhance regulatory compliance by adopting a personalized approach to regulation that aligns with social norms about how people should treat one another, without degrading or humiliating those impacted by the regulations. This approach fosters a sense of ownership among stakeholders, helping them understand what to demand and creating a vested interest in compliance. Soft law exists to improve adherence to regulatory legislation, primarily by boosting motivation to comply. It is a form of motivational law.

For example, psychologists still disagree on how to define "motivation." One concise and understandable definition of motivation is "tendencies, impulses, desires, or initiated behavior" (Bayton, 1958). Laws can instill tendencies, impulses, desires, and willingness to encourage compliance with other laws, motivational laws work in three ways, aside from deterrence: by offering incentives or creating a perception of rewards for following other laws, by making it easier or more practical to adhere to those laws, or by encouraging behaviors that boost the likelihood of compliance with additional regulations.

Incentives don't always need to be tangible; they can also take the form of religious rewards. Another instrumental aspect of motivational law involves legislation that places the responsibility for enforcing other laws in the hands of the people. This includes laws that mandate public awareness and education campaigns to encourage adherence to new laws or administrative regulations, as well as laws that allocate resources to enforce previously underfunded legal mandates. For example, the U.S. Congress routinely considers motivation when distributing funds for public education and advertising campaigns designed to promote compliance with statutory obligations. The federal government spends over USD 1 billion each year on advertising efforts.

Incentive-based laws may require or encourage actions that strengthen perceptions of legitimacy, or they may punish or promote actions that bolster the normative influence of a reference group or community, motivating individuals to comply with laws or collectively agreed-upon rules. They can also help express group or community norms. Motivational laws can function through legal consciousness by raising awareness of legal rights and duties. While motivational laws enhance awareness of obligations under religious law, they do not necessarily increase awareness of legal rights under secular law.

When rules align with social norms, motivation stems from the same sources as those norms: education, family dynamics, and peer group influence. Norms operate through ingrained mechanisms of self-regulation, such as internal moral principles. Since norms are adhered to by peers or a reference group, compliance with norms may also be the result of fear that the group will be punished or shamed for non-compliance; although norms usually act to increase motivation, they can be used as external control in the absence of motivation. However, norms are an imperfect source of motivation for internal control. These values are not universally or fully ingrained in individuals, which leads to the presence of rebels, outcasts, and wrongdoers who are driven to break societal norms. Moreover, laws and norms do not always align with one another.

Legitimacy is another key source of motivation for internal control. Tyler's foundational approach to examining the legitimacy of the judicial system (Tyler, 2006) showed that people are more willing to obey laws or accept valid decisions, even against their own interests, if they believe that the law or decision was made in a procedurally fair manner, if the victims had a fair chance to be heard, and similar cases are treated equally. However, people's trust in those in power or institutions can be shaken, as in the case of a speed limit on a highway when a person drives above the limit, or when non-compliance with the rules may be dictated by personal need or convenience.

Motivational law also strengthens other sources of motivation for internal control and can step in to fill the void when other motivational factors are inadequate, unsuitable, or likely to promote non-compliance with the law. Norms and legitimacy can encourage compliance with laws imposed and enforced by an authority figure, and laws can strengthen or weaken norms by creating or perceiving incentives that strengthen people's trust in the source of the law or compel or encourage them to act in a way that inclines them to obey.

Motivational law functions not only as an alternative to coercion but as a complex system that influences behavior through a combination of cognitive, social, normative, and emotional mechanisms. It expands the pathways through which legal compliance can be achieved.

Mechanism / Source	Description / Examples	Intended Effect
Instrumental Incentives	- Material or symbolic rewards - Public education campaigns - Social responsibility advertising	Encourages compliance through perceived benefit or awareness
Delegation to Citizens	- Laws mandating public awareness initiatives - Educational programs promoting new legal standards	Builds shared responsibility for enforcement and compliance
Norms and Reference Groups	Influence from family, peers, religious or professional communities	Reinforces self-regulation, fear of shame, and reputation maintenance
Perceived Legitimacy of Authority	- Fair procedures - Equal treatment - Trust in moral and institutional authority	Increases voluntary adherence to legal rules
Cognitive Dissonance	- Discrepancy between beliefs and actions - Effort to reduce inconsistency between internal values and behavior	Motivates behavior change aligned with personal convictions
Law as an Ideological Tool	- Political censorship - Religious mandates (e.g., dress, rituals) - Military discipline	Cultivates loyalty and internalized obedience through shared identity
Shame / Social Sanctioning	- Risk of humiliation or social rejection - Military shame-based discipline - Religious shunning or excommunication	Powerful deterrent in communities where group acceptance is vital
"Soft Law" (non-coercive rules)	- Voluntary standards, ethical codes - Regulatory norms without formal penalties	Promotes cooperation through trust, inclusion, and shared regulatory identity

