

RELATION BETWEEN MORAL AND LEGAL NORMATIVITY IN WORKERS FROM LEGAL FIELD

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Abstract: *Law enforcement specialists have an important role in society considering that their activity is based on ensuring compliance with legislation, legal norms by citizens, the defense of fundamental human rights and freedoms. Specialists in this field have a special legal consciousness – it is part of their professional training, that is, their attitude towards the law is more special than that of people who do not work in the legal field. In this respect, we have carried out a research on the attitude towards the rule of law among lawyers (specialists in the field of protection of the rules of law) in relation to the manifestation of moral normativity. In the given research, 417 participants from the legal field were involved who expressed their attitude towards the legal norm determined by legal tolerance or intolerance, as well as their opinion regarding different situations related to moral norms. Thus, we assume that moral normativity correlates positively with legal tolerance (legal realism) among specialists in the field of law enforcement.*

Key words: *moral normativity, law enforcement specialists, legal tolerance, legal intolerance.*

JEL: K00, K40, Z13

1. Introduction

The legal field is a complex and specific domain of activity taking into consideration that it is based on the interaction “human-human” and on the activity of ensuring the respect of law, legislation, legal norms and freedoms. This requires many physical and psycho-emotional forces in specialists that are working within legal field. The most frequent difficulties or factors that could negatively influence or mark the professional activity of the lawyers are the following: intensive and exhausting schedule of activity and the availability 24 hours a day of workers from legal field (refers mainly to workers from internal affairs institutions, as well to all those who guard the public order and security), communication, interaction with criminal elements, and other people involved in criminal process as victims (who very often are traumatized), competitive environment and pressure in legal activities, permanent interaction with conflict

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situations, etc. (Gaivoronskaya, 2014; Rusnac, 2021). This peculiarity of the professional activity of lawyers that includes negative elements with direct influence on their personality, can lead to the development of professional deformation with direct impact both on individual and socio-professional levels in specialists of legal field (Baciu, 2014).

According to authors, the legal professional deformation, frequently, lead the legal workers to take an attitude of legal idealization (legal norm is supreme and could solve any problem and situation) and an attitude of legal nihilism (neglect of law and its value within society) – two extremes, but as well it could develop in lawyers legal infantilism (minor knowledge on legislation, with confidence that he/she knows everything about it), legal subjectivism (use of legal norms in own profit and ideas, ignoring the real meaning and essence of legal concepts), etc. (Gaivoronskaya, 2014). As we can see the professional deformation is related mainly to the way of thinking, perception, adopting attitudes, develop behavioral patterns regarding the professional activity, integrating them in everyday life. In our context of research, we would like to mention the legal thinking, which according to specialized literature, is determined by professional legal knowledge as well as the attitude towards legal norms, law involving thoughts and perceptions related to the role of legislation, law in life and society. The legal thinking is based on specialized education got frequently in institutions of higher education and during practicing the professional activity within the legal field (Gaivoronskaya, 2014). The legal thinking is an essential factor in the way of activity of lawyers, so that in the given study we focus on the researching the attitude to legal norms, using a questionnaire that involve different affirmations regarding the law role in the individual and social life of the people within a community, a state. The peculiarities of manifestation of different attitude to legal norms were measured through the filter of moral normativity – the specificity of establishing relations, socialization of lawyers.

2. Methodology and methods of research

In order to measure the *moral normativity*, we used the personality questionnaire “Adaptability” by A. Maklacov and S. Cermeanin that includes three scales: *adaptability*, *neuro-psychic stability* and *moral normativity*. Accordingly, we applied only the items related to the scale of moral normativity (24 items). The participants got as instructions to the questionnaire to answer “Yes” or “No” to the proposed affirmations, subsequently the score is calculated according to a key and transformed in stens score ranging from 1-10 stens (were 1-3 stens means low level of manifestation and 7-10 stens is high manifestation of moral normativity) (Calancea, 2012).

