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Sociology of relationship to law — behavioural forms of compliance and circumvention of the law

- DOCTORAL THESIS -

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INTRODUCTION

From the beginning of sociology as science, criminality was among the first studied domains. Therefore the question is: why a new study in this field?

The phenomenon is studied not only by sociology, but also other sciences, as biology, psychology or criminology. Even in sociology exists a great variety of different schools giving contradictory answers.

First of all it needs to correlate the results of different sciences with the results of sociology, but also to correlate the results of different sociological schools.

Taking into consideration the great variety of the scientific interpretation regarding the behavioural forms of compliance and circumvention of the law, the research aims primordial to verify the validity of the theories for the Romanian society, to find common points of view of these theories (in this way to elaborate a more complex theory totalling the verified theories). Another aim is a practical one: understanding the behavioural forms of compliance and circumvention of the law could be elaborated more efficient preventions of the circumventions.

There are developed several research questions: why the subject of the research sustain some explanations regarding the compliance and circumvention of the law; from where comes the differences of the explanations in function of the subjects social position, what are the personal motivations to respect or not the laws. To answer the questions, a great variety of methods were used: observations, interviews, questionnaires, and the obtained data being processed and interpreted in concordance with the existing theories in the domain.

Another goal of my research was a practical one: understanding the behavioural forms of compliance and circumvention of the law could be elaborated more effective public policies to prevent the circumvention of the law.

The necessity of these preventions is evident: it is unstable a society where circumvention of the law is the normal behaviour the respect the deviant one. It is a risk to reach a point from which the return cannot be achieved by small adjustments and by periodic reforms, necessary and normal in any society, but only through radical measures that disturbs the society from roots.

1. LAW CONCEPTS

In the theological interpretation laws, natural or human, has divine origins. Lawmakers and judges has no other job just to study the religion, the dogma and to submit their.

Also some philosophical schools accept this interpretation, even modern ones, like transcendentalism.

From the antiquity appears, however, concepts considering that the laws of that state follows the interest of the rulers, so they are able to define laws, without the accept of the masses, who are not capable to understand the needs of the society. These interests are not connected to the morality. The law, even unjust, it has to be respected, because the high interest of the community regarding to the lower interest of individuals. In this way the laws can be derived from the interest of society or even more from the interest of those who rules the society.

The Enlightenment introduced a new element in the interpretation of the law. Nature has given morality to men, and this has to form the basis for the laws. In this way the law is not something given from outside by a God or by the rulers and because of this enforced, but is has to be something internal, accepted by all the people who, being rational, will respect it. Also it was a return to the divine character of the law, explaining that morality depends on human nature, coming from God. In the conception of the natural law the laws can be finding analysing the human being, as moral entity, with his specific needs. Some philosophers presumed that human laws will be like mathematics, rational and applicable unambiguously. To avoid abuses, the power of the state should be divided into legislative, executive and judiciary, to prevent a return to the situation that the law follows only the interests of a full power.

Also during the Enlightenment was developed the idea that law has not his origin in morality, but in contrary, the laws creates morality in conformity to the needs of the society.

But Enlightenment interpreted the law also as to be a morality of the society, confronted with the individual morality. The coexistence of individuals, relations between them conduct to this collective morality, what we can reach studying society.

Also during the Enlightenment appears the idea that laws, following the interest of the power, could be or even has to be circumvented. Later the anarchism developed this

idea, confronting generally the laws, moreover, considering the illegality as a moral value of the free and independent human beings. In similar way interpreted the Marxism the laws of the 'bourgeois class'. Both ideologies considered that re-establishing the social justice laws and enforcement will be useless.

The positivism combined several elements, considering that it is an Order, and everything is subjected to this (like to a divinity), recognising the role of individual morality but sustaining that the interests of the society has a higher value, in this way human beings has to be transformed in conformity to this higher value. In this way collective morality will be the individual morality. By the study of society, we could find the Order, and how to transform human beings.

The legal interpretation kept up with the philosophical and theological ideas. At the beginning adopted the theological interpretation, after that accepted the theory of natural law.

The legal positivism has broken the link between morality and law, considering that law is given and formed by the society, and the legal science could not analyse the link between law and morality, law and politics.

Interpretativism was based on the philosophical idea that it is a morality of society, reflected by legislation.

Regarding the system of sanctions, some put the accent on the role of public opinion; others underlined the importance of law enforcement authorities. Some considered that import is the acceptance of the laws, others that laws have to be imposed.

Both philosophy and legal sciences discussed the universal versus cultural nature of laws. Anthropology is the science which analysed this problem in details. Noting that the legal rules have their foundation in habits, with a large cultural variation, anthropology recognizes the relativism of laws. However observes that at least some elements of human rights are universal (for sample equality between men and women), and cultures in contradictory with these universal principles are in changing to accept them.

2. BEHAVIORAL FORMS OF COMPLIANCE AND CIRCUMVENTION OF THE LAW

In the lights of the ethological interpretation it could be affirmed that it is a close relationship between the circumvention of rules and: decrease of the role of supervisor of the group leader, modify of traditional community, abrupt changes in the community, lack of socialisation. The submissive behaviour accepting dominance is in favour of respect of the laws. The accepted system of rules in a group could be broken in the favour of another system, considered to be superior.

Biological researches show that on the basis of some behaviour, like aggressive behaviour, is the hormonal activity of the body, which could be influenced by external, social factors.