As shown in Table 1, motivational law does not rely solely on external enforcement or sanctions. Instead, it works by mobilizing a range of psychological, cultural, and social resources to support compliance. These mechanisms are especially crucial in democratic societies where trust and voluntary cooperation are essential to the legitimacy and sustainability of legal authority.

As Machiavelli noted, governments cannot govern effectively without the support of their citizens (Machiavelli, 1998). The effectiveness of authority in a democratic society relies largely on its capacity to encourage voluntary obedience to the law. Since the legal system has only a limited capacity to enforce compliance through coercion, it depends primarily on the broad, voluntary cooperation of individuals in following legal directives. Tyler T. and other researchers have distinguished between external and internal social control (Tyler, 2006). External, or instrumental, means control mechanisms include traditional command-and-control systems that operate through the imposition of sanctions and the threat of punishment, as well as through rewards and the promise of incentives. The function of internal control manifests itself through citizens' self-motivation to comply with rules, regardless of sanctions or rewards.

Ultimately, motivational law is central to the backup system of internal control, and the goal is to boost motivation for adhering to normative legislation, but what drives compliance with motivational law? If motivational law merely shifted the government's reliance on force to enforce one type of law, known as "regulatory", in favor of enforcing another type, called "motivational", it would serve no real purpose. Instead, motivational law enhances the chances of compliance with normative law by expanding the number of methods — and often the number of individuals — through which compliance can be achieved.

The reasons for compliance, both behavioral and cognitive, include factors like behavioral conditioning. For instance, when a law prescribes actions that people already view as normative, they are more likely to comply.

Cognitive dissonance could be a fundamental cognitive mechanism underlying motivational law, as outlined in Festinger's original theory of cognitive dissonance (Festinger, 1957). Cognitive inconsistencies of sufficient magnitude cause an aversive motivational state — cognitive dissonance — in which a person will try to change their cognition or behavior to reduce the inconsistency. Later studies show that cognitive dissonance motivates people to engage in certain behaviors or beliefs, to participate in processing information that supports their commitments. Inconsistency undermines the potential for effective action consistent with commitments because actions taken in a conflicted state of mind are unlikely to be as effective as actions taken in a state of certainty. If conflicting information surpasses a certain limit — determined by the intensity of one's commitment and the volume and strength of consistent information — the individual will be driven to alter their behavior or beliefs (Jones, 1999).

Motivational laws operate in various ways that can be understood through the lens of cognitive dissonance theory. Some laws work by blocking information that conflicts with existing beliefs. For example, political censorship laws aim to suppress contradictory information, enabling propaganda and indoctrination that generate loyalty to the regime while reinforcing beliefs that maintain that loyalty. Similarly, religious laws, like the requirement to wear a hijab, are intended to reduce emotional responses triggered by visual stimuli.

In theory, they also create religious institutions and other sources of moral instruction and the formation of supportive beliefs that can lead to dissonance and thus deter offensive actions. Military disciplinary rules should create a commitment — a habit of obeying orders that is strong enough to motivate soldiers to do their duty.

Motivational law inherently has an advantage as a tool for shaping loyalty and compliance with regulatory laws to the extent that sanctions are provided for. It leverages the motivation driven by the possibility of sanctions to influence behavior, ultimately ensuring compliance with the desired conduct that regulatory laws aim to establish. For instance, if a soldier neglects to salute a senior officer, they may face punishment. The potential for punishment encourages soldiers to salute, and in doing so, saluting reinforces their loyalty to the commands of the officers they acknowledge.