Legal normativity was measured by a questionnaire “Attitudes towards legal norms (law)” (D. Beznosov) which includes scales determined by different attitudes to law as manifestations of legal consciousness (Почебут, 2012). Thus, the questionnaire indicates to *legal tolerance*, i.e., positive, normal attitude towards law and *legal intolerance* – distorted attitude towards law. The first category includes the scale *legal realism*, the second category comprises more scales as *legal scepticism*, *legal conformity*, *legal cynicism*, *legal fetishism*, *legal infantilism*, *legal idealism* and *legal nihilism*. The questionnaire has 48 items that represents affirmations related to law, to its functionality and features. Respondents should evaluate each item on 5-point Likert scale ranged from “absolutely agree” to “total disagreement” (the score 0-4 p.). For statistical analysis of data, we used statistic methods (SPSS program) such as *t-Student* and the coefficient of correlation *r-Pearson* in order to determine the ratio between the researched variables.

The sample of the research is represented by 417 respondents, specialists of the legal field, officers of law enforcement, attorneys, and lawyers. For statistical comparative analyses we divided the sample in two categories: gender and professional experience. Thus, for the first category we have two groups: the first one count 279 of respondents that are men, that is 67% of entire sample, and the second group include 138 respondents, women – 33%. According to the category of professional experience we have distributed the sample in three groups: 200 of respondents have 0-5 years of work experience (48%), 89 respondents have 6-10 years of professional experience (21%), and 128 – have 11 years and more of working experience in the legal field (31%).

3. Results and interpretation

The results regarding the moral normativity among the respondents of our sample of research are as follow.

According to the data, the majority of participants have the medium level of manifestation of moral normativity – 79% (328 participants), 15% of respondents have a high level of manifestation (64 participants), and only 6 % of respondents have low level of manifestation (25 participants).

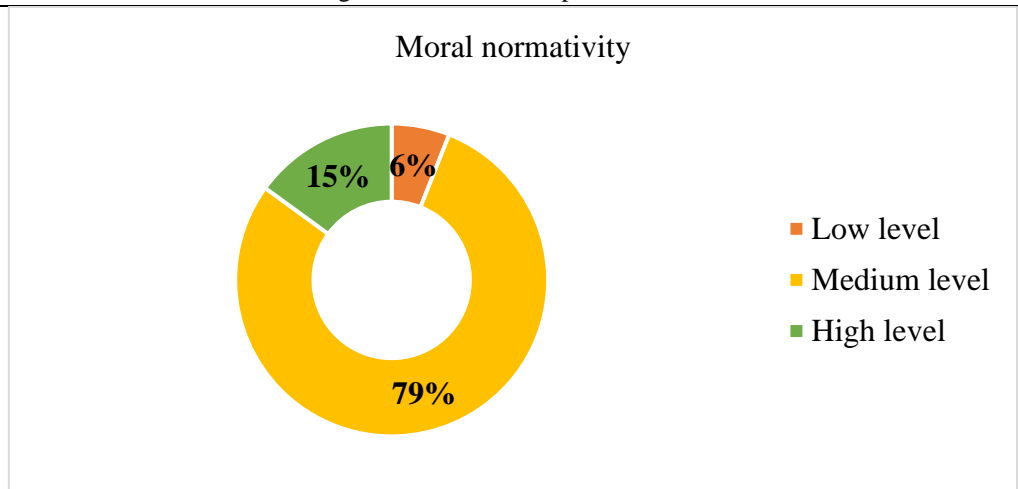


Figure 1. Level of manifestation of moral normativity (entire sample)

The average value of the entire sample constitutes 5.4 – that corresponds to medium level of manifestation. The comparative analysis of data regarding the moral normativity depending on gender, doesn't reveal visible differences between men and women that have average values 5,4 and 5,5 respectively, the women having the a little more emphasized tendency to follow general rules and norms of behavior in groups, society. The statistical comparison of data regarding the manifestation of moral normativity in men and women doesn't show any significant statistical difference.

