

Professional Experience of Practising Lawyers in Law Enforcement: A Dialectical Assessment

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***Abstract:** As a result of the conducted research, the author comes to the conclusion that the personal professional experience of law enforcement of law enforcement officers of law enforcement bodies, formed in the process of upbringing, education and practical activities and generalizing the relevant professional knowledge, skills and skills of law enforcement actors, on the one hand, helps them to orient in the evidentiary information, to carry out from it theselection of everything necessary for the correct resolution of a particular legal case with However, on the other hand, it is also necessary to take into account the fact that the same legal situations, on which professional experience is guided, tend to create, as a rule, the stereotyping of intellectual processes, the template actions and operations of these individuals, which make it difficult to see the uniqueness of that or other life event, lack of criticality, arrogance and complacency, oblivion of the fact that every legal matter is individual, a manifestation of the sense of omniscience and hence its own the infallibility can lead to accusatory bias and cause serious errors in the process of law enforcement.*

***Keywords:** professional experience, application of the law, professional legal awareness, psychological and legal problem.*

I. Introduction

It seems that the effectiveness of any activity is evaluated by its result (the quantity and quality of the product produced) and the necessary costs (economic and neuropsychic). Moreover, it depends on a number of objective factors (equipment, level of technology, etc.) and, to a greater extent, on what is called the “human (humanitarian) factor”, i.e. everything that is connected with a person. We believe that in connection with the problem of the effectiveness of law enforcement in the law enforcement sphere, the problem of the professional experience of employees of internal affairs bodies is also being updated.

II. Research Methods

When preparing a scientific article, the following methods were used:

General Philosophical

- General philosophical (dialectical-materialistic), which is used in all social sciences;
1. General scientific (analysis and synthesis, logical and historical, comparisons, abstractions, etc.), which are used not only by the theory of state and law, but also by other social sciences;
 2. Special methods (philological, cybernetic, psychological, etc.), developed by special sciences and widely used for the knowledge of state and legal phenomena;
 3. Private scientific (formal legal, interpretation of law, etc.), which are developed by the theory of state and law.

III. Results and Discussion

3.1 The Concept of Experience

In our opinion, the concept of “professional experience” is secondary to the concept of “experience” in general, which is interpreted by the authors in different ways. So, Sergei Ivanovich Ozhegov understood it as “a set of practically acquired knowledge, skills, abilities” [1]. Vladimir Ivanovich Dal interpreted the phrase “experienced person” as “tempted by experience, experienced, knowledgeable and able, lived, seen, done a lot, accustomed to what kind of work, knowledgeable not only in words, but also in deeds” [2].

In philosophical literature, experience is interpreted in the traditional sense as “sensory-empirical reflection of the external world.” At the same time, attention is drawn to the fact that, “... recognizing experience as secondary, derivative in relation to objective reality,” it should be defined “not as a passive content of consciousness, but as a practical influence of a person on the outside world. In the process of this influence, necessary connections, properties, laws of phenomena, expedient methods and means of activity are found, etc. “. Summarizing the above, it is concluded that “...experience is understood both as the interaction of a social subject with the outside world and as a result of such interaction. In this understanding, experience directly merges with the entire total social practice” [3; 4].

In the Philosophical Encyclopedic Dictionary, experience is revealed through “the totality, first of all, of what happens to a person in his life and what he realizes.” At the same time, clarifying, the following provisions are given: “in philosophy, experience is the basis of all non-conceptual knowledge about reality”, “all science must be reduced to experience, it must be reliable: at the same time, knowledge cannot stop at experience”, “... experience must be ordered, verified, united with the help of thinking and even corrected, supplemented” [5].

In another philosophical encyclopedic dictionary, experience is understood as “sensory-empirical knowledge of reality based on practice; in a broad sense, the unity of skills and abilities” [6].

Victor Georgievich Panov believes that in philosophical literature the term “experience” is used in various senses: the totality of sensations and perceptions fixed in memory, skills and abilities; direct contemplation of the object; experiment; means and methods of practical and cognitive activity, etc. [7]. Francis Bacon believed that experience begins and consciousness comes to it, it tests the reliability of knowledge, it gives food to the mind. Without sensory assimilation of reality, the mind is dead, because the subject of thought is always drawn from experience. Experience is the best of all evidence [8].

