
**TRUST IN CRIMINAL JUSTICE AND COMPLIANCE
WITH THE LAW IN CZECH SOCIETY: TESTING
THE NORMATIVE HYPOTHESIS ON 1999 AND 2011 SAMPLES**

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ABSTRACT

Normative theory of compliance highlights trust in criminal justice institutions as a substantial factor that fuels their legitimacy, legitimacy of the law and following of the law. Our study is aimed at examining both the normative and instrumental aspects of compliance with the law in Czech society, namely trust in the police and the criminal courts and their perceived legitimacy, personal morality and perceived risk of sanctions. Its purpose was to empirically verify the model of compliance as suggested by Jackson et al. (2011) within Czech context, assuming an important role of trust in procedural fairness of the police and the courts in shaping compliant behavior. A review of attitudes toward criminal justice implied potential constraints to the validity of the model in Czech society, mainly in respect to low levels of trust and perceived legitimacy of the police and the courts. Nevertheless, the empirical analysis based on structural equation modeling with use of two representative datasets (ESS Round 5 2010, *Bezpečnostní rizika 1999*) indicates trust in police procedural fairness to be – in contrast to the perceived risk of sanctions – a strong factor in predicting compliance. The obligation to obey the law, shaped mainly by trust in procedural fairness and personal morality appear to be comparatively the most important predictors of compliance in the Czech Republic. The model was not significant in the case of courts and for the 1999 dataset, probably due to poor internal consistency of several constructs.

Key words: criminal justice, procedural fairness, trust, legitimacy, compliance

Introduction

The presented study was initiated by a simple question posed by American psychologist T.R. Tyler in the late 1980s and a subsequent answer that he gave a couple of years later, based on a huge body of research in American context. The question was: Why people obey the law? (Tyler 1990), and it redirected the traditional criminological focus from the causes of crime to the causes of compliance or the consensual following of the laws. The given answer is a normative one, considering trust in criminal justice institutions as a significant factor of people's willingness to comply with the law (Tyler 1990). That accords with the hypothesized nature of the power of institutions in Western societies. In the process of differentiation, institutions became experts, whose specialized knowledge and practice cannot be easily controlled anymore (Luhmann 1973, Giddens 2010). Thus, it can be assumed that trust of people in postmodern institutions represents an important source of their legitimacy (which is a significant source of compliance with

the law). However, there are differences likely to exist in the salience of the effect of trust on compliance depending on the social context.

Our research regards potential normative and instrumental aspects of people's compliance with the law¹ in Czech society. Its aim was to empirically verify the model of supposed predictors of compliance proposed by Jackson et al. (2012) within the *Eurojustis* project². The structural model inspired by the theory and research on compliance by Tyler (1990) examines effects of personal morality, perceived risk of punishment for crossing the law and particularly trust in the police and the criminal courts, their perceived legitimacy and the legitimacy of the law in relation to compliance. The subsequent aim of our study was to gain a brief insight in dynamics of the observed relations within Czech society. We used two representative datasets stemming from two research studies on trust in criminal justice in the Czech Republic: *European Social Survey 2010*³, *Round 5* and *Bezpečnostní rizika 1999*⁴. The quantitative analysis was based on structural equation modeling in order to estimate the relative importance of normative and instrumental predictors in relation to compliant behavior, which in our eyes can be helpful for finding valuable guidelines for making criminal policy in the Czech Republic.

1. Tyler's normative theory of compliance

The theoretical basis of our research draws on the conclusions of studies on criminal behavior and attitudes carried out by American social psychologist Tyler. His *Chicago Study* (1984–5) has provided empirical support for the hypothesis of the dominant influence of normative factors in comparison to instrumental ones in relation to compliance with the law. The research results led Tyler to believe that “people comply with the law not so much because they fear punishment as because they feel that legal authorities are legitimate and that their actions are generally fair” (Tyler 1990). According to Tyler's model, consensual following of the law and willingness to cooperate with the police and the courts may be strengthened primarily through people's experience with the authorities showing them a procedurally fair approach.⁵ When people are convinced that the police and the courts treat them with respect and that their behavior is neutral, they are willing to submit to the decisions of those institutions. They also are more satisfied with the

¹ The term is understood as one's submission to the external demands placed on him/her by an authority figure (Šikl 1998). The emphasis is put on voluntariness and proactivity of such behavior, and thus the semantic distinction of compliance and obedience. Compliance should therefore be set apart from non-deviant and conform behavior in general.

² Research project (2008–2011) funded under the European Commission's 7th Framework Programme for Research. See <http://eurojustis.eu/> for more information.

³ Czech data for ESS 2010, Round 5 were gathered during 2011.

⁴ Research project funded under the Ministry of the Interior in the Czech Republic: MVČR 19982000001: “*The Security Risks – Concept, Data, Policy*”.

⁵ The first systematic studies on procedural justice were carried out during the 1970s by Thibaut and Walker, when it became clear that distributive justice does not always yield a decisive influence on satisfaction with interaction and its results, and hence nor for successful conflict resolution (Thibaut, Walker 1975 in Tyler, Lind 2001). In a series of in vitro experiments, the authors found that the perceived fairness of procedures has an impact on satisfaction with the outcome of a decision made by a third party and the willingness to accept that decision.

decisions and perceive the institutions as authorized to enforce the law (Tyler 2003, see Figure 1). The effect, seemingly present on a long-term scale, was found to be relatively stable across different social arrangements (valid for all types of social situations as defined by Deutsch, in both hierarchical and non-hierarchical layouts and in political, legal, managerial, interpersonal, family and educational contexts). No significant differences in the strength of the effect were found in respect to gender, age, ethnicity, education and income level (Tyler, Lind 2001).