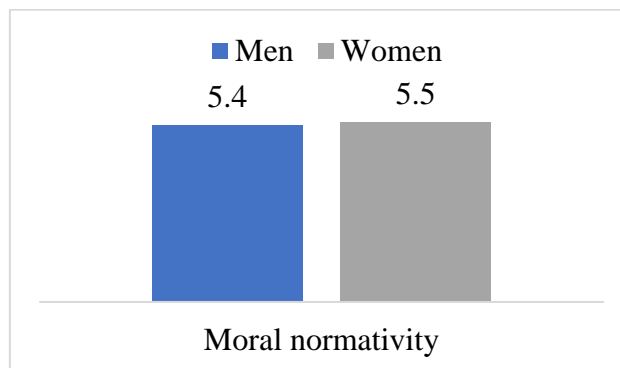


Figure 2. Average values of moral normativity scale depending on gender

We also compared the manifestation of moral normativity in the participants according to the category of professional experience. For specialists with professional experience of up to five years we have a lower average (5.3), compared to participants with experience of 6-10 years and 11 years and more, both subgroups having an average equal to 5.5.

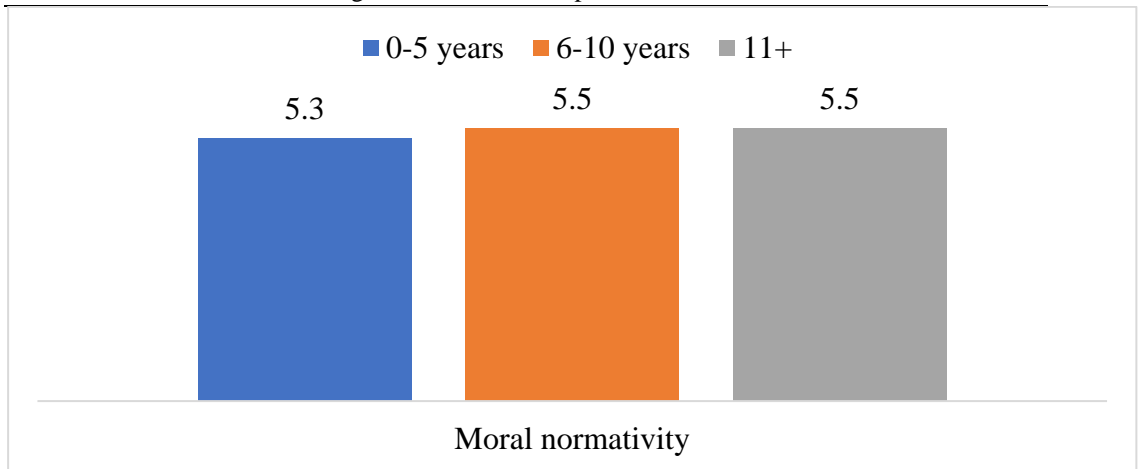


Figure 3. Average values of moral normativity depending on professional experience

At the statistical level, no statistically significant differences were attested, so we conclude that moral normativity is not influenced by the professional experience of the participants in the given sample.

The legal normativity, as we mentioned, was measured by means of the questionnaire “Attitudes towards the rule of law”, which allows us to obtain a more global picture regarding the perception of the functionality and status of the legal rules in our country among lawyers.

