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The public opinion about the Bulgarian's legal awareness

Sofka Mateeva

After the democratic changes in the Republic of Bulgaria, each year dozens of public opinion polls and surveys on various problems of the present day have been carried out. In those surveys the legal issues have been considered with due attention. More specifically, these are sociological researches dealing with the legislative system's workings, i.e. how the court system, the prosecutor's office, and the judicial inquiry function.

The results of the public opinion surveys show that our society is far from estimating highly the legislative system. The court system receives only 16 % of the Bulgarian citizens' approval, the prosecutor's office – 20 %, and the judicial inquiry – some 22 %¹. Or, in other words, the court system is found to have received the lowest amount of votes.

The reasons for the poor rating of the legislative system in our country are *numerous and of different nature*. Among the most important ones are the following:

- the rapid growth of criminality during the last 10 – 15 years;
- the unsatisfactory outcomes of the struggle against criminality;
- the low efficiency of the collaboration between the court, the prosecutor's office and the judicial inquiry, which has been subject to violent criticism;
- some cases of corruption practices in which personnel members of various institutions of the court system were involved and which were made public by the media;
- and last but not least, the citizens' firsthand experience of the work of the court, the prosecutor's office, and the judicial inquiry.

¹ Here and further in this item, data taken from a representative sociological public opinion survey having for its topic "Analysis of the Bulgarians' legal awareness" is being used. The poll was carried out by the Bulgarian National Center for Research of the Public Opinion in the period October – November 2003. Internet site: www.parliament.bg/nciom/2003/11.12/index.htm

It is highly possible that the ongoing reform in the legislative system as well as some shortcomings of the now functioning legal system hinder the objective evaluation of the efficient functioning of the individual sections of the legislative system. However, those objective reasons and circumstances are not to be disregarded and underestimated. *Despite the reasons*, being either subjective or objective, there is no denying the fact. *The legal system has a poor public rating, which, however, does not correspond to the extremely important role the legislative system plays in the life of the contemporary Bulgarian society.*

Of course the opportunities for the growing the legislative system's prestige cannot be, and should not be sought in the magistrates' activities only. The reasons why the legislative system has recently lost its face are much deeper and are rooted in the complicated social situation that has its beginning back in the transitional period towards democracy and market economy. The radical changes that have recently taken place in the Bulgarian society have destroyed many totalitarian models and behavior stereotypes. The new ones, having the democratic principles and market economy mechanisms for their foundation, are not developed enough and have not strengthened their positions yet. This leads to a specific moral and ethical insufficiency, which favors the formation of objective conditions and prerequisites for the escalating of criminality.

On the other hand, people seem to have no clear idea about what legal and illegal under these new circumstances is, and logically enough, they play a more passive role in defending their view of how the democratic principles should interact with the legal rules. In other words, *the legal awareness of the Bulgarian citizen has proved to be seriously damaged.* This is sure to cause confusion and feeling of insecurity, which, of course, would reflect on people's attitude towards the legal system. And people will certainly appreciate to see how the new standards of law and order will be put into practice. Thus, this critical attitude towards the legal system's workings can be viewed as originating both in the system's own omissions and

mistakes and the general feeling of emotional instability due to the people's stereotype of living and social conduct being disturbed in one way or another.

The impressions of the legislative system's workings can be also formed as a result of *the citizens' legal awareness*. The data acquired from the above mentioned public opinion surveys shows that the main information source, in terms of providing people with information on legal matters, is the mass media. The highest percentage of the citizens, i.e. 35%, confirm to get informed about matters of such nature from television, the newspapers – 14 %, and the radio stations – 3 %. Having in mind the role of the mass media in the contemporary society, this data does not come as a surprise to us, but on the contrary - it is completely relevant to the present situation. Nevertheless, this fact needs some further explanation.

As a rule, the information on legal issues that the citizens receive through the mass media, is fragmentary by nature. That is because the journalists, led by the logic of their professional commitment, deliver this sort of information in a rather fragmentary manner and only in cases which fit their own idea of "a piece of news". When delivered in such a fashion, the information received through the mass media, has not the capacity to facilitate people in their attempt to get a better understanding of the legal system and to fill the gaps in their legal knowledge. What happens, however, is that by providing incomplete information about certain criminal matters and incidents the mass media only intensifies the sense of confusion and disorder in society and gives the impression that the legal system is not capable of dealing effectively with the widespread criminality.