Even representatives of the historical school of law (Gustav Hugo, Georg Puchta, Friedrich Savigny) proceeded from the fact that law is formed constantly and gradually, thanks to the emerging practice. As Mikhail Iosifovich Baitin noted, analyzing this direction of the doctrine of law, “the right of every people is a manifestation of this” people’s spirit “, expressing the common” consciousness “,” common conviction “of the people. Law is the result of a historical process.

Transmitted as if “with milk mother”, from generation to generation, law develops itself and peacefully, without any struggle and tension, slowly but surely paves its way, by the power of its own conviction gradually takes possession of the minds of people and manifests itself in their actions “ [9]. Georgy Davidovich Gurvich notes that the first studies of legal experience are found in the works of philosophers - jurists: Francois Zheny, Emmanuel Levy, Lev Iosifovich Petrazhitsky, Maurice Oriou [10]. As is known, later their postulates became the basis of the so-called “living law” theory, according to which law is embodied in the implementation of legal prescriptions; it includes legal actions, legal practice, the rule of law, the application of laws, etc. [11].

Representatives of other scientific legal schools also paid due attention to the importance of legal experience. Thus, Rudolf von Jhering argued that law is a living force that

is formed as a result of the struggle of interests and the generalization of historical experience [12].

The meaning and importance of experience was explored by Immanuel Kant in his Critique of Pure Reason, who put forward a number of propositions: experience is the main product of our mind, all knowledge begins with it; the judgments of experience are never strictly, but always only approximately universal; any extension of our knowledge cannot rely on anything else than an extension of experience; experience itself is the result of the activity of the spirit, presupposing certain “forms of the understanding” which alone make experience possible; it is only through experience or possible experience that concepts receive their reality; conclusions that go beyond the scope of possible experience are misleading [5].

It seems that the assertion that empirical, experimental research is directed directly (without intermediate links) to its object is of no small importance; it masters it with the help of such techniques and means as description, comparison, measurement, observation, experiment, analysis, induction, and its most important element is the fact [13]. In this regard, Valery Pavlovich Kokhanovsky emphasizes that “... empirical experience is never blind: it is planned, constructed by theory, and facts are always theoretically loaded in one way or another.” Therefore, from the position of a scientist, “the starting point, the beginning of science is, strictly speaking, not objects in themselves, not bare facts (even in their totality), but theoretical schemes,” conceptual frameworks of reality “, consisting” of abstract objects (“ideal constructs”) of various kinds - postulates, principles, definitions, conceptual models, etc. “[13].

According to Karl Raimund Popper, it is absurd to believe that we can start scientific research with “pure observations” without “something resembling a theory”. Therefore, some conceptual point of view is absolutely necessary. Naïve attempts to do without it can, in his opinion, only lead to self-deception and to the uncritical use of some unconscious point of view. Even the careful testing of our ideas by experience itself, Popper argues, is itself inspired by ideas: an experiment is a planned action, each step of which is guided by theory. Popper believes that if facts “do not have something theoretical built into them”, then such “facts” are neither the basis nor their guarantee [14].

3.2 Personal and Objective Professional Experience

Without going into the philosophical understanding of the concept of experience, we point out that two meanings of the term “professional legal experience” should be distinguished: 1) personal experience of the relevant subject, which is expressed in certain legal knowledge, skills, habits and mastery obtained in the process of sensory-empirical development Vitaly Viktorovich Goncharov, referring to the definition of professionalism, associates it with the performance by civil servants of their duties constantly and for regularly received remuneration, “with the manifestation of a deep and comprehensive knowledge of the rules and procedures, possession of practical issues in a certain field of activity” [15]. , the well-known psychologist Aleksey Nikolaevich Leontiev once wrote that “... there is still the possibility of understanding the personality only as an individual enriched with previous experience” [16].

According to Valery Vasilyevich Lazarev, “the influence on the behavior of the law enforcement officer of the acquired knowledge, habits, skills and abilities”, which constitute his “social experience” [17], is quite obvious. Bearing in mind this value of experience, Vladimir Nikolaevich Kartashov believes that it is expressed in certain knowledge, skills, abilities, habits accumulated by the subject of law enforcement practice in the process of learning, communication and activity. Defining experience as a part of legal consciousness, the author believes that it leaves an imprint on the nature and style of the activities of law enforcement officers, their use of legal means or techniques, and decisions made [18].