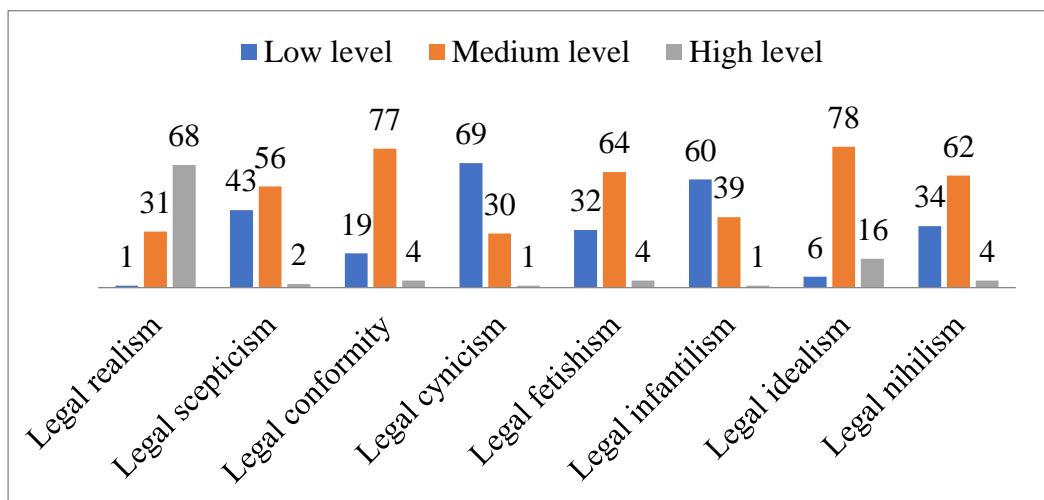


Figure 4. The level of manifestation of the attitudes towards law

According to the data obtained, we observe that the scale of positive attitude towards the rule of law – “legal realism” – is determined by a high level

of manifestation in 68% of participants, 31% of participants have an average level of manifestation, and only 1% - a low level of manifestation of legal realism. Regarding the distortions of the legal consciousness in the participants, we can mention that few participants have a high level of manifestation (up to 5% of the participants) except for the scale of legal idealism which accumulated 16% of the participants.

Practically, most of the participants have an average level of manifestation of “legal conformity” and “legal idealism” – 77% and 78% of participants, respectively. Also, more than half of the participants have an average level of “legal fetishism” (64%), “legal nihilism” (62%) and “legal scepticism” (56%). The scales of “legal cynicism” (69%) and “legal infantilism” (60%) are characterized mainly by low level of manifestation.

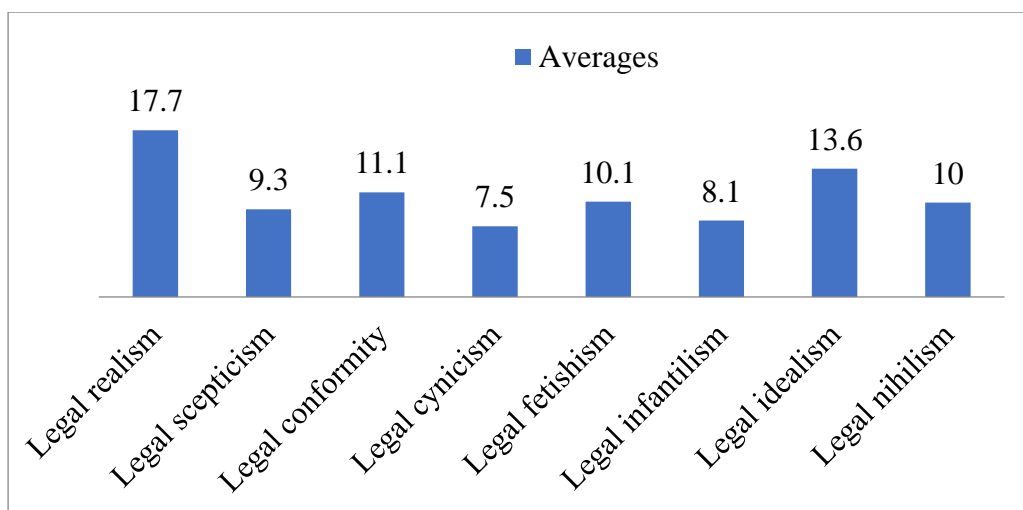


Figure 5. Average values regarding the scales of attitude towards law (entire sample)

