

## CHAPTER IV

### PERCEPTIONS OF THE LAW AND THE CONSTITUTION

Antonio María HERNÁNDEZ

#### I. LACK OF RESPECT FOR THE LAW

##### 1. *Argentina, the Argentine people and the law*

In our country perceptions of no respect for the law run high. In fact, only 11% of the people polled estimate that the laws and the Constitution are respected, while 86% maintain that Argentines disregard the law most of the time .

Moreover, it can be said that only 8% of citizens respect the laws and the Constitution, given that 88% rate themselves as transgressors.

These basic conclusions are common to all sectors polled, because no great difference is evident in the opinions of the different groups going by age, residence, gender or education. What *is* evident, though, is that the awareness of this problem is greater among young people and among those with less education. Curiously enough, while 86% of those with high-school education and higher think that Argentines are transgressors, that percentage rises to 90% among those who have not completed secondary school.

##### 2. *Compliance with the law*

Despite the above-mentioned figures, when asked to what extent the different social actors abide by the law, a majority of people (82%) claim that they do, and instead accuse the rest of the people of failing to do so (only 32% credit them with obeying the law). This perception is even bleaker for the national government, because only 22% see it as law-abiding. Worse still is the opinion of provincial governments, claimed to respect the law by only 19% of respondents.

Again there is a difference between the 18-to-29-year age group and the 60 and over group with regard to compliance with the law ; the former amounted to 77%, the latter reached 89%. A similar behavior is seen when considering the gender variable: male 80%, female 85%.

As for the national or federal government and respect for the law, the perception is not uniform over the different groups. Only 17% of young people between 18 and 29 estimate the government respects the law, while 27% of people over 60 do. An average of 22% comes from intermediate groups of 30 to 44 years (22%) and 45 to 59 years (23%). Neither is there uniformity in the perceptions by those who live in the metropolitan area (21%) and provincial cities (23%), who credit the government with a greater respect for the law.

This same conclusion on groups is observed in provincial governments and respect for the law, with an average of 19%. While the percentage of young people estimating compliance with the law reaches 15%, older people raise that percentage to 22%. And in the metropolitan area this perception reaches 14%, in the provincial cities 21%.

Respondents' impressions about provincial governments and the law also vary, depending on the cities where the poll was conducted. While an average of 19% was seen in the cities of Buenos Aires, San Miguel de Tucumán and Mar del Plata, there are two capitals with a perception of higher respect for the law: Mendoza 25% and Córdoba 23%. In other cities it is less: 18% in Rosario and only 12% in the metropolitan area.

### 3. Reasons why the law is obeyed

In this question, 44% of the people polled replied that they respect the law because it is a moral duty, 37% because it benefits everyone, 9% in order not to harm family and friends, 8% to avoid punishment and 1% in order not to be criticized by others.

In the first answer by percentage there was no uniformity among the different groups, because while 41% of young people say they obey the law, the same answer by the over-sixty-year-olds reached 51%. In the metropolitan area the figure was 42%, in the heartland, 47%. Using the gender variable, men registered 42% and women 47%. These figures show a greater proportion of respect for the law for moral reasons among older people, residents in the heartland and women.

In the second answer, again there was no uniformity in the percentage of the different groups. The data show greater community conscientiousness for common good—obeying the law is presumed to benefit everyone—by the 45-to-59-year-old age group, residents in the metropolitan area and who have completed high school studies or higher. In fact, while 34% of young people evaluated the common benefit, 42% of the 45-to-59-year-old group did so. Residents of the metropolitan area showed 40%, compared to 33% in the provincial cities. People with unfinished secondary-school or high-school studies showed 35%, while those with high-school studies and higher showed 41%.

Regarding the third percentage of replies—obeying the law so as not to harm family and friends (9%)—7% came from the metropolitan area, compared to 11% from the provincial cities. And for the fourth percentage—obeying the law so as to avoid punishment (8%)—the figure rises to 13% in the youth sector.

### 4. Exceptions in law enforcement

The sentence "*There are times when it is necessary to disobey the law*" triggered 48% of responses of disagreement and 8% very much in disagreement, but it is important to note that there were 36% of affirmative responses and 5% very much in agreement. That means that 41% of the people polled admitted disobeying the laws at certain times.

Notable among the people who disagreed were 45-to-59-year-olds, residents in provincial cities and women.