Empirical data indicate, albeit ambiguously, that a key element in the functioning of motivational law is the "moral community" or "reference group". Research in normative theory has shown that shame and the threat of shame are more effective as a deterrent than the threat of physical punishment, but the threat of shame only changes a person's behavior when they are concerned about their reputation in the community (Massaro, 1991).

Many motivational laws are based on community building and the threat of shame within the community. Of course, this is an effective element for disciplinary rules in the military, which makes disobedience to orders shameful in the eyes of fellow soldiers. In religious moral communities, codes related to dress, rituals, and diet serve to bring members together. While formalized practices of shame, such as shunning and excommunication, are less prevalent in mainstream religions today, they still exist in some religious groups. The fear of humiliation often compels wrongdoers to conceal their actions, even in the absence of official punishment.

The effectiveness of the non-coercive "soft law" approach to secular regulation hinges on the subject's motivation to cooperate with regulators, either to maintain their reputation among peers or to align with social norms. Soft law is effective because it encourages regulated individuals or entities to follow regulatory rules, especially when they feel a sense of belonging within the regulatory community. This community could be made up of peers who are also subject to the same regulations, or it may include both peers and the regulators themselves. The fear of being shamed within this community compels the regulated parties to strictly adhere to the law, making soft law a powerful motivator for compliance.

The likelihood of a request or demand being fulfilled increases if the subject likes the person making the request or believes that others obey them. Compliance does indeed increase when threats are made, but only if they are public and the opportunity to comply is private, indicating that shame, rather than fear, is the main factor in increasing compliance. If the shaming continues and the offender is not offered means of reintegration, but rather a return through compliance, the offender's ties to the relevant group weaken, and he or she simply decides that he or she no longer cares about it.

Individuals are more inclined to follow a rule or principle when they view the authority that enforces it as legitimate. In this context, motivational law can play a role in shaping and solidifying that sense of legitimacy. However, the term "legitimacy" is often misused, thus obscuring its motivational function.

When the term "legitimacy" is applied to a constitutional provision, statute, or court ruling, it differs from its use when referring to a government or authority. In fact, this usage misrepresents the term, obscuring its true motivational meaning. A law or court decision cannot be deemed "legitimate" or "illegitimate"; it can only be lawful or unlawful, moral or immoral. However, authority is considered legitimate when the relevant group is collectively motivated to accept its claim to obedience, without questioning its legal or moral implications. The key point is that some laws are designed to enhance the legitimacy of authority by fostering faith and trust in it — whether in the government, deities, legislative bodies, courts, institutions, or individuals — ultimately encouraging people to follow the orders and decisions of that authority.

DISCUSSION

Despite sufficient research on the stated issue, a number of important questions remain open within the scope of the study and require more thorough analysis. First of all, it is necessary to clarify the limits of the persuasive function of the law and determine the extent to which the legislator consciously incorporates not only regulatory or coercive, but also motivational potential into legal norms. An important task is to study the relationship between the power of law-making and the power of persuasion, since the ability to motivate citizens to obey the law often proves to be no less significant than formal legal coercion.

Special attention should be paid to analyzing examples of laws with a pronounced motivational character – norms on indecency, military discipline, religious and censorship restrictions, as well as provisions on criminal rehabilitation or counselling consumers in crisis situations. This will reveal the mechanisms of the law's influence on social behavior through instruments of persuasion, rather than just through the threat of sanctions.

Further consideration is required of the conservative nature of motivational law, its role in establishing political regimes and resisting social transformations, as well as the conditions under which competing motivational norms may be formed. Research into the interaction of motivational and regulatory law within civil society as a special sociocultural space also appears promising.

Special consideration should be given to verifying the compliance of motivational laws with the requirements formulated by L. Fuller for regulatory laws, in particular their stability, clarity, publicity, prospects, and consistency. This approach will make it possible to determine whether motivational law can be considered a separate category of the legal system and to assess its potential for strengthening citizens' trust in legislation and state authority.

Thus, further research opens up broad opportunities for the development of the theoretical foundations of "motivational law", its practical application in law-making, and comparative legal analysis of democratic and authoritarian systems. This provides prospects for the integration of sociocultural factors into the law-making process and enhances the role of persuasion and trust in legal regulation.

