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Phenomenology of Legal Conflict

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ABSTRACT

This study aims to generate scientifically-based knowledge about the essential features of a legal conflict and its nature using phenomenological methodology. It relies on axiological studies of law existence and phenomenological interpretations of the life of law.

This study analyzes interpretations of legal conflict in terms of foreign general sociology and domestic law conflictology. Attention is drawn to the ambiguity in the scope of the category under research — ranging from a purely normative version exclusively indicating a clash of interests in law regulation to broader interpretations that imply conflict over relevant benefits. In this study, several possible fields of legal conflict were identified: contradictions between law consciousness and the content of real law relations, law ideas and elements of law relations, and value orientations and legal requirements. A legal conflict is defined as a contradiction between subjects of law regarding the implementation, application, violation, or interpretation of the rules of positive law caused by the antagonism of their social and legal interests, as well as differences in attitudes toward the rules of law and legal values.

This study differentiates between legal conflict and dispute. The essence of the conflict is considered in ontological, epistemological, and axiological aspects. The essential feature of a legal conflict is its mixed nature, which combines objectivity and subjectivity. The conflict is explained as an intersubjective category, due to the relative nature of the legal conflict and the dependence of its occurrence, course, and resolution on the positions of the participating entities as well as the competent entity designed to resolve it. A legal conflict presupposes the impossibility of realizing the interests of subjects of law relations when obstacles arise that require overcoming through law. Additionally, the conflict is procedural and extensive and goes through several stages discussed in the work. A legal conflict is directly related to the phenomenon of social anomie, which implies uncertainty: the presence of obstacles to satisfying the interests of the conflict subjects requires a clearer definition of boundaries in their subjective rights, powers, and legal obligations. Overcoming legal conflicts presupposes a high readiness of society not only for conflict but also for compromise actions.

Keywords: legal conflict; phenomenological methodology; axiological studies; legal relations; legal interest; legal dispute, conflict resolution; law consciousness.

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Феноменология юридического конфликта

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АННОТАЦИЯ

Исследование имеет своей целью формирование научно обоснованных знаний о сущностных чертах и природе юридического конфликта на базе феноменологической методологии. Авторы опираются на аксиологические исследования правового бытия и феноменологическую интерпретацию правовой жизни.

В статье анализируются трактовки юридического конфликта с опорой на зарубежную общую социологию, а также отечественную юридическую конфликтологию. Обращается внимание на неоднозначность объема исследуемой категории — от чисто нормативистского варианта с указанием исключительно на столкновение интересов в правовом регулировании до более широких трактовок, предполагающих конфликт по поводу соответствующих благ. Авторы указывают на несколько возможных полей юридического конфликта — противоречия между правосознанием и содержанием реальных правовых отношений, правовыми идеями и элементами правовых отношений, ценностными ориентациями и требованиями законодательства. Юридический конфликт определяется в исследовании как противоречия между субъектами права по поводу реализации, применения, нарушения, толкования норм позитивного права, обусловленные антагонизмом их социально-правовых интересов, а также различиями в отношении к нормам права и правовым ценностям.

В работе дифференцируются юридический конфликт и юридическая коллизия. Сущность конфликта рассматривается в онтологическом, гносеологическом и аксиологическом срезах. В качестве сущностных черт юридического конфликта обозначается его смешанный характер, сочетающий объективность и субъективность. Более того, конфликт интерпретируется через категорию интерессубъективности. В свою очередь, это связано с релятивностью юридического конфликта, с зависимостью его возникновения, протекания и разрешения от позиций участвующих субъектов, а также компетентного субъекта, призванного его разрешать. Юридический конфликт предполагает невозможность реализации интересов субъектами правовых отношений, когда на их пути возникают препятствия, требующие преодоления правовыми средствами. Также конфликт носит процессуальный, протяженный характер и проходит несколько стадий, рассмотренных в работе. Кроме того, юридический конфликт напрямую связан с явлением социальной аномии, которая предполагает неопределенность: наличие препятствий на пути удовлетворения интересов субъектами конфликта требует более четкого определения границ в их субъективных правах, полномочиях, юридических обязанностях. Преодоление юридических конфликтов предполагает высокую готовность общества не только к конфликтным, но и компромиссным действиям.

Ключевые слова: юридический конфликт; феноменология права; правовое отношение; норма права; правовой интерес; правовая ценность; правосознание.