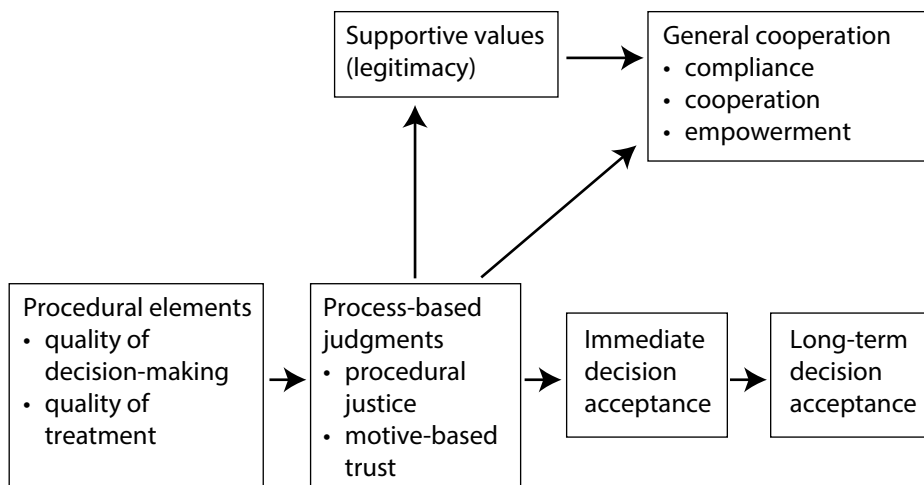


Figure 1: The assumed relations of trust in the police and the criminal courts and compliance with the law (Tyler 2003 in Bottoms, Tankebe 2012: 122)

Tyler interprets the effect of procedural fairness mainly by referring to psychic phenomena. According to him, people consider the institutional procedural fairness to be a signal of their high social standing within the community, which strengthens their sense of group membership and thus their felt obligation to follow the rules of the group. Due to the heuristic function, fairness of procedures might be subjectively even more important than any potential gains out of the process (distributive fairness, Tyler 2006). Tyler nevertheless lists several factors that may affect the salience of the identified effect of perceived procedural fairness on compliance or selection of criteria used for assessment of procedural fairness. Among these, he specifically points out on consensus within one's group, stressing that the larger the consensus, the stronger the effect of procedural fairness. He also highlights the effect of social categorization, attesting that the effect of procedural fairness is supposed to be weaker within one's outgroup. Another factor is the effect of one's identification with the group or with the institution, meaning that the lesser the identification, the weaker the effect (Tyler, Lind 2001). That is related to the influence of perceived institutional legitimacy – it has been found that the decision of authorities with low legitimacy is accepted rather with respect to favorability of the results of procedures than to the fairness of those procedures (Tyler, Lind 2001). Brockner

et al. pointed to the influence of cultural values – e.g. members of a society characterized with “low distance from power” (according to Hofstede’s Power Distance Index) take fairness of procedures into account more than members of a society with “high distance from power” (Brockner et al. 2001).

In our opinion, the above-stated findings suggest the need to examine the validity of Tyler’s findings in other cultural contexts.

2. Institutional legitimacy in Czech context

The institutional legitimacy entails normative as well as instrumental aspects (Bottoms, Tankebe 2012, Fagan 2008). After thorough analysis of the concept, Bottoms and Tankebe propose to operationalize institutional legitimacy as a multidimensional construct, using at least three indicators – institutional legality, procedural fairness and effectiveness. However, there might be differences in the relative importance of the components depending on the social and political context (Sherman 2002, Smith 2007). Inglehart and Welzel found that in post-communist countries, the perceived legitimacy of the regime might be based more on instrumental factors (its performance/effectiveness) rather than stemming from faith in the values that it may embody (Inglehart, Welzel 2005). That could be called *ex post* evaluation of legitimacy (assessment of actual performance of the system) as opposed to *ex ante* legitimacy, which encompasses evaluation of the rules of governance (Linek 2010). This should be reflected in the following analysis of Czech data: it can be expected that especially in the older dataset from 1999 the instrumental factors of legitimacy and compliance will not be negligible. Even within normative components of institutional legitimacy there might exist substantial differences. As Smith (2007) points out, the way of legitimization of institutions of criminal justice might be quite different across various societies and communities due to their various values.

The legitimacy of the institutions of criminal justice should be seen in a broader framework of the political culture. In this context, the particular impact of corruption, which is a long-term feature of Czech political culture,⁶ should be taken into account. There is evidence for considerable corruption in the Czech criminal justice system as well (Frič 2001). According to the study by Grodeland (2007), despite reforms of Czech judiciary after 1989, there persist practices from the Communist period (e.g. using informal networks of contacts) in the Czech system of justice, inferring that no adequate transformation of social norms inside or outside the judicial system occurred. Data from *ESS 2010 Round 5* show that conviction of the injustice of the police decisions is believed by approximately 40 percent of Czechs⁷, which is the fourth highest proportion among all countries participating in ESS after Russia, Israel and Bulgaria (ESS 2010, Round 5).

⁶ According to the international corruption index CPI based on the evaluation of independent institutions, corruption in the Czech Republic in 2011 was comparable to the situation in 2001 (after a slight improvement in the years 2006–2009). The Czech Republic received 4.4 points out of 10, with 10 being the best condition. In the ranking of other evaluated countries (in 2011 there were 183 of them) the Czech Republic holds the 57th – 59th place together with Namibia and Saudi Arabia (Transparency International, Corruption Perceptions Index 2011).

⁷ A proportion of “never” and “not very often” answers considering the question, “How often do you think that the police make impartial decisions?”