It is only fair to draw attention to the fact that beside the news-orientated only information the mass media purposefully provides also analytical information to the viewers, listeners and readers, so that they could be able to form a more general and well-grounded opinion of the legal system's activity. Unfortunately, this kind of information is limited in quantity and not sufficient enough; it cannot provide enough

material for the people to get the overall picture of the novelties in the judicial mechanisms and thus, to be able to fill the gaps in their weathered legal knowledge.

For some mass media maintaining legal columns and programs for educational purpose on a regular basis is a difficult task to manage in the conditions of market economy. Except for the Bulgarian National Television and the Bulgarian National Radio all the other media are private. In the conditions of a tough competition these two public media simply cannot afford to broadcast educational programs, which, as a rule, have a comparatively modest rating. This means that, in order for the mass media to be used as a means for the improvement of the Bulgarians' legal knowledge, it is of primal importance to secure solid financial resources for the regular broadcasting of legal programs for educational purposes.

There are also other sources beside the mass media which provide information on legal matters. According to the survey, 13 % of the Bulgarian citizens get informed about legal topics and problems from lawyers, 8 % - from acquaintances and friends, 1,7 % - from the internet, and 1,4% - from law literature. These percentages form the circle of people who purposefully seek legal information either because they have some kind of a legal problem, or because this information is relevant to their professional activity, or simply because they wish to fill the gaps in their own knowledge about the changes in the legal system of the country.

Special attention should be paid to the fact that 3% of the survey participants assert that they use *The State Gazette* as a legal information source. It might be possible that these are people who need to keep up to the current changes in the law system in order to be competent enough in their sphere of professional practice. Not only lawyers, but also people who run their own private business or work as managers belong to this group.

There is no doubt that citizens who, for one or another reason, seek legal information, are people whose legal culture, as a rule, is on a very high level, and it

can be assumed that they have more social contacts, both in the private and the professional sphere of life. What can strike us about the survey results is the small percentage of people looking for legal information on the internet (1.7%). This fact is quite alarming with a view to the vast opportunities the internet can offer. It is exactly through the internet that the active part of the Bulgarian society could obtain in the easiest possible way the legal information concerning specific problems. Besides, people can use the internet also as a source to improve their own legal culture.

A lot more can be done to attract a bigger number of users by the legal information circulating in the internet, thus making them interested in the essence of the Bulgarian legal system. Beside the texts of certain laws, regulations and decrees, the public organs and institutions could also work out and release some explanatory materials written in a more comprehensible manner, which will have for their purpose to assist the ordinary citizens in their endeavor to get deeper into the essence of one or another normative act or document. It is important to get the internet users informed in due time about all the amendments in the now-functioning legal system. Besides, it will be of some use to the users if they are kept informed not only about the recent law amendments, but also about those normative acts which have been abrogated, so that they could easily and faster orientate themselves in the new situation. By analogy, at the time when new legal regulations are published or even before that, it would be convenient for people to have at their disposal notes explaining the law-maker's motives in the process of formulating the new legal tests.

According to the survey data, *20% of the Bulgarian citizens are not interested in legal issues*. This percentage represents quite a big part of the population. That is why, this fact deserves to be paid special attention. The fact itself is not alarming, given the presumption that among those 20 % of the interviewed there are also people who must have had no legal problems at all at the time the survey was carried out. Poorly educated people also fall into this group, and to them any legal text is somewhat hard to comprehend. In every society there are also people who, as a rule, are socially inactive, so normally they will not show any interest in legal problems just

as they will show no interest in any other social issue. But when it comes down to clarifying the reasons behind this phenomenon, i.e. why the Bulgarian citizens do not show any interest in the legal matters, one should not ignore also the problem of finding ways to get at least some people intrigued by what is going on in the legal system in our country nowadays. Moreover, it is society itself that should be kept responsible for the improvement of its members' legal culture because, as we all know, one of the major principles when applying the law is that being unaware of the law does not excuse the law-breaching act of the offender.

Recognizing one's rights, freedoms and obligations, as provided by the Constitution, is the essence of every citizen's legal culture. The survey results show that one in every five Bulgarian citizens, that is 20% of the population, have read the Constitution of the Republic of Bulgaria. This fact is impressive of course, because it indicates that a considerable part of the citizens are in fact familiar with the main legislative document of our state. In their daily activities those people, who are well acquainted with their constitutional rights and obligations, communicate largely at work and in their private circles, thus sharing much of their knowledge with other people, who get informed indirectly on those particular issues. Despite this optimistic hypothesis however, there is no doubt that a prevailing part of the Bulgarian citizens (80%) receive no first-hand information on their constitutional rights and obligations. In their social interactions they would rather follow their social intuition or use information on legal issues they have received at second hand from the media, the social environment, or from some sporadic contacts with state legislative. *The survey results clearly show that the Bulgarian citizens are not well acquainted with the Constitution of their country.*

This unfavorable conclusion comes to show that the state authorities and institutions as well as the various civil organizations have not yet done what is necessary to acquaint the citizens with the text of the Constitution. In this respect, the vast experience of the USA and some EU countries in making the citizens' constitutional rights, freedoms and obligations public can be followed.