Analyzing the average values of the scales of the attitude towards the rule of law, we notice that the participants have a high level of manifestation of “legal realism” ($M=17.7$), and medium level for the scales of “legal idealism” ($M=13.6$), “legal conformity” ($M=11.1$), “legal fetishism” ($M=10.1$), “legal nihilism” ($M=10$) and “legal scepticism” ($M=9.3$). The average values of the attitudinal scales “legal cynicism” and “legal infantilism” fall within the low level of their manifestation among the participants – $M=7.5$ and $M=8.1$.

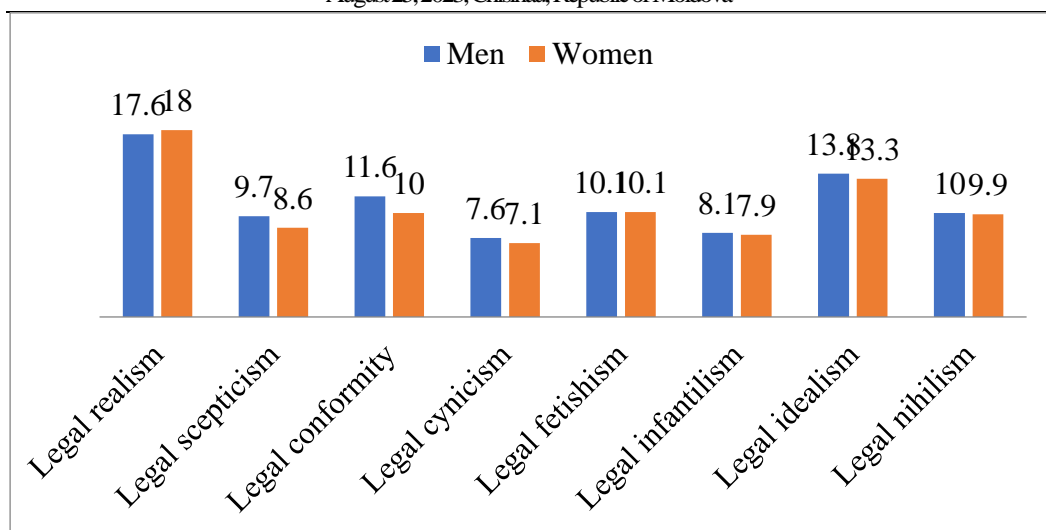


Figure 6. Average values regarding the attitudes towards law depending on gender

The comparative analysis of the attitudes towards the rule of law in men and women reveals the following data: women have slightly higher values for “legal realism” with an average value of 18 compared to men of 17.6. But for other scales, women have lower average values than men. More obvious differences are for the scales of “legal scepticism” (men M=9.7, women M=8.6), “legal conformity” (men M=11.6, women M=10), “legal cynicism” (men M=7.6, women M=7.1), “legal infantilism” (men M=8.1, women M=7.9), “legal idealism” (men M=13.8, women M=13.3). We also have similarities regarding “legal fetishism” and “legal nihilism” with average values of 10/9.9 respectively for the other scale.

Table 1. Comparison of data regarding the attitude towards law depending on gender

		t-test for Equality of Means						
		t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
							Lower	Upper
Legal scepticism	Equal variances assumed	3.111	415	.002	1.10488	.35518	.40670	1.80306
	Equal variances not assumed	3.070	263.883	.002	1.10488	.35987	.39629	1.81346

Legal conformity	Equal variances assumed	4.787	415	.000	1.64898	.34445	.97190	2.32606
	Equal variances not assumed	5.078	319.437	.000	1.64898	.32473	1.01009	2.28786

The comparative statistical processing of the data reveals that there are statistically significant differences between men and women regarding the “legal scepticism” scale ($p=0.002$) and the “legal conformity” scale ($p=0.000$). Thus, men are more skeptical and indifferent, passive towards the rule of law, using it more as a working tool.