Как цитировать

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INTRODUCTION

The ontological basis for the emergence and existence of law and legal reality is rooted in social conflict, which is intrinsically linked to the concept of compromise. The interests of social actors often diverge, leading to conflict in various societal spheres [2, pp. 38–39]. While the formation of law is influenced by multiple factors, its primary objective is to establish and maintain stable relations within society, ensuring its survival and enabling it to compete effectively with other societies. In this context, law can be regarded as a crucial instrument for regulating social life [3, p. 10]. It is challenging to unequivocally determine whether conflict is a teleologically foundational point of legal formation [4, pp. 281–282]. Perhaps, in the early stages of legal regulation, the primary elements are mechanisms for conflict-free existence, involving various means justifying and convincing group and society members of the necessity to adhere to legal rules for a just and harmonious life.

Nevertheless, legal conflict is initially perceived as an inevitable consequence of objective reasons, such as discrepancies of interests and differing views on the structure of society. However, these conflicts should be managed in a manner that restores some balance in mutual relationships. They can also introduce new perspectives that, once properly assessed and resolved, can enrich future situations. It should be noted that, in most cases, the actions of individuals entering legal relationships are not primarily aimed at creating conflict, suggesting that conflict is somewhat secondary to the overall goal of harmonizing relations in society.

Legal conflictology, as a scientific discipline, began to take shape alongside the development of general conflictology, applying its methodologies to legal issues in synergy with specific legal science methods. The evolution of conflictology in foreign contexts can be divided into two distinct phases. The initial phase, spanning from the 1950^s to the 1970^s, witnessed the emergence of conflictology as a sociological field, with a focus on understanding its underlying causes and functions (J. Bernard, R. Dahrendorf, L. Coser) and attempting to develop corresponding theories (K.E. Boulding, L. Kriesberg). In the second phase, scholars focused on conflict resolution and prevention (J. Burton, R.J. Fisher).

In addition, postmodern philosophers like J.-F. Lyotard, addressed conflict, arguing that the main political imperative is to create communities that respect the integrity of diverse groups based on heterogeneity, conflicts, and disagreements. The general theory of social conflicts, despite its contradictions, has shaped Western science's approach to understanding the nature, solution, and role of legal conflicts in society. For example, C.R. Sunstein highlighted the special role of law and courts in overcoming conflicts and ensuring peaceful coexistence among citizens.

In the 1990^s, national conflictology and, consequently, legal conflictology began to take shape, as Soviet ideology had previously denied the existence of conflictogenicity in Soviet society, demeaning conflictology as a bourgeois science. Significant contributions to the development of legal conflict theory were made by V.N. Kudryavtsev, who co-authored several monographs on the subject. Kudryavtsev defined legal conflict as a confrontation between legal subjects regarding the application, violation, or interpretation of legal norms, considering this the most civilized form of confrontation. This perspective is further developed in the works of other authors. V.M. Baranov, for instance, emphasizes the potential for preventing, suspending, terminating, and resolving conflicts through legal means and procedures. D.V. Bogdanov views legal conflict as normatively and interprets it as a social conflict within the sphere of social relations regulated by legal norms. T.V. Khudoykina's distinction between legal conflict in a narrow (purely legal) and broad sense (as a social conflict with legal elements) is of significant academic interest.

Russian legal scholars continue to focus on specific issues in legal conflicts context. For instance, S.V. Sudakova has researched conflict resolution, while M.M. Vasyagina has examined conflict prevention. This approach to studying legal conflicts is still relevant.

This study develops scientifically grounded knowledge about the essential features and nature of legal conflict using a phenomenological methodology. Methodologically, the study draws on C. Cossio's phenomenological ideas about the influence of legal values on the intensity and intersubjectivity of legal existence, as well as M.I. Pantykina's phenomenological concept of legal life.

MAIN PART

Concept of Legal Conflict

The conflictogenicity nature of social development is widely recognized, as supported by findings from modern humanities research. Despite society's efforts to foster conflict-free coexistence, historical analysis has revealed that conventional agreement often results from overcoming social conflict [5].