3. Methods

The methodology of our study draws on the *Eurojustis* project (Hough, Jackson et al. 2010). The project was aimed at constructing a valid research tool that would make it possible to test Tyler's hypotheses within the European context and compare the strength of factors influencing people's willingness to obey the laws across European countries. This could subsequently help with identifying guidelines for making penal policy at the European Union level as well as identifying evaluative criteria for measuring its effectiveness (Hough, Jackson et al. 2010). Based on a study of a representative sample of the population of England and Wales in 2010, Hough, Jackson et al. (2012) suggested a structural model of relations between trust in the police and the courts, their perceived legitimacy, compliance with the law and cooperation with criminal justice institutions. The *Eurojustis* team also proposed a set of questions covering the topic, which was included in the *European Social Survey 2011, Round 5 (D module)*. That makes it possible to verify the assumptions of procedural fairness theory of compliance in 26 European countries, including the Czech Republic. *Czech ESS 2010, Round 5* sample served as the main data source in our study. The other sample used in the study comes from the *Bezpečnostní rizika* survey taken in 1999. Data were analyzed with the use of structural equation modeling.⁸

In order to compare data from 2011 and 1999, we attempted to construct similar scales out of items used in 1999 research, though it applied a different questionnaire. For this reason it was not possible to create fully compatible constructs or models. The analysis of the older data file concerns only the relation of trust in the police and its perceived legitimacy to compliance, operationalized with partly different sets of indicators than in 2011. Therefore, the comparative part of the research should be understood as highly approximative, employing the qualitative more than quantitative point of view.

3.1 Data collection

For the purpose of the analysis, two representative datasets were used: a data file from *European Social Survey, Round 5*, collected from January to March 2011, and a data file from the Czech survey *Bezpečnostní rizika*, recorded in May 1999.

The data for ESS in the Czech Republic was gathered by the research agency *Factum Invenio, s.r.o.*, which conducted standardized face to face interviews recorded by the papi method. Respondents aged 15 and over were selected through a stratified three-stage random sampling. A total of 2,387 valid questionnaires were obtained (a total return rate 70.16 percent). The administered questionnaire consisted of several thematic parts. The *Trust in Justice* module utilized in this study contains a total of 45 questions (module D – for the full questionnaire see <http://ess.nsd.uib.no/ess/round5/>).

The collection of the data in *Security Risks* research was conducted by the research agency *Universitas* throughout the Czech Republic. In the survey employing standardized interviews recorded by the papi method, respondents of age higher than 14 were selected

⁸ All statistical procedures were performed using the trial version of IBM SPSS 20 (structural modeling in IBM SPSS Amos 20).

with quota sampling (by gender, age, highest education and economic activity). A total of 1,361 valid questionnaires were obtained (Buriánek 2001). The questionnaire consisted of questions on several topics. (For the English version of the items used in the scales of the tested model, see Appendix.)

3.2 The structure of the tested model

The basic model (Figure 2) consists of five constructs: personal morality, the perceived risk of punishment for committing selected offenses, trust in the police and the criminal courts, the perceived legitimacy of the police and the criminal courts, the perceived legitimacy of the law (felt obligation to follow the law) and compliance with the law. Compliance with the law and personal morality appear as manifest variables in the model, while perceived risk of punishment and trust and legitimacy constructs are treated as latent variables estimated by measured indicators. The model was tested separately for data on police in 1999 (2p) and 2011 (1p) as well as for data on courts in 2011 (1s).

3.2.1 Constructs based on the ESS data

In the 2011 sample, trust in the police and trust in the criminal courts were derived from three indicators: trust in their effectiveness, in their procedural fairness⁹ and in their distributive fairness. Perceived legitimacy of the police was also derived from three indicators: felt obligation to obey the police, sense of shared values with the police and beliefs about its legality. Compliance was operationalized through noncompliant behavior, based on self-reported frequency of committing insurance fraud, buying goods that might have been stolen and committing a traffic offense in the previous five years. The perceived risk of punishment was measured with questions on the perceived likelihood of apprehension in the event these offenses were committed in the Czech Republic. Personal morality was measured with questions on assessment of the level of morality of each of those three acts.

3.2.2 Constructs based on the 1999 data

Trust in the police in the data file from 1999 was derived from trust in police effectiveness (questions 44a, 45c, 45f),¹⁰ its procedural fairness (44f, 45j) and its distributive fairness (44c) in accordance with the ESS theoretical model. The items quite overlap semantically with the ESS items. However, there are fewer of them. The perceived legitimacy of the police was estimated according to the perception of shared values with the police (44e) and its perceived legality (45m). None of the questions in the 1999 survey was suitable for operationalization of the obligation to obey the police. The obligation to follow the law was compiled from the 55a and 55b items. Thus, there were several changes in the operationalization of legitimacy in comparison to the ESS model – the scale of police legality was lacking, and the number of items for the constructs was lower. The

⁹ Procedural fairness was operationalized in accordance to Tyler's theory as respectful, neutral and transparent conduct on the part of these institutions.

¹⁰ See Appendix for the 1999 questionnaire.

noncompliance scale was created as a summary index out of questions on self-reported probabilities of committing five selected offenses by the respondent (traffic offense, environmentally unsound behavior etc., items 56a–56e). These offenses are different than those included in the ESS questionnaire. Moreover, the respondents were asked only about hypothetical committing (*Imagine yourself as a car driver (no matter how real it is). Do you think you could become one of those who without much hesitation stop at a “No stopping” sign in the city?, etc.*). The perceived risk of sanctions was estimated by asking the respondent about the likelihood of apprehension and punishment of perpetrators of selected offenses (theft of a bicycle, a wallet or a car, 53a–53c). Compared to the ESS questionnaire, the selected offenses differ from those enrolled in the scales of noncompliance and personal morality. The personal morality scale consists of items 57-6 (moral evaluation of undocumented employing), 57-13 (moral evaluation of purchasing goods that might have been stolen) and 57-14 (moral evaluation of taking bribes or service in return). The items were selected out of 10 items with the aim to choose relatively consistent ones that would also be compatible with the items used in ESS. The items have been estimated by Cronbach’s coefficient of internal consistency of the scale. The coefficient of the final selection is 0.78.

