

# KOL Research in the Field of Self-governments of Csongrád County<sup>1</sup>

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“The functioning of law in society cannot be properly studied without continuing research into the public image of law, the legal conceptions, the knowledge and opinion of those who are not only being controlled by the law, but who should be the controllers of law.”<sup>2</sup>

Berl Kutchinsky

*Research into legal consciousness does not only constitute support for the individual but also for society in order to promote greater knowledge and understanding of a legal system, the daily round of relations and choices regulated by law and eventually self-knowledge. Applying this to the scope of research of this study, the research into legal consciousness in the field of local self-governments regarding the county seat of Csongrád County, the inhabitants of Szeged and the personnel at the local government serves as a feedback to both the inhabitants of Szeged and the local government and as an intermediary of mutual understanding for purer legal consciousness and the creation of the ideal of good self-governance. Emphasising the significance of research into legal consciousness and revealing important details of empirical research, this study highlights social phenomena the recognition and redress of which may assist in the sustainability and efficiency of both good self-governance and good governance.*

1 This work was created in commission of the National University of Public Service under the priority project PACSDOP-2.1.2-CCHOP-15-2016-00001 entitled “Public Service Development Establishing Good Governance” in the Social Sciences Workshop Program entitled “Analysis of the Hungarian Self-Government Decision-Making Mechanism in Terms of Legal History, Sociology of Law and Comparative Law”. This work was created in commission of the National University of Public Service under the priority project PACSDOP-2.1.2-CCHOP-15-2016-00001 entitled “Public Service Development Establishing Good Governance” in the Ludovika Workshop Program.

2 KUTCHINSKY 1973, 134.

## Introduction

KOL research constitutes perhaps the most significant segment of legal sociology and the topic has gathered momentum in countless pieces of literature since the 1950s. In international literature, the best-known studies in the field are associated with Adam Podgorecki. What is more, his 1973 work is considered to be the standard work of KOL research, in which he and four outstanding co-researchers published the summarised findings of the research conducted in the 1960s.<sup>3</sup> As for the Hungarian specialist literature, Kálmán Kulcsár<sup>4</sup> is to be highlighted, whose name is heralded by the first Hungarian research on legal consciousness. The empirical research by Kulcsár and the standard works<sup>5</sup> summarising its findings still inspire other researchers and research groups nowadays to undertake legal historical or comparative legal research spanning decades or even half a century.<sup>6</sup> András Sajó must also be mentioned, since he is thought to be the key figure in legal consciousness research among the researchers of the 1970s with his works of explicitly sociological bases.<sup>7</sup> Both Hungarian and foreign researchers are intrigued by KOL research, since legal consciousness, legal awareness, legal knowledge and legal attitude are in constant change in line with social changes whether it be a sample covering the whole country or merely a specifically selected group based on occupation, qualifications, age or social class.

The scope of research was centred around local governments<sup>8</sup> focused on Csongrád County, Southern Hungary marking it as its territorial boundaries. Within these boundaries, the research was specially aimed at the city of Szeged, the county seat of Csongrád County whose regional and national significance is quite determinative;

3 PODGORECKI et al. 1973. Although the Hungarian translation of one of the studies in the collection is available in SAJÓ 1979, the original works were needed for further studies. Therefore, in January 2018, one of the researchers of the research workshop, the author of this study had the chance to read the original copy of the work in the Library of Congress, Law Library, Washington, D.C.

4 Kálmán Kulcsár's works can be found in the Magyar Tudományos Művek Tára [Hungarian Repository of Scientific Works] until the year of 1982. One may also find a short summary of his life supplemented by a most interesting interview conducted with him in the following journal article: KORSÓS 2001.

5 The following is considered such a standard work: KULCSÁR 1967.

6 The research entitled *A magyar lakosság jogtudata – elméleti és empirikus elemzés* [The Legal Consciousness of the Hungarian Population – A Theoretical and Empirical Framework for Analysis] under the Hungarian National Scientific Research Framework Programme, OTKA No. 105552 and the research group work headed by István H. Szilágyi and Attila Badó utilised Kálmán Kulcsár's research as a starting point. There was one among the many pieces of research that were carried out under the Hungarian Ministry of Justice programmes aimed at raising the standards of legal training. Apart from this, Balázs Fekete and György Gajdusчек replicate Kálmán Kulcsár's 1965 nationwide research into legal consciousness. Their findings are found in: GAJDUSCHEK–FEKETE 2015, 11–28.