Many social conflicts evolve into legal disputes because most social interactions are governed by legal frameworks [6]. As society progresses, various "conflict fields" emerge, including gaps between the public's legal consciousness and the realities of existing legal relations, conflicts between new legal ideas and outdated elements, and clashes between value orientations and formal legislative requirements. This conflictogenicity phenomenon is especially evident in transitional societies. Transition periods often destabilize legal regulation, as norms can become blurred or change too frequently, or, conversely, remain stagnant and fail to improve in a timely manner. This lack of clarity can disorient individuals regarding their expectations when engaging in legal relationships [7]. Furthermore, during such periods, the stability of legal interpretation can be compromised, leading to increased potential for legal conflicts.

It is important to distinguish between legal and judicial conflicts, although both are types of social conflicts [8, p. 76]. If legal conflict encompasses contradictions in a broader legal reality, judicial conflict is specifically related to positive law [9].

A legal conflict arises from disagreements among legal subjects over the implementation, application, violation, or interpretation of positive law norms, driven by conflicting social and legal interests or attitudes toward legal norms and societal values. These differences can manifest at various levels: epistemologically, due to differing understandings of the nature or application of a norm; ontologically, due to contradictions in norm implementation or legal behavior; and axiologically, due to differing value orientations among subjects.

Epistemologically, a legal conflict may stem from varying interpretations of rules of conduct, their objectives, and the legal means employed. This can lead to misconceptions

about how to pursue interests, potentially conflicting with those of others. Sometimes, a legal conflict may be artificially constructed if individuals articulate interests influenced by manipulation or false goals. In such cases, arguments grounded in common sense and alternative approaches may not be effective, especially for individuals who cannot engage in serious reflection [10].

While explicit legal definitions of legal conflict are not present in legislation, there are indirect references, such as those found in the Constitution of the Russian Federation¹ and other legal documents. These references highlight special legal states and grounds for conflict situations, such as the concept of conflict of interest addressed in Article 10 of the Federal Law on Combating Corruption².

Ontologically, legal conflicts can arise from contradictions between established norms of positive law and perceptions of necessary or permissible behavior. When legal norms become obstacles to achieving certain goals, individuals may breach these norms, provoking reactions from others involved in legal relationships or interactions. The most extreme manifestation of an ontological legal conflict is a crime [11]. Despite differing perspectives on the causes of legal conflict between legal professionals and those within the criminal world, current legislation provides mechanisms for resolving such conflicts, including simplified procedures (as outlined in Chapter 32.1 of the Criminal Procedural Code of the Russian Federation³). These procedures allow for mutual concessions, acknowledging the antagonistic nature of the parties' interests.

Axiologically, a legal conflict may be rooted in differing perceptions of the values underlying certain social relations or varying interpretations of the same values. This includes not only purely legal values such as formal equality or

¹ The Constitution of the Russian Federation was adopted by popular vote on December 12, 1993, and subsequently amended via nationwide voting on July 1, 2020. This information is sourced from the official internet portal of legal information. The URL is <http://www.pravo.gov.ru>, as of October 6, 2022.

² The Federal Law of December 25, 2008, No. 273-FZ (edition of December 19, 2023), "On Combating Corruption" // Collection of Legislation of the Russian Federation, December 29, 2008, No. 52 (Part 1), Art. 6228.

³ The Criminal Procedure Code of the Russian Federation, as originally enacted on December 18, 2001 (No. 174-FZ) and subsequently amended on February 14, 2024 // Collection of Legislation of the Russian Federation, December 24, 2001, No. 52 (Part 1), Art. 4921.

the primacy of law but also socio-cultural values central to the conflict [12, p. 26]. These conflicts can occur within the realms of private and public law or between purely private or public values. The escalation of a legal conflict centered around differences in values tends to be deeper and less reconcilable, reducing the chances of finding a resolution that satisfies all parties involved. This is often because such conflicts involve deeply ingrained beliefs in the correctness of one's position. While every conflict involves subjective interpretations by the parties, a focus on value principles intensifies the dynamics. A significant factor in resolving such conflicts is the goal-setting of the involved parties and their capacity to seek resolution through non-coercive means, such as compromise. This can often be facilitated by a mediator, a neutral third party trusted by all sides and holding a status that enables them to facilitate conciliatory actions. Mediators, judges, or arbitrators can play this role, with the decisions being both recognized by the parties and implemented in practice to restore peaceful coexistence within the community [13].