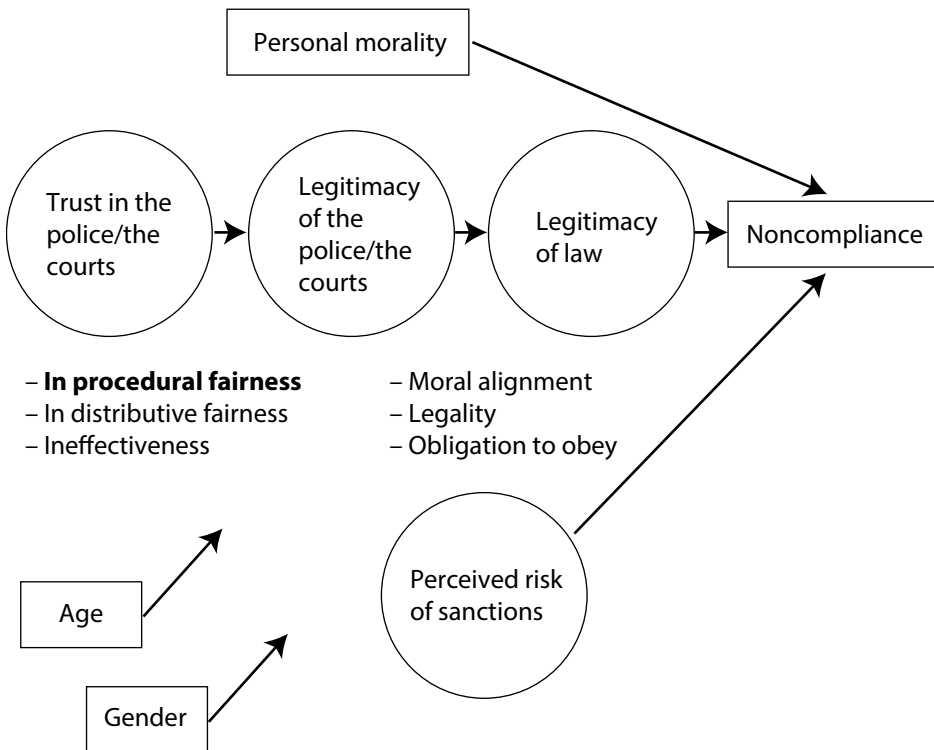


Figure 2: Basic version of the tested model (originated from the model by Hough et al. 2010)

3.3 Theoretical basis for the model structure

The model is comprised of both instrumental and normative factors, which corresponds to the twofold conception of compliant respectively conform behavior in criminology. On one hand, there is a cluster of instrumental theories holding the notion that people act with free will and seek utmost gain from their actions. That is ensured by rational calculation of expected costs and benefits of certain behavior. Therefore, classically oriented criminal policy emphasizes the repressive strategy of deterrence and general and situational prevention, with the aim to increase the perceived risk of illegal actions. As a result, there is a growing demand on institutions of criminal justice in regard to its efficacy, coercive force, etc. (Hough et al. 2010) The strategy of crime fighting (crime-control model), however, is costly and can lead to the alienation of individuals from institutions. Normative theories of action on the other side consider values as the key attribute in the interpretation of human motivation and action. Compliance with the law is then explained with reference to internal moral or ethical obligation to obey the law and follow the decisions of the institutions of criminal justice. That stems from the personal belief that such behavior is right and responsible. The main assumption of theoretists in this group is that the majority of the population follows the law if such behavior embodies an internalized value for them, regardless of whether it brings explicit advantages. Thus, in comparison to the instrumental approaches emphasizing formal social control processes, the normative theories ascribe more importance to self-regulation.

4. Hypotheses

A. The proposed revised model of compliance with the law will be generally acceptable for Czech data and both normative (trust in procedural fairness, perceived legitimacy of the police, the courts and the laws, personal morality) and instrumental (perceived risk of sanctions, trust in effectiveness, trust in distributive fairness) factors will be significant in relation to compliance.

It can be assumed that the basic factors of compliance in the model as factors derived from the main types of motives of human agency, based on the hedonistic and value principles, cover the main potential aspects of compliance. Moreover, the power of the model to explain the differences in levels of compliance was empirically verified in many social contexts (Schulhofer, Tyler, Huq 2010; Jackson et al. 2012). Furthermore, given the observed benevolent morality of the Czechs, low trust in procedural fairness of the police and the courts and their low perceived legitimacy (ESS 2010, Round 5), it can be expected that normative factors alone cannot explain the compliance with the law. In addition, instrumental factors (trust in effectiveness) have been identified as relevant to legitimize institutions within the cluster of post-communist societies (Inglehart, Welzel 2005).

B. The effect of procedural fairness will be less salient in Czech data than in British pilot data and less salient in the 1999 Czech sample in comparison to the 2011 Czech ESS sample.

The current data obtained through ESS 2010 Round 5 point to the relatively low satisfaction of the Czechs with the work of the police and the courts compared to other participating countries as well as to lower overall confidence in these authorities. In 1999 trust in the police and the courts was even lower than in 2011 (CVVM, Šamanová 2012). In

1995 approximately one-third of the population showed signs of social frustration and of alienation from the institutions (Rabušic, Mareš 1996). It is expected that in such a situation normative factors would be of less importance. Furthermore, given the assumption of a higher PDI index in the Czech Republic (Hofstede, Rose 2001) (for countries with higher PDI, a weaker effect of procedural justice was detected, Brockner et al. 2001) and the low legitimacy of the police and the courts in the Czech Republic (for institutions with low perceived legitimacy a weaker effect of procedural justice is assumed, Tyler, Lind 2001), we suggest that trust in procedural fairness will not have more importance than other components of trust in the police and the courts for their perceived legitimacy and for compliance.