The psychological interpretation developed in a similar way. Considered that morality is developed gradually from childhood, and not everyone reaches the level of the internalisation of rules. Antisocial behaviour could be explained by biological factors, but the release of this behaviour is due to social factors, the educational environment of a child or the environment of an adult. Some psychologists put the accent on the importance of consolidation by reward. The values are formed by the personal experiences since childhood welfare search. Others considered that choices are irrational; humans are victims of several factors impeding the purpose intended by the knowledge of the decider. In this interpretation accepting the values of the community, of the customs, laws and authorities is several time an irrational choice. By others what seems to be irrational (for sample altruistic sanctions) at the level of individuals became a necessity for the integrity of the human community.

The sociology developed a series of theories regarding deviant behaviour. Some put the accent on the role of differences and social tensions (functionalist theory), which could reach a deviance as political protest (conflicts theory), others the role of labelling, what transforms regular people in deviants (interactionist theory), and others on the lack of intervention made by the state, including to preserve the traditional way of life (control theory). It was analysed the motivation given by the predictable result (rational choice theory). The procedural justice theory shows how important is the trust of the society in the law system, because by trust could exists an efficient control from the society, not only from the authorities.

Criminology analysed factors such as social environment, heredity and entourage.

3. METHODOLOGY

3.1. SELECTING RESEARCH TOPICS - CONSTRUCTION OF POSSIBLE ASSUMPTIONS

3.1.1. THE CONCEPT OF LAW - DIFFERENT INTERPRETATIONS

3.1.1.1. DIVINE ORIGIN OF LAW

Theology and some philosophical views, like some streams of the science of law considers that laws has a divine origin, in this way the legislation has to be in conformity with religious beliefs.

3.1.1.2. NATURAL LAW

Some philosophical views and some streams of the science of law considers that law has his origin in the human nature, in his quality of moral being, so the required and acceptable laws could be deduced studying human beings and their morality.

3.1.1.3. LAW AS ANSWER TO THE NEEDS OF SOCIETY

By this theory, developed by philosophers but also lawyers, it does not exist a relevant connection between legislation and morality, the law is meant to offer solutions to perpetuate a group. In this way laws could be deduced analysing the needs of society and not the needs of individuals.

3.1.1.4. LAW AS A COERCIVE WEAPON OF AN UNFAIR STATE

Developed by anarchists and Marxists, the theory is based on the idea that people lives in a deeply unfair society, which keeps privileges and inequities by laws. Therefore laws has not to be respected, those who are subjected the abusive power has not only the right, but also the obligation to circumvent the law. If the exploitation of the subjects ended, it is ending also the need for laws. Some sociological theories

regarding deviance are connected to this interpretation of laws, showing that in a society are formed subcultures which rebel against the rules of the dominant community.

3.1.2. REASONS OF COMPLIANCE AND CIRCUMVENTION BEHAVIOURS

3.1.2.1. CONTROL THEORY

Ethological researches show that social animals have circumvention behaviour if the group leader did not observe them or their punishment is not possible. Religion could be interpreted to be a system of ideologies trying to solve the imperfections of a leader: God see everything and could sanction every wrongdoing. These ideas strengthen the control theory created by sociology. If the compliance behaviour is due to feeling of control and great probability of sanction, this could be obtained by increasing of the number of police officers, installing cameras in public places, more severe sanctions. Rational choice theory is practically a more nuanced control theory: if the presumed gain, compared to the possibility of sanction, is higher, the person will choose delinquency, in this way the control increasing the possibility of sanction reduce the circumvention.

3.1.2.2. SOCIALISATION THEORY

Psychologists, analysing the effects of events from childhood, concluded that it is a correlation between this events and adult behaviour. Biological researches established that the lack of socialisation among social animals results deviant behaviour. Even deviant groups could be formed, and socialisation in these groups results a deviant behaviour. Re-socialisation is possible even for adults. Societal models, what is considered to be successful and the way to obtain success were analysed by sociology. Socialisation is produced in a certain environment, so the cultural element has direct effects on socialisation. By the procedural justice theory the acceptance of the rules of society depend in the way in which people relate to authorities, to the procedures of authorities. This theory creates the connection between the interpretation of the concept of law and the behaviour regarding the law. The labelling could be interpreted to be an

effect of wrong socialisation: a person considered to be deviant, because of his treatment based on this presumption, he could become deviant.

3.1.2.3. DEPRIVATION THEORY

Not only biology and psychology, but also sociology and criminology show that deprivation can lead to a circumvention of law.

3.2. METHODOLOGIES OF INVESTIGATION

The investigation was realized by studying documents, application of questionnaires, interviews, experiments and observations.

3.2.1. STUDY OF DOCUMENTS

The study of documents followed to clarify: a) the interpretation regarding the concept of law; b) the behavioural motivations.

3.2.2. APPLY OF QUESTIONNAIRES

It was applied questionnaires for lawyers (judges, prosecutors, attorneys, other categories), police officer (low and high rank), civil servants (others than from previous categories), students.

It was applied in totally 505 questionnaires, from which 180 to lawyers, 172 to police officers, 64 to civil servants, 89 to students.

