

# *A Study on the Issue of Citizens' Obligation to Comply with the Law*

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**Abstract:** "Bad law is illegal" or "Bad law is also law"? This eternal question in the philosophy of law has triggered the thinking of countless lawyers. The essence of this question is that if a law is bad, do we still need to abide by it? In the biography of Gandhi, Gandhi once said, "There will always be unjust laws, just as there will always be unjust men." From time immemorial, from Hammurabi's code to the two major legal systems of common law and civil law nowadays, the development of law has never stopped. There is never an end to it, but no matter how the law develops, it can never be in line with the standard of fairness and justice in the heart of every citizen, and at this time, what is the driving force that supports every citizen in abiding by the law? For citizens who disagree with the law, is it their obligation to abide by it? This paper will analyze why citizens do not abide by the law, analyze the current motivation and status of law-abiding in our country, and propose suggestions to encourage citizens to abide by the law.

## 1. Introduction

Law-abiding, also known as law-abiding and law-obedience. As one of the contents of legal operation, it has the same status as legislation, law enforcement, and justice. However, whether citizens should abide by the law has been debated in Western philosophy and political philosophy, and the relevant theories are rich, among which the social contract theory, utilitarianism theory, and the theory of fair disobedience are the mainstream. Although all these theories have certain rationality, they do not recognize the obligation of citizens to comply. Based on the analysis of the theories, the author believes that citizens have no obligation to obey the law. However, when establishing a stable social order, the citizens should abide by the law of their country.<sup>[1]</sup>

## 2. Reasons for not obeying the law

Every significant social change has been accompanied by lawlessness. For example, Chen Sheng and Wu Guang revolted against the tyranny of the Qin Dynasty, the May Fourth Movement went on strike, and Gandhi finally won India's independence through his disobedience of the law. People used disobedience of the law to express their objections to specific legal systems and to push forward the progress of the law. Although the law represents the will of the ruling class, without the compliance of all citizens, the law is nothing but a piece of paper. An essential element of modern state governance is the active compliance of citizens with state policies, ranging from paying taxes

to obeying traffic rules, and whether or not citizens spontaneously obey policies has a significant impact on state governance performance.<sup>[2]</sup> Exploring the reasons for citizens' non-compliance may better help us to study citizens' understanding of compliance.

### **2.1. The conflict between moral values and legal norms**

Antigone once asked, "Is a person who breaks the law bad?"

The law does not represent the will of all people. Even if they grow up in a country, a city, or a family, their outlook on life, worldview, and values will be very different, and their moral concepts will also be different. Especially when facing the same criminal case, leaving aside the law, different citizens will have different views. Some think the sentence should be heavy, while others think this is a moral issue, a mistake everyone makes that does not need to be punished by law. In our daily life, we often see some morally corrupt behaviors that are not against the law. For example, adultery, criminalized in our criminal code in 1979, was abolished in the new criminal code in 1997. Although adultery is still condemnable in the general social conception of people, the act does not violate the law. As times evolve and people's attitudes change, so do legal norms.

The law cannot regulate every aspect of our lives; the law can only reflect certain moral concepts in social life. Therefore the absorption of morality by legislation is conditional and strictly limited. Lawful and unreasonable, reasonable and unlawful, this is where morality and law need to rub shoulders with each other. If there is no relief for an extended period, it will inevitably lead to non-compliance by citizens. We can ensure that most citizens are law-abiding only by going back and forth between norms and facts.

### **2.2. Those who do not know are not guilty**

In the movie *Blind Mountain*, when the police rescued a woman who had been abducted and trafficked into the mountains for several years, it caused the villagers to mob and resist, and the police said, "This kind of act of buying abducted and trafficked women is against the law." The police said, "This buying of trafficked women is against the law." However, the villagers said, "My wife was also bought, so are we all breaking the law?" What seems so absurd in modern civilized society is so justified in the eyes of the villagers. Even if they know the law, in this small society solidified by traditional concepts, only by complying with the laws of this society can they better integrate and communicate with the locals.

Those who do not know are not guilty. Not to mention the villagers deep in the mountains, even city dwellers, do not all know the law. The lawmakers need the means to make every citizen familiar with every law, so how can they ask them to abide by it?

### **2.3. Religion and Law**

In Western society, there has been a constant conflict between ecclesiastical and royal authority since around the fourth century AD. Religion has directly impacted the development of law and even played a dominant role for a time. However, the law has become increasingly dominant with the nation-state's formation. Protecting citizens' freedom of religious belief is an essential requirement of the constitutions and laws of modern countries, but in reality, the legal regulation of religion is very complex. Freedom of religion also includes freedom of belief and behavior, and it is not easy for the law to satisfy both. Historically, there have been many instances where religion and the law have conflicted. For example, Mormonism practiced polygamy at a time when U.S. federal law did not oppose bigamy or polygamy. However, by 1862, the Morrill Anti-Bigamy Act was passed, making polygamy illegal throughout the United States, thus causing resentment among

Mormons. Therefore, the conflict between law and religion is also one of the obstacles for citizens to obey the law, which needs a unique norm to solve better.

### **3. Reasons and motivations for law-abiding**

#### **3.1. Western law-abiding affirmative theory**

In the history of Western legal thought, there are two central doctrines of law-abiding affirmative theory: consent theory and fair game theory.