For instance, the potential for conflict of interest between apartment owners in residential buildings and those who rent out their units for short-term stays is a complex issue. This situation involves a clash between the owners' rights to be free from disturbances and the rights of other owners to rent out their properties, potentially transforming the space into a hotel-like environment⁴. The Constitutional Court of the Russian Federation addressed this issue by applying relatively defined concepts, which were evaluated on a case-by-case basis according to their functional implications.

For example, a conflict of interest between an apartment owner in a residential building and a tenant who is renting the apartment for short-term stays can be quite complicated. This involves the owner's right to a disturbance-free environment and their right to lease the apartment for short-term rentals, potentially turning the apartment into a quasi-hotel. The Constitutional Court of the Russian Federation

interpreted this situation using specific, defined concepts and evaluated each case functionally.

A fundamental condition for a genuine legal conflict is a certain degree of willingness among participants to negotiate, engage with third parties, and make compromises. This is particularly relevant in multicultural societies where individuals base their legal behavior on diverse value orientations or legal systems. In such societies, the potential for compromise is a crucial guarantee of stability and security in social development [14, p. 158]. However, the opposite scenario can also occur. In West Africa, for example, the coexistence of traditional and modern legal systems creates uncertainty among different social groups about which legal source will prevail in resolving a given situation. This uncertainty stemming from contested legal sources undermines trust in the legal system's ability to resolve disputes predictably, often leading to the use of non-judicial measures [15]. The situation is even more pronounced in modern Western European societies, where marginalized migrant groups, who were initially reluctant to compromise legally or culturally with the host society, have grown in significance. This has increased societal conflictogenicity and contributed to a more challenging criminogenic environment [16].

The absence of the abovementioned willingness to negotiate may indicate that a legal conflict has been used strategically to intensify tensions or apply pressure, ultimately undermining the primary goal of harmonizing legal interactions. In such cases, where the main legal objectives are not met, the actions and attitudes cannot be classified as a genuine legal conflict. Legal conflicts, in this sense, should not be viewed as extraordinary; they are phenomena influenced by a complex interplay of subjective and objective factors.

Signs of Legal Conflict

In general, legal conflicts can be analyzed dialogically. The dialogical theory of law, rooted in non-classical philosophy, considers legal interactions through the lens of dialogue, broadly defined as the recognition and consideration of the other in their interactions. Currently, dialogical theory can be seen as post-classical, sharing foundational concepts with post-classicism.

⁴ Resolution of the Constitutional Court of the Russian Federation of March 23, 2023, No. 9-P "On the Case of Verification of the Constitutionality of Part 3 of Article 17 of the Housing Code of the Russian Federation in Response to the complaint of citizen P.E. Bakhirev" // Collection of Legislation of the Russian Federation, April 03, 2023, No 14, Art. 2547.

This includes the principle of mutual complementarity, which applies both to methods used to research and evaluate social existence and to understand the causes and structure of conflicts. It is important to highlight the limitations of strictly formal legal analysis of legal conflict that relies solely on the interpretation of normative prescriptions. A significant portion of legal implementation involves the internal aspects of human mental activity, which influence subjects' choices of specific legal behaviors. The decision-making process is shaped not only by legal attitudes and motivations derived from an individual's personal legal experience but also by informal legal mechanisms that govern social interactions within a specific historical context.

Key principles of post-classical science, such as human-centeredness and intersubjectivity [17], align with the ideas we have outlined. Legal conflicts cannot be understood outside the context of human activity and consciousness. Reality is inextricably linked to human existence and its reflection in consciousness [18, p. 47]. Therefore, we must consider not only the modern individual legal reality but also the historical legal reality. Conflict arises and manifests not merely as a clash of abstract social groups but as a confrontation between groups' (or individuals') interpretations of their interests and means to satisfy them, considering the possible legal avenues and the potential for circumventing these means. This circumvention can occur through choosing unlawful actions, hoping to conceal the illegality, or through the use of informal methods of legal or social regulation, either in alignment with or contrary to the prescription of positive law. Alternatively, it may involve abandoning the effort to resolve the problem legally, acknowledging the impossibility of satisfying the interest through legal means.