The questionnaires contain the following two questions regarding the acceptance or refusal of the main theories regarding the concept of law:

1. Legislation is a transpose of legal rules of [SINGLE CHOOSE]	
- religious moral principles	<input type="radio"/>
- ethical standards with which we are born	<input type="radio"/>
- needs of society	<input type="radio"/>
- coercive measures used by the Power to maintain his privileges	<input type="radio"/>
2. Legislation should be a transpose of legal rules of [SINGLE CHOOSE]	
- religious moral principles	<input type="radio"/>
- ethical standards with which we are born	<input type="radio"/>
- needs of society	<input type="radio"/>
- coercive measures used by the Power to maintain his privileges	<input type="radio"/>

To establish the attitude to the behavioural motivations of circumvention of the law the following questions were put:

3. The laws are not respected because the [FROM 0 TO 5, 0 STRONGLY DISAGREE, 5 STRONGLY AGREE]	
- destruction of religious moral values	<input type="checkbox"/>
- destruction of traditional values	<input type="checkbox"/>
- genetic aspects	<input type="checkbox"/>
- lack of education	<input type="checkbox"/>
- trauma suffered in childhood	<input type="checkbox"/>
- poverty	<input type="checkbox"/>
- ignorance of the law	<input type="checkbox"/>
- lack of strong control in the society	<input type="checkbox"/>
- negative entourage that reaches an adolescent	<input type="checkbox"/>
- lack of interest regarding all what comes from the Power	<input type="checkbox"/>
4. The state should be more implicated for the respect of laws by [FROM 0 TO 5, 0 STRONGLY DISAGREE, 5 STRONGLY AGREE]	
- better control and sanction system	<input type="checkbox"/>
- education	<input type="checkbox"/>
- combating poverty	<input type="checkbox"/>

The personal position to the moral behaviour was tested by direct and indirect questions. Direct questions based on 'Denise dilema':

9. A car detached goes with high speed on a railway line. Denise is on that line. You have the possibility to change the line and to send the car where are five persons. What are you doing? [SINGLE CHOOSE]	
- you will intervene to save Dumitru	<input type="radio"/>
- you will let the care in the line with Dumitru	<input type="radio"/>
9a. What are you doing if among the five persons on the line where you could make the change is your brother? [SINGLE CHOOSE]	
- you will intervene to save Dumitru	<input type="radio"/>
- you will let the care in the line with Dumitru	<input type="radio"/>
9b. Dumitru is your brother. What are you doing in this situation? [SINGLE CHOOSE]	
- you will intervene to save Dumitru	<input type="radio"/>
- you will let the care in the line with Dumitru	<input type="radio"/>

In the questionnaire it was introduced an element to control sincerity. At the question 8, which seems to be intended to analyze the value system of the questioned people, after the name of Mozart, Kant, Picasso was put the name of an inexistent personality: Schnade. In this way, without to be observed by the questioned people, it was a choose to recognize the ignorance regarding Schnade or to affirm that Schnade represents a value for the questioned people.

Personal relationship to the compliance and circumvention of the law behaviour was tested by several questions:

5. Driving a car, not to late to an important event you exceed the speed limit. You are stopped by a policeman who wants to amend. What are you doing? [SINGLE CHOOSE]		
- you try to convince the policeman, not to amend	<input type="radio"/>	
- you ask the policeman, not to amend	<input type="radio"/>	
- you threaten the policeman that he will suffer the consequences	<input type="radio"/>	
6. The policeman fined you. What you will do? [SINGLE CHOOSE]		
- oppose to the fine in court	<input type="radio"/>	
- ask a friend to resolve the fine	<input type="radio"/>	
- pay the fine	<input type="radio"/>	
7. Continuing your way with the car [SINGLE CHOOSE]		
- you will try to recover the loosed time	<input type="radio"/>	
- you will drive as before	<input type="radio"/>	
- you will respect the speed limits to avoid an other fine	<input type="radio"/>	
- you will respect the speed limits to avoid an accident	<input type="radio"/>	
- you will respect the speed limits because you are shamed getting a fine	<input type="radio"/>	
10. [SINGLE CHOOSE]		
Adultery is punishable under criminal law?	yes <input type="radio"/>	no <input type="radio"/>
It requires criminal penalties for adultery?	yes <input type="radio"/>	no <input type="radio"/>
Acquiring property found is punishable under criminal law?	yes <input type="radio"/>	no <input type="radio"/>
It requires criminal penalties for acquiring property found?	yes <input type="radio"/>	no <input type="radio"/>
Speeding in the village is punishable under criminal law?	yes <input type="radio"/>	no <input type="radio"/>
It requires criminal penalties for speeding in the village?	yes <input type="radio"/>	no <input type="radio"/>
Prostitution is punishable under criminal law?	yes <input type="radio"/>	no <input type="radio"/>
It requires criminal penalties for prostitution?	yes <input type="radio"/>	no <input type="radio"/>
Homosexual relationship is punishable under criminal law?	yes <input type="radio"/>	no <input type="radio"/>
It requires criminal penalties for homosexual relationship?	yes <input type="radio"/>	no <input type="radio"/>
Domestic violence is punishable under criminal law?	yes <input type="radio"/>	no <input type="radio"/>
It requires criminal penalties for domestic violence?	yes <input type="radio"/>	no <input type="radio"/>

11. [CHOOSE ALL THAT YOU AGREE WITH OUT]