2) Objective legal experience that is formed in the course of a particular legal activity, in the process of highlighting in legal actions and operations, means and methods, decisions made, results of activities as more rational, progressive, correct, expedient, advanced, general and useful, which is important for the further improvement of specific legal activities [19; twenty]. The dissertation work of Aleksey Viktorovich Timofeev is devoted to the characteristics of objective legal experience [21]. Vladimir Nikolaevich Kartashov argues that the accumulated legal experience is the cumulative product of joint activity, since legal activity is carried out through the cooperation of its subjects [22]. In another work, the author writes that the externally objectified law enforcement experience is formed in the process of resolving specific legal cases, summarizing practice materials and finds expression in general and individually specific law enforcement acts. The scientist argues that by accumulating fairly stable, stable socially valuable aspects of law enforcement, law enforcement experience ensures stability in resolving similar cases, the continuity of the progressive aspects of law enforcement practice; it is included in the array of legally significant information (social and legal memory), which is necessary for the development and adoption of appropriate decisions [18]. In addition, the author draws attention to two more circumstances: firstly, to the fact that the analyzed experience is formed in the process of highlighting in law enforcement actions, means, techniques, results of the most rational, expedient, advanced, promising, which is important for further improvement normative and casual regulation; secondly, that it accumulates spontaneously and consciously in the process of resolving specific legal cases, conducting various checks, studying and generalizing practice, by comparing the results obtained when resolving similar issues, as well as when comparing the results obtained with the results desired, planned [18].

Tatyana Yuryevna Kulapova, defining legal (juridical) as an element of the legal system of society, believes that this is generalized collective knowledge expressed in legal provisions, constituting the cumulative result of the accomplished material-transforming activity, she also names some signs of the first: this is the result of legal activity, collective knowledge, generalized the result of a legally significant activity is formally reflected in legal provisions, etc. [23]. Basically, in solidarity with the author, it is hardly possible to agree with the position that "... the formation of legal experience is inevitable, regardless of the will of the subjects of legal activity" Aleksey Petrovich Rozhnov reasonably points out that "the socio-legal experience is experience developed with the conscious and organized use of the available legal norms in the individual power regulation of social relations" [24].

It seems that personal and objective professional legal experience are closely interrelated and complement each other, because the first is formed on the basis of the formulated objective professional legal experience, the content of which, in turn, is determined by the personal experience of the relevant subjects. For example, Georgy Davidovich Gurvich, in his work "Legal Experience and Pluralistic Philosophy of Law", showing this, under legal experience understood one of the types of direct collective experience, a special form of integral experience, within which both spiritual and sensual are perceived. The scientist wrote that in the everyday experience of lawyers, judges and court employees, plaintiffs and all other persons interested in the consideration of the case, direct legal experience is found in a potential form [10].

3.3 Professional Experience of Law Enforcement as a Psychological and Legal Problem

We believe that the problem of professional experience in law enforcement is a psychological and legal problem, because, as Alexander Ruvimovich Ratinov noted, "... the psychological aspects of legal consciousness play a conceptual role and are pivotal for legal psychology in general and its individual sections" [25]. In fairness, we note that, disagreeing with this provision, Oksana Davidovna Sitkovskaya believes that "one of the adjacent areas of

research cannot play a dominant, conceptual role in relation to other similar independent sections of science, this contradicts the basic principles of science of science. Another question, that the “psychological aspects of legal consciousness” adequately claim the status of a private theory of legal psychology with its own specifics and concept of research in this area”[26].

It seems that the appeal to social psychology in the study of the legal consciousness of the individual is quite natural and contributes to the enrichment of legal science. As the well-known lawyer of pre-revolutionary Russia Dmitry Andreevich Dril rightly pointed out, law and psychology deal with the same phenomena - the laws of human social life, and therefore law should borrow from psychology the means for studying consciousness [27]. Nina Viktorovna

Shcherbakova, analyzing the legal attitude as “the predisposition of the individual to the perception of the content of the rule of law, its assessment, readiness to commit an action, an act of legal significance, or as the likelihood of one or another variant of behavior (activity) in the field of legal regulation”[28], considering the first as the link that connects the personality and law, legal feelings, motives, relations with social and legal activity, legal behavior, quite reasonably believes that “knowledge of such a transition requires a deep analysis of legal consciousness, its structure and functions and those social conditions in which legal consciousness is located. This problem should not be considered only within the framework of “pure law” [28].