5. Empirical analysis results

5.1 Internal consistency of the scales

Table 1: Internal consistency of the scales and subscales of the model (Cronbach's alpha)

Main scale	Subscale	2011		1999	
		N of items	α	N of items	α
Trust in the police		8	0.767	6	0.73
	Trust in police effectiveness	3	0.774	3	0.57
	Trust in police distributive fairness	2	0.621	1	–
	Trust in police procedural fairness	3	0.800	2	0.56
Trust in the courts		4	0.470	–	–
	Trust in the courts' effectiveness	1	–	–	–
	Trust in the courts' distributive fairness	2	0.599	–	–
	Trust in the courts' procedural fairness	1	–	–	–
Perceived legitimacy of the police		8	0.770	2	0.56
	Obligation to obey the police	3	0.938	–	–
	Moral alignment with the police	3	0.847	1	–
	Perceived police legality	2	0.305	1	–
Perceived legitimacy of the courts and the law		6	0.580	–	–
	Obligation to obey the law and the courts' decisions	3	0.508	–	–
	Moral alignment with the courts	x	x	–	–
	Perceived legality of the courts	3	0.690	–	–
*Perceived courts' legitimacy		4	0.468	–	–
	Obligation to obey the courts	1	–	–	–
	Perceived legality of the courts	3	0.690	–	–
*Perceived law legitimacy		2	0.314	2	0.46
Perceived risk of sanctions		3	0.823	3	0.72
Personal morality		3	0.787	3	0.78
Noncompliance		3	0.356	5	0.68

For the results of internal reliability analysis of all the main scales of the model, assessed with Cronbach's alpha, see Table 1. Although most of the scales yielded satisfactory estimates, the analysis showed some shortcomings. The low internal consistency of some of the constructs is likely due to the small number of items used (e.g. trust in the courts was measured only with four items while trust in the police was measured with eight items). Considering the functioning of the trust and legitimacy constructs in the model only as of their individual components assuming rather loose reciprocal links, (Jackson et al. 2011a), their overall low internal consistency does not pose any serious problems. More problematic could be the low internal consistency of the compliance scale, the perceived legitimacy of the law and the perceived legality of the police in 2011. The comparison of averages achieved at the subscales of compliance shows a relatively large difference in the frequency of committing. Traffic offenses are committed relatively more frequently than insurance fraud or buying goods that might have been stolen. In this sense, the scale is not uniform, which leads to its low internal reliability. (Nevertheless, the items are at a similar level in terms of moral evaluation.) It would therefore be appropriate to extend the range of the compliance and trust in the courts scales with more items. For further work with the compliance scale weighted values were used.

5.2 Attitudes of the Czechs toward criminal justice in 2011 and 1999

For distribution of the attitudes in both years see Tables 2 and 3. The most interesting find is probably the paradox between the moderately strong obligation to obey (the police, the courts and the law) and the relatively high noncompliance. According to the final report of ESS 2010 Round 5, the Czech position is beyond the general trend of the somewhat linear relationship between the obligation to obey and noncompliance (Jackson et al. 2011b). It seems that the commitment to obey the law may not be a significant predictor of compliant behavior in the Czech environment. Czechs consider the police and the courts' activities to be rather negative, with the exception of trust in police effectiveness in 2011. Trust in effectiveness of the police is higher in 2011 than in 1999, which might be connected to the perceived risk of sanctions that has risen as well. On the contrary, there seems to be a stable low level of trust in procedural and distributive fairness of the police and the courts as well as low perceived moral alignment and their low perceived legality. Thus, we might expect that compliance will be positively affected rather by perceived risk of sanctions and trust in the effectiveness of the police, though the original assumptions make them comparatively less important (Jackson et al. 2012). The strongest predictor of compliance according to Jackson et al. should be personal morality. Czech society, however, seems rather benevolent in regard to morals, according to the data from both samples. The preliminary assessment of the data thus indicates that the proposed theoretical model for the Czech population may not be very functional, in that the included predictors would not explain the variance in compliance to a satisfactory extent.

Table 2: Perceived risk of sanctions, personal morality and self-reported frequency of committing selected offenses in the Czech sample in 2011 (in %)¹¹

D 4–6. How likely is it that you would be caught and punished in the Czech Republic if you ...	Not at all likely	Not very likely	Likely	Very likely	Don't know
made an exaggerated or false insurance claim	16.5	21.0	36.3	21.9	4.1
bought something you thought might be stolen	19.7	33.7	27.7	14.3	4.4
committed a traffic offense like speeding or crossing a red light	12.5	27.3	35.7	21.0	3.3
D 1–3. How wrong do you consider these ways of behaving to be ...	Not wrong at all	A bit wrong	Wrong	Seriously wrong	Don't know
make an exaggerated or false insurance claim	6.3	14.8	39.0	38.7	1.2
buy something you thought might be stolen	5.6	19.7	41.2	31.8	1.6
commit a traffic offense like speeding or crossing a red light	3.7	24.3	42.3	28.4	1.3
D 43–46. How often have you done each of these things in the last five years?	Never	Once	Twice	3×–4×	5× and more
made an exaggerated or false insurance claim	93.6	3.2	0.9	0.4	0.04
bought something you thought might be stolen	81.3	8.5	2.8	1.2	0.4
committed a traffic offense like speeding or crossing a red light	57.3	12.4	10.4	6.2	8.4

Source: European Social Survey 2010, Round 5

Table 3: Perceived risk of sanctions, personal morality and self-reported likelihood of potential committing selected offenses in the Czech sample in 1999 (in %)

Q. 53 How likely is it in the Czech Rep. that the offender will be tracked down and punished for ...	Average likelihood in %					Don't know
theft of a bicycle at the house where you live	22.5					0
theft of a wallet on the street, in a shop	17.4					0
theft of a car	22.7					0
Q. 57 How do you assess the following behavior ...	Not at all bad (9.10)	Not very bad (7.8)	Rather bad (5.6)	Bad (3.4)	Very bad (1.2)	Don't know
undocumented employing (without paying for employees' insurance)	3.5	7.3	17.4	27.2	43.4	1.2
buying an item that might have been stolen	6.5	13.9	27.7	24.4	25.6	2.0
taking bribes or service in return	2.9	10.1	20.0	24.5	41.0	1.5

Source: Bezpečnostní rizika 1999

¹¹ The rest of 100 percent are missing values and responses “don't know” (if those are not stated in the table).