Death penalty			
- should be reintroduced	<input type="radio"/>	- should not be reintroduced	<input type="radio"/>
Corporal punishment			
- should be reintroduced	<input type="radio"/>	- should not be reintroduced	<input type="radio"/>
Humiliating punishment (e.g. pillory)			
- should be reintroduced	<input type="radio"/>	- should not be reintroduced	<input type="radio"/>
Conditions in penitentiaries			
- should be more severe	<input type="radio"/>	- should be milder	<input type="radio"/>

12. [CHOOSE ALL THAT YOU AGREE WITH OUT]

Man stealing having at home a hungry child

- should not to be convicted to jail	<input type="radio"/>
- should be convicted to jail	<input type="radio"/>
- should be convicted to community service	<input type="radio"/>
- should be convicted the mayor who did not offer social security	<input type="radio"/>
- should be convicted the polititians who let people to be in this situation	<input type="radio"/>

The questionnaires tested also the value system of the people questioned:

8. How importan is for you [FROM 0 TO 5, 0 NOT AT ALL, 5 VERY]

- homeland <input type="checkbox"/>	- faith <input type="checkbox"/>	- national flag <input type="checkbox"/>	- rule of law <input type="checkbox"/>
- separation of powers <input type="checkbox"/>		- separation between churches and state <input type="checkbox"/>	
- respect of human rights <input type="checkbox"/>		- schooling of Roma children <input type="checkbox"/>	
- Mozart <input type="checkbox"/>	- Kant <input type="checkbox"/>	- Picasso <input type="checkbox"/>	- Schnade <input type="checkbox"/>
- mobile phone <input type="checkbox"/>	- TV <input type="checkbox"/>	- computer <input type="checkbox"/>	- bycicle <input type="checkbox"/>

It was tested including the knowledge of Romanian laws, by question 10, presented before.

A part of the questionnaires referred to the level of education, cultural elements (ethnicity, religion and hometown), gender and age.

As conclusion, the independent variables of the questionnaire were:

- professional category;
- area of origin;
- gender;
- age;
- level of education;

and dependent variables:

- acceptance or rejection of the main theories on the concept of law;
- attitude to the theories regarding motivations for law circumvention behaviour;
- personal attitude to moral behaviour;

- system of values;
- knowledge of legislation.

The obtained data were processed by a soft specially created for it, analysing the correlation between independent and dependent variables.

3.2.3. INTERVIEWS

Interviews were realised with convicted persons and staff in the penitentiaries from Aiud, Brăila, Botoşani, Focşani, Giurgiu, Iaşi, Rahova, and Tîrgu Mureş to clarify the motivations of committing crimes.

105 convicted participated, being chosen aleatory. The interviews with open questions were realised in the period of 1 May, 2013 and 1 December, 2013, having as independent variables area of origin; gender; age; level of education; relationship with parents, brothers/sisters, wife, children, friends; difficulties as teenagers and as adults; occupation; social condition; and as dependent variables criminal record; type of comitted crime; relationship to criminality.

24 penitentiary staff participated, being chosen by the directors of the institutions (to find people in close relationship to convict). The interviews with open questions were realised in the period of 1 May, 2013 and 1 December, 2013, having as independent variable the years of experience, and as dependent variable the perception regarding the motivation of committing crimes.

The interviews, presented in a narrative way and also statistically processed, analyses the correlation between independent and dependent variables.

3.2.4. OBSERVATIONS, EXPERIMENTS

The observations followed how pedestrians and drivers respect traffic rules.

The results were processed, separately for each observed rules and also taking into consideration the geographical area of the observation, to find relations between:

- cultural differences;
- quantum of fines and percentage of those who respect a specific traffic rule;
- the relevance of the rule for traffic safety.

Observations are more relevant than police statistics and data offered by questionnaires regarding the real percentage of people who respect laws.

4. DATA ANALYSIS, DISCUSSIONS

The behaviour is formed by three elements: instincts, learning and own experiences.

The instinctual behaviour is genetically encoded, being transmitted in a biologic way from a generation into an other. Learning and own experiences could be transmitted to the next generations only if exists connections between generations. Human beings are social, the learning and own experiences are very important for them. They are not learning only from parents, but also from other people near them. The culture made possible learning from far past or from people who are far away.

5.1. INSTINCTUAL BEHAVIOUR — GENETIC ELEMENTS

Human, as biological being, behave such as. The gens establish not only the physical aspects, but also instincts. But does not exists an absolute genetically determinism. The way in which instincts acts is influenced by several factors like alimentation, education, socialisation and so one. From the point of view of evolution the existence and the respect of societal rules is essential for social beings, support the survival of the group, but also individuals could obtain benefits from circumvention. Biological factor is essential to explain, for sample, why the circumvention of penal laws characterises first of all male, having probable connection to male hierarchy, what define the possibility of reproduction. But in opposite to biological explanation are the anthropological explanations considering that these differences are not biological ones, but from education and own experiences (imposed by society).

From employees of penitentiaries 12.5% mentioned genetically motivations for committing crimes. From the interviewed convicted 65.7% told that do not have convicted relatives. Anyway, conviction of more persons from a family could be not interpreted as an evidence for genetically coded criminality: similar social conditions in the family could produce same result (higher criminality in the same family).

Is relevant the fact that this motivation of the circumvention of law was in the last position of variants for the general population of Romania and for questioned categories.

From the general population of Romania 45.2% considers that on the base of circumvention of law are genetic causes. The idea is more accepted by people with a lower education (10 grades and high school) and by youths (below 35 years old).