Keeping in mind the second, legal aspect, the side of this phenomenon, it should be recognized that it is formed in the process of formation of the professional consciousness of the law enforcement subject, which is interpreted ambiguously in the legal literature. So, according to Mikhail Yuryevich Osipov, professional education is typical for people who have only a legal education. The carriers of this type of legal consciousness, the author believes, “possess more or less complete knowledge of the current law; their awareness is systemic; their perception is dominated by rational components of legal consciousness, a positive attitude towards the current law, the ability to interpret and apply the rules of law” [29].

We believe that the most accurate are those scientists who claim that professional legal awareness consists of the views that develop among employees who are directly involved in legal activities and have professional legal knowledge and work experience (highlighted by us - Vladimir Valentinovich Kozhevnikov) (judge, lawyer, investigator, prosecutors employees, other civil servants, legal advisers, etc.). Gennady Grigorievich Shikhantsov, discussing the connection between legal consciousness and the process of socialization, in particular, argues that “... the life experience and practice of a person pays attention to the formation of his attitudes, attitudes, value orientations in the legal sphere”[30]. Professional legal awareness is formed on the basis of legal education and legal practice [31].

Vladimir Ivanovich Chervonyuk clarifies, emphasizing that professional legal consciousness is an idea of law that is formed among employees of the state apparatus (especially lawyers-practitioners) on the basis of an ideological ideology and special legal knowledge, and accumulating legal practice, experience in the application of law, competent understanding of all aspects of its content [32].

Indeed, the right is not realized spontaneously, automatically, but with the active participation of its subjects, who have a certain set of relevant qualities. It is not difficult to see that these scholars a priori associate the professional consciousness of lawyers with the experience of applying law. An analysis of the legal literature shows that legal consciousness is most often called as a subjective factor influencing law enforcement [33;34]. Scientists believe that “legal consciousness, especially professional, influences ... the process of implementing the law, thereby affecting the legal order of society”[35]. Victor

Lavrenevich Kulapov and Alexander Vasilyevich Malko argue that legal consciousness plays a significant role in various areas of legal life. It is an internal, ideal determinant of any

legal activity [11]. On the other hand, it is necessary to take into account the psychological aspect of the professional legal experience of the law enforcement entity. Sergey Leonidovich Rubinshtein, agreeing that the concept of personality is a social, and not a psychological category, believed that the personality itself as a reality, as a piece of reality, having diverse properties, including natural, and not just social, is the subject of study of various sciences, including psychology, because “there is no personality without a psyche, moreover, without consciousness.” At the same time, the scientist believed that “... the mental aspect of the personality is not adjacent to others; mental phenomena are organically woven into the integral life of the individual, since the main vital function of all mental phenomena and processes is to regulate people’s activities. Being conditioned by external influences, mental processes determine behavior, mediating the dependence of the subject’s behavior on objective conditions”[36].

In psychological science, it is argued that not only interpersonal relationships, but also mental processes are derived from the properties (features) of the personality - “stable formations that provide a certain level of activity and behavior that is typical for a given person”[37]. They are also considered as elements of the psychological structure of the personality, united, due to their huge number, into the corresponding structures, among which the greatest importance is given to the properties of temperament, social experience and orientation of the personality [38].

At one time, the German scientist Karl Joseph Anton Mittermeier in his work “The Doctrine of Evidence”, arguing the need for a psychological justification of judicial activity, wrote the following: “Sometimes a judge has to be not a lawyer, but an expert on the human heart, if he wants to correctly understand the testimony, motives criminal behavior, etc.”[39].

It seems that one should agree with Alexander Ruvimovich Ratinov, who rightly emphasized that “... when solving complex cognitive problems, empirical experience is not enough. Thus, without serious psychological preparation, it is impossible to uncover and successfully investigate crimes of a non-obvious nature”[40].

We believe that poor psychological preparation is a chronic, painful flaw in the professional activities of law enforcement officers. Shortcomings in psychological preparation often prompt them to use force, violence, threats and other illegal measures. Considering psychological culture as a constituent component of the professional culture of the law enforcement entity, we note that the first implies that the relevant employees have a developed system of psychological knowledge, as well as skills and techniques that ensure a high culture of communication,

In modern conditions, a deep understanding is required that a special legal education without professional psychological training is a hidden and dangerous defect, which in difficult situations of operational activities can nullify the legal training of an employee and lead to disruptions and errors. For example, very often it is the psychological compatibility of contact with those who committed a crime, with witnesses or victims who are afraid to testify for any reason, in general with any person that an internal affairs officer encounters in the course of their activities, can lead to success. . In the literature, scientists reasonably talk about “psychological support for the implementation of legal norms”[30].