The sentence "*Breaking the law isn't so bad; the bad part is getting caught*," brought in 60% of responses of disagreement and 26% very much in disagreement, and showed the highest percentages in the same groups as for the previous question. What did stand out as degrading were the figures of 10% in agreement and 2% very much in agreement with this statement, coming mainly from the youngest sectors.

## 5. *Universal enforcement of the law*

Attempts were made to analyze this crucial topic by asking the following question: “*In your opinion, is it fair or unfair to enforce the law strictly if a person.....?*” The different suppositions completing the question were: sells drugs, pollutes the environment, batters a family member, drives through a red light, illegally hooks up to a power line to steal electricity, consumes drugs, and fails to pay taxes.

The general observation was that there were high percentages in favor of strict law enforcement in the cases of drug sales (95%), pollution of the environment (91%), battering a family member (91%) and driving through a red light (82%), while for the other suppositions the percentages dropped: stealing electricity (67%), consuming drugs (64%) and failing to pay taxes (63%). Opinions were similar throughout the different groups interviewed.

Nevertheless the percentage is greater among women when it comes to enforcing the law strictly in the case of battering a family member; while in the case of drug consumption, the percentage is lower among young people, those residing in the metropolitan area and who have more education.

So there is evidence of an attitude that coincides with the lack of respect for the law previously observed in the first questions in the poll.

## 6. *Lawbreaking*

In this aspect, the results of the poll are of great concern, because it is evident that the biggest lawbreakers—in total responses—are, in descending order: first, politicians, with 74%; second, the police, with 56%; third, public officials, with 49%; fourth, the judges, with 41%; fifth, the general population, with 27%; sixth, lawyers, with 19%, and seventh, everyone, with 5%.

The perception that politicians and the police break the law increases among the youngest sector of the population, whereas men and people with higher education mention politicians in the greatest percentage. The metropolitan area and in mid-level age groups reflect a higher percentage of people who believe that public officials break the law more frequently.

Older people, residents in provincial cities and men are the groups that show the highest percentage of people who think lawyers break the law.

## 7. *Protection against abuses of authority*

In this important question, the perception of 90% of the people polled is that people are insufficiently protected against abuses of government authority. This extremely high percentage rises even to 92% among young people, residents in provincial cities and people with more education.

# II. KNOWLEDGE OF THE CONSTITUTION

## 1. *The significance of the national Constitution*

A majority of respondents replied spontaneously to the question, and the accumulation of responses indicated preferentially these concepts: “that which rules the country, society and

living together" (20), "the absolute maximum instrument" (19), "something that must be obeyed" (16) and "a set of norms, regulations, laws" (14). To a lesser degree, other responses were "rights and obligations" (11), "a book that nobody wants to obey or law that nobody wants to obey" (5), "a government measure" (2), "do not know" (13) and "no answer" (3).

This makes us conclude that the perception of the significance of the Constitution is only barely relative in the country, because a considerable number of replies reveal no knowledge of it.

## *2. The importance of the national Constitution*

A total of 89% considered it very important (52%) and important (37%), compared with 11% who attributed little (8%) or no importance (2%) to it, or who did not know (1%). Older people, residents in provincial cities and with a higher education are the sectors who assign the most importance to the Constitution.

## *3. Compliance with the national Constitution*

A large percentage of the population (85%) perceives non-compliance with the Constitution (19% no compliance, 66% little compliance). This is a general conviction among the different groups polled. To the contrary, only 13% think the Constitution is obeyed fairly enough (11%) or to a high degree (2%).

## *4. The most violated constitutional rights*

The respondents' perception of the most violated rights, going by total mentions, and in descending order, are: first, the right to work (65); second, to learn (28); third, to complain, go on strike or hold protests (20); fourth, to move around and circulate freely (17); fifth, to teach (14); sixth, free press and freedom of expression (10); seventh, to do business and own property (7 each); eighth, to have any religion (2) and ninth, to associate with whomever one wishes (1).

The highest percentage of opinions about violations of the right to work is seen in the metropolitan area, but this concern is common to all groups.

The highest percentage of opinions about violations of the right to learn is seen in the metropolitan area, in women and in people with higher education.

The highest percentage of opinions about violations of the right to complain is seen in among young people and residents in provincial cities.