Among the questioned categories (lawyers, police officers, public servants, students) the acceptance of genetic motivation for the circumvention of law is relevantly lower, because of specialised education in juridical field, daily work in law implementation, respectively for students because the level of education and higher capacity of discernment regarding the domain. The results could be affected because it is known that this answer is not considered to be a correct one in a democratic society.

The acceptance of the importance of genetic element is higher in the general population (with an average of 2.16), followed in descending order by students (1.70), police officers (1.39), other public servants (1.17), and lawyers (1.12). The highest average is among general population from 18 to 34 years old (2.35), the lower among lawyers older than 46 years (0.83).

5.2. LEARNED BEHAVIOUR

Education has many forms, the two main forms are learning in the family, society and institutional (school) education.

A learned behaviour could become automatically. The observation shows that around half of pedestrians in Bucharest waited on the red light when no cars came, but if a person passed, generally the people changed the learned behaviour and imitated the circumvention of law.

5.2.1. RELATIONSHIP BETWEEN SOCIALISATION AND LAW RESPECTING BEHAVIOUR

The lack of socialisation or a wrong socialisation conduct to a deviant behaviour, to circumvention of social norms. Could be formed deviant groups, and the socialisation in these groups forms a deviant behaviour. Criminology considers entourage as relevant to form a criminal behaviour.

By the observations and experiments people imitate the law circumvention behaviour. The people who start to pass during the red lights attract a large number of

people, who, in lack of an initiator, waited the green light. Imitation is a crucial element of learning.

The interviewed staff of penitentiaries identified the following motivations of criminality connected to socialisation: dysfunctional families (50.0%), families with criminal model, lack of education in family (41.7%), influence of entourage (41.7%), lack of models (12.5%), dysfunctional relationships (12.5%), and rural area (4.2%).

The interviews with convicted revealed that 11.4% has divorced parents, 5.7% are orphans, for 36.2% one parent died, in the situation of 44.8% parents are together. By statistics 38.2% from the population is not married, 48.1% married, 9.5% are widows, 4.2% divorced, 3.7% cohabiting. It could be observed that for convicted for a higher percentage (34.3%) the father died, compared with those whose mother died (13.3%). The lack of paternal model or paternal control could have relevance (1.9% from convicted considered that the lack of father conducted to criminality, explaining that it was not possible to speak with somebody the problems of puberty). The ratio of married/divorced is 3.9 for convicted and 11.5 for the general population. This difference is significant, even taking into consideration that statistical data did not take into consideration if a person is in first marriage or not.

The education in the family was not verified by interviews, but the convicted from family. From the interviewed convicted 6.7% declared convicted father, 21.9% brother or sister, 5.7 a distant relative, and 65.7% no convicted family member. Surely at least for 2/3 from convicted persons criminal model from family did not have any relevance.

From interviewed convicts 20.0% considered that entourage conducted to the committed crime. The evaluation of the real impact of entourage is practically impossible. Usually the effect of entourage is analysed for convicted, without any possibility of comparability. A scientific methodology presume the analysis of two groups, one with a negative entourage, one without, comparing the number of those who committed a crime in the two groups.

80.2% of the Romanian population 80.2% accept that circumvention of the law is connected to the negative entourage of teenager, the average acceptance is 3.73. Only the lack of education has a higher average, poverty has a similar average. In this way entourage is considered to be a very important element.

The entourage is considered to be very important also by the questioned categories.

The acceptance of the relevance of entourage is higher for general population and police officers (with an average of 3.73), following by students (3.64), lawyers (3.38), other public servants (3.10). The higher average is among female police officers (4.10); the lower among public servants from 31 year old to 45 year old (3.03).

To the environment of socialisation is connected two other questions from the questionnaires: regarding the circumvention of law caused by the destroy of the religious moral values respectively the destroy of traditional moral values.

From general Romanian population 67.0% accept that the circumvention of law is caused by the destroy of religious moral values, 67.2% that by the destroy of traditional moral values. The values are very close, creating the idea that usually traditional moral values are considered identical with religious moral values.

Among lawyers the average acceptance that the destroy of the religious moral values affect the respect of laws is 2.03; the same question with traditional moral values has a higher average: 2.46. For police officers the average is 2.16 respectively 2.27; for other public servants 2.05 respectively 2.47; for students 1.82 respectively 2.11. For all questioned categories traditional moral values were considered more important than religious values (or less endangered). The biggest difference is between the general population and the students.

5.2.2. EDUCATION AND RESPECT OF LAW

The lack of a proper education was identified by 58.3% from the staff of penitentiaries as a motivation for committing crime. From the interviewed convicts 4.8% has no education, 18.1% started primary education, 29.5% secondary education, 9.5% high school, 15.2% finished a professional school, 16.2% high school, 1.0% has post high school education, 3.8% university studies. No one from the interviewed convicts considered that the lack of education is related to the crime, but 6.7% declared that they did not know the consequences, and this could be connected to the lack of juridical knowledges.

By the public opinion the lack of education is the most relevant factor for the circumvention of law. By the survey, 85.8% of the Romanian population consider that the lack on education affects the circumvention of law, the average agree being 4.00. The questioned categories have given even a higher average: police officers 4.36, lawyers 4.23, other public servants 4.15, and students 4.10. The lowest average comes

from lower educated general population, without a secondary education (3.73), the higher from female police officers (4.63).