7 See, for example SAJÓ 1976; as well as SAJÓ 1980, just to mention some of his more significant works.

8 The research undertaken by the research group is wholly aimed at local self-governments; therefore, the term self-government is deemed to refer to local self-governments in the study.

therefore, the city duly represents Csongrád County in this research. Undertaking representative surveys regarding the entirety of Csongrád County needs a larger apparatus than what the research group currently has at its disposal. Accordingly, the preparatory work for the research has already been begun; however, carrying out the research itself is yet to be done. One of the two upcoming works is a 15 author's sheet-long collection of studies that marks the end of the research including history, theory and practice entitled *Az önkormányzati rendszer kihívásai az empirikus vizsgálatok tükrében* [Challenges of the Local Self-government System in the Light of Empirical Research]. As planned, this collection of studies will comprise representative findings for Csongrád County including the values of smaller municipalities, as well. As a result of the empirical research, it is clear how the population of Szeged view local governments in comparison with the national sample. Furthermore, it is also revealed how local government personnel assess themselves, their organisation and work based on the same questions, thus rendering the findings even more intriguing. Tangential as it may be regarding the research, the legal knowledge of the law students in Szeged must also be evaluated, since, as future lawyers, it is necessary to know about their opinions, legal knowledge and legal consciousness formed about the work of local governments. This necessity arises because following graduation, it is typical of those holding a legal degree to seek employment in the public administration sector,<sup>9</sup> the determining elements of which are local governments.

The fact that KOL research bears exceptional significance in every aspect of life can rightly be perceived. KOL research has the potential to give rise to possible comparative analyses and the social and legal system-related utilisation of these analyses. As an antecedent to this study, the research group carried out an empirical survey on the management of local governments, in which the legal consciousness of the national and Szeged population as well as the self-knowledge of the Szeged local government personnel were mapped focusing on constitutional values regarding basic operational issues in the questions related to local governments. The assessment of the national research findings is still in the making; therefore, this study, regarding its territorial scope, only encompasses the city of Szeged, its inhabitants and the local government personnel. The research findings serve as a feedback and assist the inhabitants in exploring whether they have any knowledge about their city, the decision-making process and issues of liability. Also, useful results have been revealed about local governments as well, which may provide them with support in an even more efficient and successful discharge of their duties, the attainment of a correctly functioning working unit and the optimisation of decision-making processes.

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9 FÓNYAI 2010, 238.

## KOL – The Significance of the Knowledge and Opinions about Law

“Legal consciousness is basically the totality of people’s concepts formed about the laws in force; in other words, what they think law is and what it ought to be. [...] The external manifestation of individual legal consciousness is the opinion formed about the law.”<sup>10</sup>

Balázs Fekete – István H. Szilágyi

Firstly, a clarification is necessary as to the eponymous acronym KOL. It is no longer so widespread nowadays as it was back in the 1970s; however, scores of research investigations are related to it even without mentioning it by name.

The original meaning of the term colligated legal consciousness and opinions formed about the law. However, nowadays, there is also a view that the term can be identified with a broader concept: legal culture.<sup>11</sup> This study does not purport to engage in any debate on the necessity of definitions that change along the changing world, nor does it intend to take issue with conflicts of theoretical-conceptual viewpoints or interpretation. As a result, the study dispenses with an in-depth explanation and interpretation of the mutual relationship and meaning of legal consciousness/legal knowledge/legal attitude/legal culture and those of the acronym KOL.<sup>12</sup> Naturally, the fundamental concepts necessary to understand KOL research are further explained in a reader-friendly way. The basic specialist literature underlying this research and its title choice is one of the studies presented in the 1973 standard work, in which Berl Kutchinsky clarifies the definition of KOL; therefore, this definition is relied on by this study, as well.