We may judge about the Bulgarians' legal culture also by their *idea about what the law is and how one must observe the law*. According the survey data, a prevailing part of the people (83%) think that the law must be observed even in cases when the law comes in contradiction with their personal understanding of what is right and wrong. Some 71% of the survey participants think that breaching the law can be justified in very few cases. Demonstrating such an attitude towards the law indicates a considerably high level of legal culture and consciousness. People who take the law so categorically, as something that must not be subjected to any conditions or commentaries, recognize the will of society as a fundamental, regulatory factor in the formation of each individual's social conduct. In this respect, one more fact is worth mentioning here. And again according to the survey, 94% of the Bulgarian citizens claim that they and the people like themselves observe the law. This positive attitude toward the law shows that if the ruling circles are prone to demonstrate goodwill, they will get a strong public support in their struggle against criminality in Bulgaria. Of course in the answer to this question one can sense some self-assessment that comes from people's will to be loyal to a universal point of view. When in certain problematical situation, however, those same people, who fervently pronounce themselves to be for the strict observation of the law, may yield to the temptation to get round or even breach the law. Despite this necessary remark the so-drawn conclusion still holds. People do have respect for the law, and if the society is ready to meet certain conditions ensuring the fast application of the legal proceedings against law-violators, the bigger part of the citizens will categorically approve of one such policy in the sphere of legislation.

The survey data also shows that the percentage of the people who are potential law violators is small – 6 to 8 % (considering also the possible statistical error). Who are those people? Are they “naturally born criminals”, or do they consider themselves “untouchable”? Or maybe the law is not strict enough and this eventually brings forth

conditions which favour the social misconduct of certain people who have a wrong moral sense?

According to the public opinion, the people who most often violate the law in Bulgaria belong to the empowered elite (20% of the survey participants have given such a reply); followed by the wealthy - 15%, the politicians and the members of the Parliament – 11%, the criminals and the mafia - 6%; the civil servants – 2%, the impoverished – 2%, and the corrupted – 1%. Some of the participants did not answer straightforwardly to this particular question. 20 % of them think that all people break the law, 1 % think that nobody breaks the law, and some 15% say they cannot give a concrete answer.

To those who are acquainted with the Bulgarian social life for the last 15 – 16 years the results of the survey carried out by the National Center for Public Opinion Research come as no surprise. A more general conclusion can be drawn from these results. No definite political will for neutralization of criminality in our country has been demonstrated so far. The survey data does not provide any opportunity for giving consideration to the necessary steps that should be made in this direction. Besides, the data does not suggest which of the public forces will be capable of embarking on a more decisive battle against criminality in Bulgaria. The widespread belief holds that it is the social elite itself that breaks the law in most of the cases. Unless decisive measures are taken, it is highly possible for this negative idea to further damage the relations inside the society and to undermine the social life's foundations thus leading to serious consequences.

The above described picture is further deteriorated by the negatively-flavored answers to the question “Do the Bulgarians observe the laws?” 10 % of the interviewed give a positive answer, 82 % are inclined to think that the laws are observed, while some 8% cannot give any opinion. This empirical data mirrors the skeptical attitude towards law observance that reigns in our society. The expressed opinions can hardly be explained with the citizens' poor legal awareness or with

the inadequate information they get. They'd rather be considered as a result of the widespread impression that nothing much has been done so far to effectively fight the criminality.

To support the above mentioned conclusion here come the answers to the following question: "How likely is for someone who has committed a crime to be convicted?" Among 55 and 75 % of the interviewed think that it is highly unlikely a person to be found guilty for having committed the following crimes: battery, theft, fraud, insult, doctor mistakes, failures to pay taxes, instigating an assassination, drug dealing, and corruption. The survey does not provide any analysis of the reasons why exactly this general opinion has been formed. What counts here is the fact that the public is convinced in the non-punishability of the criminals. This means that *by letting the lawbreakers get away with it our law system actually destroys the society's moral foundations.*

Some more survey data can be of some service if we want to confirm our conviction that our society is already going through the rotting process of demoralization. Data shows that a big part of the Bulgarian citizens (36%) are *indifferent* towards the violation of both the legislative and moral rules of our society; 37% however feel *fear and despair*. 26% of the citizens give a strong expression of their indignation and intolerance toward the lawbreakers. Of course, the passive societal position must not be understood literally – as a total lack of resisting forces and good will to react against criminality. Sometimes public opinion's latent forms of expression can reveal the society's surprising and unpredicted potential to react. In this sense, it is very likely that at some point the society will spontaneously support some drastic measures in the struggle against criminality.