From the proposed measures to combat the circumvention of law the most accepted was education, also for the general population of Romania and for the questioned categories. The average acceptance was 4.70 for the general population; for the questioned categories, in descending order: 4.53 for students, 4.60 for public servants, 4.70 for lawyers, 4.72 for police officers. The highest average was for female police officers (4.93), the lower for male public servants (4.29).

Even so, the persons asked about their opinion regarding the importance of education, for sample for Roma, the acceptance was relevantly lower: 4.20 from police officers, 4.06 from lawyers, 3.87 from public servants, 3.34 from students.

The connection between the level of education and the circumvention of law is a strong stereotype in the society. The question is: really exists a causal relationship between the level of the education and the respect of law? A kind of relationship could be observed even for respect of penal law? The statistical data on the level of education in the general population and the convicted look to confirm the theory.

Condemnations to imprisonment depend on several factors, many of them subjective, based on stereotypes. Who is blamed if in a village chickens disappearing? Somebody from the margin of the village or the school principle? The police officer has a strong suspicion that somebody from the margin of the village, so will do a detailed search there. If the suspicion was right, the criminal will be most probably found. If not, he will be not identified. Even suspected, a person with a higher education has more capacity to hide the crime, or, in the front of the court, to defend. Because of the creating statistical data by different authorities, the effects of stereotypes are hard to be observed. For sample the percentage of jobless persons is significantly lower (around 45%) for accused people than for convicted (higher than 60%). It could be concluded that persons without job are convicted preferentially. A similar situation is regarding the level of education: among persons sentenced in the period of 2005-2010 the percentage of people with higher than secondary education and lower than university education is 33.6%, of people with university studies 3.13% (the percentage has an upward trend), among people in jails in 2012 the percentage of people with higher than secondary education and lower than university education is 27.19%, of people with university studies 2.55%. Results that the level of education is higher for sentenced than for imprisoned people.

In the domain of respect of law has relevance if the laws are known or not. Still in the Roman law was formulated the principle *ignorantia juris non excusat*, but the Romanian school system ignore completely the elementary law education. Worse, the analysed studies shows that even those who are working in the field of law implementation did not know legislation. Also the present research shows extremely serious problems regarding the knowledge of laws. From the 505 questioned people no one offered right answers to all questions regarding the penal character of some doings. The lawyers offered right answers in the percentage of 80.2%, police officers 68.5%, public servants 66.4%, students 54.1%.

77.1% from the population accept that the circumvention of law is connected to the ignorance regarding laws, and the average score for this is 3.52. These average scores for the questionen people, in descending order, are: 3.21 for students, 3.11 for public servants, 3.04 for police officers, 2.35 for lawyers. This order reflects more the confidence on knowledge of legislation by categories surveyed.

The surveyed did not made the connection between the the organization of state and human rights. For all categories the respect of human rights is more important (average score for public servants: 4.85; police officers: 4.85; lawyers: 4.76; students: 4.57), than those elements which facilitate the respect of law — rule of law (lawyers 4.51; police officers 4.26; public servants 4.18; students: 2.55), separation of powers (lawyers: 4.67; public servants: 3,95; police officers: 3.70; students: 2.38), separation of State and Religion (lawyers: 3.49; public servants: 3,38; police officers: 2.93; students: 2.38) — respectively the concrete measures in the field of human rights, but not connected directly to the surveyed — schooling Roma children (police officers: 4.20; lawyers: 4.06; public servants: 3.87; students: 3.34). The phenomenon is more pronounced at students, what looks that not the level of education, but the content is a problem in understanding how a state with the rule of law works.

Another characteristic is the problem of understanding of moral issues, the lack of capacity to find a good solution for these kinds of problems. This is obvious for questioned people, by the answers given to 'Denise dilemma'. The percentage of those who did not kill five persons to save one is 26.2% for police officers, 25.8% for students, 12.5% for public servants and 10.6% for lawyers. Some considers that they have the right to sacrificing five persons to save a close relative (brother): 42.7% of students, 32.2% of lawyers, 20.3% of public servants, 14.0% of police officers; or to protect the five persons but only if they brother is among them: 12.4% from students,

7.8% from public servants, 6.1% from lawyers, 4.7% from police officers. An important part of surveyed intervene, regardless of the consequences: 40.6% from public servants, 23.8% from police officers, 15.7% from students, and 6.7% from lawyers. Comparing these data could be concluded that police officers offered the best solution for the dilemma, probable because of the professional formation; students was helped by a more rational way of thinking than public servants.

5.2.3. CULTURAL ENTOURAGE

Human behaviour is highly influenced by the cultural environment. The surrounding community form individuals, showing what is desirable and what not. The socialisation includes also the adaptation to cultural entourage.

Obviusse cultural differencies was observed regarding the compliance with traffic rules.

Also relevant cultural differences exist regarding the criminality. In countries where the dark figure of crime is reduced, the criminality is smaller. Consequently the behavior of victims (reporting or not the crimes) has a direct effect on people ready to commit crimes.