*“The study of public knowledge and attitudes regarding law, crimes, legal institutions and related issues (KOL)<sup>13</sup> has become a major field of research within the sociology of law; scores of empirical investigations of this kind have been carried out, and even more are in the making.”<sup>14</sup>*

Investigating the conceptual elements, one may deem legal consciousness as an emissary between law and behaviour, one of the elements of which is legal knowledge.<sup>15</sup> Therefore, it can be established that legal knowledge is a part of legal consciousness, and the totality of the information and the knowledge gathered about the law constitute legal knowledge the manifestation of which is people’s behaviour in which legal knowledge itself is condensed and the combination of which forms individual

10 FEKETE – H. SZILÁGYI 2018, 25, 36.

11 GAJDUSCHEK 2016, 96.

12 A summative literature including, but not limited to, theoretical and conceptual debates, for clarifying the concepts listed above is contained in the following work: VINNAI 2012, 122–142.

13 “The word KOL (Knowledge and Opinion about Law) was coined in conjunction with the establishment of an International research group with the purpose of promoting cross-national research in this area.” KUTCHINSKY 1973, 134.

14 Ibid. 101.

15 BADÓ–LOSS 1997, 135.

legal consciousness unique to all. Research into people's legal consciousness and legal knowledge as well as the findings of such research provide support in understanding the everyday situations and phenomena in different countries and social classes, which might seem incomprehensible for those who did not socialise in the given environment or do not live there or know its customs.<sup>16</sup> In addition, these empirical KOL investigations also help the legislator draft a law that prescribes realistic and rational regulations and expectations. Moreover, this law constitutes an applicable and comprehensible law regarding those concerned with the regulation, the entire society or its specific groups. This is summarised in the referred OTKA<sup>17</sup> research, which was undertaken as a descriptive document; however, the use of the definitions of legal consciousness and legal culture are encouraged.

*“Legal consciousness and legal culture determine the relationship and conduct of individuals and social groups towards the law and, by extension, they have an effect on the manner and degree of the supremacy of law.”<sup>18</sup>*

As it was put by György Gajduscek, while legal consciousness is particular to the individual, legal culture reflects the legal knowledge of society or at least that of a social group. Furthermore, one witnesses the process of placing legal consciousness and legal culture in a viable and practicable operational field with a twist purporting to the effect being had on the prevalence of law.<sup>19</sup> Therefore, based on this outside-the-course-book definition, it is underscored that not only does one have to investigate the meaning, but also the reasons and areas of application as conceptual elements of KOL research. Legal consciousness cannot be viewed in a vacuum, as a sterile and purely theoretically advanced notion stripped of its practical implications, since its true sense and, by consequence, the applicability and social utility of the research are derived from the relationship of legal consciousness and legal culture to the

16 One would not even think about the simplicity of things in which legal consciousness and legal culture may manifest themselves when researching specific groups. For example: Why do people lead campaigns in a small U.S. town landfill site before the elections? Because no centrally organised waste removal exists; it is neither a federal nor a state responsibility, but it is the inhabitants that take their waste to the site. Knowing this fact, the candidates set up their booths on the landfill, talk about their programmes and recruit supporters as this is the place where they will most certainly meet all of the inhabitants anyway. (Note that the landfill has a selective waste collection scheme, there are no olfactory side effects and it has containers where discarded but still usable belongings, books, tools and utensils are placed so that anyone in need of them may take it home and vice versa.) Here the difference between legal cultures and consciousness will show, since by Hungarian standards the inhabitants do not deem refuse collection as their own responsibility, but regard it as a service provided for them by the local government. Although taking the small U.S. town's example, one would see the streets more hygienic and aesthetically pleasing, both the labour and operating costs of waste removal vehicles would cease to exist, not to mention the side effects of the smelly business of refuse collection and the reduction in carbon dioxide levels. However, this idea does not even emerge in Hungary because the inhabitants' legal consciousness regards waste removal as a service provided by the local government.

17 Acronym for the Hungarian National Scientific Research Framework Programme.

18 NKFI-EPR s. a.

19 GAJDUSCEK 2016, 96.

prevalence of law. This is the answer to the question of why it is worth addressing the issue of legal consciousness. The reason underlying KOL research is the effect being had on legal compliance.<sup>20</sup> This is the point where every piece of KOL research, regardless of focus group, becomes interesting to the benefit of society, the state and naturally curious individual.