Legal conflict, in this regard, is a complex system comprising external and internal aspects, with the former often predominating. Additionally, irrational motives, such as a struggle for status and reputation or personal animosity, should not be overlooked. A person's emotional state can significantly influence their decision to engage in, escalate, de-escalate, or withdraw from a legal conflict. Hence, achieving absolute objectivity in assessing a legal conflict is a utopian goal, as the formulation and

interpretation of interests are inherently intersubjective and occur within the framework of relevant interactions among subjects. These interactions include but are not limited to the promotion and direct propagation of specific lifestyles, often driven by advertising, the espousal of ideological postulates, and political elite efforts to shape legal and social realities. Consequently, the objectivity of interest is obscured within narratives set by society and individual social groups.

The role of an enforcer or mediator in resolving a legal conflict involves identifying the fundamental nature of the conflicting interests, considering the socio-cultural and historical context. Marxism, a component of classical scientific theory, offered a specific ideological perspective on defining the interests of different socio-economic classes, largely excluding the influence of non-economic factors on the development of legal conflicts. As a result, by the late 1970s and early 1980s, there was a significant lack of understanding of the true characteristics of their society (this is often attributed to the Soviet Union's leader, Y.V. Andropov) [19]. Nevertheless, the practice of defining supposedly objective interests persists, contributing to the oversimplification and schematization of legal conflict studies.

Intersubjectivity also shapes the mental structure of the conflict, influencing how the subjects, both the direct participants and those involved in conflict resolution, perceive the situation. Despite the principle of judicial independence and objectivity and impartiality of judicial proceedings enshrined in law, it is evident that these ideals serve as moral and legal benchmarks rather than as fully attainable standards. This view is supported by representatives of the realist school of law and other scholars who have studied the judiciary's nature. Notably, the famous lawyer A.F. Koni identified numerous factors that can influence a judge's decision-making process [20].

The social constructability of legal reality, as an aspect of post-classical science, is also evident in legal conflict: its causes, course, and conclusion can be shaped by participants' perceptions, which may find adequate or inadequate expression in legal behavior. A legal conflict is a phenomenon that persists over an extended period and is characterized by several features of post-classical science, including proceduralism, dynamism, and

relativism. The relativity of legal conflict is contingent upon the evolution of the situation, the actions of the parties involved, and the interpretation of these actions by the law enforcement agency. For example, the institutions of finding and theft and the relevant legal positions articulated by the Constitutional Court of the Russian Federation illustrate this point⁵.

Legal conflict is distinct from other types of social conflict due to several key characteristics:

- Objective-subjective nature: legal conflict involves a contradiction between an objectively existing norm or value and its interpretation by the subject: Intersubjectivity can be identified as a characteristic of legal conflict. The relativism in understanding legal norms and their interpretations means that legal conflicts often arise from the differing assessments of various subjects, whose authority and influence vary depending on their legal status. This variance in perspectives helps develop an understanding of the essence of legal conflict, which can differ when assessing similar conflicts.
- Conflictivity of the legal system: the complexity and interpretive nature of the legal system can increase the potential for legal conflicts, as different subjects may interpret the same legal norms differently. This, in turn, can increase the overall legal conflictogenicity of society.
- Inability to realize legal interest: In a legal conflict, subjects are unable to realize their legal interests due to the prevailing contradictions.
- Relativity in understanding: there is relatively little in determining the main meanings of a legal conflict, including the understanding of relevant interests, methods of realizing them, and interpretation of the positive law norms to which the parties refer.
- Procedural nature and temporal extent: legal conflict has a procedural nature and a temporal extent, with causal

links between the actions of actors at different stages of the conflict and the transformation of legal reality.

Legal conflict reflects societal anomie, associated with legal uncertainty. These conflicts represent objective contradictions between subjects that hinder the realization of interests and lead to crises in social relationships. Resolving conflicts enhances legal security and contributes to the harmonization of legal and social realities. While the existence of a legal conflict indicates fragmentation in legal reality, its resolution can lead to defragmentation and ultimately harmonization.

Legal conflict as a concept is closely related to but distinct from legal contradiction. While a legal contradiction involves conflicting norms regulating the same relationships, it does not necessarily result in a legal conflict. A contradiction can generate legal conflict or remain as such without escalating into an actual conflict.

Structure of Legal Conflict

For a legal conflict to arise, three key conditions must be met: first, there must be a conflict situation characterized by a violation or obstacle to the realization of the legitimate interests of a subject; second, the subjects involved must be aware of the opposing nature of their interests and goals; and third, the subjects must enter into active opposition against each other. The resolution of legal conflicts should lead to the achievement of social compromise in legal interactions and contribute to the harmonization of legal reality.