In the cultural conditions of Romania including surveyed lawyers and police officers recognised basically trying to negotiate a fine to avoid penalizing. From lawyers 26.1% told that would try to induce police officers, 51.1% would use request; from police officers 27.7% respectively 43.9% would use this methods, 11.0% would rely they quality to colleagues. Public servants would use request (60.9%) and induce (35.9%), also students (64.0% respectively 30.3%). Only one student told that he would use threat of the police officer to do not fine. The surveyed did not choose illegal ways to avoid a fine, only among students is a relevant percentage (6.7%) recognising the use of acquaintances to solve the problem of a fine. However, even after a fine, some would choose to drive even faster (18.0% from students, 3.3% from lawyers, 2.3% from police officers, 1.6% from public servants) or similar illegal speed (10.9% from public servants, 6.7% from students, 5.8% from police officers, 5.6% from lawyers).

5.2.4. LEGISLATION AND THE CHANGE OF COLLECTIVE MORALITY

The way of perception regarding law has a strong link with our cultural environment. The law was interpreted in several ways, in the present European culture is considered to be a transposition of the needs of society in legal norms. This interpretation is promoted also by the Romanian academics and is accepted by the vast majority of the society as to be desired. To the question what laws should be, lawyers choosed this possibility in percentage of 84.4%, police officers 82.1%, students 75.3%. On the second place, for each surveyed categories, was the transposition of ethical values which we are borne: 11.2% from students, 8.1% from police officers, 5.6% from lawyers, 3.1% from public servants.

If exists a relatively unanimous acceptance regarding what laws should be, is a great variety regarding how laws should be implemented. To the question who has to be convicted if a person steal having at home a hungry child, exists considerable differences regarding the guilt of mayor who did not payed social aid (1.7% from lawyers consider that the mayor is guilty, 15-20% from other categories) and regarding the guilt of politicians (15.6% at lawyers, little bit lower than 50% at police officers and public servants, 65.2% at students).

The morality obviously affects laws, but also laws changes moralities. Persons how works in the field of law implementation considers more acceptable death penalty, abolished relatively recent (in year 1990), than corporal or humiliating punishments, abolished a long time ago, even if these two forms of punishments is still applied in the education of children by the parents. At students this difference is not so significant (from lawyers 15% prefer death penalty, 3.9% corporal punishments; from students 43.8% accept death penalty, 36% corporal punishments). These interpretations are not connected to a 'liberal' interpretation of sanctions. Although in the last period Romania was sanctioned by the ECHR repeatedly for inhuman condition in imprisonment, the majority of surveyed considered that conditions in penitentiaries has to be more severe.

The change of morality could be observed analysing the answers regarding prostitution. During the time of the survey for lawyers and police officers, was changed the Penal Code, by new provisions prostitution is not sanctioned. The position of the two categories changed in a radical way: among police officers the ratio of

acceptance/unacceptance was 1.65 before the change and 0.76 after; among lawyers 0.82 before and 0.39 after.

5.3. BEHAVIOUR RESULTED FROM EXPERIMENTATION

Experimentation is practically a part of educational process, but this learning is lived by the individual. The stimulants for education (reward and sanction) are based in the fact that own experience, positive or negative, has deeper effects than only simple learning.

5.3.1. EFFECTS OF CONTROL AND SANCTION

Obviously the control and sanction has positive effects. These were observed for sample at the results obtained at bachelor exams: in a low controlled system, in 2009, graduation at the first session was 81.47%, in a highly controlled system, in 2011, the graduation decreased at 45.72%.

Even so, the control and sanction is not the most proper measure. Firstly because the human society could be controlled only using expensive resources, with a great number of people involved in control. The system will need not only controllers but also controllers of the controllers. Secondly is well known that persons who have even only a part of control tend to commit abuses. In a highly controlled society could appear social conflicts, popular movements exactly because of the control, against it.

Even with the present level of control a relevant part of the population (students) has an attitude more anarchist-communist to the law, considering in a high percentage that the laws should be a transpose of the needs of society on legal norms (75.3%), in fact the laws transpose in legal norms the coercive measures of the Power to maintain his privileges (55.1%).

The unconcern regarding all coming from the power, as a motivation of circumvention of the law, was not sustained in comparison with other motivations from the questionnaire. It was approved by 69.7% of the Romanian population, having 3.21 average score. From the surveyed categories at students was obtained the highest score (3.14), in concordance to them feelings regarding the laws. The scores, for the other categories, in descent order, are the following: 2.54 (police officers), 2.44 (public servants), 1.84 (lawyers).

8.3% from the staff of penitentiaries considered that to soft legislation has relevance in criminality.

From the general population of Romania 75.8% considers that the circumvention of laws is connected to the lack of firm control in the society. Transformed in average score, it results 3.49. This scored, for surveyed categories, in descendent order, are: 3.30 (police officers), 3.27 (public servants), 3.19 (students), 2.88 (lawyers). The lowest score was given by the lawyers under 30 years (2.78), the highest by female police officers (3.87).

For the general population of Romania and also for the surveyed categories (except public servants), from the three variants offered as a measure to impose the respect of laws, the efficient control and punishment is less needed. It is surprising that also for police officers this measure is less acceptable than combating poverty. Even so, the average score for this measure is high: 4.42 for general population, 4.12 for police officers, 4.00 for public servants, 3.81 for lawyers, 3.66 for students. The lowest score was obtained for public servants aged 31-45 years (3.38), the highest for female police officers (4.43).

The surveyed people affirmed in a high percentage that after a traffic fine they will respect speed limits to avoid getting a second fine: 34.4% from lawyers, 32.8% from public servants, 23.6% from students, 16.2% from police officers.