How the law applies regarding a specific instance of legal consciousness or the legal culture of a social unit<sup>21</sup> does not only show the prevalence of law, but also the efficiency of the law, that of the legislation and the system as well as related social attitudes. Research into legal consciousness reveals its true significance by using expressive and practical examples, in this case, by outlining a correct or false local government personnel image formed about their local government. In order for the research to have effect and not only findings on the field of research, on the one hand, one needs the subjects' consent and honesty so that the researcher may work with authentic data. On the other hand, one also needs to have open ears and active participation to listen to the empirical, experiential, authentic and sometimes blatant findings and utilise them accordingly.

Based on the above, it can be concluded that the significance of the opinions formed about legal consciousness and the law in general is that, in terms of the functionality of society, legal norms should be created for the benefit of its recipients. On the other hand, they should be formed so that people can accept them, the law can function properly and that the entire legal system can survive. But how and what norms? These questions are answered by empirical KOL research.

### Research on Legal Culture and Legal Consciousness in Hungary

“There is a gaping abyss between the written law, the institutions of formal law and the actual social reality, ruled by informal institutions which often operate despite the law.”<sup>22</sup>

György Gajdusчек

Flicking through the studies and the contents of the work summarising legal consciousness research edited by István H. Szilágyi,<sup>23</sup> one can clearly see that significant research and resulting valuable works were accomplished in the field in Hungary. Presenting them goes beyond the limits of this study; however, paying tribute to legal historical traditions and the forefathers, the most prominent researchers according to legal historical periods are mentioned here.

20 BADÓ 1997, 134.

21 For instance, is there any willingness to observe the rule proscribing smoking within a 5-metre perimeter of any entrance or exit, or the tacit understanding that law students ought not to use pirated notes to prepare for their examinations.

22 GAJDUSCHEK 2016, 114.

23 H. SZILÁGYI 2018.

### *Milestones in legal consciousness research in Hungary*

Beginning in the 1930s, Barna Horváth investigated the sociological background of opinion polls, then went on to research law student attitudes. These analyses are not expressly referred to as KOL research by literature; however, in its layers they strongly relate to the issues of legal consciousness. Later, the main area of research shifted to the examination of legal folklore.<sup>24</sup> The socialist period is regarded as the efflorescence of the sociology of law with Kálmán Kulcsár as a Hungarian trailblazer in the field. The first investigation that may expressly be characterised as legal consciousness research aimed at revealing the legal knowledge of the Hungarian population is dated around that period and associated with his name.<sup>25</sup> Specialisation in the field of KOL research was attained with regard to subject groups such as law students, criminals, blue-collar workers and landlords. Also specially referred topics exist such as distinguishing various levels of legal consciousness, clarifying the notion of legal consciousness<sup>26</sup> and coining the term ‘respect of the law’. As of the 1980s, the influencing effect of mass communications, academic lecturer-student joint research related to the television programme entitled *Jogi esetek* [Legal Cases] and the emergence of Hobbes’s philosophical-anthropological standpoint of criticism were accorded a considerable role in the work of András Sajó.<sup>27</sup> During the Kádár Administration, questions of legal estrangement of legal consciousness is asked by András Sajó and based on his research, the tripartite conception of legal consciousness is constructed as follows: 1. Legal knowledge; 2. Emotional-volitional facet and 3. Evaluative elements.<sup>28</sup> The 2000s are characterised by considerable research activity and a researcher’s attitude to have recourse to the classics, which is perfectly understandable and explicable. The explanation for this modern-age research based mostly on Kulcsár’s investigations lies, on the one hand, in collegial respect, and the obvious possibility, on the other hand, in revisiting and remapping the Hungarian society after more than 50 years to include a social self-examination of how legal consciousness has transformed, evolved, developed, dulled or deformed in the past 50 years.

### *Legal knowledge of the Hungarian population back in 1965 and now in 2013*

György Gajduschek and Balázs Fekete undertook the above comparative research and mapped the changes in the legal knowledge and legal consciousness of the Hungarian society. Without focusing on a detailed presentation, this study only highlights a few values, variables and other elements pertaining to legal knowledge. The authors

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24 Miklós Hofer and István Gyórfy initiated empirical research of legal folklore to which Ernő Tárkány-Szűcs, György Bónis and the above-mentioned and quoted Kálmán Kulcsár also joined.