The structure of a legal conflict can be represented by the unity of four components: object, objective side, subject, and subjective side.

Object: In a broad sense, the object of a legal conflict comprises social relations, the differing interpretation of which leads to confrontation between legal subjects. The content of the object is revealed through the concept of the subject, which involves the socio-legal contradiction causing the conflict, which can be resolved through legal means.

Subject: The subject of a legal conflict is defined through its functions, which can be both general and specific. The general functions are determined by the primary intention of legal regulation, whereas specific functions are directly related to conflict dynamics. The two principal legal functions are regulatory and protective [21, p. 189]. Ideally,

⁵ Resolution of the Constitutional Court of the Russian Federation of January 12, 2023 № 2-P "On the Case of Verification of the Constitutionality of Article 227 of the Civil Code of the Russian Federation, Part One and Paragraph 1 of the Notes to Article 158 of the Criminal Code of the Russian Federation, Articles 75, 87 and 88 of the Code of Criminal Procedure of the Russian Federation in Response to the Complaints of Citizens A.V. Galimyanova and V.S. Puzryakov" // Collection of Legislation of the Russian Federation, January 23, 2023, No. 4, Art. 697.

a specific legal rule should integrate both regulation and protection, aiming to regulate relations at a conflict-free level. However, the potential for legal conflict necessitates the implementation of protective measures. The complexity of legal norms often results in situations in which protective measures are broadly applied, signifying structural diversity with functional stability.

An example of this is Article 23 of the Federal Law on Tobacco Smoking Restrictions⁶. Some legal institutions are initially aimed at protective regulation, but their existence outside of regulation would be meaningless. A protective legal institution cannot be independent of its regulation. The implementation of protective measures requires appropriate regulatory instruments for guarantees, specific rights, and obligations of the parties. The complexity of these measures leads to an increase in the number of such instruments, underscoring the inseparable existence of regulation and protection within a single system. This integration weaves legal conflicts into the fabric of legal matter both as potentialities and real phenomena, ultimately aiming to harmonize social life and balance subjects' interests.

Subjects of legal conflict: any participants in legal interactions, either individually or collectively can be subject to legal conflict. However, only individuals with at least partial or limited legal capacity can be subject to a legal dispute involving the establishment of a legal relationship. Persons without legal capacity or those deprived thereof cannot independently participate in legal conflicts.

The legal status of the subjects involved in a conflict should be considered with the relationship between the types of regulation characteristics of private and public law. A public law subject must not exceed its authority, while an ordinary individual or legal entity is permitted to engage in any actions not prohibited by law. The balance between private and public interests, such as in cases involving good faith in the acquisition of residential premises, is an important consideration.

⁶ The Federal law from February 23, 2013, No. 15-FZ (edited on July 24, 2023) "On Protection of Citizens' Health from the Effects of Ambient Tobacco Smoke, Consequences of Tobacco Consumption or Consumption of Nicotine-Containing Products" // Collection of Legislation of the Russian Federation, February, 25, 2013, No. 8, Art. 721.

For example, The Constitutional Court of the Russian Federation resolved this issue in favor of individual protection of private interests⁷.

Functions of legal conflict: legal conflicts, as a special form of social conflict, perform both negative and positive functions and contribute to social progress [22]. According to T.V. Khudoykina and N.A. Novikova, legal conflict explicates the deformation of legal reality, identifies gaps and inconsistencies in legal regulations, and adjusts the influence of legal norms. on legal reality. It encourages legal subjects to engage in actions that have proved effective for the development and functioning of the legal reality and prohibits actions that lead to deformation or dysfunctionality.

Social and legal contradictions can be objective and subjective. Conflicts may arise when there is a disputed legal fact or when participants in legal communication interpret a fact differently based on normative, value, or functional perspectives. This subjective aspect of a legal conflict not only reflects disparate systems of norms and values but also reveals participants' readiness to defend their interests through legal means. In resolving such conflicts, various strategies can be employed, including cooperation, compromise, and adaptation.