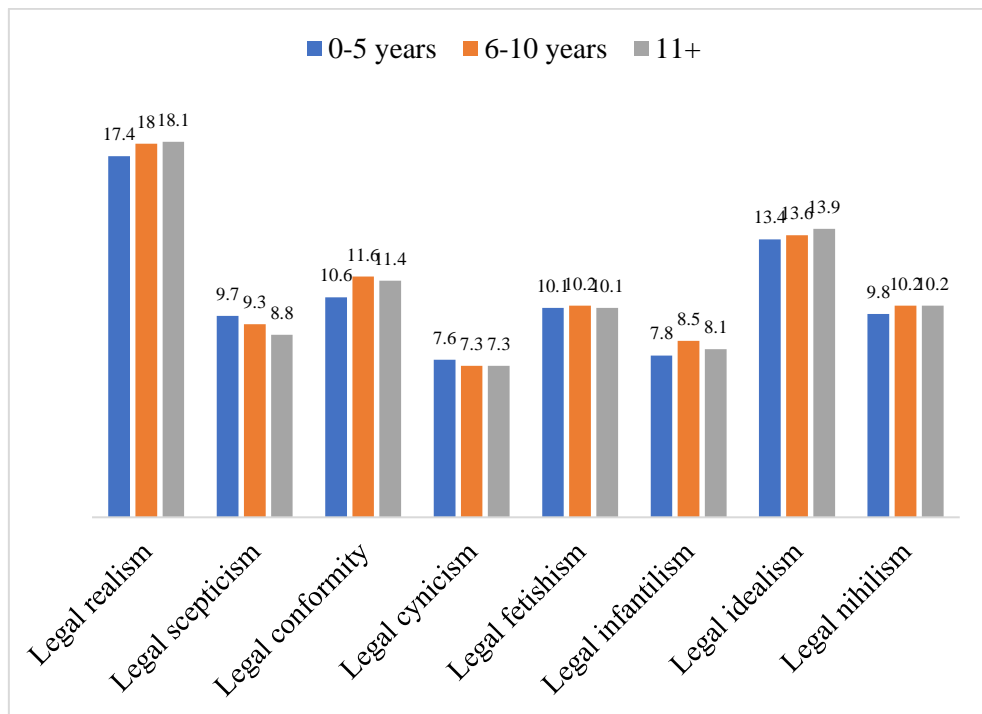


Figure 7. Average values regarding the attitudes towards law depending on professional experience

The comparative analysis of the average values of the scales of attitudes towards the rule of law depending on professional experience shows the following picture: for the scale of “legal realism” participants with 0-5 years of working experience have a lower value than those with 6-10 years of experience and those with more than 11 years of experience. For the “legal scepticism” scale – the most skeptical are participants with little work experience in the legal field, followed by participants with experience between 6-10 years and those with more than 11

years in the field have the lowest value in what concerns the skeptical attitude towards the rule of law. On the scale of “legal conformity” – lower average value is observed in participants with 0-5 years, compared to those working for more than 5 years – both subgroups of 6-10 years and 11+ have higher average values. For the “legal cynicism” scale, participants with 0-5 years of work experience have a slightly higher mean value than other participants with more than 5 years of professional experience. For the scale “legal fetishism” we have similarity in all three subgroups, practically with the same average value. The “legal infantilism” scale is determined by higher mean values in participants with 6-10 years of experience, followed by those with 11 and more years of experience, and lower mean values in participants with 0-5 years of experience. Average values on the “legal idealism” scale increase with experience by 0.2 and 0.3 points. And regarding “legal nihilism” – participants with 0-5 years of experience in the legal system have a lower mean value than participants with more than 5 years of experience which remains constant.