In this regard, it is necessary to agree with the writer Sergei Alexandrovich Vysotsky, who emphasizes that “the main weapon of a detective is the ability to talk with people. Eighty percent of the work of a criminal investigation officer consists of conversations with victims, with witnesses, with experts and all sorts of specialists, with experienced people, with criminals, in the end, and on how to direct the conversation What words to find, the success or failure of the operation often depends on the ability to listen” [41].

In our opinion, the professional face of a police officer in modern conditions is determined by his level of training in such areas as psychology and sociology, his ability to navigate in the field of interpersonal and family relations, communication skills, deep

knowledge of all the subtleties of ethnic and racial problems, the skills of artistic transformation into appropriate images to establish and maintain the necessary contacts with the population. Speaking about the professional beginning in the activities of the internal affairs bodies, Valery

Vasilievich Lazarev believes that it “involves special training, the assimilation of a certain set of knowledge, constant updating and deepening them in close connection with practical transformational work” [42]. According to Yuri Igorevich Osipov, a generalized definition, based on many concepts existing in American literature, is the definition of professionalism in the activities of the police as a set of special knowledge and skills that allow the police to perform their inherent functions, including those associated with the use of physical coercion [43].

Yuri Valentinovich Chufarovsky notes that “long-term memory serves to remember information for a long time, often for a lifetime. This type of memory is the most important and most complex ... The flow of the process of memorization, storage and subsequent reproduction is determined by the place this information occupies in the activity of the subject what is its significance, what does he do with this information. The most productively remembered material is related to the purpose of the activity, with its main content” [44].

Marat Iskhakovich Enikeev argues that the selection of information included in long-term memory is associated with a probabilistic assessment of its future applicability, the prediction of future events. The amount of long-term memory depends on the relevance of information, i.e., on what meaning the information has for a given individual, for his leading activity [45].

Speaking about the concept and content of personal professional legal experience, one should agree with its concept: “this is a system of legal “scenarios” stored in the long-term memory of an individual that reflects the social and legal situations of reality, as well as fixed knowledge, skills, abilities, habits, etc. .p., acquired by him in the process of upbringing, education and practical activity” [46]. Alexander Fedorovich Karavaev argues that “professional development is a long individual process of activity to acquire knowledge, develop skills and abilities” [47].

The point of view of the authors, who, speaking about the general causes- conditions of erroneous legal activity, is highly controversial, they call “lack of necessary professional knowledge, qualities, skills, experience, etc. among the subjects ... of practice” [48], not taking into account the role experience that synthesizes all of the above components.

3.4 Positive Characteristics of Professional Law Enforcement Experience

We believe that, on the one hand, the professional experience of law enforcement officers of the internal affairs bodies, summarizing their legal knowledge, skills and abilities, helps them navigate the evidentiary information, select from it everything necessary for the correct resolution of a particular legal case, taking into account the requirements of the norms of substantive and procedural law [49].

Vladimir Nikolaevich Kartashov and Aleksey Vasilyevich Timofeev quite accurately noted the following: “when a subject has sufficient personal experience in regulating a certain area of social relations, he not only knows exactly the purpose and objectives of legal activity, but, more importantly, he can clearly determine how in a particular situation, it is possible to most rationally and effectively influence the object of regulation in order to obtain the desired result” [46].

The positive side of this phenomenon is obvious. It facilitates and reduces the time it takes to make a decision. In our opinion, the position of Aleksey Petrovich Rozhnov deserves attention, arguing that “the experience accumulated in the course of law enforcement is polystructural: in addition to the experience of resolving the merits of law enforcement cases, at the early stages of law enforcement, intermediate procedural experience is accumulated in knowing the actual circumstances of the case, evaluating evidence, formulating conclusions,

etc. [24] Apparently, it is no coincidence that in the legal literature they note the fact that in no other profession life experience, especially professional, is so important as in the work of an investigator, other subjects of law enforcement [50]

3.5 The Negative Side of the Professional Experience of Law Enforcement

It seems that, on the other hand, it should be borne in mind that, along with a positive role, the professional experience of law enforcement officers may have some negative aspects.

At the same time, it should be taken into account that the same type of legal situations, on which professional experience is oriented, usually give rise to stereotyping of intellectual processes, patterned actions and operations of these persons, which make it difficult to see the originality of a particular life case [51].