One can judge about the legal awareness of the Bulgarians also from the answers given to the following question: "Which factors matter in the process of developing one's respect towards the law and the social norms?" Data shows that

76% of the survey participants think that *the punishment* imposed to the lawbreaker is *an important stimulating factor*. Having in mind the relatively high percentage of those supporting the concept, one can draw the conclusion that the society members agree on the pressing necessity of each lawbreaker to bear the punishment they deserve by law. It is obvious that the society is not prone to tolerate violation of the law of any kind. The lawbreakers cannot count on public tolerance.

Upbringing and education are also among the important factors. This is how 64% of the interviewed think. That means that the better educated people are less likely to break the law or the universal ethic norms. Another conclusion can be drawn at this point, i.e. good education and upbringing are still highly treasured social values, which have the potential to restore the original social law and order in society.

According to the survey data, *public control* on the social conduct of the citizens is another essential factor, which can contribute to the struggle against criminality. This is how 55% of the survey participants think. Unfortunately, the recent social practice shows that there are but few relevant forms and mechanisms that can be of some use for the public control to become effective enough. In this sense, the functioning of this “stimulating factor” is still rather hindered, and the reasons for that are both objective and subjective. However, the fact that this kind of control is already being applied to some extent in our society’s life is due to the mass media. It is of course not easy to decide to what extent the social stand of those who work in the mass media corresponds to the general view of the public. A special sociological research should be held in order for empirical information on this problem to be collected.

According to the general public, *other important factors that motivate the respect toward the law and the societal norms* are: moral values – 54%, popular traditions and customs - 44%, and religion – 36%. As we can see, the Bulgarians

have kept intact their belief that the universal values can be a crucial factor in the process of imposing law and order in the society's life.

The survey results further confirm one encouraging fact. *Almost all the members of our society agree on the necessity of establishing a constitutional state.* Data shows that its basic functions involve: securing social order – 96%, protecting citizens' rights and freedoms – 95%, enacting effective laws – 95%, observing the laws – 94%, providing care for the wellbeing of the community – 93%, protecting the citizens against aggressive actions from outside – 91 %. Such a unanimity is rarely to be seen in this kind of public opinion surveys, and speaks eloquently about a society highly aware of the objective necessity that corresponds to the specific historic conditions marking the stages in our society's development. Not only are the Bulgarians yet up to the notion of the necessity for the establishing of a civil society, but they are already clear about its basic purposes and tasks, among which they rang the need for social order first. In this train of thought, let us quote G. Boychev who points out that “it is characteristic for the constitutional state to have the entire government machinery subservient to the people.”² By demonstrating unanimous opinion on issues concerning the constitutional state, the Bulgarians have actually proved to have a level of legal culture sufficient enough for them to be able to find the right way towards improving their own standard of social living.

The survey results show clearly and unequivocally that, despite the currently complicated criminological situation in the country – or maybe just because of this – the Bulgarian citizen stays sensitive about the legal issues. He/she is well orientated in the situation and is good at guessing the critical factors and reasons which hinder the society in its attempts to overcome the present though situation – a situation in which the criminality level goes far beyond the normal scope. In order for the legal culture of the Bulgarians to be able to function in the right direction, it should turn to solving burning problems of the day with a professional scrutiny. This is possible to happen

² G. Boychev, *The Constitutional State – Philosophical and Legal Aspects*, Sofia, 2003, p. 205.

only if people regain their faith in both the legal and the public institutions. A lot can be done in this direction by the non-governmental civil associations, organizations and pressure groups. By combining forces with the state and various divisions of the legal system, they can ensure the so needed synchrony between the creative social energy aiming at fighting criminality on the one hand, and the actions of the state and the law protecting authorities on the other.

The sociological survey of the National Center for Public Opinion Research, the results from which has been used here, is among the few which deal with this kind of issues. Unfortunately, the research does not entirely cover all the aspects of the problem in question. In this sense, the analysis which was done on the basis of the survey results is also to some extent incomplete and not accurate enough. However, one thing is for sure – the survey results clearly speak that a lot more empirical social surveys of that kind can be held, which can prove interesting and useful to the social practice.