CONCLUSIONS

The process of modernization in Ukraine is impossible without the formation of a developed civil society, the basis of which is the active involvement of individuals in public processes. The implementation of civic initiatives and the active involvement of citizens in the process of shaping the sociocultural space contribute to the development of civil society institutions. Civil society creates space for the actualization of legal activity as a type of professional activity that is carried out within the legal framework and has special powers of authority exercised on behalf of the state and the Constitution.

A significant subjective factor influencing the formation of the professional community of lawyers is their motivation, which increases significantly in a civil society where the rule of law prevails. Positive motivation, created by the appropriate sociocultural space, stimulates the reproduction of legal and civic values, the effective functioning of legal institutions, and institutionalized social practices.

Civil society emerges as a multifaceted sociocultural construct within which the institutionalization and actualization of the motivational orientations of individuals seeking professional identification in the field of law takes place. In this context, the legal profession acquires the status of a prestigious social institution, whose attractiveness is determined not only by symbolic capital and social recognition, but also by the possibility of self-defense in legal conflicts, the integration of a

creative component into professional activity, as well as the real potential to influence the fight against crime and the institutional establishment of the principle of the rule of law.

The motivational resources of the state, which take on a legal form, represent the dialectical unity of individual and collective motives that dominate the structure of civil society, with the motives of self-development and self-actualization of the state as a specific subject of law enforcement processes. The latter differ from the motivations of other actors in the legal field, as they are aimed at supporting their own institutional integrity and legitimacy.

In civil society, alongside the classic regulatory function of law, the phenomenon of motivational law is also distinguished. Its essence lies in the use of the potential of legal sanctions as a preventive motivational factor that guides individuals towards lawful models of behaviour. Such motivation forms a strong commitment to compliance with regulatory requirements, which ultimately ensures the effective implementation of the objectives of regulatory law.

Further study of the process of forming a professional community of lawyers in the context of civil society development requires an in-depth analysis of the interaction between legal institutions, social values, and individual motivations. In particular, it is necessary to focus on researching how changes in the sociocultural environment affect the formation of the legal profession as a prestigious and responsible social institution. It is also important to study the role of motivational mechanisms that arise as a result of the interaction between the state and civil society, particularly in the context of their impact on the effectiveness of legal sanctions and ensuring the rule of law.

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Бліхар М.

ВПЛИВ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА НА АКТУАЛІЗАЦІЮ МОТИВАЦІЇ ПРАВОВОЇ ДІЯЛЬНОСТІ

Статтю присвячено адміністративно-правовому аналізу позитивних результатів впливу громадянського суспільства на утвердження правової реальності в сучасних умовах. Сучасне громадянське суспільство – це складна система, в основі якої лежить соціальна нерівність і соціальна диференціація. Соціальна диференціація супроводжується відокремленням і ізоляцією різних соціальних груп, які по-своєму конструюють соціальну реальність і істотно впливають на свідомість і поведінку громадян. Обґрунтовано, що в сучасній Україні відбувається відчуження особистості від суспільства та суспільства від влади, що виражається в так званому феномені «негативної моралі». Право не є єдиним регулятором суспільних відносин. У будь-якій соціальній системі вона функціонує поряд із мораллю, культурою, духовністю й релігією. А враховуючи, що правові цінності є найважливішим елементом правової діяльності, то на рівні функціонування конкретної соціальної системи цінності повинні проектувати конкретну форму юридичного обов'язку.

Тому автор акцентує увагу на тому, що професійна культура та особистісні риси адвокатів, ефективність правових інститутів в умовах ризикового суспільства ставлять питання формування та відтворення моделі професійної спільноти, яка забезпечувала би правопорядок і «здоров'я» всієї соціальної системи в цілому. У межах цього дослідження доведено, що мотиваційними ресурсами держави, яка реалізує право, є діалектичний синтез домінуючих мотивів на особистісному та груповому рівнях, мотивів, які домінують в інститутах громадянського суспільства, а також мотивів саморозвитку та самоактуалізації самої держави, які відрізняються від мотивів інших суб'єктів реалізації права. Межі цих відмінностей відображають у певному розумінні правовий зміст держави, рівень представництва особистих, громадсько-групових, соціальних принципів у його функціонально-правовій діяльності.

Ключові слова: держава, громадянське суспільство, правові відносини, мотивація, правова діяльність, соціально-правова взаємодія, правові цінності, право

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