25 FEKETE – H. SZILÁGYI 2018, 22.

26 SAJÓ 1976.

27 SAJÓ 1975, 159–189.

28 SAJÓ 1986, 273–312.

arrived at the conclusion that the legal consciousness of the Hungarian population has increased visibly in the past half century related to the fields of research investigated and measured by them and formerly Kálmán Kulcsár, such as state law, constitutional and administrative law, criminal law, procedural law, law of the cooperatives and civil law.<sup>29</sup> The social level of legal knowledge in Hungary has increased by 26% since 1965 with an exceptional change in the field of constitutional law, a staggering 71% increase in constitutional legal knowledge has been detected in the past half century.<sup>30</sup> Considerable and worthwhile conclusions were arrived at regarding the total value as well as specific factors. With special regard to age, gender, educational attainment, occupational group and domicile, the researchers evaluated the answers. Furthermore, looking beyond the research findings, they also took notice of the fact that the population's legal consciousness increased obviously because today's level of educational attainment is higher to that of 1965 and that a higher level of education is directly proportional to a higher level of legal knowledge.<sup>31</sup> This study is limited to mentioning some further findings of these researchers in order to acquire tangential information on the development of the legal consciousness of the Hungarian society in the light of sociodemographic factors<sup>32</sup> as well. While the male population's legal knowledge was significantly higher in 1965, by 2013 the female population had caught up so much in this field that the disparity between the two genders' legal knowledge is irrelevant nowadays. There is an interesting conclusion regarding age: While the younger generation was more knowledgeable about the questions testing legal knowledge in 1965, this was reversed in 2013 when the older generation performed much better.<sup>33</sup>

In summary, two significant conclusions can be drawn about the Hungarian society as a whole regarding the above KOL research. Legal knowledge has started to increase in the past half century while significant disparities seem to have evaporated between men and women as well as among different settlement categories. What is more, in spite of scores of legal consciousness research and the passage of time, some permanent conclusions may be established in the Hungarian legal system. This permanent and characteristic motif perceived in the Hungarian social structure is deemed by Fekete and H. Szilágyi as a distinctively Hungarian *schizophrenic relation to law*. This Hungarian-style duality, dissociation and a 40-year difference in two separated aspects are described by renowned researchers in the specific periods of the sociology of law below.

Sajó–Székelyi–Major (1977): *“The law is correct and should compel everyone's respect, but mine.”* Fekete and H. Szilágyi reworded the same in 2017 referring to the

29 GAJDUSCHEK 2015, 27.

30 GAJDUSCHEK–FEKETE 2015b, 85.

31 GAJDUSCHEK–FEKETE 2015c, 635.

32 The five most important socio-demographic factors under the research are as follows: age, gender, educational attainment, settlement and social class. Apart from this, the media and mass communications are also mentioned in both investigations.

33 GAJDUSCHEK–FEKETE 2015b, 74.

1977 research: *“While at the level of society and officialdom, those asked accept the law, at the level of individual actions they seek to flout it by serving their own interests or relying on equity.”*<sup>34</sup> András Sajó indicated the same problem in a more simplified way in 1986 by referring to Kulcsár, which is framed by Fekete and H. Szilágyi as follows: *“The Hungarian culture is estranged from the law; however, it is not a unique Hungarian experience because there exist other foreign examples as well.”*<sup>35</sup>

Also, a most characteristic duality – albeit differing in value limit – appears in the description of the Kádár period: *“In conclusion, there is a paradoxical situation in the legal consciousness of the Kádár period: The population seek to settle their problems extralegally, yet, they fully expect the law to punish others. No example is more superb than that of society-level hypocrisy and dissociation, which was so characteristic of the general thinking of the period.”*<sup>36</sup> Appalling as it might seem, however, understandably bearing a historical heritage, the Hungarian society is incapable of overcoming the deformity in which it was socialising for years. The fact that everyday tradition remains inert from generation to generation can be regarded as an actual exemption; however, it comes as a frightening realisation that Gajduschek’s conclusion, which is not about the Kádár period but Hungary today, is absolutely consistent with the former quotation: *“Citizens do not trust the state or the law; however, they expect them to provide remedy for their every problem.”*<sup>37</sup> One can describe this phenomenon with a fitting line taken from a Hungarian hit song: everything changes but the gist.