Q. 56 Imagine yourself as a driver (no matter how real it is) – do you think that you could become one of those who ...	No	Rarely	Yes	Don't know
a. without much hesitation stop at “No stopping” sign in the city and go get something	45.8	43.6	10.3	0.3
b. exceed the speed limit wherever controls cannot be assumed	40.1	42.4	17.3	0.2
c. if caught after committing an offense, offer a bribe to the police officer for a “reasonable solution”	74.7	19.1	5.9	0.3
d. get rid of an old tire by leaving it at a pile of rubbish in their surroundings	80.2	15.9	3.5	0.3
e. having damaged another car when parking nearby, they would try to disappear before the owner comes	69.0	23.9	6.8	0.3

5.3 Correlational analysis

Despite the revealed specifics in Czech attitudes toward the criminal justice system discussed in the previous chapter, the analysis of correlations between the constructs (see Tables 4 and 5), confirmed a number of theoretical assumptions. In particular, we observed a connection between trust in police procedural fairness and its perceived legitimacy and also a connection between personal morality and the obligation to obey the law to noncompliance. However, the correlation analysis shows weak links of several components of police legitimacy to the obligation to obey the law and to noncompliance, which is contradicting the conclusions of Jackson et al. (2012).

Remarkably, the correlation matrices for the data from both studied years are very similar, despite different indicators constituting the respective constructs in both samples. This could indicate achieving suitable conditions for the mutual comparison of the structural models in both years.

Table 4: Correlations between scales of the model for the police (Czech datafile ESS 2010, N = 1198, Spearman correlation coefficient, bootstrapped values)

	Personal morality	Perceived risk of sanctions	Trust in police effectiveness	Trust in police procedural fairness	Trust in police distributive fairness	Moral alignment with the police	Obligation to obey the police	Police legality	Obligation to obey the law
Noncompliance	-.326**	-.086**	-.105**	-.042	-.087**	-.107**	-.093**	-.009	-.215**
Personal morality	1.000	.278**	.192**	.131**	.119**	.203**	.132**	.067*	.276**
Perceived risk of sanctions		1.000	.123**	.073*	.071*	.073*	.116**	.021	.113**
Trust in police effectiveness			1.000	.520**	.315**	.479**	.182**	.273**	.153**
Trust in police procedural fairness				1.000	.411**	.552**	.215**	.351**	.173**
Trust in police distributive fairness					1.000	.360**	.115**	.237**	.149**
Moral alignment with the police						1.000	.315**	.232**	.240**
Obligation to obey the police							1.000	.058*	.185**
Police legality								1.000	.118**

* Significant at 0.05 level

** Significant at 0.01 level

Table 5: Correlations between scales of the model for the police (Czech datafile Bezpečnostní rizika 1999, N=1297, Spearman correlation coefficient, bootstrapped values)

	Personal morality	Perceived risk of sanctions	Trust in police effectiveness	Trust in police procedural fairness	Trust in police distributive fairness	Moral alignment with police	Police legality	Obligation to obey the law
Noncompliance	-.420**	.009	-.023	-.127**	-.143**	-.086**	-.046	-.207**
Personal morality	1.000	-.004	.016	.099**	.034	.055*	.073**	.247**
Perceived risk of sanctions			-.295**	-.197**	-.160**	-.279**	-.193**	-.004
Trust in police effectiveness			1.000	.475**	.373**	.508**	.332**	.018
Trust in police procedural fairness				1.000	.385**	.567**	.316**	.106**
Trust in police distributive fairness					1.000	.441**	.267**	.052
Moral alignment with police						1.000	.389**	.062*
Police legality							1.000	.025

* Significant at 0.05 level

** Significant at 0.01 level

5.4 Data adjustment

Prior to the analysis several transformations were made in order to adjust the data to a form suitable for applying the structural modeling procedures. The data in “noncompliance” and “personal morality” variables were not evenly distributed (which is understandable if we consider the nature of the variables) and measured at four- and three-point scales. Therefore, the “personal morality” variable was dichotomized before entering the structural analysis. In the category labelled as “moral” (marked “1”) 78.5 percent of the respondents were included; the “immoral” group (marked “0”) counted as 21.5 percent of the respondents. In 1999 the “moral” group after dichotomizing was made up of 73.4 percent of the respondents while 24.2 percent of the respondents can be designated as the “immoral” group. The dichotomization of the variable “noncompliance” was not performed because structural analysis in AMOS software does not allow for the response variable of binary character. For model fit calculation and estimating the significance of the relations, a bootstrapping procedure that utilizes abnormally distributed data was used.

Overall, at 11.7 percent of the sample that included 280 people in the 2011 sample and at 4.7 percent involving 64 people in the 1999 sample, at least one answer was missing. In the analysis of missing values, there were no significant specific patterns found. For the purpose of structural modeling with applying bootstrapping procedures, the missing values in 2011 were replaced by using the EM method, available in the *Multiple Value Analysis* in SPSS. Missing values in 1999 were replaced with the median of the two nearest values.

5.5 Structural analysis

The analysis using structural modeling brought partial support for the validity of Tyler’s normative hypothesis within Czech society. The model was acceptable concerning

the police in the 2011 sample (1p model), while it was not confirmed in regard to the courts (1s model) and for the data from 1999 (2p model), which might be mainly due to the low internal consistency of several scales.

Trust in police procedural fairness in Czech society – as opposed to perceived risk of sanctions – proved to be an important indirect factor in predicting compliance. For the final 1p model of compliance, see Figure 3. For the complete list of significant standardized regression coefficients of the 1p model, see Table 6. According to the value of the chi-square test, the model appeared not to be very suitable for the given data. (The null hypothesis of concordance of the covariance matrices was rejected at the level of p lower than 0.005.) A similar result was achieved with Bollen-Stine test (p lower than 0.005) used due to the uneven distribution of the data of the individual variables. Nevertheless, regarding a large sample size in which the statistical power of the chi-square test is strongly manifested, it is advisable to take into account other indicators of model quality, such as the relative χ^2 , RMSEA, CFI and TLI measures (Urbánek 2000). Those indicate relatively good quality of the model in this case (relative $\chi^2 = 4.81$, the RMSEA index = 0.04, CFI = 0.96, TLI = 0.95).