The highest percentage of opinions about violations of the right to travel around freely is seen in the metropolitan area and in people over 60. Finally, people with higher education are the most concerned about violations to property rights.

## *5. Knowledge of the national Constitution*

Practically 77% of the people polled have no knowledge of the national Constitution according to the sum of those who know little (62%) or nothing (15%) about it. On the other hand, 22% declare their knowledge of it ranges between fair (19%) and very good (3%). A greater proportion of senior citizens (23%) and those with a better education (34%) claim to have a fair knowledge of the Constitution.

The highest indicators of poor knowledge of the Constitution are seen in young people and those between 45 and 59 years of age, in residents of provincial cities and in people who have not completed secondary school studies.

The highest percentages of people claiming to know nothing of the Constitution are those who have less education. Here, it is evident that the extent of knowledge of the Constitution is closely linked to educational levels.

To the question asking in which year the national Constitution was enacted, only 28% of the responses were correct, with a large gap between the less-educated group (only 14% correct responses) and people with high-school and higher-learning diplomas (51%).

The question regarding the year of the last constitutional reform drew 30% of correct responses showing, as in the previous case, a big difference between the group of non-completed secondary school studies (18%) and the better educated group (48%).

The question about changes incorporated into the last reform also produced a disappointing result in the overall responses, because on 69 occasions the answer was “do not know” and on 4 there was no answer. Among those who answered about some of the topics, 16 mentioned presidential re-election; 4, the duration of mandates; 3, the labor reform; 1, children’s rights; 1, international human rights treaties; 1, the education law; 1, one additional senator; 1, the electoral college reform for direct vote by president and vice-president; and 1, other reforms.

## *6. Dissemination of the national Constitution*

The question about who first talked to you about the national Constitution drew the answer “in school” (85% of responses) and “at home” (9%), which reaffirms the importance of civic education.

To the question about where you hear the Constitution talked about today, there were 68 mentions of the media, followed by 40, in school; 20, in the home; 14, in the workplace; 3, in church; and 12, nowhere.

The responses mentioning school are more numerous among young people, women and people with more education.

## *7. Reform of the Constitution*

56% of the people polled replied that the Constitution should be reformed, whereas 30% said it should be left the way it is, and 13% professed not to know. The groups more inclined towards reform are young people between 18 and 29, residents in the heartland, women and people who have completed a secondary school education.

Among the group who claimed to know nothing about the Constitution, responses to the question about reform reached 53% in agreement. To the question about who should participate to reform the Constitution, 88% said the citizens, 66% the indigenous population, 65% non-government organizations, 63% Congress, 62% the government, 61% the president, 40% the political parties and 39% church representatives. Surprisingly, 55% of the people polled oppose the idea of political parties participating in the reform, followed by 54% opposing participation by representatives of the different churches.

To the question about whether people unfamiliar with laws should participate in the reform, 50% approve, compared to 41% who do not and 7% who replied “to some extent.” The first opinion garners its biggest support from people with a higher education level, while the opposite opinion has the support of people with a lesser education.

Finally, noticeable here too is the high level of unfamiliarity with the Constitution mentioned previously.

#### *8. Unfamiliarity with provincial Constitutions*

Even more notorious is the degree of unfamiliarity with the provincial Constitutions, which reaches 91% among people who know little (48%) or nothing (43%) about them and the 2% who do not even answer. A scant 7% claims to know them fairly well (6%) and very well (1%).

There is a sizeable difference between the indicators of zero or little knowledge in the city of Buenos Aires, in the metropolitan area and in Rosario, when compared with Córdoba, San Miguel de Tucumán or Mar del Plata. The former reveal far less familiarity with the provincial Constitutions. For example, 48% of respondents in Buenos Aires, 50% of those in Gran Buenos Aires and 60% of those in Rosario claim to have no knowledge, in sharp contrast with the 25% in Mar del Plata, 30% in Córdoba or the 31% in Mendoza.

#### *9. Unfamiliarity with the Municipal Charter of Córdoba*

The poll conducted in the city of Córdoba (it being the only one of the cities polled that has its own Charter) also revealed a high degree of unfamiliarity with this law (86%) according to the overall total among those who professed to know little (32%) or nothing (54%) about it, and the 8% who did not know or did not answer the question. Only a meager 6% claimed to know it fairly well (3%) and very well (3%).