The literature draws attention to the fact that the law enforcement activities of most legal professions are characterized by an extraordinary variety of tasks to be solved. Each new case for the subjects of law enforcement “represents a new task and the less pattern will be allowed by these persons, the more likely the correct outcome in the search for truth” [44]. Indeed, in the course of his work, a lawyer has to deal with various life situations, the fate of different people. All this in the aggregate and each situation separately, according to Ilya Isakovich Aminov, “require an individual approach, a careful study of the legal relations that have arisen.” As the author believes, “... in order to evaluate certain actions in the most qualified and adequate way, to solve this or that issue, a lawyer, in addition to purely professional knowledge, needs extensive psychological knowledge” [52].

Many scientists paid attention to the characterization of the negative properties of professional experience. For example, they noted that “when studying the rational-emotional components of professional legal consciousness, it reveals... certain types of professional deformation, bone stereotypes, stereotyped assessments generated by the one-sided influence of experience” [53]. Nikolai

Yakovlevich Sokolov believes that the one-sided influence of the professional experience of lawyers can lead to bone stereotypes, stereotyped assessments, a decrease in emotional attitude to what is happening, and neglect of unprofessional opinion. There are also such lawyers who are confirmed by formalism, bureaucracy, and sometimes they themselves take the path of violating the requirements of the law [54]. At one time, Polina Abramovna

Lupinskaya believed that “the same type of legal situations give rise, as a rule, to the stereotyping of intellectual processes, stereotyped actions and operations” of the relevant officials, “making it difficult to see the originality of this or that life case” [51].

Thus, a survey of 300 investigators from the prosecutor’s office and the Ministry of Internal Affairs showed that 18% of the respondents took actions not because they were dictated by the investigative situation, but because they had previously considered similar cases and taken similar actions; about 25% of respondents who have worked for more than 5 years said that they more often began to manifest the habit of thinking and acting automatically in situations that had already occurred in their practice. Characteristically, when investigating cases with investigative errors, 35% of investigators showed an accusatory bias, non-criticality, arrogance in assessing the case materials and making a decision, which is usually associated with a manifestation of professional deformation that occurs with increasing age and length of service, along with the acquisition of professional experience [55]. And although this study was carried out quite a long time ago, it seems that it has not lost its relevance to the present.

Scientists who distinguish between levels of professional competence also analyze the corresponding stages of professionalization: the first stage of unconscious incompetence - a person does not yet have the necessary knowledge, skills, and he does not know about their absence or, in general, about possible requirements for the successful implementation of activities; the second stage of perceived incompetence - a person realizes that he lacks the

necessary professional knowledge, skills and abilities. Turning to the analysis of skills as well-established ways of performing actions, psychologists believe that a feature of their education is their gradual automation. As the skill is developed, consciousness control is gradually turned off. Turning an action into a skill makes it possible to free up consciousness to solve more complex tasks of activity [56]. Awareness of a lack of competence can stimulate professional activity and personal growth, but can lead to a feeling of insecurity in one's abilities, increased anxiety, which hinder further professional growth; the third stage of conscious competence - a person knows what exactly is included in the structure and makes up the content of his professional knowledge, skills and abilities and can effectively apply them. The authors argue that the process of professionalization is cyclical. Kirill Dmitrievich Titaev and Maria Sergeevna Shklyarchuk, based on sociological research, came to the conclusion that they go to the investigation immediately after the university, having no other work experience. And this trend has been increasing in recent years [57]. At the highest level of skill, a stage of unconscious competence may arise, when many actions are performed at the level of highly automated skills or intuition. A person often cannot explain why in a given situation he performed this particular set of actions that led to an effective result [58].

Given the positive in professional experience, one should agree with the idea of the need to have documents in the internal affairs bodies summarizing the experience of the employees of the internal affairs bodies, which would allow preserving this invaluable heritage for future generations. In this case, we are talking about a methodology for the disclosure and investigation of certain types of crimes, including a system of the most appropriate methods for organizing the disclosure and investigation of crimes, the use of tactics and scientific and technical means in specific conditions for the disclosure and investigation of certain types of crimes. We believe that for employees of the internal affairs bodies, from the point of view of increasing their professional legal experience, the decisions of the Plenum of the Supreme Court of the Russian Federation on judicial practice in a certain category of criminal cases, which are an example of a correct and necessary understanding and application of law, are relevant. Despite the fact that the introductory parts of the plenums of the highest judicial instances, referred to as legal provisions, usually begin with the words: "based on the study of practice", "generalization of practice testifies", and such reasons as "lack of unity in the understanding and application of laws", "misunderstanding, interpretation of laws", etc., these circumstances do not exclude the recognition of legal provisions of law-making significance [32].