5.3.2. POVERTY AND CIRCUMVENTION OF LAW

Poverty is a life experience which obviously modifies the behaviour. Daily problems of a people who confront hunger are relevantly different from another without these kinds of problems. Poverty represents deprivation, with all of its effects. Malnutrition has effects also in physical-psychical development of a child.

Some types of crimes are usually connected to the confronted economic problems of an individual.

Poverty, as a motivation of crimes, was identified by 14.3% of convicted, but 83.3% of the staff of penitentiaries. 19% from convicted considered living in poverty. By the data obtained from convicted, poverty, economical situation has no determinant relevance in criminality.

It exists a high indulgence to a person who commits a crime motivated by poverty. Around one third of the surveyed (37.8% of lawyers, 32.8% of public servants, 32.6%

of students, 37.8% of lawyers) expressed they disapproval regarding prison sentence of a person who steal having at home a hunger child, approval being around de 10% (17.9% for police officers, 13.5% for students, 12.2% for lawyers, 7.8% for public servants). Around 50% from surveyed did not expressed they opinion at all. But is acceptable a sentence to community service (in favour: 73.0% of students, 64.4 of lawyers, 60.9% of public servants, 55.5% at police officers). It still remain a high percentage of those who could not accept any punishment (31.3% of public servants, 26.6% of police officers, 23.4% of lawyers, 13.5% of students), in change 15.6% respectively 48.4% of public servants would sentence the mayor respectively the politicians for the social situation of the perpetrator, with almost similar percentage for police officers (15.0% respectively 48.4%); from students 20.2% would sentence the mayor and 65.2 the politicians, from lawyers 15.6% would sentence the politicians.

The analysed statistical data did not permit establishing a clear correlation between poverty and criminality. The analyse of economical indicator series and crime series, in 30 European countries, did not show any correlation.

Statistical data indicates that jobless people are mostly convicted: they percentage is around 40-50% among accused, but became around 60-65% among convicted. Motivations could be different: the lack of financial possibilities to employ a good attorney or the effects of stereotypes regarding this category of people.

Taking into consideration the domain of the research, the analyse has to be extended generally to legislation, penal law being just a little part of the field.

From the general population of Romania 81.7% agree that poverty results circumvention of the law. Poverty is among the first three options of surveyed. The average scores, in a descendent order, are: 3.56 (police officers), 3.50 (lawyers), 3.27 (students), 3.21 (public servants). The highest score was given by public servants below 30 years old (4.23), the lowest by public servants from 31 to 45 year old (3.00).

Combating poverty is considered to be a way to impose the respect of laws by 94.3% from the Romanian population. For the surveyed categories, the average score of approval, in descendent order, are: 4.23 (police officers), 3.94 (lawyers), 3.91 (students), 3.71 (public servants). The highest score was given by public servants below 30 years old (4.43), the lowest (3.45) by lawyers from 31 to 45 year old.

The research shows that not a short term deprivation (for sample temporary unemployment) has effect on the behaviour, but eventually a long experience of poverty, especially in childhood.

5.3.3. THE EFFECTS OF TRAUMA SUFFERED IN CHILDHOOD

The way in which trauma suffered in childhood affects later the life of an individual is studied by psychology. The sociology confronts with a dilemma: in the life of every person are unpleasant events in the childhood, the failure in the late life of individuals could underline these memories, and the success could transform them in irrelevant unpleasantness. In this way scientific researches are affected by several subjective elements.

The interviewed staff of penitentiaries did not identify this motivation of criminality. From convicted 4.8% declared that trauma suffered in childhood was the cause of committing crime.

From Romanian population 60.6% considers that trauma suffered in childhood is a motivation of the circumvention of laws, the average score for acceptance being 2.80. These scores, for surveyed categories, in descending order, are 3.02 at students, 2.58 at police officers, 2.54 at lawyers, 2.19 at public servants. Constantly, for general population and each surveyed categories, at female and at younger the average is higher. The highest (3.38) appears at public servants below 30 years old, the lowest (1.17) at lawyers older than 46 years.

5.3.4. UNDERSTANDING OF THE PURPOSE LEGAL PROVISIONS

The laws have to be respected unconsciously, only because they exist, or understanding the utility of laws, why legal norms have to be respected is important for compliance?

To the surveyed, in a situation of being fined for speeding and continuing the route, the most important motivation to respect the speed limit is to avoid an accident (61.8% from police officers, 46.1% from lawyers, 42.2% from public servants, 39.3% from students offered this answer).

Observations on traffic rules shows that rules with an obvious utility are more respected: at a crossroads more signalling the change to left than the change to right, also in a highway the change of lines to right than to left.

5. CONCLUSIONS

The results show that deprivation theory, in its gross form, is not confirmed by empirical data.

The confirmed theories are only in an apparent conflict, because they cover two different perspectives: the individual's choice and societies model of the individual, but these two are not in conflict, they complement each other. The individual makes choices, but the choice is influenced by education and their own experiences, by the process of socialisation.

The research indicates a serious problem regarding the content of education in Romania. In the situation where legislative education is lacking in the school, wrong interpretations appear, the rule of law is not understood, citizens did not address to competent authorities if they are victims of crimes, they did not support these authorities, offering a lot of space to the development of criminality. In this cultural model, the negative model of law circumvention is transmitted by socialization.