Table 2. Comparison of data regarding the attitude towards the law depending on professional experience: participants with 0-5 and 6-10 years of experience

		t-test for Equality of Means						
		t	df	Sig. (2- tailed)	Mean Differenc e	Std. Error Differenc e	95% Confidence Interval of the Difference	
							Lower	Upper
Legal conformity	Equal variances assumed	-2.171	287	.031	-.98298	.45275	-1.87410	-.09185
	Equal variances not assumed	-1.853	122.211	.046	-.98298	.53036	-2.03286	.06690

The comparative statistical processing of the data regarding the attitudes towards the rule of law in participants with 0-5 years of professional experience and participants with 6-10 years of experience showed statistically significant differences only for the attitudinal scale of “legal conformity”. Thus, participants with professional experience between 6-10 years comply with the legal norms more willingly: it’s an automated process, reflecting the hierarchic focus within the legal system of the country.

Table 3. Comparison of data regarding the attitude towards the law depending on professional experience: participants with 0-5 and more than 11 years of experience

		t-test for Equality of Means						
		t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
							Lower	Upper
Legal realism	Equal variances assumed	-2.307	326	.022	-.77781	.33717	-1.44111	-.11451
	Equal variances not assumed	-2.353	288.061	.019	-.77781	.33062	-1.42856	-.12707
Legal scepticism	Equal variances assumed	2.329	326	.020	.86875	.37307	.13482	1.60268
	Equal variances not assumed	2.289	255.436	.023	.86875	.37947	.12146	1.61604
Legal conformity	Equal variances assumed	-2.299	326	.022	-.77125	.33546	-1.43118	-.11132
	Equal variances not assumed	-2.307	273.789	.022	-.77125	.33434	-1.42945	-.11305

Processing the data between participants with 6-10 years of professional experience and those with 11 and more years of experience, we can mention that no statistically significant differences were attested between participants with 6-10 years of professional experience and those with equal and more experience higher than 11 years ($p > 0.05$).

Comparative statistical processing between the subgroups of participants with 0-5 years of experience and those with 11 and more years of experience highlights some statistically significant differences: participants with 0-5 years of experience are more driven by “legal scepticism” than participants with greater experience. Participants with experience of 11 and more years are characterized by “legal realism” and “legal conformity” compared to those who have only embraced legal specialization and are still at the stage of integration, adaptation, assimilation of the practical aspects of the field of protection of legal norms.

In addition to the comparative analyzes of the obtained data, we performed the statistical correlation analysis to establish the particularities of the mutual influence between “moral normativity” and the legal one among specialists in the

field of legal norms protection. Thus, we can mention that the “legal fetishism” and the “legal idealism” do not depend on moral normativity.

Table 4. Relation between attitude toward the law and moral normativity

<i>Correlations</i>		Moral normativity
Legal realism	Pearson Correlation	.103*
	Sig. (2-tailed)	.036
	N	417
Legal scepticism	Pearson Correlation	-.312**
	Sig. (2-tailed)	.000
	N	417
Legal conformity	Pearson Correlation	-.141**
	Sig. (2-tailed)	.004
	N	417
Legal cynicism	Pearson Correlation	-.324**
	Sig. (2-tailed)	.000
	N	417
Legal infantilism	Pearson Correlation	-.201**
	Sig. (2-tailed)	.000
	N	417
Legal nihilism	Pearson Correlation	-.294**
	Sig. (2-tailed)	.000
	N	417
**.		Correlation is significant at the 0.01 level (2-tailed).
*.		Correlation is significant at the 0.05 level (2-tailed).