3.6 Professional Deformation

At the same time, one should also take into account its negative consequences - professional deformation, the danger of which lies not so much in itself, but in relation to it. Knowledge of the phenomenon under consideration and, in connection with this, a critical attitude to the assessment of one's decisions and actions can warn practitioners of the internal affairs bodies against wrong actions. On the contrary, the lack of criticism, arrogance and complacency, forgetting that each legal case is individual, the manifestation of a sense of omniscience and hence one's infallibility can lead to an accusatory bias [59] and cause serious errors in the law enforcement process. Meanwhile, as Marat Iskhakovich Enikeev rightly notes, "... the functions of the investigator are not accusation and not defense, but the search for truth in the process of investigation through a complete, objective and comprehensive study of the circumstances of the case"[45].

Professional deformation is a negative socio-psychological phenomenon that appears in the form of various personal behavioral manifestations that have a destructive effect on the process and result of professional activity. This is a condition in which a person transfers the images of a certain group of people to everyone, for example, a doctor begins to consider all people sick, a warden - prisoners, an investigator - criminals (suspects). This is just one of the

manifestations of professional deformation. Professional deformation affects the decrease in empathy [44] (from the word “empathy” as understanding the feelings of other people and the willingness to provide emotional support; this is the ability to put oneself in the place of another person (or object), the ability to empathize, the ability to perceive the inner world of another accurately with the preservation of emotional and semantic shades) of personality traits - callousness appears, unwillingness to take on someone else’s pain, lack of mercy and humanity, unwillingness and inability to understand another person; there is a reluctance to communicate, tact is reduced, rudeness is manifested; reduction of responsibility.

As Marat Iskhakovich Enikeev writes, “the authority of an investigator can cause and consolidate such negative personal qualities as arrogance, swagger, rudeness, and spiritual callousness. The constant subordination of the activities of the investigator to procedural regulation can contribute to rigidity (i.e., the difficulty or impossibility of changing the program of activities in situations requiring its restructuring - Vladimir Valentinovich Kozhevnikov), inflexibility, adherence to template solutions, formalism; constant contact with asocial manifestations – to form a stable suspicion, bias, a tendency to an accusatory bias in their activities.

The frequent shortage of time can lead to haste, superficiality, neglect of certain procedural requirements. These possible manifestations of personal and professional deformation should be removed by the investigator’s developed, stable self-control” [45]. The team of authors - Alexander Fedorovich Karavaev, Mikhail Ivanovich Maryin and Vyacheslav Evgenievich Petrov - in their textbook believes that, firstly, according to various studies, the whole complex or individual manifestations of professional deformation are found on average in every fourth or fifth law enforcement officer ; secondly, that professional deformation is an objectively existing phenomenon that accompanies a person in his professional activity; thirdly, that in the most general form, professional deformation is a distortion of the nature and results of the professional activities of the internal affairs bodies, their official and out-of-service relations in the team, the development of negative psychological traits of character in the spiritual world of employees (deformation of consciousness); fourthly, that the subjective cause of deformation is psychological unpreparedness [60], determines the forms of its manifestation: insensitive, formal attitude towards people, lack of empathy, compassion; unscrupulousness; dishonesty, self-interest, dishonesty, indifference to the individual, the object of professional activity; low professional level; vindictiveness, malicious, suspicious attitude towards people; misunderstanding of power, abuse of it; deliberate violation of the basic principles of humanism, morality and its norms (duty, honor, conscience, dignity, etc.) [60].

Vladimir Nikolaevich Kartashov drew attention to the fact that professional thinking is characterized by significant accuracy, a certain schematism, which is due to the fact that specific types (types) of legal activity are characterized by situational, informational, normative, procedural and other repetition. The same type of legal situations give rise, as a rule, to the stereotyping of intellectual processes and patterned actions and operations. This sometimes leads to formalism and bureaucracy, perversions in legal activity [61]. Ilya Lvovich Chestnov also substantiates the position according to which “... in the vast majority of legally significant situations, a person (we are talking about the subject of law enforcement - Vladimir Valentinovich Kozhevnikov) does not reflect (calculates) his actions, but is guided by typifications or stereotypes of behavior that have developed on the basis of his experience”[62].