Dynamics of Legal Conflict

Legal conflicts are complex, dynamic social processes that unfold over time and consist of several distinct stages. According to P.A. Astakhov, a legal conflict can progress through successive stages [23]. We propose the following five stages of conflict development:

- 1) Pre-conflict stage
- 2) Stage of transformation of the legal conflict into specific legal relations
- 3) Conflict development stage
- 4) Conflict resolution stage
- 5) Post-conflict stage

⁷ The Resolution of the Constitutional Court of the Russian Federation of June 22, 2017, No. 16-P "On the Case on the Verification of the Constitutionality of the Provision of Paragraph 1 of Article 302 of the Civil Code of the Russian Federation in Response to the Complaint of Citizen A.N. Dubovets" // Collection of Legislation of the Russian Federation, July 03, 2017, No. 27, Art. 4075.

The dynamics of conflicts are not always linear; some stages may be absent or repeated in practice.

The pre-conflicts stage involves the emergence of contradictions between the parties regarding their legal interests. However, the mere presence of a contradiction does not necessarily signify conflict. For a conflict to emerge, the contradiction must be perceived and addressed by the parties. In other words, the contradiction must be seen as a potential source of conflict, prompting the parties to take action and address it. At this stage, the contradiction might be resolved through compromise, which strengthens legal certainty, or it might deepen, leading to increased legal uncertainty and progression to the next stage.

The initial stage is marked by the existence of legal relations among the subject, within which contradictions emerge. This raises the question of whether legal conflict can lead to legal relationships. While legal relations have traditionally been the primary context for implementing legal norms, conflicts can arise outside these relations. For instance, a pre-contractual dispute over terms can evolve into legal conflict and can be adjudicated in court. Additionally, there are cases where legal relations are established retrospectively, such as in the protection of a "legitimate interest", which requires justification for its legitimacy. In these cases, the legal conflict originates outside the traditional legal framework.

In the second stage, specific conflict relationships become clear to participants and potential mediators. For example, an appeal to a mediator signifies the conflict's entry into the legal realm. The mediator's role is to resolve the conflict using legal principles [24, p. 356] and to construct a conflict-free situation.

It is important to note that perception of what is possible and right can vary depending on social group affiliations. While legal conflicts are typically grounded in positive law, they rarely arise from legal norms alone. Individuals often bring their biases and legal experience into the conflict, which can influence their interpretation of law and approach to dispute resolution. This "intuitive law", as L.I. Petrazhitsky described, can affect how individuals engage with norms. This influence is particularly evident in family conflicts but can also be observed in labor and civil law disputes. At the second stage of a legal conflict, it is crucial to consider

both positive law prescriptions and the broader social factors affecting the conflict. This is particularly crucial when a mediator is involved, as their role is to facilitate a resolution while considering the parties' initial attitudes and positions, as well as the overall impact on legal communication and interactions [25].

In the third stage of conflict evolution, the conflict is addressed by a legal authority, which acts as an intermediary in resolving the situation. The objective is to identify the causes of conflict and methods to achieve conflict-free outcomes. This outcome should ideally result from interactions between the conflicting parties, facilitated by mediating law enforcement agencies. A typical example is a judicial investigation and debate, during which the truth is sought and potential resolutions are identified. This stage achieves the greatest possible satisfaction of the interests of all parties involved [26, p. 18].

The fourth stage involves the formal settlement of the legal conflict. At this point, the conflict situation is addressed, and the rights or legitimate interests of the parties are restored. The official mediator's decision is formalized through an individual legal act, which carries legal consequences for both the parties and others related to them. However, this stage does not always mark the end of the conflict, as provisions may exist for appealing the decision of the lower court, potentially reverting the process to earlier stages of the conflict. Furthermore, a transition to the fifth stage, involving both ontological and axiological resolution, may occur.

The involvement of direct parties and intermediaries with official authority at the third and fourth stages of a legal conflict highlights the controllability of the conflict situation. The participation of law enforcement officials ensures that solutions to specific situational conflicts align with the broader objectives of law enforcement activities.

The fifth stage eliminates all existing contradictions and normalizes the relationships between parties. The goal is to strengthen legal security, achieve conflict-free coexistence, and harmonize legal and social realities. Several outcomes are possible at this stage:

- 1) The parties acknowledge the impossibility of further conflict development and agree to legal communication based on the previously reached compromise.

2) The conflict is resolved ontologically, with the parties engaging in conflict-free legal communication despite maintaining contradictory value orientations, thereby moving the conflict to a latent level.

3) Despite the resolution at the fourth stage, one or both parties may not agree to a conflict-free coexistence, both axiologically and ontologically, resulting in continued conflictual behavior.