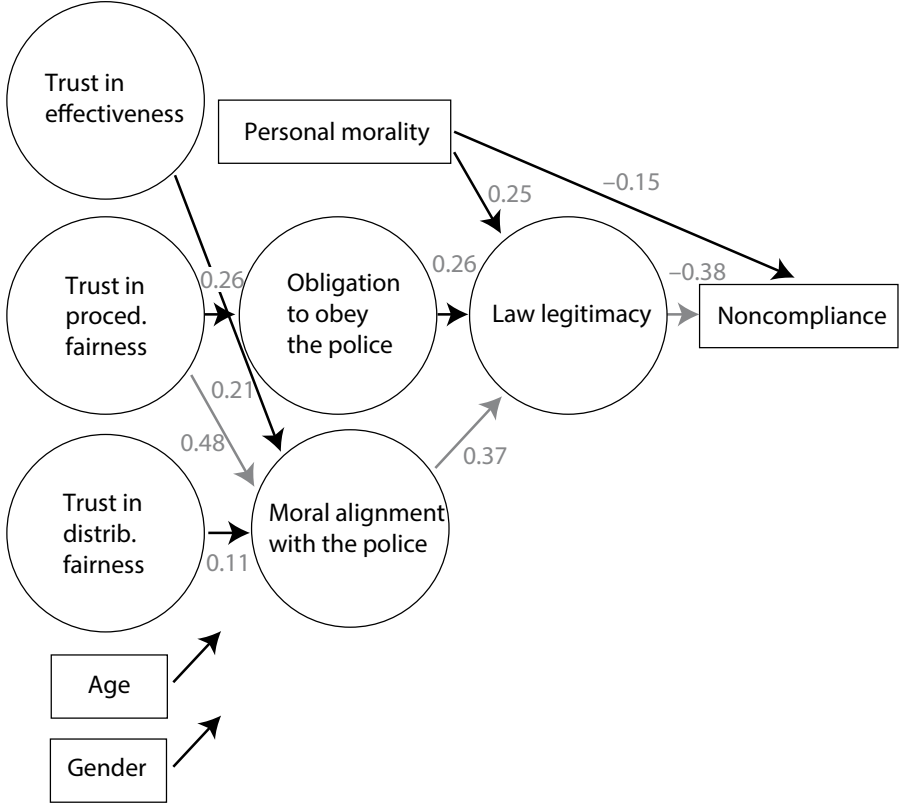


Figure 3: Final model 1p of relations between trust in the police and noncompliance with the law, including the standardized regression coefficients (Czech datafile ESS 2010, Round 5) $\chi^2 = 737$, $df = 156$, $p < 0.0005$. CFI = 0.96, TLI = 0.95, RMSEA = 0.04

There was no evidence of a direct or indirect influence of perceived risk of sanctions and the perceived legality of the police on compliance with the law, which is consistent with the assumptions of Lind and Tyler (2001) and the pilot study of Jackson et al. (2012). The perceived legality of the police and the perceived risk of sanctions were therefore excluded from the final 1p model. These findings partly contradict our A hypothesis – the results give evidence for a greater impact of normative factors and a lower impact of instrumental factors than we expected. Obligation to follow the law (influenced mainly by trust in procedural fairness of the police) and personal morality seem to be comparatively the most important predictors of compliance with the law in Czech society.

Table 6: Standardized regression coefficients in the final model 1p (Czech datafile ESS 2010, Round 5) significant at 0.005 level

moral alignment with police	←	trust in police procedural fairness	0.480
obligation to obey police	←	trust in police procedural fairness	0.260
moral alignment with police	←	trust in police distributive fairness	0.114
moral alignment with police	←	trust in police effectiveness	0.213
moral alignment with police	←	age	0.084
moral alignment with police	←	personal morality (dichot.)	0.038
obligation to obey police	←	personal morality (dichot.)	0.074
obligation to obey the law	←	obligation to obey police	0.261
obligation to obey the law	←	moral alignment with police	0.369
obligation to obey the law	←	age	0.141
obligation to obey the law	←	gender	0.170
obligation to obey the law	←	personal morality (dichot.)	0.251
noncompliance	←	personal morality (dichot.)	-0.151
noncompliance	←	obligation to obey the law	-0.379
noncompliance	←	obligation to obey police	0.068

Furthermore, the effect of the obligation to obey the law on compliance seems to be of greater importance in the Czech than in the British context. In addition, it transmits the effect of personal morality (in both years) and the effect of sense of shared values with the police (in 2011), which in the UK sample affects compliance mainly directly, even as its most important predictor. The significance of obligation to obey the law corresponds with a relatively strong orientation of Czechs on following rules. This factor was identified in ESS 2010, 5th Round (according to a comparison of countries on one item from the Schwartz battery of value orientations, based on weighted values through *Nesstar Web View*).

Another (rather preliminary) finding of the empirical analysis is a weaker involvement of trust in procedural fairness as regards the courts (1s model) in comparison to the police (1p model). Trust in distributive fairness and effectiveness appears to be comparatively more important for the perceived legitimacy of the courts than for the police. However, the indicators of the model 1s related to the courts in 2011 suggest rather poor quality of

the model (relative $\chi^2 = 9.68$, RMSEA = 0.06, CFI = 0.89, TLI = 0.82). Therefore, further evidence would be needed to verify this assumption.

In the Czech samples from both years, the observed direct effect of trust in police procedural fairness on the moral alignment with the police was weaker than in the England and Wales pilot study (Jackson et al. 2012) and at the same time there was a greater effect of trust in police distributive fairness in Czech samples. A relatively lower importance of procedural fairness over distributive fairness was also found in the data from 1999 compared to the data from 2011. These findings are in accordance to our B hypothesis, though it would need further examining considering the poor quality of the model (relative $\chi^2 = 882$, RMSEA = 0.10, CFI = 0.73, TLI = 0.57).