According to Nina Lvovna Granat, the formation of a specialist, in particular an investigator, goes through two stages: 1) during the first 5-7 years of work in the same service, in the same position or in the same specialty, the employee, under normal conditions, masters the profession, acquires a qualification; 2) after 7-10 years or more and for a longer time, with no change in the profile and nature of work, lack of immunity and effective prevention,

undesirable changes in the consciousness and personality of the employee occur, which are commonly called “professional deformation”. The author argued that the latter is an objective regularity, in any case, when solving mental problems in legally significant situations. Its action intensifies or weakens depending on the situation, the atmosphere in which professional activity and personality are realized. Nina Lvovna Granat paid special attention to the fact that professional deformation necessarily causes undesirable changes in the presentation and evaluation of the principles of law and morality, their value and functions. At the general social, ideological level, such a deformation was called “legal nihilism.” Moreover, the latter, according to the author, as a result of socio-psychological deformation of professional legal consciousness, is expressed in the non-recognition of: 1) the priority of the rights and freedoms of the individual; 2) rights and legality as the highest moral and political values; 3) belittling their role and values in the hierarchy of other preferences and priorities [63].

Speaking about crime in law enforcement, Igor Ivanovich Karpets noted that “... no less a tragedy for employees ... is that they are subject to the reverse influence of the criminal world itself. They see the evil of violent crime and themselves get used to the use of violence”

[64]. At the same time, we emphasize that the professional deformation of the law enforcement subjects of the internal affairs bodies in various forms of its manifestation objectively determines not only negative legal, but also non-legal consequences, in particular, a low assessment by the population of the activities of the relevant law enforcement agencies. Thus, in the 2nd and 4th quarters of 2016, the FGKU VNII of the Ministry of Internal Affairs of Russia conducted measurements of public opinion in 85 subjects of the Federation about the activities of the police (94 thousand Russians). As a result of this sociological study, it turned out that in 2016, 47% of Russians express confidence in the police officers of their region (in 2015 - 46%), but the other half of the citizens (47%) still treat the police with distrust. Some of the interviewed citizens had to deal with certain illegal actions of the police: every tenth witnessed rude and tactless treatment (11%), use of official position for personal purposes (8%); there are cases of distortion of facts (7%), bribes (6%), etc. [65].

In 2021, the All-Russian Public Opinion Research Center conducted a sociological survey of 47,125 respondents in 85 constituent entities of the Russian Federation, which showed that 57% of Russians surveyed trust police officers in their region. The index of confidence in the police officers of the region amounted to 22 p.p. Most of all, our fellow citizens trust the following police units in their region: transport police (trust index 46 points), duty officers (42 points), district police officers (39 points), adult inspectors (38 points), as well as employees of the criminal investigation department (p. 38).

More than a third of Russians (37%) rate the work of the police in their region well, 42% of respondents gave average ratings, and 13% gave poor ratings. The police work assessment index is 52 points. For 12 years, the police work assessment index has increased by 11 points (41 points in 2009). The highest level of public confidence in police services and units is noted in relation to the work of: district police officers (63%), duty officers (63%), police officers at transport facilities (59%), patrol officers (58%), employees Criminal Investigation Department (58%), employees of departments for juvenile affairs (56%), traffic police officers (55%).

In the minds of the citizens of the Russian Federation, a positive rather than a negative image of a modern policeman has been formed. When comparing positive and negative associations associated with the image of a police officer in 2021, the majority of respondents chose predominantly positive characteristics: neat (81%), brave (59%), strong and strong (59%), polite and well-mannered (59%), friendly (56%), hard-working (56%), decent (56%), ready to help (56%), competent and competent (55%), fair (52%) [66].

V. Conclusion

As a result of the study, it can be concluded that the professional experience of law enforcement officers of internal affairs bodies in the law enforcement sphere, formed in the process of upbringing, education and practice and summarizing the relevant professional knowledge, skills and abilities of law enforcement entities, on the one hand On the other hand, it helps them navigate the evidentiary information, to select from it everything necessary for the correct resolution of a particular legal case, taking into account the requirements of substantive and procedural law, however, on the other hand, it should be borne in mind that the same type of legal situations that professional experience focuses on, give rise, as a rule, to the stereotyping of intellectual processes, stereotyped actions and operations of these persons, which make it difficult to see the originality of a particular life event, lack of criticality, arrogance and complacency, forgetting that every Each legal case is individual, the manifestation of a sense of omniscience and hence its infallibility can lead to an accusatory bias and cause serious errors in the process of law enforcement in this area..

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