The consideration of other legal regulators, whether official or unofficial, during the maturation and entry into a legal conflict, is crucial for both scientific and practical analysis. While official conflicts are typically based on the norms of positive law, the influence of unofficial, unwritten social laws remains significant, especially in a context like the Russian legal system, which is characterized by transitivity. Unofficial laws can either support formal legal norms, helping to avoid conflict, or they may underlie informal relations masked by formal legal frameworks. In some cases, implementing unofficial laws may necessitate creating a fictitious legal conflict, using the norms of positive law to sanction those who violate informal regulations.

Typology of Legal Conflict

The development of a single typology of legal conflict is complicated by the nature of legal conflicts and the multitude of factors that influence their content and dynamics. To account for the variety of manifestations of conflict situations in the socio-legal sphere, it is necessary to abandon a single classification criterion and form a multilevel typology. This approach enables the development of optimal conflict prevention and resolution methods.

First, the typology of legal conflicts is based on the characteristics of the subject composition, distinguishing conflicts by the number of participants involved and their position within the legal communication network.

Conflicts can be classified into two categories: individual conflicts involving individuals and group conflicts involving social groups, whether real or nominal, regardless of the number of participants. A third category, which may be considered a hybrid of the first two, exists when one subject is individual and the other is collective. In the latter case, conflictogenicity is largely attributable to the discrepancy in the conceptualization

and comprehension of individual and social (group) justice [27], as well as the conventional contradiction in the interpretation of the relationship between law and justice [28]. Furthermore, the cultural characteristics of a society, including the value orientation of identity, play an important role in the potential for conflict within that society. The greater the degree of plurality in identity, both in terms of socio-cultural, spatial, and temporal dimensions, the lower the potential for conflictogenicity in society [29, p. 26].

Second, conflicts can be classified according to the nature of the legal communication, which can be either vertical or horizontal. In a vertical scenario, subjects possess different legal statuses. One party is the originator of legal communication, responsible for generating, disseminating, and interpreting legal information. The other party receives this information but does not participate in its production or interpretation. In a horizontal conflict, both parties are of equal status. However, such conflicts can also arise between addressees, for example, concerning the creation of a new rule of law during the legislative process or between originators of legal communication.

Third, conflicts can be classified according to their resolution method into direct and mediated categories. In a direct resolution scenario, the parties involved resolve the conflict according to the relevant legislation. In mediated resolution, a mediator is responsible for resolving conflict.

From the perspective of the subjective nature of legal behavior in conflicted relationships, legal conflict can manifest in various forms. First, the conflict may be unintentional, where the parties did not explicitly intend to enter a confrontation but were compelled to do so by external circumstances. Second, the conflict may be intentional. For example, an apparently formally justified legal conflict may be initiated when conducting a property seizure by a raider. However, this is not the primary objective; rather, the conflict is used as a means to achieve specific goals by putting the counterparts in such conditions that they will agree to accept all the requirements imposed on it. Third, conflicts can be fictitious and artificially created to achieve legal goals. One example is a fictitious divorce, which can be used to obtain financial or organizational benefits.

CONCLUSIONS

Legal conflict represents a contradiction between subjects of law in connection with the implementation, application, violation, or interpretation of the norms of positive law. This contradiction is caused by the opposing socio-legal interests of subjects or their disparate attitudes toward the norms of law and the values of social life. The phenomenological reduction of the legal conflict highlights its existential dimensions, clarifies the actual and potential intentions underlying the actions of its subjects, and delineates the conflict's transcendental role in the legal existence of individuals and society.

While legal conflict is outwardly oriented, its causes, origins, subjects, and dynamics are intersubjective.

The assessment of these elements is relational, meaning that the content of the conflict and the internal motivation and values of the participants largely predetermine its essence and potential for resolution. Although conflictogenicity is a natural state of society, the existence of unresolved legal disputes indicates a high degree of legal uncertainty. Overcoming conflicts leads to the harmonization of legal reality through defragmentation, which requires societal readiness for actions that are not only conflicting but also compromising. The state, as the sole legitimate representative of the interests of the whole society, should create conditions for conflict-free development and provide a legal framework for settling legal conflicts, thereby enhancing the effectiveness of legal regulation, ensuring the safety of citizens, and harmonizing the entire legal reality.

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