Discussion

The assumptions were confirmed only partially, which, however, should be viewed positively. The results of the analysis suggest a greater importance of procedural fairness and normative factors in general on compliance with the law in Czech society than was expected, especially with regard to the low perceived legitimacy of criminal justice institutions in Czech society. That might give the impression that the effect is fairly universal across different social contexts. However, with regard to the overall analysis results, we incline to accept the assumption that the effect of procedural fairness is indispensably influenced by the social context. A weaker direct effect of trust in police procedural fairness on moral alignment with the police and a greater effect of trust in police distributive justice was observed in the Czech samples from both years compared to the England and Wales pilot data. We also found a lower importance of procedural fairness in 1999 compared to 2011.

However, even if we accepted the model of compliance with the law regarding the police in the 2011 sample as it was designed by Jackson et al. (2012), it worked worse for the indicators related to the courts and appeared to be inadequate when tested on the data from 1999. There the factors of police perceived legitimacy had no significant effect on compliance. This inadequacy, however, could point to certain methodological shortcomings rather than to inappropriateness of the normative hypothesis itself. Specifically, there may be an inadequate or inaccurate coverage of several constructs, e.g. of perceived police legitimacy in 1999. Similar causes may led to worse suitability of the 1s model for the courts in the data from ESS, where the number of the items related to the courts was restricted. The problems with legitimacy indicators correspond to the low internal consistency of those scales.

The main limit of this study in our view lies primarily in different operationalization of the constructs in the data from 1999 and 2011, which impedes drawing unambiguous conclusions from their comparison. Besides this, there is another deficiency that regards the operationalization of noncompliance with a rather narrow range of indicators. Apart from that, the under-representation of the items on courts legitimacy in 2011 and on police legitimacy in 1999 can be considered to be rather restraining.

Despite these facts, the analysis succeeded in bringing basic answers to the questions set out and provoked a number of inspiring ideas for further study of compliance with

the law. It would be possible to follow up with a comparative analysis of the relations for various social groups and strata in Czech society. That could lead to a specification of the model of compliance with the law, strengthening its explanatory value within Czech context. For this purpose, it would be appropriate to elaborate the noncompliance scale and extend the perceived legitimacy scales. It might also be revealing to address the implied issue of the role of general attitudes in contrast to interactionally built trust in Czech context. We suppose that a general orientation toward abiding by the rules – an orientation that seems to be strong in Czech society – might play a significant role in the perception of the institutional legitimacy and in compliant behavior, quite independently of their actual performance. Furthermore, we would like to attend to the indicated distinctions in Czech police and courts legitimacy factors.

Conclusion

With regard to the results of the analysis, we incline to accept the assumption that in the Czech environment the procedural fairness effect on the perceived legitimacy of the criminal justice system and on compliance with the law is valid. However, it is likely that its strength might vary according to the context. The effect seems to be weaker in 1999 than in 2011, probably largely due to the lower levels of trust in the police and the courts and their lower perceived legitimacy connected to a high level of perceived corruption within the criminal justice system. Despite the stated shortcomings of our work, we believe that the results make it possible to accept the assumption that normatively oriented criminal policy aimed at fair procedures of the police may substantially affect public trust in the police, its perceived legitimacy and a long-term willingness to follow the law in the Czech Republic.

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APPENDIX

"BEZPEČNOSTNÍ RIZIKA" SURVEY QUESTIONNAIRE 1999 (SELECTED ITEMS)

Trust in police procedural fairness

45. *Try to assess the following police behavior.*
(1 = almost always, 2 = very often, 3 = from time to time, 4 = not very often, 5 = almost never)
- 45f. The police treat victims of crime seriously and help them.
- 45j. The police try to behave politely and decently.

Trust in police distributive fairness

44. *I will now read several statements on police monitoring of obeying the laws in your municipality. State how much you agree or disagree with the statements.*
(1 = strongly agree, 2 = somewhat agree, 3 = do not know, 4 = somewhat disagree, 5 = strongly disagree)
- 44c. The police treat everyone the same, irrespective of who it is.

Trust in police effectiveness

- 44a. I am satisfied with the way the police protect my residence neighbourhood.
- 45c. The police try to prevent crime.
- 45d. Help from the police is quick and accessible.

Police legitimacy: moral alignment with the police

- 44e. The police is a real "friend and assistant" to the citizens.

Police legitimacy: police legality

- 45m. There often arose doubts about the trustworthiness and incorruptibility of the police.

Obligation to obey the law

55. *Please state your personal opinion (agreement or disagreement) with the following statements.*
(1 = totally agree, 2 = somewhat agree, 3 = somewhat disagree, 4 = totally disagree)
- 55a. People like me have to follow the law even if it does not correspond to their personal belief.
- 55b. For people like me there are only a few reasons for following the laws.

Perceived risk of sanctions

53. Yet we are interested in your ideas about the success of the police in fighting crime. Please try to estimate the likelihood that the offender will be tracked down and punished for the selected offenses: (A rough estimate in percentage from 1 to 99%, meaning from the minimum to the maximum likelihood, is enough.)

- a. The theft of a bicycle at the house where you live.
- b. The theft of a wallet on the street or in a shop.
- c. The theft of a car.

Personal morality

57. *How do you assess the following behavior?*

(1 = very bad ..., 10 = not bad at all)

- 6. Undocumented employing (without paying for insurance of the employees).
- 13. Buying something that might have been stolen.
- 14. Taking bribes or service in return.

Noncompliance

And now try to imagine yourself as a car driver (no matter how real it is). Do you think you could become one of those who ...

(1 = yes, 2 = rarely, 3 = no)

- a. stop without much hesitation at a “No stopping” sign in the city and go get something
- b. exceed the speed limit wherever controls cannot be assumed
- c. offer a bribe to the police officer for a “reasonable solution” if caught after committing an offense
- d. get rid of an old tire by leaving it at a pile of other rubbish in their surroundings
- e. having damaged another car when parking nearby, they would try to disappear before the owner comes