##### **3.1.1. Consent Theory**

Plato once expounded the consent theory in "Cleiton": "The State and we did not satisfy you, and you chose to leave. Under this condition, we will not prevent you from taking your possessions where you want to go, or to colonies, or to emigrate to a foreign country. However, we acknowledge that those who witness how we administer and legislate and continue to stay, are in fact making a contract with us, and are willing to obey our decrees." In the consent doctrine, the citizen's obligation to obey the law is tightly bound up with his citizenship. It is a common doctrine today that the laws of whichever country one is a member of be obeyed, which is the source of the obligation of the vast majority of people to obey the law. In this contract between the citizen and the state, the state provides a place for the citizen to live, and the citizen needs to abide by the law. The relationship of rights and obligations between the two is evident in this contract. However, the makers of this formal contract are often a few, and as Antigone says, "We are under the control of the strong (the coercive power of the state) and have to obey this command." Therefore, if more people clearly understand the enactment of the law and its purpose, people will also be more willing to abide by the law, which is one of the importance of legal literacy.

##### **3.1.2. Fair Play Theory**

The fair play theory states that when a citizen benefits from other citizens obeying the law, then the same obligation to obey the law arises based on the principle of fairness. The obligation to obey the law is no longer based on the citizen's voluntary behavior. Our laws also reflect the fair game theory everywhere, such as parents having an obligation to support their children and children should support their parents; this is the fair game theory in civil law. Suppose a citizen does not violate the relevant provisions of the criminal law. In that case, some of his corresponding rights will be the object of protection by the criminal law, and the criminal law will not punish him. That is the fair game theory in criminal law. The fair game theory emphasizes that benefits and burdens must be fair and compatible, just as we often say that one must fulfill certain obligations to enjoy rights.

#### **3.2. The current situation of law-abiding dynamics in China**

In the traditional theory of most people in China, the law embodies the will of the state, a system of legal rules that the state ensures the implementation of through coercive force. Individuals in society are obliged to abide by the law and will also enjoy the rights enjoyed by abiding by the law. As our country enters the socialist legal system construction, citizens abide by the law no longer only because of the constraints of the state's coercive force; consciously abiding by the law is the subject of contemporary society on the law of a cognitive, the formation of this cognition with many factors. For example, the sense of nationality as a citizen has greatly increased during the COVID-19 outbreak. Our citizens cooperate with the government's control of home quarantine, in

stark contrast to the performance of foreign nationals when our citizens abide by the law not only because of obedience to the coercive power of the state but also because of the expectation that the situation of the epidemic in our country quickly improves, the country to restore the previous rich and robust and strong desire, as well as the struggle of compatriots on the front line of the health care workers of understanding and support; Another example is that with the network and new media to play a more significant role in law enforcement, the legal concept of our citizens has dramatically improved, in many things know that you can use the law to protect your rights, the trust of citizens in the law and thus prompted the citizens to abide by the law.

However, due to various historical and practical reasons, China's citizens must improve their understanding of the law. In the spirit of law-abiding, there are still gaps. Some citizens have low quality, not to mention strict compliance with the law. As well as in individual places of our country's law regulation is not in place, there is a law not following the law, the phenomenon of lax law enforcement is still widespread, and some law enforcement officers improper use of the power in their hands, violating the relevant provisions of the law and the citizens of the law of trust. Therefore, there is still a long way to go to improve the law-abiding spirit of our citizens.

#### 4. Summary

By analyzing the reasons for citizens' non-compliance with the law and China's current law-abiding dynamics and status quo, this paper argues that the promotion of citizens' law-abiding concepts can mainly start from the following three aspects: first, the rule of law should be improved, and the improvement of the rule of law is the basis for promoting the acceptance of laws by citizens in society. More attention is being paid to safeguarding the interests of ethnic minorities and religious groups in legislation, law enforcement, and the administration of justice so that their rights and interests are integrated into a socialist society; secondly, moral construction should be strengthened to enhance citizens' awareness of the law, and efforts to popularize the law should be stepped up in response to the needs of different citizens. For example, for the rural population, more efforts are being made to popularize new traditions and ideas and to break down feudal superstitions; for business groups, more efforts are being made to popularize civil and commercial law, thus further promoting the process of the rule of law in commerce and economic development; third, a social environment is being created in which all people know the law and all people abide by it, and a law-abiding atmosphere is being created in which citizens can live in freedom, fairness, and openness, and in which the rule of law is upheld. The life of the law lies in its implementation, and if there is no law-abiding, the law is just a piece of paper. Law-abiding is the obligation of the citizens, but the promotion of law-abiding citizens also needs the help of all aspects of society. Only through careful handling and active establishment and preservation of legal authority, can we fully realize the needs of a nation governed by law, fully manage the nation in accordance with the law, and fully accomplish social stability and order. <sup>[3]</sup>

#### References

- [1] Wang Y J. *Whether Citizens Have an Obligation to Obey the Law* [A]. *Journal of Gansu Radio and Television University*, 2020, 5, 19
- [2] Ma Xiao, Ma Jialei, Yan Jie. *Why Citizens Comply: Value Identity and Social Norms in Policy Implementation* [A]. *Public Management Change: New Perspectives*, 2023.3.
- [3] Zhang Xiaoting. *On the Crisis of Law Compliance* [A]. *Law and Society*, 2009.3