We have a positive correlation between “moral normativity” and “legal realism”, which means that with the manifestation of moral normativity in the participants, the level of manifestation of legal realism, of the positive attitude towards the rule of law also increases ($r=0.103$ and $p=0.036$). A negative correlation between “moral normativity” and “legal scepticism” was attested ($r=-0.312$ and $p=0.000$), so the higher the moral normativity, the lower the legal skepticism. A negative correlation was attested between “moral normativity” and “legal conformity” ($r=-0.141$ and $p=0.004$) – the more manifest the moral normativity is, the less often legal conformity is manifested in the participants. As well, between “moral normativity” and “legal cynicism” there is a negative correlation ($r=-0.324$ and $p=0.000$): the more frequently and more intensely the cynical attitude towards the rule of law is manifested, the lower is the moral normativity at participants and vice versa. The statistical analysis has showed a negative correlation between “moral normativity” and “legal infantilism” ($r=-$

0.201 and $p=0.000$), thus high values of moral normativity minimize the manifestation of the infantile attitude of the rule of law. And, finally, we got a negative correlation between “moral normativity” and “legal nihilism” was attested ($r=-0.294$ and $p=0.000$) – the participants’ high moral normativity ensures the decrease or exclusion of the nihilistic attitude towards legal norms.

4. Conclusion

Regarding the moral normativity and the results obtained for it, among lawyers, we can conclude that the respect of the general norms of behavior in society depend on the situations, circumstances, perceptions and attitudes of the social contexts of the participants, they being a little disoriented in terms of their role in these contexts, probably because they are not satisfied with their activity, with some circumstances in life, which sometimes unbalance and keep the person in tension and anxiety. But still, it should be noted that the participants respect the moral, general norms of behavior that persist in groups of friends, relatives, colleagues, because these norms are an indispensable part of the socialization of the person, without respecting them, the person risks being excluded, marginalized. Within the researched sample, moral normativity does not depend on the gender category or the length of work experience in the legal field of the participants.

Regarding the legal normativity (measured through the attitude towards law), we identified that on the one hand the participants of the sample are characterized by a positive attitude towards the rule of law determined by legal realism, i.e. normal legal awareness that includes knowledge of the legislation and a positive appreciation of the legal norms – which is presented as basic regulators of behavior in society. On the other hand, taking into consideration the professional training in the legal field of the participants, we have noticed an obvious high level of legal conformity and idealism, which indicate to an irrational attitude towards legal norms (based on their ignorance or their idolization), in some cases exaggerating the role legal norms in society. Tendencies of skeptical and nihilistic attitude towards legal norms were also detected, thus highlighting the possible professional deformation of the participants. Other forms of intolerance of legal norms such as cynicism and legal infantilism are less specific and manifest for the participants of the given sample.

The comparative analysis by gender category revealed that men and women in the legal field differ in terms of the skeptical and conformist attitude towards legal norms, being more appropriate for men. The professional experience in the legal field develops the conformist attitude towards legal norms determined by the recognition of the legal system in society with irrational compliance with the legislation (possible due to gaps in the knowledge base, lack of interest in the legal system). The manifestation of conformist attitudes towards

legal norms in participants can be determined by the specifics of the legal system in the Republic of Moldova, which is very rigid and still “influenced” by old, Soviet principles that only create impediments in the normal activity of the legal system in the country.

Considering the basic goal regarding the interrelation between moral and legal normativity for specialists in the field of protection of legal norms, we can conclude that there is a very close connection between them: the positive attitude towards the legal norm depends on the inclusion of social norms - being directly related. The manifestation of forms of intolerance towards legal norms such as scepticism, conformity, cynicism, infantilism and legal nihilism are generated by reduced moral normativity, neglect of social norms, of the group of friends and colleagues, non-identification within the primary and reference social group, which can lead to the development of deviant, antisocial behavior.

The present research showed us the importance of the socialization of people, especially those working in the legal field. Considering that lawyers work with people permanently – this can lead to the development of legal professional deformation determined by negative expression at the attitudinal and behavioral level, as well as to the intensification of professional burnout. In this context, we recommend psychologists within legal institutions to keep up-to-date the psychological and moral state of legal workers in the institution (individual and group counseling, personal development training), especially emphasizing interpersonal, intragroup and intergroup relations, norms and social values, professional norms and values, etc.

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