The dissociative relation characteristic of the Hungarian legal and social system is in fact an expressive and apt appellation; however, having recognised this fallacy, one cannot afford to remain inert and let this conclusion simply stand strong and not encourage both social and legislative change. Nevertheless, as legal rules do not reach a due level of “the general sense of law”, or “the legal consciousness of the common man”,<sup>38</sup> even a conclusion such as this would be difficult to make available to society. In this case, the difficulty does not lie in the methods, since in this information technology world, the above conclusion would spread quite easily; however, the risk factor of legal sociology emerges at this point,<sup>39</sup> revealing that although it is a scientific conclusion, there is a risk that society will immediately brand it as a politico-ideological value assertion, which would result in this fact supported by countless empirical investigations being overvalued by certain groups and rejected by others.

34 FEKETE – H. SZILÁGYI 2018, 38.

35 FEKETE – H. SZILÁGYI 2018, 53.

36 FEKETE – H. SZILÁGYI 2018, 59.

37 GAJDUSCHEK 2016, 114.

38 KUTCHINSKY 1973, 101.

39 In construing the expression of legal sociological risk factor, the reader is assisted with a timeless quotation by Kálmán Kulcsár *“...each social scientific finding may actually have an ideological or even political function; however, it is without doubt that these findings are not to be handled only or predominantly as such.”* KULCSÁR 1979, 14.

## Legal Consciousness and Legal Knowledge – Research into the Local Population of Szeged and Its Local Government

“Law interferes with social processes, phenomena and relations with its regulation, and the consequences of such regulation manifest in them.”<sup>40</sup>

Kálmán Kulcsár

With regard to the investigations included in this closing chapter of the research workshop, it can be established that the most important issues related to local governments were empirically grasped among the adult population of Szeged and the Szeged local government personnel. The research workshop used various methods concerning legal consciousness research into local governments by selecting the method which was most appropriate for the circumstances and the subject groups, bearing in mind the principles of precision, efficiency and proceeding within a reasonable period. Since the investigation concerning the inhabitants of Szeged and the city's local government was conducted with questionnaires by hired interviewers, the questions were integrated into one of the regular yearly survey material of the Department of Sociology, Faculty of Humanities, University of Szeged, and the local government personnel were required to fill in an online questionnaire.<sup>41</sup>

Various sources were used to complete the questions for the inhabitants of Szeged and the questionnaire for the local government personnel; therefore, the questionnaire became a professionally irreproachable means that is applicable in practice and suitable for empirical research in the eyes of the research workshop members. In the earlier stages of creating the questionnaire, the staff at the Local Government Research Institute of the National University of Public Service<sup>42</sup> along with the Public Administrative Law Department of the University of Szeged, Faculty of Law<sup>43</sup> provided invaluable help with source collection both in Hungary and on the international scene. The questionnaire was finalised during multiple professional verifications sessions after source collection and processing. Apart from face-to-face consultations and gathering scientific literature, the researchers had a chance

40 KULCSÁR 1979, 16.

41 It is worth noting that the online fill-in questionnaire technique as applied amongst the local government personnel requires a high degree of organisation, willingness and cooperation, for which the researchers' gratitude is duly extended to every member of the local government staff who filled in the questionnaire of the research workshop, as well as Dr. Ervin Mózes Honorary Chief Notary, who provided invaluable help with the organisation so that the researchers would not only reach the personnel, but gain their willingness to help, as well with the agency of the Chief Notary, Dr. Ervin Mózes.

42 Special thanks is accorded to Dr. Emese Gasparics Farkasné, whose broad perspective as the acting Director of the research institute familiarised us with the institute's work and accessible sources in an accurate and easily understandable way as well as to Dr. Róbert Kovács, Research Manager.

43 Special thanks are extended to Dr. Judit Siket and Dr. Zoltán Józsa, Associate Professors.

for training at professional conferences,<sup>44</sup> and they also gained exceptionally valuable and useful knowledge during the international conference<sup>45</sup> organised by the research workshop. Apart from the above, the questions of an investigation conducted among Hungarian-majority law students concerning basic values and the relation to the Hungarian Fundamental Law<sup>46</sup> were used in the compilation process of the local government personnel questionnaire, for which professional help was readily provided by the staff of the Department of Constitutional Law of the University of Szeged, Faculty of Law.<sup>47</sup>

The research workshop extends his gratitude to János Lőrinczi, external researcher invited to take part in the research, for his sociologically irreproachable and professional evaluation of the findings and creating the tables contained in this study.

A complete processing of the questionnaires aimed at the inhabitants and the Szeged local government will be undertaken in the collection of studies mentioned above. This study already publishes the findings of two of the questions. The research group investigated one segment of the legal consciousness of the inhabitants of Szeged and that of the local government personnel based on the following questions:

1. Do you think the maintenance and operation of public educational institutions such as kindergartens, primary schools and secondary schools is a responsibility of the state, local governments or that of the churches and foundations?
  1. Responsibility of the state.
  2. Responsibility of the local government.
  3. Responsibility of the church and foundations.

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44 Participation at the professional conference entitled *A jó kormányzás indikátorai* [The Indicators of Good Governance].

45 On 15 May 2018, the international conference entitled *A helyi önkormányzati rendszerek összehasonlító vizsgálata* [The Comparative Analysis of Local Self-government Systems] was organised by the research workshop. All lecturers are due special thanks for inspiring the researchers of the research workshop with both their lectures and professional input during the subsequent professional workshop and, therefore building up momentum for this research and this study, as well. For the professional and collegial help, the author of this study wishes to express her gratitude to both the researchers participating in the workshop and the invited lecturers, namely: Dr. Elemér Balogh, Dr. Attila Badó, Dr. Tamás Antal, Dr. Gábor Feleky, Dr. Christoph Chabrot, Dr. Patrizia Magaró, Carine Guémar, Dr. Guillaume Merland, Ákos Bence Gát, Dr. Róbert Kovács, Dr. Marianna Dobó and Dr. István Balázs.

46 The research into law students was undertaken with the support of the Hungarian Ministry of Justice Programme aimed at raising the standards of legal training, within the project entitled *Motivation, Legal Knowledge and Preference Examination of Hungarian Law Students*. The national findings of the research are still in progress; however, the research group published a comparative study spanning 21 years relating to Szeged law students. Beyond the limits of this work, the study will provide a sound basis for a comparative analysis in the future concerning the legal consciousness of Szeged law students and that of the Szeged local government personnel, as well as the legal consciousness of Szeged law students and that of the inhabitants of Szeged. BADÓ et al. 2017.

47 Special thanks are extended to Dr. Judit Tóth, Head of Department, Dr. Barnabás Kiss, Associate Professor and Dr. Tamás Pongó, Assistant Lecturer.

2. In your view, is it preferable for/How do you see the process during which the state takes an ever-increasing part away from local governments to provide for local public services such as schools, hospitals, traffic and power supply?

1. Not good at all.
2. Not so good.
3. So-so.
4. Good.
5. Really good.

The above questions are lined along the hypothesis that general legal consciousness does not always encompass accurately the actual regulation of certain aspects of everyday life. In other words, ordinary people are not always aware of who regulates the aspects of everyday life and who they must expect to do so.

The findings for the above questions concerning the inhabitants of Szeged and the Szeged local government personnel are presented below:

*Table 1.*

<b>Do you think the maintenance and operation of public educational institutions such as kindergartens, primary schools and secondary schools is a responsibility of the state, local governments or that of the churches and foundations?</b>					
<b>Szeged local government personnel</b>		Cases	%	Valid %	Cumulative %
Valid	State responsibility	18	15.9	16.1	16.1
	Local government responsibility	94	83.2	83.9	100.0
	Total:	112	99.1	100.0	
Missing	Lacking data	1	0.9		
Total:		113	100.0		

*Source: Compiled by the author.*

Table 2.

<b>Do you think the maintenance and operation of public educational institutions such as kindergartens, primary schools and secondary schools is a responsibility of the state, local governments or that of the churches and foundations?</b>					
<b>Adult inhabitants of Szeged</b>		Cases	%	Valid %	Cumulative %
Valid	1. State responsibility	503	46.8	48.6	48.6
	2. Local government responsibility	511	47.5	49.3	97.9
	3. Church and foundation responsibility	22	2.0	2.1	100.0
	Total:	1,035	96.4	100.0	
Missing	7 – NV	7	0.7		
	9 – NT	22	2.1		
	Lacking data	9	0.9		
	Total:	39	3.6		
Total:		1074	100.0		

Source: Compiled by the author.

Table 3.

<b>How do you see the process during which the state takes an ever-increasing part away from local governments to provide for local public services such as schools, hospitals, traffic and power supply?</b>					
<b>Szeged local government personnel</b>		Cases	%	Valid %	Cumulative %
Valid	Not a preferable direction	42	37.2	37.8	37.8
	Not good	39	34.5	35.1	73.0
	So-so	21	18.6	18.9	91.9
	Good	5	4.4	4.5	96.4
	Really preferable direction	4	3.5	3.6	100.0
	Total:	111	98.2	100.0	
Missing	Lacking data	2	1.8		
Total:		113	100.0		

Source: Compiled by the author.

Table 4.

In your view, is it preferable for the state to take an ever-increasing part away from local governments to provide for local public services such as schools, hospitals, traffic and power supply?					
Adult inhabitants of Szeged		Cases	%	Valid %	Cumulative %
Valid	1. Not good at all	239	22.2	23.4	23.4
	2. Not so good	262	24.4	25.7	49.2
	3. So-so	237	22.0	23.2	72.4
	4. Good	237	22.0	23.2	95.6
	5. Really good	45	4.1	4.4	100.0
	Total:	1018	94.8	100.0	
Missing	7 – NV	12	1.1		
	9 – NT	37	3.4		
	Lacking data	7	0.7		
	Total:	56	5.2		
Total:		1074	100.0		

Source: Compiled by the author.

In general terms, the supermajority of the Szeged local government personnel (82%) thinks that the maintenance and operation of public educational institutions, such as kindergartens, primary schools and secondary schools, would be the responsibility of the local government. However, the inhabitants, not having an insight into the realm of responsibility, applicability and practice, have a 48–49% ratio divided opinion on operation by the state/local governments. These leading values are supplemented with a 2% ratio of those encouraging operation by the church/foundations of public educational institutions.

Further values included in these tables, the complete evaluation of the research and the publication of its findings will be part of the collection of studies to be published in August 2018. The tables and evaluations of the collection of studies will provide support for both the local government and the population of Szeged to be presented with a realistic view of the questions included in the questionnaire while jointly managing the life and tackling the problems facing the city.<sup>48</sup>

### Legal Consciousness and Self-knowledge – Planning Empirical Research Contained in a Collection of Studies as Closing Remarks

With regard to the investigation involving local government personnel as a special group, the author took Berl Kutchinsky's assertion as a hypothesis. This study was not aimed at this; however, the collection of studies will reveal in August whether the

<sup>48</sup> For instance, questions of competence.

statement will be confirmed and the Housemaid-effect will prevail or not,<sup>49</sup> regarding the legal consciousness of specific groups<sup>50</sup> saying: “*The fact that the general public has little knowledge about some specific laws is not very surprising. More unexpected perhaps are the finding that quite often knowledge about specific laws is rather poor in those specific groups for which the laws were made.*”<sup>51</sup>

Neither over-regulation, nor the reliance on morality leads to success; therefore, it is crucial to get familiarised with the local government personnel’s attitude in order to know which direction future regulations should take in the hope of functionality and reaching the fullest extent of effectiveness possible. In light of this, it may be established that the following is an eternal legal sociological, social theoretical and legislative question (amending in this case the term ‘criminalisation’ to mean ‘regulation’): “Does ‘criminalization’ of a certain act create or increase (moral) condemnation of this act, while ‘decriminalization’ has the opposite effect?”

The theory of the father of legal sociology emerges as an intriguing legal sociological question, particularly in such an accurately regulated system as the realm of local governments and the Hungarian system of public administration. The research workshop takes the lines of Eugen Ehrlich for its committal and food for thought of a potential new study or book: “*Legal rules can only encompass a segment of social reality and existing legal relationships and the majority of legal rules has very little to do with the realities of life.*”<sup>52</sup>

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49 AUBERT 1956, 149.

50 AUBERT et al. 1952.

51 KUTCHINSKY 1973, 103.

52 BADÓ 2005, 138.

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